

06-1559-CD  
M. Wrigglesworth vs Virginia Wilson al

2006-1559-CD  
Michael Wrigglesworth et vs Virginia Wilson

Date: 5/9/2007  
Time: 10:30 AM  
Page 1 of 2

**Clearfield County Court of Common Pleas**  
ROA Report  
Case: 2006-01559-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman  
Michael L. Wriglesworth, Anna M. Wriglesworth vs. Virginia Wilson, Jerry Hile, Mandy Heichel

**Civil Other**

Date	Judge
9/26/2006	New Case Filed.
	X Filing: Civil Complaint Paid by: Durant, Timothy E. (attorney for Wriglesworth, Michael L.) Receipt number: 1915698 Dated: 09/26/2006 Amount: \$85.00 (Check) 5CC Atty Durant.
10/18/2006	X Preliminary Objections Pursuant to Pa. R.C.P. 1028(a)(4). Filed by s/ John R. Ryan, Esquiiire. 4 CC to Atty. Ryan
10/19/2006	X Certificate of Service, filed. Served a certified copy of Preliminary Objection Pursuant to PA.R.C.P. 1028 (a)(4) filed on behalf of Defendants, Jerry Hile and Mandy Heichel, in the above captioned matter on the 18th day of October 2006 on Timothy E. Durant Esq. and Virginia Wilson, filed by s/ John R. Ryan Esq. NO CC.
10/20/2006	X Preliminary Objections, Filed by s/ John R. Ryan, Esquire. 4CC Atty. Ryan
	X Praecipe For Entry of Appearance, filed. Kindly enter my appearance on behalf of Defendant, Virginia Wilson, in the above-captioned matter, filed by s/ John R. Ryan Esq. 4CC Atty Ryan and copy to C/A.
10/23/2006	X Certificate of Service, filed. Served a certified copy of Praecipe for Entry of Appearance and Preliminary Objections Pursuant to Pa.R.C.P. 1028 (a) (4) filed on behalf of Defendant, Virginia Wilson on the 20th day of October 2006, on Timothy E. Durant Esq and Jerry Hile and Mandy Heichel, filed by s/ John R. Ryan Esq. No CC.
10/24/2006	X Order, NOW, this 23rd day of Oct., 2006, upon consideration of the Preliminary Objections filed by Defendants, Ordered that argument shall be held on the 5th of Dec., 2006 at 11:30 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Ryan
11/2/2006	X Amended Complaint, filed by s/ Timothy E. Durant Esq. 5CC Atty Durant.
11/8/2006	X Praecipe To Withdraw Preliminary Objections, filed by s/ John R. Ryan, Esquire. 4CC Atty. Ryan
11/9/2006	X Certificate of Service, filed. Served a certified copy of Praecipe to Withdraw Preliminary Objections filed on behalf of Defendants in the above captioned matter on the 8th day of November 2006 on Ronda Wisor, Deputy Court Administrator and Timothy E. Durant Esq., filed by s/ John R. Ryan Esq. NO CC.
11/21/2006	X Answer, New Matter And Counterclaim, filed by s/ John R. Ryan, Esquire. 4CC to Atty.
11/22/2006	X Certificate of Service, filed. Served a certified copy of Answer, New matter and Counterclaim filed on behalf of Defendants in the above-captioned matter on Timothy E. Durant Esq., on November 22, 2006 filed by s/ John R. Ryan Esq.
12/11/2006	X Affidavit in Support of New Matter, filed by s/ John R. Ryan Esq. 3CC Atty Ryan.
12/14/2006	X Sheriff Return, October 5, 2006 at 9:33 am Served the within Complaint in Ejectment on Virginia Wilson. October 3, 2006 at 1:35 pm Served the within Complaint in Ejectment on Jerry Hile. October 3, 2006 at 1:35 pm Served the within Complaint in Ejectment on Mandy Heichel. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Durant \$100.00

Date: 5/9/2007  
Time: 10:30 AM  
Page 2 of 2

**Clearfield County Court of Common Pleas**  
ROA Report  
Case: 2006-01559-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman

Michael L. Wriglesworth, Anna M. Wriglesworth vs. Virginia Wilson, Jerry Hile, Mandy Heichel

Civil Other

Date	Judge
12/21/2006	Plaintiffs' Reply to New Matter And Answer to Counterclaim of Defendants, Fredric Joseph Ammerman filed by s/ Timothy E. Durant, Esquire. 3CC Atty. Durant
3/28/2007	Affidavit of Reverend Monsignor Michael T. Gaines, filed by s/ John R. Ryan, Esquire. 4CC to Atty
	Affidavit of Grampian Borough Secretary, filed by s/ John R. Ryan, Esquire. Fredric Joseph Ammerman 4CC to Atty.
3/29/2007	Motion For Summary Judgment, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan
4/3/2007	Order, NOW, this 30th day of March, 2007, upon consideration of the Motion for Summary Judgment, Ordered: The Plaintiffs shall file an Answer to the said Motion within 30 days of the date of this Order; Both parties shall file briefs in support of their respective positions on or before May 14, 2007; Argument shall be held on the said Motion on May 14, 2007, at 9:00 a.m. in Courtroom 1. Notice of the entry of this Order shall be provided to the Plaintiffs by the moving party. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Ryan
4/9/2007	Certificate of Service, filed. Served certified copies of Affidavit of Grampian Borough Secretary, Affidavit of Reverend Monsignor Michael T. Gaines, Motion for Summary Judgment and Order filed on behalf of Defendants in the above-captioned matter on the 4th day of April 2007 on Timothy E. Durant Esq., filed by s/ John R. Ryan Esq. No CC.
4/30/2007	Plaintiffs' Reply to Defendants' Motion For Summary Judgment, filed by s/ Timothy E. Durant, Esquire. 3CC Atty. Durant

5-15-07 ✓ Certificate of Service

5-31-07 ✓ Order, dated 5-30-07

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

MICHAEL L. WRIGLESWORTH and \*  
ANNA M. WRIGLESWORTH, husband \*  
and wife \*

Plaintiff \*

No. 2006- 1559 -CD

v.

VIRGINIA WILSON, JERRY HILE and \*  
MANDY HEICHEL \*

Defendants \*

EJECTMENT ACTION

Type of Pleading: COMPLAINT

Filed on Behalf of: Plaintiffs

Counsel for this party:

TIMOTHY E. DURANT, Esquire  
Supreme Court I.D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
814-765-1711

Filed by:

Timothy E. Durant

FILED 5cc  
012:30PM SEP 26 2006 Atty Durant  
Atty pd. 85.00  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and  
ANNA M. WRIGLESWORTH, husband  
and wife

Plaintiff

\*  
\*  
\*  
\*

No. 2006- -CD

v.

\*  
\*  
\*

VIRGINIA WILSON, JERRY HILE and  
MANDY HEICHEL

Defendants

\*

**NOTICE TO DEFEND**

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

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

Court Administrator  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

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

MICHAEL L. WRIGLESWORTH and \*  
ANNA M. WRIGLESWORTH, husband \*  
and wife \*  
Plaintiff \*  
\* No. 2006- -CD  
v. \*  
\*  
VIRGINIA WILSON, JERRY HILE and \*  
MANDY HEICHEL \*  
Defendants \*

**COMPLAINT**

AND NOW, come Plaintiffs, Michael L. Wriglesworth and Anna M. Wriglesworth, husband and wife, by and through their attorney, Timothy E. Durant, Esquire, and in support of this Complaint, aver as follows:

1. Plaintiffs, Michael L. Wriglesworth and Anna M. Wriglesworth are husband and wife and adult individuals, both of whom currently reside at 360 First Street (with mailing address of PO Box 273), in the Borough of Grampian, Clearfield County, Pennsylvania 16838.
2. Defendant, Virginia Wilson is an adult individual whose last known address was R. D. #1, Box 638, Mahaffey, Pennsylvania 15757.
3. Defendants, Jerry Hile and Mandy Heichel are adult individuals both of whom currently reside at 141B First Street, in the Borough of Grampian (also some times in the past referred to as 72 Spring Street), Clearfield County, Pennsylvania 16838.
4. By virtue of a deed from Michael T. Gaines dated January 8, 2003 and recorded in the Clearfield County Recorder's office as Instrument # 200300681 on January 16, 2003, Plaintiffs' became the owners of those three (3) certain lots and parcels of land, with house, garage,

outbuildings and improvements located in Grampian Borough, Clearfield County, Pennsylvania described as lots No. 107 & 108 in Flynn and Irvin's plot of Pennville Borough and a parcel south and east of the two said parcels. A copy of the said deed is attached hereto marked as Exhibit "A" and incorporated herein by reference.

5. By virtue of a deed dated March 1, 1985 from Robert J. Trythall, et ux. and recorded in the Clearfield County Recorder's Office in Deed and Records Book Volume 999 at page 98 on March 1, 1985 Defendant Virginia Wilson became the owner of that certain parcel of land designated as Lot No. 19 in the Borough of Pennville (now Grampian) and referenced generally on a map of retracement survey by Curry and Associates Surveyors dated March 21, 2001 and another by the same Surveyors dated July 9, 2003 as Lot 109. The said lot of Defendant Virginia Wilson is located south of the land of the Plaintiffs, a copy of the deed into Virginia Wilson is attached hereto marked as Exhibit "B" and incorporated herein by reference.

6. Defendants, Jerry Hile and Mandy Heichel are believed and therefore averred to be tenants of Defendant Virginia Wilson and ~~\_\_\_\_\_~~ are believed and averred to have been so at all times since the Plaintiffs' purchased their home in 2003. Defendants Hile and Heichel have been neighbors of Plaintiffs and have resided in the Wilson property at all times since Plaintiffs purchased their home in 2003.

7. Both the property of the Plaintiffs' and the property of Defendant Wilson border an unopened twenty (20') foot alley on opposing sides as shown on the Grampian Borough Map of Alley and Road Retracement prepared by Curry & Associates and dated March 21, 2001, a copy of the map is attached hereto, showing this area and pertaining to this action, outlined in red as Exhibit "C" and incorporated herein by reference.

8. At all times since the Plaintiffs' have purchased and resided on their property Defendants Hile and Heichel, under the guidance, direction or authority (whether express or implied) of Defendant Wilson have attempted to block the Plaintiffs' access to the unopened alley by erecting barriers, posting no trespassing signs along the northeasterly boundary line of the said unopened alley, parking their cars on the alley and filing criminal complaints with the Pennsylvania State Police when Plaintiffs drive their lawn mower over the alley or attempt to discuss the blockage with Defendants Hile and Heichel.

9. The proper use and control of the unopened alley which runs between the property owned by Plaintiffs and the property owned by Defendant Virginia Wilson is the subject of this law suit.

10. When the Plaintiffs' attempt to cross or use the unopened alley for any reason they are routinely harassed by Defendant's Hile and Heichel and on two separate occasions they have had to attend summary offense trials as defendants before District Justice Patrick Ford in DuBois. On both such occasions the Plaintiffs herein were found not guilty by Justice Ford.

WHEREFORE, plaintiffs demand judgment against the Defendant, Jerry Hile, Mandy Heichel and Virginia Wilson, as follows:

- a. Enter an Order directing the Defendants to refrain from blocking the unopened alley.
- b. Enter an Order directing the Defendants Jerry Hile, Mandy Heichel and Virginia Wilson to remove any signs, fences and/or obstacles placed by them (or others at their direction) on the unopened alley .
- c. Assess costs against the Defendants.
- d. Such other relief as the Court deems appropriate.

Respectfully submitted,

September 26, 2006

  
\_\_\_\_\_  
Timothy E. Durant, Esq., Attorney  
for Plaintiffs

VERIFICATION

We, MICHAEL L. WRIGLESWORTH and ANNA M. WRIGLESWORTH, verify that the statements made in this Pleading are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities

DATED: 9/25/06

*Michael L. Wriglesworth*  
MICHAEL L. WRIGLESWORTH

DATED: 9/25/06

*Anna M. Wriglesworth*  
ANNA M. WRIGLESWORTH

COPY

**WARRANTY DEED**

**THIS INDENTURE**, made the 8<sup>th</sup> day of January 2003, in the year of our Lord .  
**BETWEEN**

MICHAEL T. GAINES, single, of the City of Erie, County of Erie and  
Commonwealth of Pennsylvania,  
party of the first part,

AND

MICHAEL L. WRIGLESWORTH and ANNA M. WRIGLESWORTH, husband and  
wife, of the Borough of Grampian, County of Clearfield and Commonwealth of  
Pennsylvania,  
party of the second part,

**WITNESSETH**, That the said party of the first part, for and in consideration of the sum of Twenty Eight Thousand and 00/100 dollars (\$28,000.00) lawful money of the United States, to them in hand paid by the said party of the second part, at and before the ensealing and delivery of these presents, the receipt and payment whereof is hereby acknowledged, has/have granted, bargained, sold, released and confirmed, and by these presents do/does grant, bargain, sell, release and confirm unto the said party of the second part, and to his, her, their, its, heirs/successors and assigns,

All those two separate lots and parcels of land situate in the Borough of Grampian, County of Clearfield, and the Commonwealth of Pennsylvania, with house, garage, outbuildings and improvements. The one lot being situate on South First Street and designated and numbered in the plan of said Borough as Lot Number 107, bounded as follows: On the northwest by First Street, on the northeast by Lot Number 106, on the southeast by an alley, and on the southwest by Lot Number 106. Being fifty feet (50') on First Street and extending back one hundred and twenty one feet (121'), more or less, to said alley.

The other lot being situate in the rear of the above described lot and beginning at a post on the southeast line of the alley and opposite the corner of Lots Nos. 106 and 107; thence in a line of said lots extending south easterly one hundred feet (100') more or less, to the Water-Right line of the Woods Milling Company. Thence along said line about south seventeen and one fourth Degrees west, one hundred and five feet (105') to a post; thence in line with southwest line of Lot No. 8 and an alley north fifty-five degrees and thirty minutes west, one hundred thirty feet (130'), more or less, to post on alley. Thence along the same north thirty-four degrees and thirty minutes east one hundred feet (100') to the beginning. Containing forty-two and twenty-four one hundredth perches.

Also all that certain town lot of ground situate in the Borough of Grampian, the County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows: BEGINNING at a corner of John Y. Rafferty Estate and First Street; thence southeasterly along John Y. Rafferty Estate one hundred and twenty one feet (121') to alley, thence along said alley Fifty feet (50') to alley or Flynn Street; thence northwesternly along said alley one hundred and twenty one feet (121') to First Street; thence northeasterly along said First Street fifty feet (50') to place of beginning and known in Flynn and Irvin's plot of Pennville Borough as Lot No. 108.

**NOTICE** - 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 herein, and the owner or owners of such coal may have the complete legal right to remove all of such coal, and, in that connection, damage may result to the surface of the land, and any house, building or other structure on or in such land. The inclusion of this notice does not enlarge restrict or modify any legal rights or estates otherwise created, transferred, excepted or reserved by this instrument.

EXHIBIT A Pg. 1 of 3

**THIS DEED** is taken under and subject to all easements, restrictions and rights of way of record and/or those that are visible to a physical inspection.

**THE FIRST PARTY** has no actual knowledge of any hazardous waste as defined in Act No. 1980-97 of the Commonwealth of Pennsylvania, having been or which is presently being disposed of on or about the property described in this deed.

**TOGETHER**, with all and singular the rights, liberties, privileges, hereditaments, improvements, and appurtenances, whatsoever thereto belonging, and the reversions and remainders, rents, issues and profits thereof; and also, all the estate and interest whatsoever of the said party of the first part, in law or equity, of, in, to or out of the same;

**TO HAVE AND TO HOLD** the same, together with the premises hereby granted, or intended so to be, unto the said party of the second part, his, her, their, its, heirs/successors, and assigns, to the use of the said party of the second part, his, her, their, its, heirs/successors, and assigns, forever. And the said party of the first part, the said party of the second part, his, her, their, its, heirs/successors, executors and administrators, do/does thereby covenant and agree to and with his, her, their, its, heirs/successors, and assigns, that the said party of the first part, the said party of the second part, his, her, their, its, heirs/successors, and assigns, all the above, together with the above mentioned and described premises, unto the said party of the second part, his, her, their, its, heirs/successors, and assigns, against the said party of the first part and his, her, their, its, heirs/successors, and assigns and against all and every other person or persons whomsoever lawfully claiming or to claim the same shall and will **SPECIALLY WARRANT** and forever DEFEND by these presents.

**IN WITNESS WHEREOF**, the said party(ies) of the first part has/have hereunto set his/her/their hand(s) and seal(s) the day and year first above written.

SIGNED and DELIVERED in the presence of

\_\_\_\_\_  
Witness

*Michael T. Gaines*  
Michael T. Gaines

COMMONWEALTH OF PENNSYLVANIA )

) ss:

COUNTY OF )

On this, the 8<sup>th</sup> day of January, 2003, before me a Notary Public, the undersigned officer personally appeared **Michael T. Gaines**, single, known to me (or satisfactorily proven) to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged that executed the same for the purposes therein contained.

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

*Richard A. Blakely*  
Notary Public

NOTARIAL SEAL  
RICHARD A. BLAKELY NOTARY PUBLIC  
ERIE, ERIE COUNTY, PENNSYLVANIA  
MY COMMISSION EXPIRES FEB. 28, 2006

I, Richard A. Blakely, hereby certify that the residence of the within named Grantee(s) is/are:

360 First Street, Slippery Rock, PA

**EXHIBIT A Pg. 2 of 3**

KAREN L. STARCK  
REGISTER AND RECORDER  
CLEARFIELD COUNTY  
Pennsylvania

INSTRUMENT NUMBER  
**200300681**

RECORDED ON  
**Jan 16, 2003**  
**11:55:39 AM**

Total Pages: 3

RECORDING FEES - \$13.00  
RECORDER

COUNTY IMPROVEMENT \$2.00  
FUND

RECORDER IMPROVEMENT \$3.00  
FUND

JCS/ACCESS TO \$10.00  
JUSTICE

STATE TRANSFER TAX \$280.00

STATE WRIT TAX \$0.50

SCAMPIAN BOROUGH \$140.00

CURWENSVILLE AREA \$140.00

SCHOOLS

**TOTAL \$588.50**

CUSTOMER

QUINN LAW FIRM

**EXHIBIT A Pg. 3 of 3**

COPY

277-6505

# This Deed,

MADE THE First day of March in the year  
of our Lord one thousand nine hundred eighty-five

BETWEEN

ROBERT J. TRYTHALL and SHARON D. TRYTHALL, husband and Wife,  
of RD 1 box 111A, Lawrence Township, Clearfield County  
Pa.

AND

and

VIRGINIA WILSON  
R. D. #1, Box 638  
Mahaffey, Pa. 15757

Grantor ,

Grantee :

WITNESSETH, that in consideration of \$10,000.00 (Ten Thousand) Dollars,  
in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant  
and convey to the said grantee, All that certain lot or messuage of land, situate in the Borough of  
Craignan, (formerly Pennville), Clearfield County, Pennsylvania,  
bounded and described as follows:

BEGINNING at a post corner of Lot No. 18 on line of street; thence along  
said street North thirty four and one fourth (34 $\frac{1}{4}$ ) degrees East fifty  
(50) feet to an alley; thence along said alley South fifty five and  
three fourths (55 3/4) degrees East, one hundred fifty (150) feet to  
post on alley, thence along same South thirty four and one fourth (34 $\frac{1}{4}$ )  
degrees West fifty (50) feet to corner of Lot No. 18; thence by the same  
North fifty five and three fourths (55 3/4) degrees West one hundred  
fifty (150) feet to the place of beginning, and being designated on the  
plan of said Borough as Lot No. 19 and having erected thereon a two  
story five room dwelling house.

X  
EXCEPTING AND RESERVING unto John Miller and Lida Miller, his wife,  
their heirs, executors and assigns, the right to take water from the  
well and spring located on the above described premises and from the  
above described premises across the Mr. and Mrs. John Gaines property  
(formerly John Y. Rafferty), to the other property now owned by John  
Miller and Lida Miller, his wife.

X  
ALSO EXCEPTING AND RESERVING a right of way of easement across the  
above described premises to the said Gaines property for the maintenance  
of a pipe line from the said spring or well to the other property of  
John Miller and Lida Miller, his wife, ALSO RESERVING all rights of  
ingress, egress and regress to and from the property hereinabove  
described to the Gaines property for the purpose of piping or bringing  
water from the above mentioned spring or well to the other property  
of John Miller and Lida Miller, and which other property of John Miller  
and Lida Miller is the property now occupied by the said John Miller  
and Lida Miller. The said John Miller and Lida Miller do hereby reserve  
all rights whatsoever for the purposes herein contained.

AND BEING the same premises conveyed to Virginia Wilson and intending  
to be recorded herewith.

EXHIBIT B Pg. 1 of 3

AND the said grantors hereby covenant and agree that  
will warrant the property hereby conveyed.

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 herein, and the owner or owners of such coal may have the complete legal right to remove all of such coal, and, in that connection, damage may result to the surface of the land, and any house, building or other structure on or in such land. The inclusion of this notice does not enlarge, restrict or modify any legal rights or estates otherwise created, transferred, excepted or reserved by this instrument.

Virginia Wilson

IN WITNESS WHEREOF, said grantor has hereunto set his hand and seal the day and year first above written. W. D. W.

**Signed, Sealed and Delivered  
in the Presence of**

Victoria Williams

*Kathy Dyer*  
Kathy D. Dyer

REVENUE STAMP  
1985  
100.00

State of Penna County of Clearfield } 88.  
On this, the 1<sup>st</sup> day of March, 1885 before me,  
the undersigned officer, personally appeared Robert J. Trythall and Sherman D.  
Trythall

known to me (or satisfactorily proven) to be the person whose name  
within instrument, and acknowledged that he executed the same for the interests therein  
contained.

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

My Commission Expires  
**First Monday in January, 1983**

RECORDER OF DEEDS

**Title of Officer**

**CURWENSVILLE AREA SCHOOL DISTRICT**

**1% REALTY TRANSFER TAX**

AMOUNT \$ 100.00

85 MARCH

1885-1886 MICHIGAN

2013

**EXHIBIT "B" Pg. 2 of 3**

VOL 999 PAGE 100

do hereby certify that the precise residence and complete post office address  
of the within named grantee is R.D. #1, Box 638, Mahaffey, Pa. 15757

19

Virginia Wilson

Attorney for \_\_\_\_\_

State Tax 100.00  
Court Tax 50.00  
Sheriff's fees 50.00

**Deed**

ROBERT J. and SHARON D.  
TRYTHALL

to

VIRGINIA WILSON

**WARRANTY**

CLEARFIELD COUNTY  
ENTERED OF RECORD 3-1-85  
TIME 2:22 P.M.  
BY Virginia Wilson  
FEES 113.50  
Michael R. Lytle, Recorder

COMMONWEALTH OF PENNSYLVANIA  
County of Clearfield } ss.

RECORDED on this 1st day of March

A. D. 1985, in the Recorder's Office of said County, in Deed Book  
Vol. 999, Page 98 *Records*

Given under my hand and the seal of the said office, the date above written.

Michael R. Lytle, Recorder.

Entered of Record Mar 1 1985, 2:22 P.M. Michael R. Lytle, Recorder

**EXHIBIT B Pg. 3 of 3**

EXHIBIT C Pg. 1 of 1

ENGRAVED ON  
TOP OF YELLOW CAP



FIE

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
:  
vs. : No. 2006-1559-C.D.  
:  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :  
:

**PRELIMINARY OBJECTIONS  
PURSUANT TO Pa. R.C.P. 1028(a)(4)**

Filed on behalf of:  
Defendants, Jerry Hile and Mandy Heichel

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED 4CC  
0104061  
OCT 18 2006  
Atty Ryan  
LW

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and	:	
ANNA M. WRIGLESWORTH, husband	:	
and wife,	:	
	Plaintiffs	:
	:	
vs.	:	No. 2006-1559-C.D.
	:	
VIRGINIA WILSON, JERRY HILE and	:	
MANDY HEICHEL,	:	
	Defendants	:

**PRELIMINARY OBJECTIONS PURSUANT TO**  
**Pa.R.C.P 1028 (a) (4)**

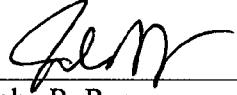
NOW COMES, Jerry Hile and Mandy Heichel, Defendants above named, and by their Attorneys, Belin, Kubista & Ryan, file Preliminary Objections to the Complaint of Plaintiffs and aver as follows:

1. Plaintiffs commenced the above captioned Ejectment Action by the filing of a Complaint on September 26, 2006.
2. The Complaint on its face fails to set forth a claim for which the relief requested therein can be granted.
3. Plaintiffs have filed an action in ejectment, which as a well established matter of law requires proof of an immediate right to exclusive possession of real property.
4. Plaintiffs have not alleged such a right, and on the face of their Complaint and the exhibits attached thereto, do not have such a right so as to obtain relief in an ejectment action.

5. Accordingly, Plaintiff's Complaint is insufficient as a matter of law, and must be dismissed.

WHEREFORE, Defendants request that their Preliminary Objections be granted, and the Complaint of Plaintiffs be dismissed, with prejudice.

BELIN, KUBISTA & RYAN



---

John R. Ryan  
Attorney for Defendants, Jerry Hile and  
Mandy Heichel

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
BELLIN, KUBISTA & RYAN

William A. Straub  
Prothonotary/Clerk of Court

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :  
:

**CERTIFICATE OF SERVICE**

Filed on behalf of  
Defendants, Jerry Hile and Mandy Heichel

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED No cc.  
OCT 19 2006  
2006-1559-C.D.  
OCT 19 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
vs.	:
	No. 2006-1559-C.D.
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

**CERTIFICATE OF SERVICE**

This is to certify that I have served a certified copy of Preliminary Objections Pursuant to Pa. R.C.P. 1028(a)(4) filed on behalf of Defendants, JERRY HILE and MANDY HEICHEL, in the above captioned matter on the following parties by postage prepaid first-class United States mail, on the 18<sup>th</sup> day of October, 2006:

Timothy E. Durant, Esquire  
201 North Second Street  
Clearfield, PA 16830  
Attorney for Plaintiffs

Virginia Wilson  
R.D. # 1, Box 638  
Mahaffey, PA 15757  
Defendant

BELIN, KUBISTA & RYAN

  
John R. Ryan

Attorney for Defendants, Jerry Hile and  
Mandy Heichel

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
**BELIN, KUBISTA & RYAN**

**FILED**

**OCT 19 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
: :  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :  
:

**PRELIMINARY OBJECTIONS  
PURSUANT TO Pa. R.C.P. 1028(a)(4)**

Filed on behalf of:  
Defendant, Virginia Wilson

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED**  
03/26/07  
OCT 20 2006 Atty Ryan  
William A. Shaw  
Prothonotary/Clerk of Courts  
(6K)

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

MICHAEL L. WRIGLESWORTH and	:	
ANNA M. WRIGLESWORTH, husband	:	
and wife,	:	
	Plaintiffs	:
	:	
vs.	:	No. 2006-1559-C.D.
	:	
VIRGINIA WILSON, JERRY HILE and	:	
MANDY HEICHEL,	:	
	Defendants	:

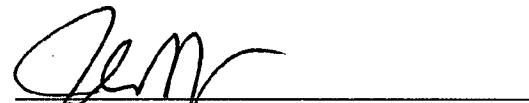
**PRELIMINARY OBJECTIONS PURSUANT TO**  
**Pa.R.C.P 1028 (a) (4)**

NOW COMES, Virginia Wilson, Defendant above named, and by her Attorneys, Belin, Kubista & Ryan, file Preliminary Objections to the Complaint of Plaintiffs and aver as follows:

1. Plaintiffs commenced the above captioned Ejectment Action by the filing of a Complaint on September 26, 2006.
2. The Complaint on its face fails to set forth a claim for which the relief requested therein can be granted.
3. Plaintiffs have filed an action in ejectment, which as a well established matter of law requires proof of an immediate right to exclusive possession of real property.
4. Plaintiffs have not alleged such a right, and on the face of their Complaint and the exhibits attached thereto, do not have such a right so as to obtain relief in an ejectment action.
5. Accordingly, Plaintiff's Complaint is insufficient as a matter of law, and must be dismissed.

WHEREFORE, Defendant request that her Preliminary Objections be granted,  
and the Complaint of Plaintiffs be dismissed, with prejudice.

BELIN, KUBISTA & RYAN



---

John R. Ryan  
Attorney for Defendant, Virginia Wilson

CLEARFIELD, PENNSYLVANIA 16830

P. O. BOX 1

15 NORTH FRONT STREET

ATTORNEYS AT LAW

BELIN, KUBISTA & RYAN

SEARCHED  
INDEXED  
SERIALIZED  
FILED  
MAY 16 1984  
CLERK OF COURT

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :  
:

**PRAECIPE FOR ENTRY OF  
APPEARANCE**

Filed on Behalf of:  
Defendant, VIRGINIA WILSON

Counsel of Record for  
This Party:

JOHN R. RYAN, ESQUIRE  
Pa. I.D. #38739

BELIN, KUBISTA & RYAN  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED  
03/25/06 4CC  
OCT 20 2006 Atty Ryan  
William A. Shaw  
Prothonotary/Clerk of Courts  
Copy to CIA

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
vs.	:
	No. 2006-1559-C.D.
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Defendant, VIRGINIA WILSON, in the  
above-captioned matter.

BELIN, KUBISTA & RYAN



---

John R. Ryan, Esquire  
Attorney for Defendants

CLEARFIELD, PENNSYLVANIA 16830  
15 NORTH FRONT STREET  
P. O. BOX 1  
ATTORNEYS AT LAW  
BELLIN, KUBISTA & RYAN

WILLIAM A. BELLIN  
BELLIN, KUBISTA & RYAN  
Attorneys at Law

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
: :  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :  
:

**CERTIFICATE OF SERVICE**

Filed on behalf of  
Defendant, Virginia Wilson

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED NO cc  
11/04/06  
OCT 23 2006  
W.A. Shaw  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
vs.	:
	No. 2006-1559-C.D.
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

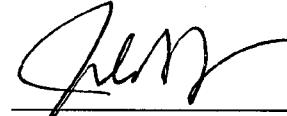
**CERTIFICATE OF SERVICE**

This is to certify that I have served a certified copy of Praeclipe for Entry of Appearance and Preliminary Objections Pursuant to Pa. R.C.P. 1028(a)(4) filed on behalf of Defendant, VIRGINIA WILSON, in the above captioned matter on the following parties by postage prepaid first-class United States mail, on the 20th day of October, 2006:

Timothy E. Durant, Esquire  
201 North Second Street  
Clearfield, PA 16830  
Attorney for Plaintiffs

Jerry Hile  
Mandy Heichel  
72 Spring Street  
Grampian, PA 16838  
Defendants

BELIN, KUBISTA & RYAN



John R. Ryan  
Attorney for Defendant, Virginia Wilson

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
**BELIN, KUBISTA & RYAN**

Printed on Recycled Paper  
Kubista, Belin & Ryan  
15 North Front Street  
Clearfield, PA 16830  
(814) 723-2121

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
:

**ORDER**

AND NOW, this 23<sup>rd</sup> day of October, 2006, upon consideration of the foregoing  
Preliminary Objections filed by Defendant Wilson, it is the ORDER of this Court that argument  
shall be held thereon on the 5<sup>th</sup> day of December, 2006 at 11:30 o'clock A.m., in  
Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

  
Judge

FILED  
01/09/07  
OCT 24 2006  
Atty Ryan  
4CC  
GP

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

OCT 24 2006

You are responsible for serving the following parties:  
The Prothonotary's Office has provided service to the following parties:  
Plaintiff(s) Attorney \_\_\_\_\_ Other \_\_\_\_\_  
Defendant(s) Attorney \_\_\_\_\_ Other \_\_\_\_\_  
Special Master(s) \_\_\_\_\_  
Defendant(s) \_\_\_\_\_  
Plaintiff(s) \_\_\_\_\_  
You are responsible for serving the following parties:  
Defendant(s) \_\_\_\_\_  
Plaintiff(s) Attorney \_\_\_\_\_ Other \_\_\_\_\_  
Special Master(s) \_\_\_\_\_

DAE: 10/24/2006  
William A. Shaw  
Prothonotary/Clerk of Courts

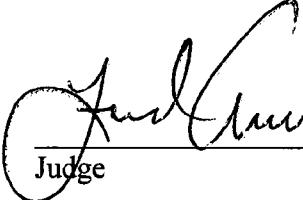
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
:

**ORDER**

AND NOW, this 23 day of October, 2006, upon consideration of the foregoing  
Preliminary Objections filed by Defendants Hile and Heichel, it is the ORDER of this Court  
that argument shall be held thereon on the 5th day of December, 2006 at 11:30 o'clock  
A.m., in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

  
\_\_\_\_\_  
Judge

FILED <sup>4CC</sup>  
OCT 24 2006 Atty Ryan  
E

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

OCT 24 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 10/24/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Attorney  Other  
Plaintiff(s)  Plaintiff(s) Attorney  
Defendant(s)  Defendant(s) Attorney  
Defendant(s)  Other

Special Instructions: \_\_\_\_\_

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

MICHAEL L. WRIGLESWORTH and  
ANNA M. WRIGLESWORTH, husband  
and wife

Plaintiffs

v.

VIRGINIA WILSON, JERRY HILE and  
MANDY HEICHEL

Defendants

\*  
\*  
\*  
\*  
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\*  
\*  
\*

No. 2006- 1559 -CD

Type of Pleading:

**AMENDED COMPLAINT**

Filed on Behalf of: Plaintiffs

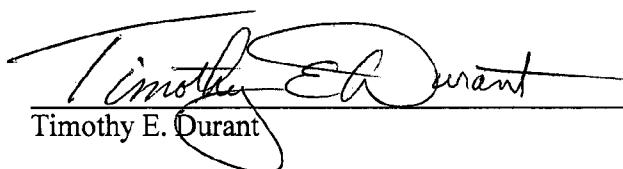
Counsel for this party:

**TIMOTHY E. DURANT**, Esquire  
Supreme Court I.D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
814-765-1711

Opposing Counsel:

**JOHN R. RYAN, ESQUIRE**  
Supreme Court I. D. No. 38739  
BELIN, KUBISTA & RYAN  
15 N. Front Street  
P. O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

Filed by:

  
\_\_\_\_\_  
Timothy E. Durant

**FILED** *SCC A44*  
*0/330 cm* *Durant*  
**NOV -2 2006** *un*

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and \*  
ANNA M. WRIGLESWORTH, husband \*  
and wife \*

Plaintiffs \*

No. 2006- 1559 -CD

v.

VIRGINIA WILSON, JERRY HILE and \*  
MANDY HEICHEL \*

Defendants \*

To All Defendants  
c/o **JOHN R. RYAN, ESQUIRE**  
Pa. I. D. No. 38739  
BELIN, KUBISTA & RYAN  
15 N. Front Street  
P. O. Box 1  
Clearfield, PA 16830

**NOTICE TO DEFEND**

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 Petition and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint and for any other claims or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

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

MICHAEL L. WRIGLESWORTH and \*  
ANNA M. WRIGLESWORTH, husband \*  
and wife \*  
Plaintiffs \*  
\* No. 2006- 1559 -CD  
v. \*  
\*  
VIRGINIA WILSON, JERRY HILE and \*  
MANDY HEICHEL \*  
Defendants \*

**AMENDED COMPLAINT**

AND NOW, come Plaintiffs, Michael L. Wriglesworth and Anna M. Wriglesworth, husband and wife, by and through their attorney, Timothy E. Durant, Esquire, and in support of this Amended Complaint, aver as follows:

1. Plaintiffs, Michael L. Wriglesworth and Anna M. Wriglesworth are husband and wife and adult individuals, both of whom currently reside at 360 First Street (with mailing address of PO Box 273), in the Borough of Grampian, Clearfield County, Pennsylvania 16838.
2. Defendant, Virginia Wilson is an adult individual whose last known address was R. D. #1, Box 638, Mahaffey, Pennsylvania 15757.
3. Defendants, Jerry Hile and Mandy Heichel are adult individuals both of whom currently reside at 141B First Street, in the Borough of Grampian (also some times in the past referred to as 72 Spring Street), Clearfield County, Pennsylvania 16838.
4. By virtue of a deed from Michael T. Gaines dated January 8, 2003 and recorded in the Clearfield County Recorder's office as Instrument # 200300681 on January 16, 2003, Plaintiffs' became the owners of those three (3) certain lots and parcels of land, with house, garage, outbuildings and improvements located in Grampian Borough, Clearfield County, Pennsylvania described as lots No. 107 & 108 in Flynn and Irvin's plot of Pennville Borough and a parcel south and east of the two said parcels. A copy of the said deed is attached hereto marked as Exhibit "A"

and incorporated herein by reference.

5. By virtue of a deed dated March 1, 1985 from Robert J. Tryhall, et ux. and recorded in the Clearfield County Recorder's Office in Deed and Records Book Volume 999 at page 98 on March 1, 1985 Defendant Virginia Wilson became the owner of that certain parcel of land designated as Lot No. 19 in the Borough of Pennville (now Grampian) and referenced generally on a map of retracement survey by Curry and Associates Surveyors dated March 21, 2001 and another by the same Surveyors dated July 9, 2003 as Lot 109. The said lot of Defendant Virginia Wilson is located south of the land of the Plaintiffs, a copy of the deed into Virginia Wilson is attached hereto marked as Exhibit "B" and incorporated herein by reference.

6. Defendants, Jerry Hile and Mandy Heichel are believed and therefore averred to be tenants of Defendant Virginia Wilson and have are believed and averred to have been so at all times since the Plaintiffs' purchased their home in 2003. Defendants Hile and Heichel have been neighbors of Plaintiffs and have resided in the Wilson property at all times since Plaintiffs purchased their home in 2003.

7. Both the property of the Plaintiffs' and the property of Defendant Wilson border an unopened twenty (20') foot alley on opposing sides as shown on the Grampian Borough Map of Alley and Road Retracement prepared by Curry & Associates and dated March 21, 2001, a copy of the map is attached hereto, showing this area and pertaining to this action, outlined in red as Exhibit "C" and incorporated herein by reference.

8. At all times since the Plaintiffs' have purchased and resided on their property Defendants Hile and Heichel, under the guidance, direction or authority (whether express or implied) of Defendant Wilson have attempted to block the Plaintiffs' access to the unopened alley by erecting barriers, posting no trespassing signs along the northeasterly boundary line of the said unopened alley, parking their cars on the alley and filing criminal complaints with the Pennsylvania State Police when Plaintiffs drive their lawn mower over the alley or attempt to discuss the blockage with Defendants Hile and Heichel.

9. The proper use and control of the unopened alley which runs between the property owned by Plaintiffs and the property owned by Defendant Virginia Wilson is the subject of this law suit.

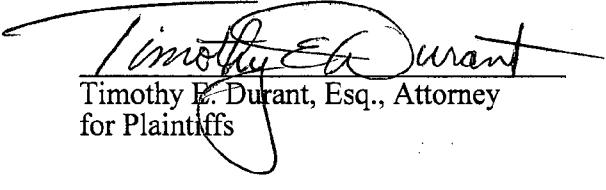
10. When the Plaintiffs' attempt to cross or use the unopened alley for any reason they are routinely harassed by Defendant's Hile and Heichel and on two separate occasions they have had to attend summary offense trials as defendants before District Justice Patrick Ford in DuBois. On both such occasions the Plaintiffs herein were found not guilty by Justice Ford.

11. Plaintiffs request a full evidentiary hearing with a permanent injunction to issue thereafter such as would permit them full use of the said unopened alley way.

WHEREFORE, Plaintiffs request an Injunction against the Defendants, Jerry Hile, Mandy Heichel and Virginia Wilson and any others acting under their authority or at their direction, to include a permanent prohibition against:

- a. Blocking the unopened alley in any way or by any means.
- b. Placing any signs, fences and/or obstacles on the unopened alley.
- c. And an assessment of costs of suit against the Defendants.
- d. Together with such other relief as the Court deems appropriate.

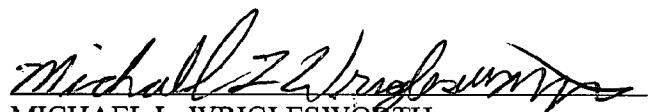
Respectfully submitted,

  
\_\_\_\_\_  
Timothy E. Durant, Esq., Attorney  
for Plaintiffs

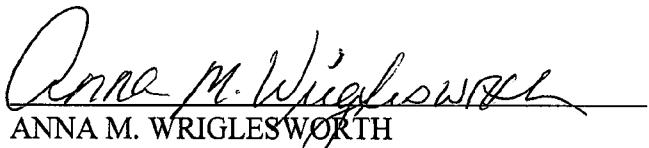
**VERIFICATION**

We, MICHAEL L. WRIGLESWORTH and ANNA M. WRIGLESWORTH, verify that the statements made in this Pleading are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities

DATED: 11/2/06

  
MICHAEL L. WRIGLESWORTH

DATED: Nov. 2, 2006

  
ANNA M. WRIGLESWORTH

COPY

**WARRANTY DEED**

THIS INDENTURE, made the 8<sup>th</sup> day of *January 2003*, in the year of our Lord .  
BETWEEN

MICHAEL T. GAINES, single, of the City of Erie, County of Erie and  
Commonwealth of Pennsylvania,

party of the first part,

A N D

MICHAEL L. WRIGLESWORTH and ANNA M. WRIGLESWORTH, husband and  
wife, of the Borough of Grampian, County of Clearfield and Commonwealth of  
Pennsylvania,

party of the second part,

**WITNESSETH**, That the said party of the first part, for and in consideration of the sum of Twenty Eight Thousand and 00/100 dollars (\$28,000.00) lawful money of the United States, to them in hand paid by the said party of the second part, at and before the sealing and delivery of these presents, the receipt and payment whereof is hereby acknowledged, has/have granted, bargained, sold, released and confirmed, and by these presents do/does grant, bargain, sell, release and confirm unto the said party of the second part, and to his, her, their, its, heirs/successors and assigns,

All those two separate lots and parcels of land situate in the Borough of Grampian, County of Clearfield, and the Commonwealth of Pennsylvania, with house, garage, outbuildings and improvements. The one lot being situate on South First Street and designated and numbered in the plan of said Borough as Lot Number 107, bounded as follows: On the northwest by First Street, on the northeast by Lot Number 106, on the southeast by an alley, and on the southwest by Lot Number 106. Being fifty feet (50') on First Street and extending back one hundred and twenty one feet (121'), more or less, to said alley.

The other lot being situate in the rear of the above described lot and beginning at a post on the southeast line of the alley and opposite the corner of Lots Nos. 106 and 107; thence in a line of said lots extending south easterly one hundred feet (100') more or less, to the Water-Right line of the Woods Milling Company. Thence along said line about south seventeen and one fourth Degrees west, one hundred and five feet (105') to a post; thence in line with southwest line of Lot No. 8 and an alley north fifty-five degrees and thirty minutes west, one hundred thirty feet (130'), more or less, to post on alley. Thence along the same north thirty-four degrees and thirty minutes east one hundred feet (100') to the beginning. Containing forty-two and twenty-four one hundredth perches.

Also all that certain town lot of ground situate in the Borough of Grampian, the County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows: BEGINNING at a corner of John Y. Rafferty Estate and First Street; thence southeasterly along John Y. Rafferty Estate one hundred and twenty one feet (121') to alley, thence along said alley Fifty feet (50') to alley or Flynn Street; thence northwesternly along said alley one hundred and twenty one feet (121') to First Street; thence northeasterly along said First Street fifty feet (50') to place of beginning and known in Flynn and Irvin's plot of Pennville Borough as Lot No. 108.

**NOTICE** - 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 herein, and the owner or owners of such coal may have the complete legal right to remove all of such coal, and, in that connection, damage may result to the surface of the land, and any house, building or other structure on or in such land. The inclusion of this notice does not enlarge restrict or modify any legal rights or estates otherwise created, transferred, excepted or reserved by this instrument.

**EXHIBIT A Pg. 1 of 3**

KAREN L. STARCK  
REGISTER AND RECORDER  
CLEARFIELD COUNTY  
Pennsylvania

INSTRUMENT NUMBER  
**200300681**

RECORDED ON  
**Jan 16, 2003**  
**11:55:39 AM**

Total Pages: 3

RECORDING FEES - \$13.00  
RECORDER

COUNTY IMPROVEMENT \$2.00  
FUND

RECORDER IMPROVEMENT \$3.00  
FUND

JCS/ACCESS TO JUSTICE \$10.00

STATE TRANSFER TAX \$280.00

STATE WRIT TAX \$0.50

SCAMPIAN BOROUGH \$140.00

CURWENSVILLE AREA \$140.00

SCHOOLS

**TOTAL \$588.50**

CUSTOMER  
WINN LAW FIRM

EXHIBIT "A" Pg. 3 of 3

COPY  
277-6505

# This Deed,

MADE THE First day of March in the year  
of our Lord one thousand nine hundred eighty-five

BETWEEN

ROBERT J. TRYTHALL and SHARON D. TRYTHALL, husband and Wife,  
of RD 1 box 111A, Lawrence Township, Clearfield County  
Pa.

AND

and

VIRGINIA WILSON  
R. D. #1, Box 638  
Mahaffey, Pa. 15757

Grantor ,

Grantee :

WITNESSETH, that in consideration of \$10,000.00 (Ten Thousand) Dollars,  
in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant  
and convey to the said grantee, All that certain lot or messuage of land, situate in the Borough of  
Grampian, (formerly Bannville), Clearfield County, Pennsylvania,  
bounded and described as follows:

BEGINNING at a post corner of Lot No. 18 on line of street; thence along  
said street North thirty four and one fourth (34 $\frac{1}{4}$ ) degrees East fifty  
(50) feet to an alley; thence along said alley South fifty five and  
three fourths (55 3/4) degrees East, one hundred fifty (150) feet to  
post on alley, thence along same South thirty four and one fourth (34 $\frac{1}{4}$ )  
degrees West fifty (50) feet to corner of Lot No. 18; thence by the same  
North fifty five and three fourths (55 3/4) degrees West one hundred  
fifty (150) feet to the place of beginning, and being designated on the  
plan of said Borough as Lot No. 19 and having erected thereon a two  
story five room dwelling house.

EXCEPTING AND RESERVING unto John Miller and Lida Miller, his wife,  
their heirs, executors and assigns, the right to take water from the  
well and spring located on the above described premises and from the  
above described premises across the Mr. and Mrs. John Gaines property  
(formerly John Y. Rafferty), to the other property now owned by John  
Miller and Lida Miller, his wife.

ALSO EXCEPTING AND RESERVING a right of way of easement across the  
above described premises to the said Gaines property for the maintenance  
of a pipe line from the said spring or well to the other property of  
John Miller and Lida Miller, his wife, ALSO RESERVING all rights of  
ingress, egress and regress to and from the property hereinabove  
described to the Gaines property for the purpose of piping or bringing  
water from the above mentioned spring or well to the other property  
of John Miller and Lida Miller, and which other property of John Miller  
and Lida Miller is the property now occupied by the said John Miller  
and Lida Miller, The said John Miller and Lida Miller do hereby reserve  
all rights whatsoever for the purposes herein contained.

AND BEING the same premises conveyed to Virginia Wilson and intending  
to be recorded herewith.

EXHIBIT B Pg. 1 of 3

AND the said grantors hereby covenant and agree that  
will warrant the property hereby conveyed.

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 herein, and the owner or owners  
of such coal may have the complete legal right to remove all of such coal, and, in that connection,  
damage may result to the surface of the land, and any house, building or other structure on or in  
such land. The inclusion of this notice does not enlarge, restrict or modify any legal rights or  
estates otherwise created, transferred, excepted or reserved by this instrument.

Virginia Wilson

IN WITNESS WHEREOF, said grantor Virginia Wilson has hereunto set hand and seal  
the day and year first above written.

Signed, Sealed and Delivered  
in the presence of

Victoria Williams

Robert J. Trythall



5 COMMONWEALTH OF PENNSYLVANIA  
9 DEPARTMENT OF REVENUE  
3  
0 REALTY TRANSFER MAR-1-88  
0 TAX  
0 100.00  
PB.11352

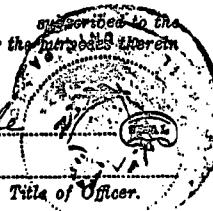
State of Penna  
County of Clearfield  
On this, the 1st day of March, 1985 before me,  
the undersigned officer, personally appeared Robert J. Trythall and Sharon D.  
Trythall

known to me (or satisfactorily proven) to be the person whose name  
within instrument, and acknowledged that he executed the same for the purpose therein  
contained.

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

My Commission Expires  
First Monday in January, 1983

Michael R. Lytle  
RECODER OF DEEDS  
Title of Officer.



CURWENSVILLE AREA SCHOOL DISTRICT

1% REALTY TRANSFER TAX

AMOUNT \$ 100.00

PAID 3-1-85 M. R. LYtle

LAW P. 2011

VOL 999 PAGE 100

do hereby certify that the precise residence and complete post office address  
of the within named grantee is R.D. #1, Box 638, Mahaffey, Pa. 15757

19

Virginia Wilson

Attorney for \_\_\_\_\_

Debt \$100.00  
Counsel \$45.00  
Chancery Box 52 no

**Deed**

ROBERT J. and SHARON D.  
TRYTHALL

to

VIRGINIA WILSON

**WARRANTY**

CLEARFIELD COUNTY  
ENTERED OF RECORD 3-1-85  
TIME 2:22 PM  
BY Virginia Wilson  
FEES 135.00  
Michael R. Lytle, Recorder

COMMONWEALTH OF PENNSYLVANIA  
County of CLEARFIELD

RECORDED on this 1st day of March

A. D. 1985, in the Recorder's Office of said County, in Deed Book  
Vol. 999, Page 98 *Records*

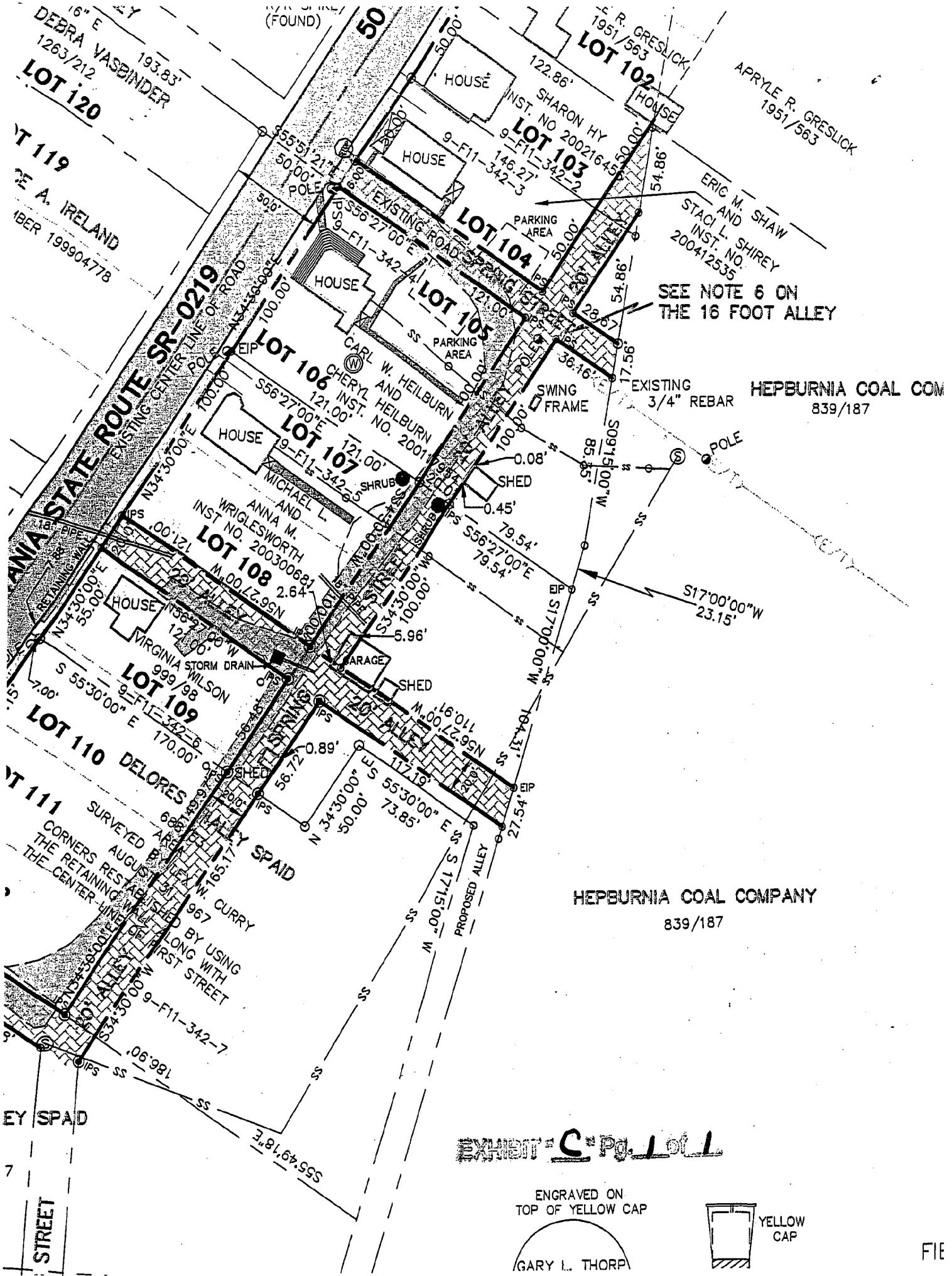
Given under my hand and the seal of the said office, the date above written.

Michael R. Lytle, Recorder.



Entered of Record Mar 1 1985, 2:22 PM Michael R. Lytle, Recorder

**EXHIBIT B Pg 3 of 3**



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

MICHAEL L. WRIGLESWORTH and \*  
ANNA M. WRIGLESWORTH, husband \*  
and wife \*  
Plaintiff \*  
\* No. 2006-1559-CD  
v. \*  
\*  
VIRGINIA WILSON, JERRY HILE and \*  
MANDY HEICHEL \*  
Defendants \*

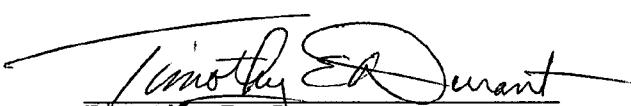
CERTIFICATE OF SERVICE

I, Timothy E. Durant, verify that on November 2, 2006, I did deposit in the United States First Class Mail certified copies of the **AMENDED COMPLAINT** filed on behalf of the Plaintiffs. The said documents were sent to:

Counsel for All Defendants'  
JOHN R. RYAN, ESQUIRE  
BELIN, KUBISTA & RYAN  
15 N. Front Street  
P. O. Box 1  
Clearfield, PA 16830

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Dated:

  
Timothy E. Durant  
201 North Second Street  
Clearfield, PA 16830

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
: :  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :  
:

**PRAECIPE TO WITHDRAW  
PRELIMINARY OBJECTIONS**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED 4cc  
01037404 NOV 08 2006 Amy Ryan

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
vs.	:
	No. 2006-1559-C.D.
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

**PRAECIPE TO WITHDRAW PRELIMINARY OBJECTIONS**

TO WILLIAM SHAW, PROTHONOTARY:

Please withdraw the Preliminary Objections filed October 18, 2006, on behalf of Defendants Hile and Heichel, and October 20, 2006, on behalf of Defendant Wilson in the above-captioned action.

BELIN, KUBISTA & RYAN



---

John R. Ryan  
Attorney for Defendants

44  
CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
BELLIN, KUBISTA & RYAN

**FILED**  
**NOV 08 2006**  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
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Plaintiffs :  
:  
vs. : No. 2006-1559-C.D.  
:  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :  
:

**CERTIFICATE OF SERVICE**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED NO CC  
01/11/03 PM  
NOV 09 2006  
5

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
vs.	:
	No. 2006-1559-C.D.
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

**CERTIFICATE OF SERVICE**

This is to certify that I have served a certified copy of Praeclipe to Withdraw Preliminary Objections filed on behalf of Defendants in the above captioned matter on the following parties in the manner set forth below on the 8th day of November, 2006:

Ronda Wisor  
Deputy Court Administrator  
Office of the Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
Via Hand Delivery

Timothy E. Durant, Esquire  
201 North Second Street  
Clearfield, PA 16830  
Attorney for Plaintiffs  
Via First Class United States mail

BELIN, KUBISTA & RYAN



John R. Ryan  
Attorney for Defendants

CLEARFIELD, PENNSYLVANIA 16830  
15 NORTH FRONT STREET  
P. O. BOX 1  
ATTORNEYS AT LAW  
BELLIN, KUBISTA & RYAN

**FILED**  
**NOV 09 2006**  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
:  
vs. : No. 2006-1559-C.D.  
:  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :  
:

**ANSWER, NEW MATTER AND  
COUNTERCLAIM**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED**

NOV 21 2006  
o/ 3:05 PM  
William A. Shaw  
Prothonotary/Clerk of Courts

4 Cents to Att'l

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :

**NOTICE**

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

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

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Market & Second Street  
Clearfield, PA 16830  
(814) 765-2641, ext. 1300

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :

**ANSWER, NEW MATTER AND COUNTERCLAIM**

NOW COMES, Virginia Wilson, Jerry Hile and Mandy Heichel, Defendants above named, and by their Attorneys, Belin, Kubista and Ryan, file their Answer, New Matter and Counterclaim to the Amended Complaint of Plaintiffs and aver as follows:

## ANSWER

1. Admitted.
2. Admitted.
3. Admitted insofar as the correct residence and mailing address of the Defendants Hile and Heichel is 72 Spring Street, Grampian, Pennsylvania, 16838.

4. Admitted insofar as the deed referenced in Paragraph 4 speaks for itself as to the property described therein and the said deed is filed of record in the Office for the Recorder of Deeds of Clearfield County as alleged. It is denied that a complete copy of the said deed is attached to Plaintiffs' Complaint.

5. Admitted insofar as the deed referenced in Paragraph 5 speaks for itself as to the property described therein and the said deed is filed of record in the Office for the Recorder of Deeds of Clearfield County as alleged. It is denied that the aforesaid deed makes any reference

to the surveys of Curry and Associates, nor are the said surveys recorded with the aforesaid deed. It is admitted that the property of Defendant Wilson is situated south of the property of Plaintiffs.

6. It is admitted that Defendants Hile and Heichel are in possession of the property of Defendant Wilson, for reasons set forth in the New Matter herein below. Defendant Jerry Hile has been in possession of the property since 1996.

7. It is admitted that the said unopened alley is situated between the properties of Plaintiffs and Defendants.

8. Admitted in part and denied in part. It is admitted that Defendants Hile and Heichel have in all respects been in possession of the area designated as the unopened alley as alleged. To the extent that the averments of Paragraph 8 imply or infer that Plaintiffs have the right to access to said unopened alley, the same is denied for the reasons set forth in the New Matter herein below.

9. It is the position of the Defendants that Plaintiffs have no right to use or control of the said unopened alley for the reasons set forth in the New Matter herein below.

10. It is denied that the Defendants have harassed Plaintiffs. On the contrary, Defendants Hile and Heichel have acted only for the purpose of advising Plaintiffs that Plaintiffs have no right to the use of the said unopened alley, for the reasons set forth in the New Matter herein below.

11. It is denied that the Plaintiffs are entitled to any relief, including but not limited to injunctive relief, as they are not entitled as a matter of law to the use of the said unopened alley.

WHEREFORE, Defendants request that the Complaint of Plaintiffs be dismissed, with prejudice.

NEW MATTER

12. Defendants Hile and Heichel are in possession of the property of Defendant Wilson by virtue of an Agreement between Defendant Hile and Defendant Wilson for the purchase of the said property. Said Agreement was entered into by the aforesaid parties in June of 1997, and as the result thereof, it is averred that Defendants Hile and Heichel have acquired an equitable interest in the property which is the subject thereof.

13. The unopened alley which is the subject of this action is referred to as a boundary in the descriptions of the property of Plaintiffs and Defendant Wilson, and from those descriptions it is believed and therefore averred that the said alley was set forth in a plan or plans of lots.

14. The Borough of Grampian has at no time accepted or otherwise opened the said alley for public use.

15. As a matter of law, the failure of the Borough of Grampian to accept or otherwise open the said alley within 21 years of its dedication eliminates the right of the public to the use of the said alley.

16. Further, it is believed and therefore averred that the owners of individual lots bordering said alley did acquire an easement, or the right to use said alley, provided that such easement was not extinguished or surrendered in some manner.

17. Defendants and their predecessors in title have acquired title to the said alley by the open, notorious, hostile and exclusive use thereof for a period in excess of twenty one (21) years.

18. As a result thereof, the Plaintiffs have no legal right to the use of the said alley.

19. Further, it is believed that none of the prior owners of the property now owned by Plaintiffs ever used, or attempted to use the alley for any reason.

20. As a matter of law, any easement which may have benefited Plaintiffs has been extinguished by the adverse possession of Defendants and their predecessors in title, and by the non-use of the alley by the predecessors in title of the Plaintiff.

21. Further, and in the alternative, Defendants have acquired an exclusive, prescriptive easement over the said property, for the reasons set forth above.

22. It is believed and therefor averred that the Defendants have no legitimate reason to use the said property, as it is not necessary for access to their property, or for parking or any other use.

WHEREFORE, Defendants request that judgment be entered in their favor and against the Plaintiffs.

COUNTERCLAIM

NOW COMES Jerry Hile and Mandy Heichel, and Virginia Wilson, Defendants above named, and by their Attorneys, Belin, Kubista & Ryan, file their Counterclaim against the Plaintiffs as follows:

23. Paragraphs 1 through and including Paragraph 22 of Defendants' Answer and New Matter are incorporated herein by reference as if set forth at length.

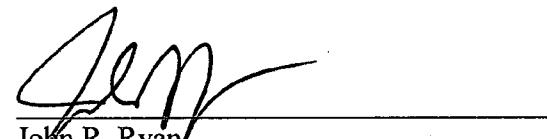
24. For the reasons set forth herein above, Defendants have acquired title to the said property by adverse possession and by the non-use of the said property by the Plaintiffs and their predecessors in title.

25. In the alternative, Defendants have acquired an exclusive easement by prescription over and to the said property.

WHEREFORE, Defendants request that the Court grant the following relief:

- a. Find that Defendants have acquired title to the said property by adverse possession and by the non-use of the said property by the Defendants and their predecessors in title;
- b. In the alternative, find that Defendants have acquired an exclusive easement by prescription over and to the said property;
- c. Such other relief as the Court deems fair and just.

BELIN, KUBISTA & RYAN



---

John R. Ryan  
Attorney for Defendants

We verify that the statements made in this Answer, New Matter and Counterclaim are true and correct. We understand that false statements herein are made subject to the penalties of Pa. C.S. 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Jerry Heile

  
\_\_\_\_\_  
Mandy Heichel

CLEARFIELD, PENNSYLVANIA 16830  
P.O. BOX 4  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
BELLIN, KUBISTA & RYAN

REC'D

NOV 21 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
:  
vs. : No. 2006-1559-C.D.  
:  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :  
:

**CERTIFICATE OF SERVICE**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED NO  
03-07-06  
NOV 22 2006  
(un)

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
	:
vs.	:
	No. 2006-1559-C.D.
	:
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

**CERTIFICATE OF SERVICE**

This is to certify that I have served a certified copy of Answer, New Matter and Counterclaim filed on behalf of Defendants in the above-captioned matter on the following party by postage prepaid first-class United States mail on the 22nd day of November, 2006:

Timothy E. Durant, Esquire  
201 North Second Street  
Clearfield, PA 16830  
Attorney for Plaintiffs

BELIN, KUBISTA & RYAN



John R. Ryan  
Attorney for Defendants

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
BELLIN, KUBISTA & RYAN

**FILED**

NOV 22 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :

**AFFIDAVIT IN SUPPORT OF NEW  
MATTER**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED 3cc Atty  
010.95 cm Ryan  
DEC 11 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
	:
vs.	:
	No. 2006-1559-C.D.
	:
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

**AFFIDAVIT IN SUPPORT OF NEW MATTER**

I, the undersigned party to the action filed to the above term and number, do hereby swear and depose as follows:

1. In June of 1997, together with my former spouse, Stacey Hile, I entered into an Agreement with Virginia Wilson to purchase the property, which I currently occupy in Grampian, Pennsylvania. A true and correct copy of the said Agreement is attached hereto as Exhibit "A".
2. I was subsequently divorced from Stacey Hile.
3. On March 30, 2001, Stacey Hile and I entered into a Property Settlement Agreement resolving the economic issues in the divorce action. In that Agreement, Stacey Hile agreed to transfer any interest she may have acquired in the property in Grampian to me. A true and correct copy of the said Property Settlement Agreement is attached hereto as Exhibit "B".

4. The purpose of this Affidavit is to support the New Matter, which I have filed to the above term and number.

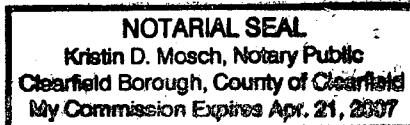
*Jerry L. Hile*  
\_\_\_\_\_  
Jerry L. Hile

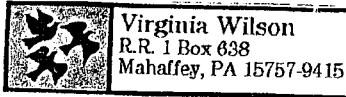
COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :  
:

ON THIS, the 8<sup>th</sup> day of December, 2006, before me, a Notary Public, personally appeared **JERRY L. HILE**, known to me or satisfactorily proven to be the person whose name is subscribed to the within Affidavit, and acknowledge that he executed the same for the purpose therein contained.

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

*Kristin D. Mosch*  
\_\_\_\_\_  
Kristin D. Mosch  
Notary Public  
My Commission Expires:





277-6505

JUNE 1997

I, Virginia Wilson, deed holder, and, owner of real estate as per the deed in Grampian, Pennsylvania, agree to sell the property to Jerry & Stacey Hale at a total sum of twenty five thousand dollars (\$25,000).

Based on "rent-to-own" the renter(s) are required to provide a down payment of \$1000.00 along with a monthly rental fee of \$200.00 for a period of 120 months. When the total sum is paid in full, the deed will be transferred to the renter(s).

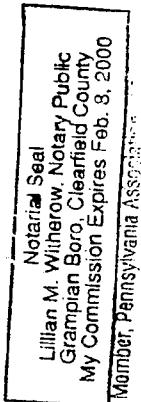
Failure to make monthly rental rates totalling three months will cause the renter(s) to lose any and all refunds and renter(s) shall move from the premises.

Taxes, sewage and repairs are the responsibilities of the renter(s).

Insurance to the house will belong to the deed holder until half of the total sum is paid, at which time, the insurance will be pro-rated should a fire or disaster occur.

Should anything happen that I, Virginia Wilson, am unable to collect the rent, an account shall be set up at the Clearfield Bank & Trust, Clearfield, Pennsylvania in the name of Irene Kelly.

Jerry & Stacey Hale will be paying the closing costs.



Signature of Deed Holder:

Signature of Renter(s):

Virginia Wilson  
Stacey Hale Jerry L Hale

EXHIBIT "A"

PROPERTY SETTLEMENT AGREEMENT

THIS AGREEMENT, made this 30<sup>th</sup> day of March, 2001, by and between JERRY L. HILE, an individual, hereinafter referred to as "HUSBAND";

A  
N  
D

STACEY L. HILE, an individual, hereinafter referred to as "WIFE".

WITNESSETH:

WHEREAS, the parties are presently husband and wife; and

WHEREAS, there were two children born of this marriage; and

WHEREAS, the parties desire to settle their property rights permanently and for all time; and

WHEREAS, both parties agree to relinquish any and all claims which either may have against any property now owned or belonging to the other or which may hereafter be acquired by either of them by purchase, gift; devise, bequest, inheritance and otherwise, except as to the obligations, covenants and agreements contained herein; and

WHEREAS, the parties hereto have had the opportunity to seek the benefit of competent and independent legal advice by separate counsel.

NOW THEREFORE, the parties intending to be legally bound hereby do hereby covenant and agree as follows:

1. SEPARATION. It shall be lawful for each party at all times hereafter to live separate and apart from the other party at such place as he or she may from time to time choose or deem fit. The foregoing provisions shall not be taken as an admission on the part of either party of the lawfulness or unlawfulness of the causes leading to their living apart.

**EXHIBIT "B"**

2. INTERFERENCE: Each party shall be free from interference, authority, and contact by the other, as fully as if he or she were single and unmarried except as may be necessary to carry out the provisions of this agreement. Neither party shall molest the other or attempt to endeavor to molest the other, nor compel the other to cohabit with the other, nor in any way harass or malign the other, nor in any way interfere with the peaceful existence, separate and apart from the other.

3. DESIRE OF THE PARTIES: It is the desire of the parties, after long and careful consideration, to amicably adjust, compromise and settle all property rights and all rights in, to, or against each other's property or estate, including property heretofore or subsequently acquired by either party, and to settle all disputes existing between them including all claims for HUSBAND'S and/or WIFE'S maintenance and/or for support, custody and property distribution.

4. DEBTS: The HUSBAND and WIFE represent and warrant to each other that neither one has contracted any debt or debts, charges, or liabilities whatsoever except as herein expressly set forth, for which the other party or their property or their estates shall or may be or become liable or answerable, and they covenant that they will at all times keep each other free, harmless and indemnified against and from any and all debts and liabilities heretofore or hereafter contracted or incurred by either of them, except as expressly provided in this Agreement.

5. MUTUAL RELEASE: Subject to the provisions of this Agreement, each party has released and discharged, and by this Agreement does for himself or herself and his or her heirs, legal representatives, executors, administrators and assigns, release and discharge the other of and from all causes of action, claims, rights, or demands, whatsoever in law or in equity, which either of the parties ever had or now has against the other, except any cause or causes of

action for divorce and except any or all causes of action for breach of any provisions of this Agreement.

6. DIVISION OF REAL PROPERTY: WIFE agrees to transfer any and all interest she may have unto the marital property of the parties located at RR #1, Box 141B, Grampian, Clearfield County, Pennsylvania to HUSBAND and agrees to execute any deeds or any other documents necessary to effectuate the said transaction. HUSBAND in turn agrees to assume all expenses upon the said home, included but not limited to utilities, insurance payments and mortgage payments, for which HUSBAND shall hold WIFE harmless from same. HUSBAND further agrees that he shall be solely responsible for the payment of all Township, County, or School Real Estate Taxes upon the said property. HUSBAND further agrees to be responsible for the preparation of the deed transferring WIFE'S interest in the property to HUSBAND and for any and all expenses incurred in the filing of said instrument.

7. DIVISION OF PERSONAL PROPERTY:

(a) The parties hereby divide their personal property including but not limited to all household goods and furnishings, personal effects and all other items of personal property used by them in common as follows:

HUSBAND agrees and by these presents does convey to WIFE all right, title and interest in and to those items of marital property of the parties which are in possession of WIFE and does hereby relinquish any and all interest he may have in said items including the following items:

1. Dresser for Children; and
2. Children's Ornaments.

WIFE in turn agrees to relinquish any and all interest she may have in those items of marital property which are in the possession of HUSBAND and does hereby relinquish any and all interest she may have in said items.

(b) Automobile. WIFE agrees that HUSBAND shall retain possession of and receive as his own property, the 1999 Dodge Dakota Extended Cab SLT Pickup Truck, for HUSBAND'S own use and disposition. WIFE agrees to execute, acknowledge and deliver upon request of any and all instruments or documents necessary in order to effectuate the transfer of title to said automobile. HUSBAND shall be solely responsible for the payment of any sales or other tax that might be incurred with respect to that transfer.

(c) Life Insurance. The children of the parties shall remain the beneficiaries under the Knights of Columbus Life Insurance Policy held by the parties.

(d) HUSBAND and WIFE agree that the aforesaid agreement is in lieu of any and all claims of equitable distribution of said property.

8. ALIMONY. HUSBAND and WIFE represent and acknowledge that they each have sufficient property to provide for his or her reasonable needs and are able to support himself or herself through appropriate employment.

Except as provided in this Agreement, HUSBAND and WIFE hereby waive the rights to any alimony thereunder.

9. CHECKING AND SAVINGS ACCOUNTS: The parties agree that there are no checking or savings accounts held jointly in the names of both HUSBAND and WIFE and that each has their own separate such accounts with respect to which the other will make no claim.

10. MUTUAL DEBTS: HUSBAND agrees to be liable for and pay the following mutual debts of the parties:

- (a) Three (3) Sears Charge Accounts;
- (b) Loan to Household Bank;
- (c) Loan to National City Bank;
- (d) Loan to Associates National Bank; and
- (e) IRS Lien for unpaid 1999 taxes.

WIFE agrees to be liable for and pay the following mutual debts of the parties:

- (a) Loan to Clearfield Bank and Trust, Co.; and
- (b) Chase Manhattan Credit Card.

HUSBAND AND WIFE agree that there are no other mutual debts of the parties other than those set forth in this Property Settlement Agreement.

Should any further debts remain unpaid, then HUSBAND agrees that he will be solely liable for, and will make payments for any further debts.

11. COUNSEL FEES. Except as otherwise provided for in this Agreement, each party shall be responsible for his or her own legal fees and expenses.

12. INTENDED TAX RESULT AND INDEMNIFICATION: By this Agreement, the parties have intended to effectuate and by this Agreement have equally divided their marital property. The parties have determined that such equal division conforms to a right and just standard with regard to the rights of each party. The division of existing marital property is not, except as may be otherwise expressly provided herein, intended by the parties to constitute in any way a sale or exchange of assets and the division is being effected without the introduction of outside funds or other property not constituting a part of the marital estate. As a part of the equal division of the marital properties and the marital settlement herein contained the parties agree to save and hold each other harmless from all income taxes assessed against the other resulting from the division of the property as herein provided.

13. FINANCIAL DISCLOSURE: The parties confirm that each has relied on the substantial accuracy of the financial disclosure of the other as an inducement to the execution of this Agreement.

14. ADVICE OF COUNSEL: Each party has had the opportunity to review the provisions of this Agreement and their legal effect with their respective counsel. The parties acknowledge that they have had the opportunity to receive independent legal advice from counsel of their selection and that they fully understand the facts and have been fully informed as to their legal rights and obligations and they accept this Agreement and acknowledge that the Agreement is, in the circumstances, fair and equitable and that it is being entered into freely and voluntarily after having received such advice and with such knowledge and that execution of this Agreement is not the result of any duress or undue influence, and that it is not the result of any collusion of any improper or illegal agreement or agreements.

15. WAIVER OF CLAIMS AGAINST ESTATE: Except as herein otherwise provided, each party may dispose of his or her property in any way, and each party hereby waives and relinquishes any and all rights he or she may now have or hereafter acquire, under the present or future laws of any jurisdiction, to share in the property or the estate of the other as a result of the marital relationship, including without limitation, dower, courtesy, statutory allowance, widow's allowance, right to take property under equitable distribution, right to take in intestacy, right to take against the Will of the other, and right to act as administrator or executor of the other's estate, and each will, at the request of the other, execute, acknowledge, and deliver any and all instruments which may be necessary or advisable to carry into effect this mutual waiver and relinquishment of all such interest, rights and claims.

16. BREACH: If either party breaches any provision of this Agreement, the other party shall have the right, at his or her election, to sue for damages for such breach, or seek such other remedies or relief as may be available to him or her, and the party breaching this contract should be responsible for payment of legal fees and costs incurred by the other in enforcing their rights under this Agreement.

All remedies provided by law and all remedies provided for above for the enforcement of the Agreement shall be deemed to be cumulative and the exercise of one remedy shall not bar or prevent the pursuit of any other remedy and either party may elect to pursue such remedies simultaneously and the exercise of a remedy one or more times shall not exhaust its use or prevent further pursuit of such remedy.

17. AFTER ACQUIRED PERSONAL PROPERTY: Each of the parties shall hereafter own and enjoy independently of any claim or right of the other all items of personal property, tangible or intangible, hereafter acquired by him or her, with full power in him or her to dispose of the same as fully and effectively in all respects and for all purposes as though he or she were unmarried.

18. ADDITIONAL INSTRUMENTS: Each of the parties shall from time to time, at the request of the other, execute, acknowledge, and deliver to the other party any and all further instruments that may be reasonably required to give full force and effect to the provisions of this Agreement.

19. VOLUNTARY EXECUTION: The provisions of this Agreement and their legal effect have been fully explained to the parties by HUSBAND'S counsel, and each party acknowledges that the agreement is fair and equitable, that it is being entered into voluntarily and that it is not the result of any duress or undue influence.

20. ENTIRE AGREEMENT: This Agreement contains the entire understanding of the parties and there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

21. MODIFICATION AND WAIVER: A modification or waiver of any of the provisions of this Agreement shall be effective only if made in writing and executed with the same formality as this Agreement. The failure of either party to insist upon strict performance of any of the provisions of this Agreement shall not be construed as a waiver of any subsequent default of the same or similar nature.

22. DESCRIPTIVE HEADINGS: The descriptive headings used herein are for convenience only. They shall have no effect whatsoever in determining the rights or obligations of the parties.

23. INDEPENDENT SEPARATE COVENANTS: It is specifically understood and agreed by and between the parties hereto that each paragraph hereof shall be deemed to be a separate and independent covenant and agreement.

24. APPLICABLE LAW: This Agreement shall be construed under the laws of the Commonwealth of Pennsylvania.

25. VOID CLAUSE: If any term, condition, clause or provision of this Agreement shall be determined or declared to be void or invalid in law or otherwise, then only that term, condition, clause or provision shall be stricken from this Agreement and in all other respects this Agreement shall be valid and continue in full force, effect and operation.

26. ENTRY AS PART OF DECREE: It is the intention of the parties that this instrument shall survive any action for divorce which may be instituted or prosecuted by the other party and no order, judgment or decree of divorce temporary, interlocutory, final or permanent, shall affect or modify the financial terms of this Agreement. It is also the intention of the parties that this Agreement shall survive any periods of reconciliation of the parties and no attempt at reconciliation by the parties or cohabitation by the parties hereinafter shall be assumed to cause the property as so divided in this Agreement to become marital property for purposes of equitable distribution under the Divorce Code of the Commonwealth of Pennsylvania. The

parties agree that all property divided by this Agreement shall remain the property of that party as specified within this Agreement unless this Agreement is rescinded by the parties by a writing in similar form to this Agreement.

IN WITNESS WHEREOF, the *parties* have hereunto *set* their hands and seals the day and year first above written.

WITNESS:

Paul E. Cleary

July 1 2011

(SEAL)

Jerry L. Hile

Jami F. Lingle

Stacey L. Hile

(SEAL)

Stacey L. Hile

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH COURT STREET  
ATTORNEYS AT LAW  
**BELIN, KUBISTA & RYAN**

**FILED**

**DEC 11 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101955  
NO: 06-1559-CD  
SERVICE # 1 OF 3  
COMPLAINT IN EJECTMENT

PLAINTIFF: MICHAEL L. WRIGLESWORTH and ANNA M. WRIGLESWORTH  
vs.  
DEFENDANT: VIRGINIA WILSON, JERRY HILE and MANDY HEICHEL

SHERIFF RETURN

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NOW, October 05, 2006 AT 9:33 AM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON VIRGINIA WILSON DEFENDANT AT 117 BELWOOD RD., MAHAFFEY, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO VIRGINIA WILSON, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED  
9/2/2006  
DEC 14 2006  
S

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101955  
NO: 06-1559-CD  
SERVICE # 2 OF 3  
COMPLAINT IN EJECTMENT

PLAINTIFF: MICHAEL L. WRIGLESWORTH and ANNA M. WRIGLESWORTH  
vs.  
DEFENDANT: VIRGINIA WILSON, JERRY HILE and MANDY HEICHEL

**SHERIFF RETURN**

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NOW, October 03, 2006 AT 1:35 PM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON JERRY HILE DEFENDANT AT 72 SPRING ST., GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MANDY HEICHEL, ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101955  
NO: 06-1559-CD  
SERVICE # 3 OF 3  
COMPLAINT IN EJECTMENT

PLAINTIFF: MICHAEL L. WRIGLESWORTH and ANNA M. WRIGLESWORTH  
vs.  
DEFENDANT: VIRGINIA WILSON, JERRY HILE and MANDY HEICHEL

**SHERIFF RETURN**

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NOW, October 03, 2006 AT 1:35 PM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON MANDY HEICHEL DEFENDANT AT 72 SPRING ST., GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MANDY HEICHEL, ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101955  
NO: 06-1559-CD  
SERVICES 3  
COMPLAINT IN EJECTMENT

PLAINTIFF: MICHAEL L. WRIGLESWORTH and ANNA M. WRIGLESWORTH

vs.

DEFENDANT: VIRGINIA WILSON, JERRY HILE and MANDY HEICHEL

**SHERIFF RETURN**

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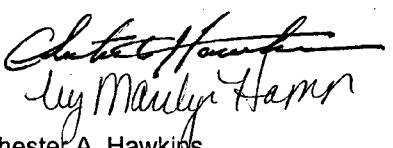
**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	DURANT	6323	30.00
SHERIFF HAWKINS	DURANT	6323	70.00

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2006

  
Chester A. Hawkins  
Sheriff

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

MICHAEL L. WRIGLESWORTH and  
ANNA M. WRIGLESWORTH, husband  
and wife

Plaintiffs

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VIRGINIA WILSON, JERRY HILE and  
MANDY HEICHEL

Defendants

\*

No. 2006- 1559 -CD

Type of Pleading:

**PLAINTIFFS' REPLY TO NEW  
MATTER AND ANSWER TO  
COUNTERCLAIM OF DEFENDANTS'**

Filed on Behalf of: Plaintiffs

Counsel for this party:

**TIMOTHY E. DURANT, Esquire**  
Supreme Court I.D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
814-765-1711

Opposing Counsel:

**JOHN R. RYAN, ESQUIRE**  
Supreme Court I. D. No. 38739  
BELIN, KUBISTA & RYAN  
15 N. Front Street  
P. O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

Filed by:

Timothy E. Durant

FILED 3CC  
03-5761 Atty Durant  
DEC 21 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and \*  
ANNA M. WRIGLESWORTH, husband \*  
and wife \*  
Plaintiffs \*  
v. \*  
VIRGINIA WILSON, JERRY HILE and \*  
MANDY HEICHEL \*  
Defendants \*

No. 2006- 1559 -CD

**PLAINTIFFS' REPLY TO NEW MATTER**

Plaintiffs by their counsel, file the following as their Reply to New Matter raised by defendants Hile and Heichel:

12. Denied. On the contrary, it appears that defendant Jerry Hile, a/k/a Jerry L. Hile may have a conditional, partial and executory interest in a property now or formerly owned by Virginia Wilson for proof of which said defendants attach Exhibits "A" and "B" to their Affidavit in Support of New Matter. The Exhibit "A" described therein as a June 1997 rental arrangement (notarized on June 3, 1997) with a rent-to-own component states merely, "I Virginia Wilson, deed holder and owner of real estate as per the deed in Grampian, Pennsylvania, agree to sell the property to Jerry & Stacey Hile at a total sum of \$25,000.00". The property is not identified by deed reference, street address, adjoiners, metes and bounds, nor tax map identification number. Proof demanded that this is the same property where defendants Hile and Heichel now reside. Exhibit "B" in the Affidavit in Support of New Matter at its paragraph 6. references defendant Hile's obligation to prepare a deed for conveyance of Stacey Hile's marital interest in the property located at RR #1, Box 141B, Grampian, Clearfield County, Pennsylvania. Denied that defendant Hile ever prepared the requisite

deed. Proof demanded that Stacey Hile has no further interest in the property which is the subject of this June 1997 document. Proof demanded that defendant Hile is not in default under the terms of the June 1997 document. Proof demanded that defendant Heichel has any legal or equitable interest in the property where she resides or in the unopened alley which is the subject of this suit.

13. Admitted.

14. Denied. On the contrary, after reasonable investigation plaintiffs are without knowledge or information sufficient to form a belief as to the truth of this averment. Strict proof thereof is demanded at trial if relevant. Plaintiffs believe that the subject alley is unopened but they do not know if the said alley has "at no time been accepted or otherwise opened by the Borough of Grampian for public use."

15. Denied. On the contrary, after reasonable investigation plaintiffs are without knowledge or information sufficient to form a belief as to the truth of this averment. Strict proof thereof is demanded at trial if relevant. Admitted that if the Borough of Grampian failed to accept or otherwise open the subject alley within 21 years of its dedication, then as a matter of law, the right of the public to the use of the said alley would cease.

16. Denied. On the contrary, after reasonable investigation plaintiffs are without knowledge or information sufficient to form a belief as to the truth of this averment. Strict proof thereof is demanded at trial if relevant. If it is proven that the right of the public to the use of the alley has ceased as alleged by defendants then, it is admitted that the owners of individual lots bordering said alley did acquire an easement, or the right to use said alley, provided that such easement was not extinguished or surrendered in some manner.

17. Denied. This is a conclusion of law to which an answer is not required. To the extent that an answer is required plaintiffs reply as follows: On the contrary, after reasonable investigation

plaintiffs are without knowledge or information sufficient to form a belief as to the truth of this averment. Strict proof thereof is demanded at trial if relevant. It is further denied that title to the alley has been acquired by anyone adversely to plaintiffs or their interests.

18. Denied. This is a conclusion of law to which an answer is not required. To the extent that an answer is required plaintiffs reply as follows: On the contrary, after reasonable investigation plaintiffs are without knowledge or information sufficient to form a belief as to the truth of this averment. Strict proof thereof is demanded at trial if relevant. It is further denied that title to the alley has been acquired by anyone adversely to plaintiffs or their interests or that plaintiffs for any other reason have no legal right to the use of the said alley.

19. Denied. On the contrary, after reasonable investigation plaintiffs are without knowledge or information sufficient to form a belief as to the truth of this averment. Strict proof thereof is demanded at trial if relevant.

20. Denied. This is a conclusion of law to which an answer is not required. To the extent that an answer is required plaintiffs reply as follows: On the contrary, after reasonable investigation plaintiffs are without knowledge or information sufficient to form a belief as to the truth of this averment. Strict proof thereof is demanded at trial if relevant. It is further denied that title to the alley has been acquired by anyone adversely to plaintiffs or their interests or that plaintiffs for any other reason have no legal right to the use of the said alley. The rights to the use of the alley cannot by law be extinguished by non-use by predecessors in title to the Plaintiffs.

21. Denied. This is a conclusion of law to which an answer is not required. To the extent that an answer is required plaintiffs reply as follows: On the contrary, after reasonable investigation plaintiffs are without knowledge or information sufficient to form a belief as to the truth of this averment. Strict proof thereof is demanded at trial if relevant. It is further denied that title to the

alley has been acquired by anyone adversely to plaintiffs or their interests or that plaintiffs for any other reason have no legal right to the use of the said alley. The rights to the use of the alley cannot by law be extinguished by non-use by predecessors in title to the Plaintiffs.

22. Denied. On the contrary, plaintiffs do have a legitimate reason to use the said property, e.g. they must walk or drive along the line of the alley with their push or riding mower in order to cut the first or second swatch of their grass on the parcel adjoining the subject alley and recently they have been subjected to loudly broadcast foul language and threats and private criminal complaints at the office of the local District Justice, whenever their feet or their mower touches the alley.

WHEREFORE, plaintiffs demand judgment against the Defendant, Jerry Hile, Mandy Heichel and Virginia Wilson, as follows:

- a. Entry of an Order directing the Defendants to refrain from blocking the unopened alley.
- b. Entry of an Order directing the Defendants Jerry Hile, Mandy Heichel and Virginia Wilson to remove any signs, fences and/or obstacles placed by them (or others at their direction) on the unopened alley .
- c. Assessment of costs against the Defendants.
- d. Such other relief as the Court deems appropriate

#### COUNTERCLAIM

Plaintiffs by their counsel, file the following as their Answer to the Counterclaim filed by defendants Hile and Heichel and Wilson:

23. Paragraphs 1 through and including Paragraph 22 of Plaintiffs' Complaint and their Reply to New Matter are incorporated herein by reference as if set forth at length.

24. Denied. This is a conclusion of law to which an answer is not required. To the extent that an answer is required plaintiffs reply as follows: On the contrary, after reasonable investigation

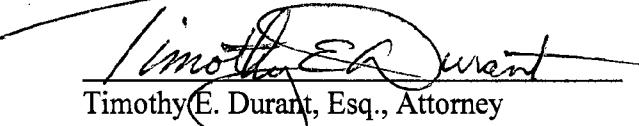
plaintiffs are without knowledge or information sufficient to form a belief as to the truth of this averment. Strict proof thereof is demanded at trial if relevant. It is further denied that title to the alley has been acquired by anyone adversely to plaintiffs or their interests or that plaintiffs for any other reason have no legal right to the use of the said alley. The rights to the use of the alley cannot by law be extinguished by non-use by predecessors in title to the Plaintiffs.

25. Denied. This is a conclusion of law to which an answer is not required. To the extent that an answer is required plaintiffs reply as follows: On the contrary, after reasonable investigation plaintiffs are without knowledge or information sufficient to form a belief as to the truth of this averment. Strict proof thereof is demanded at trial if relevant. It is further denied that title to the alley has been acquired by anyone adversely to plaintiffs or their interests or that plaintiffs for any other reason have no legal right to the use of the said alley.

WHEREFORE, plaintiffs demand judgment against the Defendant, Jerry Hile, Mandy Heichel and Virginia Wilson, as follows:

- a. Entry of an Order directing the Defendants to refrain from blocking the unopened alley.
- b. Entry of an Order directing the Defendants Jerry Hile, Mandy Heichel and Virginia Wilson to remove any signs, fences and/or obstacles placed by them (or others at their direction) on the unopened alley .
- c. Assessment of costs against the Defendants.
- d. Such other relief as the Court deems appropriate

Respectfully submitted,

  
Timothy E. Durant, Esq., Attorney  
for the Plaintiffs

December 21, 2006

**VERIFICATION**

We, MICHAEL L. WRIGLESWORTH and ANNA M. WRIGLESWORTH, verify that the statements made in this Pleading are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities

DATED: 12/20/06

*Michael L. Wriglesworth*  
MICHAEL L. WRIGLESWORTH

DATED: 12/20/06

*Anna M. Wriglesworth*  
ANNA M. WRIGLESWORTH

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

MICHAEL L. WRIGLESWORTH and \*  
ANNA M. WRIGLESWORTH, husband \*  
and wife \*  
Plaintiff \*  
\* No. 2006-1559-CD  
v. \*  
\*  
VIRGINIA WILSON, JERRY HILE and \*  
MANDY HEICHEL \*  
Defendants \*

CERTIFICATE OF SERVICE

I, Timothy E. Durant, verify that on December 21, 2006, I did deposit in the United States First Class Mail a certified copy of the **PLAINTIFFS' REPLY TO NEW MATTER AND ANSWER TO COUNTERCLAIM OF DEFENDANTS'** filed on behalf of the Plaintiffs. The said documents were sent to:

Counsel for All Defendants'  
JOHN R. RYAN, ESQUIRE  
BELIN, KUBISTA & RYAN  
15 N. Front Street  
P. O. Box 1  
Clearfield, PA 16830

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Dated: 12/21/06

  
Timothy E. Durant  
201 North Second Street  
Clearfield, PA 16830

3

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
: :  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :  
:

**AFFIDAVIT OF REVEREND  
MONSIGNOR MICHAEL T. GAINES**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED**

**MAR 28 2007**

*0/3:00/07*

William A. Shaw

Prothonotary/Clerk of Courts

*4 cent to Atty*

**AFFIDAVIT**

I, the undersigned, hereby swear and affirm that the following facts are true and correct to the best of my knowledge, information and belief:

1. I am the Reverend Monsignor Michael T. Gaines. My residence is St. Peter Cathedral, 230 W. 10<sup>th</sup> Street, Erie, Pennsylvania 16501-1412.
2. By deed dated January 8, 2003, I conveyed property owned by me in the Borough of Grampian, Clearfield County, Pennsylvania (hereinafter "the property") to Michael L. Wriglesworth and Anna M. Wriglesworth, husband and wife. That deed was recorded at Clearfield County Instrument Number 200300681.
3. The property, which I conveyed to Michael and Anna Wriglesworth, was conveyed to me by my father, John J. Gaines, by deed dated March 15, 1979, and recorded at Clearfield County Deed Book 777, Page 547.
4. The property had been conveyed to my parents, John J. Gaines and Louise Rafferty Gaines, by deed of Jeanette Rafferty, et al, being the heirs of my maternal grandfather, by deed dated July 27, 1946, and recorded at Clearfield County Deed Book 382, Page 244.
5. My parents, John J. Gaines and Louise Rafferty Gaines, resided on the property beginning on 1946. My mother, Louise Rafferty Gaines died in February, 1976. My father, John J. Gaines, continued to reside on the property until August, 1987, when he entered the Curwensville Nursing Home.
6. I made my primary residence on the property from my birth in 1960 until I was ordained a Roman Catholic transitional deacon and received my first assignment in 1986.

7. From 1986 until my father entered the nursing home in August 1987, I would return to the property and stay with him. After August of 1987, I would stay at the property when I came to visit my father, which I did approximately every other week.

8. My father died on January 10, 1988.

9. From August of 1987 until October, 2002, no one resided on the property. I continued to stay at the property from time to time when I came to the area.

10. My parents would very rarely use the "alley" between their property and the adjoining property to access First Street (Rt. 219) because the speed of traffic and the limited sight distance made turning in or pulling out too dangerous.

11. From 1976 until 1980, the property, which is now owned by Virginia Wilson, was owned and occupied by Janet Hall and her children. Janet Hall parked her vehicle in the "alley" and only Janet and members of her family would use it to access First Street.

12. In 1980, Janet Hall sold her property to Robert Trythall and Sharon Trythall. Shortly after they purchased the property, Mr. Trythall borrowed my father's roto tiller and dug up the "alley" from the side of the house up where it meets Rt. 219 and planted grass in the area.

13. From that point in 1980 until I sold the property in January of 2003, to the best of my knowledge, neither myself nor anyone in my family used the "alley".

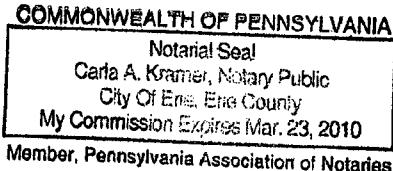
  
\_\_\_\_\_  
Rev. Msgr. Michael T. Gaines

COMMONWEALTH OF PENNSYLVANIA : SS.  
COUNTY OF ERIE :

ON THIS, the 7 day of March, 2007, before me, a Notary Public, personally appeared **REV. MSGR. MICHAEL T. GAINES**, known to me or satisfactorily proven to be the person whose name is subscribed to the within Affidavit, and acknowledge that he executed the same for the purpose therein contained.

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

*Carla A. Kramer*  
3/07/09  
Notary Public  
My Commission Expires: *Mar 23, 2010*



CLEARFIELD, PENNSYLVANIA 16830  
P. O. Box 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
BELLIN, KUBISTA & RYAN

William A. Shaw  
Prothonotary/Clerk of Courts

MAR 28 2007

5/2/07

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
:  
vs. : No. 2006-1559-C.D.  
:  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :  
:

**AFFIDAVIT OF GRAMPIAN  
BOROUGH SECRETARY**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED**

MAR 28 2007

0/3200/100  
William A. Shaw  
Prothonotary/Clerk of Courts

4 cent to Atty

Grampian Borough  
PO Box 298  
Grampian PA 16838  
[grampianboro@verizon.net](mailto:grampianboro@verizon.net)

Phone (814) 236-2410  
Barbara S. McCracken-Council President  
E-mail: cuddles110@verizon.net

Fax (814) 236-2410  
Phone (814) 236-3597

March 8, 2007

John R. Ryan, Esquire  
15 N Front Street  
Clearfield PA 16830

Dear Mr. Ryan:

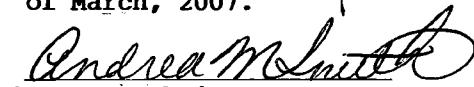
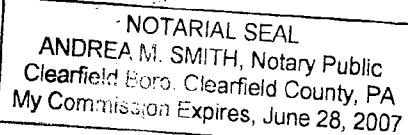
As Grampian Borough Secretary I have examined the available Borough minute books dated January 5, 1959 thru March 3, 1997 as instructed by Council President McCracken and to my knowledge I did not locate any mention of the proposed alley that runs from Spring Street to First Street as shown on the Borough maps.

Sincerely



Tina Sass  
Grampian Borough Secretary

SWORN TO AND SUBSCRIBED  
before me this 9th day  
of March, 2007.

  
Notary Public

CLEARFIELD, PENNSYLVANIA 16830  
P.O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
**BELIN, KUBISTA & RYAN**

Prothonotary/Clerk of Courts  
William A. Shaw

MAR 28 2007

5150

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
vs.	:
	No. 2006-1559-C.D.
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

**MOTION FOR SUMMARY  
JUDGMENT**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED  
01/30/2007  
MAR 29 2007  
300  
Amy Ryan

William A. Shaw  
Prothonotary/Clerk of Courts

(b6)

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :

## **MOTION FOR SUMMARY JUDGMENT**

NOW COMES, Virginia Wilson, Jerry Hile and Mandy Heichel, Defendants above named, and by their Attorneys, Belin, Kubista & Ryan, and pursuant to Pennsylvania Rule of Civil Procedure 1035.1 et seq. moves the Honorable Court for Summary Judgment as follows:

1. Plaintiffs have filed their Amended Complaint seeking enforcement of their alleged right to use an unopened “alley”, which is situated between the property of Defendants and the property of Plaintiffs in the Borough of Grampian, Clearfield County, Pennsylvania.
2. Defendants, in their Answer, New Matter and Counterclaim, deny that the Plaintiffs have any right to use the said unopened alley, in that:

- a. The said alley has never been accepted or otherwise opened for public use by the Borough of Grampian, which as a matter of law eliminates the right of the general public to use the alley;
- b. As a general matter of law, the owners of lots adjoining an unopened alley acquire an easement which provides for the use thereof, provided that the said easement was not extinguished or surrendered;

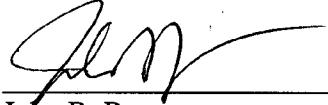
- c. The Plaintiffs have not used the said alley and the Defendants and their predecessors have exclusively used the alley for a period in excess of twenty-one (21) years, thus extinguishing the right of the Plaintiffs to such easement, by adverse possession of same.
- 3. The Defendants have acquired title to the said alley by virtue of open, notorious, hostile and exclusive use of same for a period in excess of twenty-one (21) years and are entitled to the entry of Summary Judgment for the following reasons:
  - a. Attached hereto as Exhibit "A" is an Affidavit from the Secretary of the Borough of Grampian which evidences that the said alley was never opened, nor do the records of the Borough indicate any mention of the said alley dating back to 1959, a period of more than forty-seven (47) years;
  - b. The records of Clearfield County show, and the Plaintiffs admit, that they purchased their property in January of 2003 and have been in possession of that property for a period of four (4) years;
  - c. Attached hereto as Exhibit "B" is an Affidavit from the Reverend Monsignor Michael T. Gaines, who conveyed the property now owned by the Plaintiffs to the Plaintiffs and whose parents owned and occupied that property from 1946 until his father conveyed it to him in 1979. Said Affidavit clearly shows that the predecessors in title to the Plaintiffs made no use of the said unopened alley from 1980 on;
  - d. The said Affidavits show that any easement which may have been acquired by the Plaintiffs' or their predecessors in title was extinguished

by the fact that the predecessors in title of the Defendants have had exclusive possession and use of same for more than twenty-one (21) years.

4. The documents of record in this action, including the deeds, pleadings and the Affidavits submitted in support of this Motion demonstrate that there are no issues of material fact and that Defendants are entitled to judgment in their favor as a matter of law.

WHEREFORE, Defendants request that Summary Judgment be entered in their favor, and that the Court find as a matter of law that the Defendants are the owners, as their interests may appear, of the property in question, and that the Plaintiffs have no right to possess or use the said property.

BELIN, KUBISTA & RYAN



---

John R. Ryan  
Attorney for Defendants

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
	:
vs.	:
	No. 2006-1559-C.D.
	:
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

**AFFIDAVIT OF GRAMPIAN  
BOROUGH SECRETARY**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

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

MAR 28 2007

Attest.

*William L. Chen*  
Prothonotary/  
Clerk of Courts

**EXHIBIT "A"**

Grampian Borough  
PO Box 298  
Grampian PA 16838  
[grampianboro@verizon.net](mailto:grampianboro@verizon.net)

Phone (814) 236-2410  
Barbara S. McCracken-Council President  
E-mail: [cuddles110@verizon.net](mailto:cuddles110@verizon.net)

Fax (814) 236-2410  
Phone (814) 236-3597

March 8, 2007

John R. Ryan, Esquire  
15 N Front Street  
Clearfield PA 16830

Dear Mr. Ryan:

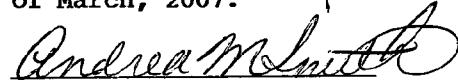
As Grampian Borough Secretary I have examined the available Borough minute books dated January 5, 1959 thru March 3, 1997 as instructed by Council President McCracken and to my knowledge I did not locate any mention of the proposed alley that runs from Spring Street to First Street as shown on the Borough maps.

Sincerely



Tina Sass  
Grampian Borough Secretary

SWORN TO AND SUBSCRIBED  
before me this 9th day  
of March, 2007.

  
Notary Public

NOTARIAL SEAL
ANDREA M. SMITH, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires, June 28, 2007

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
vs.	:
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

**AFFIDAVIT OF REVEREND  
MONSIGNOR MICHAEL T. GAINES**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

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

MAR 28 2007

Attest.

*William L. Lohr*  
Prothonotary/  
Clerk of Courts

EXHIBIT "B"

**AFFIDAVIT**

I, the undersigned, hereby swear and affirm that the following facts are true and correct to the best of my knowledge, information and belief:

1. I am the Reverend Monsignor Michael T. Gaines. My residence is St. Peter Cathedral, 230 W. 10<sup>th</sup> Street, Erie, Pennsylvania 16501-1412.
2. By deed dated January 8, 2003, I conveyed property owned by me in the Borough of Grampian, Clearfield County, Pennsylvania (hereinafter "the property") to Michael L. Wriglesworth and Anna M. Wriglesworth, husband and wife. That deed was recorded at Clearfield County Instrument Number 200300681.
3. The property, which I conveyed to Michael and Anna Wriglesworth, was conveyed to me by my father, John J. Gaines, by deed dated March 15, 1979, and recorded at Clearfield County Deed Book 777, Page 547.
4. The property had been conveyed to my parents, John J. Gaines and Louise Rafferty Gaines, by deed of Jeanette Rafferty, et al, being the heirs of my maternal grandfather, by deed dated July 27, 1946, and recorded at Clearfield County Deed Book 382, Page 244.
5. My parents, John J. Gaines and Louise Rafferty Gaines, resided on the property beginning on 1946. My mother, Louise Rafferty Gaines died in February, 1976. My father, John J. Gaines, continued to reside on the property until August, 1987, when he entered the Curwensville Nursing Home.
6. I made my primary residence on the property from my birth in 1960 until I was ordained a Roman Catholic transitional deacon and received my first assignment in 1986.

7. From 1986 until my father entered the nursing home in August 1987, I would return to the property and stay with him. After August of 1987, I would stay at the property when I came to visit my father, which I did approximately every other week.

8. My father died on January 10, 1988.

9. From August of 1987 until October, 2002, no one resided on the property. I continued to stay at the property from time to time when I came to the area.

10. My parents would very rarely use the "alley" between their property and the adjoining property to access First Street (Rt. 219) because the speed of traffic and the limited sight distance made turning in or pulling out too dangerous.

11. From 1976 until 1980, the property, which is now owned by Virginia Wilson, was owned and occupied by Janet Hall and her children. Janet Hall parked her vehicle in the "alley" and only Janet and members of her family would use it to access First Street.

12. In 1980, Janet Hall sold her property to Robert Trythall and Sharon Trythall. Shortly after they purchased the property, Mr. Trythall borrowed my father's roto tiller and dug up the "alley" from the side of the house up where it meets Rt. 219 and planted grass in the area.

13. From that point in 1980 until I sold the property in January of 2003, to the best of my knowledge, neither myself nor anyone in my family used the "alley".

  
\_\_\_\_\_  
Rev. Msgr. Michael T. Gaines

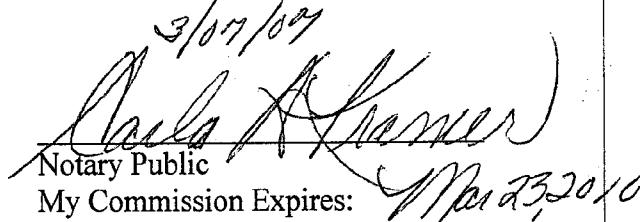
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ERIE

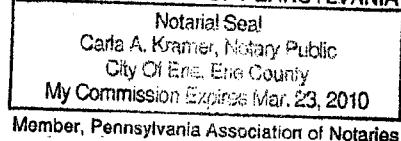
SS.

ON THIS, the 5 day of March, 2007, before me, a Notary Public, personally appeared **REV. MSGR. MICHAEL T. GAINES**, known to me or satisfactorily proven to be the person whose name is subscribed to the within Affidavit, and acknowledge that he executed the same for the purpose therein contained.

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

  
3/07/09  
Carla A. Kramer  
Notary Public  
My Commission Expires: Mar 23, 2010

COMMONWEALTH OF PENNSYLVANIA



CLEARFIELD, PENNSYLVANIA 16830  
P.O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
BELLIN, KUBISTA & RYAN

U8  
MAR 23 2001  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. :  
: No. 2006-1559-C.D.  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :

FILED  
07/24/2007  
APR 03 2007  
William A. Shaw  
Prothonotary/Clerk of Courts  
3CC Atty Ryan

ORDER

AND NOW, this 30<sup>th</sup> day of March, 2007, upon consideration of the foregoing Motion for Summary Judgment, it is hereby ORDERED, that:

1. The Plaintiffs/Respondents shall file an Answer to the said Motion within thirty (30) days of the date of this Order, in accordance with Pennsylvania Rule of Civil Procedure 1035.3;
2. Both parties shall file briefs in support of their respective positions on or before May 14, 2007;
3. Argument shall be held on the said Motion on May 14, 2007, at 9:00 o'clock A.m., in Courtroom # 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania;
4. Notice of the entry of this Order shall be provided to the Plaintiffs by the moving party.

BY THE COURT:

  
\_\_\_\_\_  
Fredric J. Ammerman  
President Judge

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
vs.	:
	No. 2006-1559-C.D.
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

**CERTIFICATE OF SERVICE**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED**

APR 05 2007  
01114616  
William A. Shaw  
Prothonotary/Clerk of Courts  
No 5/

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

MICHAEL L. WRIGLESWORTH and	:
ANNA M. WRIGLESWORTH, husband	:
and wife,	:
Plaintiffs	:
vs.	:
	No. 2006-1559-C.D.
VIRGINIA WILSON, JERRY HILE and	:
MANDY HEICHEL,	:
Defendants	:

**CERTIFICATE OF SERVICE**

This is to certify that I have served certified copies of Affidavit of Grampian Borough Secretary, Affidavit of Reverend Monsignor Michael T. Gaines, Motion for Summary Judgment and Order filed on behalf of Defendants in the above-captioned matter on the following party by postage prepaid first-class United States mail on the 4th day of April, 2007:

Timothy E. Durant, Esquire  
201 North Second Street  
Clearfield, PA 16830  
Attorney for Plaintiffs

BELIN, KUBISTA & RYAN



John R. Ryan  
Attorney for Defendants

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
BELLIN, KUBISTA & RYAN

FILED  
APR 05 2007  
William A. Starrett  
Prothonotary Clerk

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

MICHAEL L. WRIGLESWORTH and  
ANNA M. WRIGLESWORTH, husband  
and wife

Plaintiffs

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\*

v.

No. 2006- 1559 -CD

VIRGINIA WILSON, JERRY HILE and  
MANDY HEICHEL

Defendants

\*

Type of Pleading:

**PLAINTIFFS' REPLY TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGEMENT**

Filed on Behalf of: Plaintiffs

Counsel for this party:

**TIMOTHY E. DURANT, Esquire**  
Supreme Court I.D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
814-765-1711

Opposing Counsel:

**JOHN R. RYAN, ESQUIRE**  
Supreme Court I. D. No. 38739  
BELIN, KUBISTA & RYAN  
15 N. Front Street  
P. O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED** *03/11/07* *Atty Durant*  
*APR 30 2007*

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and	*
ANNA M. WRIGLESWORTH, husband	*
and wife	*
	*
Plaintiffs	*
	*
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	*
	*
	*
VIRGINIA WILSON, JERRY HILE and	*
MANDY HEICHEL	*
	*
Defendants	*

No. 2006- 1559 -CD

**PLAINTIFFS' REPLY TO DEFENDANTS' MOTION FOR SUMMARY JUDGEMENT**

AND NOW, come Plaintiffs, Michael L. Wriglesworth and Anna M. Wriglesworth, husband and wife, by and through their attorney, Timothy E. Durant, Esquire, and reply as follows:

1. Admitted.

2. Denied. This is a conclusion of law. To the extent that an answer is required Plaintiffs Admit that Defendants claim Plaintiffs have no right to use the unopened alley but Denied that this is correct, on the contrary, Plaintiffs have the right to use said alley when necessary as it is identified as a boundary adjoining both Plaintiffs' and Defendants' properties and their rights have not been extinguished nor surrendered.

a. Denied. On the contrary this alley, while not presently being maintained by the Borough has never in fact been vacated by Grampian Borough nor have the parties or their predecessors petitioned the said Borough to remove the subject alley from the plan of streets and alleys so as to cancel the laying out of said alley.

b. Admitted that as a general matter of law, the owners of lots adjoining an unopened alley acquire an easement which provides for the use thereof, provided that the said easement was not extinguished or surrendered;

c. Denied. On the contrary, the plaintiffs have used the alley by using their mower to access the portion of their lot No. 108 adjoining the alley and when doing so they and their

children have been yelled at and sworn at by Defendants Jerry Hile and Mandy Heichel. Furthermore it is denied that the Defendants and their predecessors in title have exclusively used the alley for a period in excess of twenty-one (21) years or that their rights extinguish the rights of the Plaintiffs to the use of the alley or easement, by adverse possession.

3. Denied. This is a conclusion of law. To the extent that an answer is required Plaintiffs state that Defendants have not acquired title to the alley by adverse possession or otherwise. The use of the alley has not been notorious, hostile or exclusive for the requisite period and for that reason Defendants are not entitled to the entry of a Summary Judgment.

a. Denied. On the contrary, the Affidavit attached as Exhibit "A" from the Secretary of the Borough of Grampian does not evidence that the alley was never opened, only that she examined such minute books as "were available" pertaining to the dates noted in her affidavit and that she, "to my knowledge" ... "did not locate" any mention of the proposed alley that runs from Spring Street to First Street" on the Borough Maps. The alley may very well have been opened prior to 1959 or in a document which the secretary did not see or was not aware of. It is clear that the subject alley is referenced on the **Map of Alley and Road Retracement** which was prepared for Grampian Borough by Curry and Associates PLS Gary L. Thorpe, dated March 21, 2001 and attached to the Amended Complaint as Exhibit "C" and incorporated herein by reference.

b. Admitted that the records of Clearfield County show the Plaintiffs purchased their property in January of 2003 and have been in possession of that property for a period of somewhat more than (4) years;

c. Admitted that Exhibit "B" was attached and was an affidavit from the Reverend Monsignor Michael T. Gaines the grantor of title to Plaintiffs but Denied, as implied, that this affidavit extinguishes the rights of all but the Defendants to this alley. The affidavit says what it says and it does not establish the Defendants sole or exclusive title to the subject alley. Defendants' claims are conclusions of law.

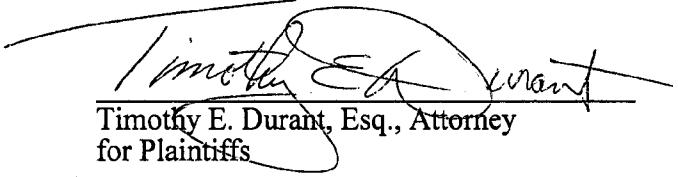
d. Denied. On the contrary, this is a conclusion of law, but to the extent that an

answer is required, Plaintiffs state that the said Affidavits do not establish any exclusive title in Defendants nor extinguishment of any right of Plaintiffs to use the subject alley jointly with Defendants or others in the subdivision from which their parcels derived.

4. Denied. This is a conclusion of law. To the extent that an answer is required Plaintiffs state on the contrary that there are genuine issues of material fact and Defendants have not borne the burden of proof required to prevail on their allegations in their Counter-Claim (filed on November 21, 2006) for adverse possession or exclusive easement by prescription.

WHEREFORE, Plaintiffs request that the Defendants' Motion For Summary Judgment be denied.

Respectfully submitted,



Timothy E. Durant, Esq., Attorney  
for Plaintiffs

April 30, 2007

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

MICHAEL L. WRIGLESWORTH and \*  
ANNA M. WRIGLESWORTH, husband \*  
and wife \*  
Plaintiff \*  
\* No. 2006-1559-CD  
v. \*  
\*  
VIRGINIA WILSON, JERRY HILE and \*  
MANDY HEICHEL \*  
Defendants \*

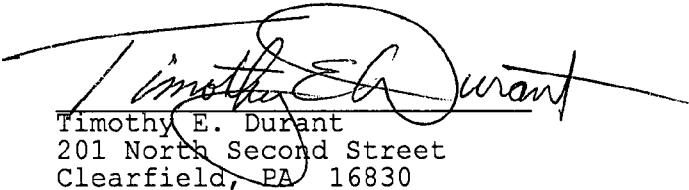
CERTIFICATE OF SERVICE

I, Timothy E. Durant, verify that on April 30, 2007, I did deposit in the United States First Class Mail a certified copy of the **PLAINTIFFS' REPLY TO DEFENDANTS' MOTION FOR SUMMARY JUDGEMENT** filed on behalf of the Plaintiffs. The said documents were sent to:

Counsel for All Defendants'  
JOHN R. RYAN, ESQUIRE  
BELIN, KUBISTA & RYAN  
15 N. Front Street  
P. O. Box 1  
Clearfield, PA 16830

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Dated: 4/30/07

  
Timothy E. Durant  
201 North Second Street  
Clearfield, PA 16830

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

MICHAEL L. WRIGLESWORTH and :  
ANNA M. WRIGLESWORTH, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2006-1559-C.D.  
VIRGINIA WILSON, JERRY HILE and :  
MANDY HEICHEL, :  
Defendants :

**CERTIFICATE OF SERVICE**

Filed on behalf of:  
Defendants

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED NO CC  
0125007  
MAY 15 2007  
*[Handwritten signature]*

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and ANNA M. WRIGLESWORTH, husband and wife,	:	
		Plaintiffs
vs.	:	No. 2006-1559-C.D.
VIRGINIA WILSON, JERRY HILE and MANDY HEICHEL,	:	
		Defendants

## **CERTIFICATE OF SERVICE**

This is to certify that I have personally served a true and correct copy of Brief in Support of Defendants' Motion for Summary Judgment submitted on behalf of Defendants in the above-captioned matter on the following party by hand delivery on the 14<sup>th</sup> day of May, 2007:

Timothy E. Durant, Esquire  
201 North Second Street  
Clearfield, PA 16830  
Attorney for Plaintiffs

BELIN, KUBISTA & RYAN

John R. Ryan  
Attorney for Defendants

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
**BELIN, KUBISTA & RYAN**

**FILED**

**MAY 15 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH and \*  
ANNA M. WRIGLESWORTH, \*  
husband and wife, \*  
Plaintiffs \*  
vs. \* NO. 06-1559-CD  
VIRGINIA WILSON, JERRY HILE and \*  
MANDY HEICHEL, \*  
Defendants \*

ORDER

NOW, this 30<sup>th</sup> day of May, 2007, following argument on the Defendants' Motion for Summary Judgement and receipt of the parties briefs, with the Court believing that there is insufficient evidence on the record to warrant granting Summary Judgment, it is the ORDER of this Court that the Defendants' Motion for Summary Judgment be and is hereby DENIED.

BY THE COURT  
  
FREDRIC J. AMMERMAN  
President Judge

FILED  
cc:Attnys:  
6/2/48801  
MAY 31 2007 DeWitt  
Ryan  
William A. Shaw  
Prothonotary/Clerk of Courts (CR)

**FILED**

**MAY 31 2007**

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

DATE: **3/31/07**

       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:

F. CORTEZ BELL, III, ESQUIRE  
DISTRICT COURT ADMINISTRATOR

SHARON S. WHIPPLE  
DEPUTY COURT ADMINISTRATOR

PHONE: 814-765-2641 x 5010  
FAX: 814-765-7649  
EMAIL: [fbell@clearfieldco.org](mailto:fbell@clearfieldco.org)



HON. FREDRIC J. AMMERMAN  
PRESIDENT JUDGE

HON. PAUL E. CHERRY  
JUDGE

OFFICE OF THE COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET, SUITE 228  
CLEARFIELD, PENNSYLVANIA 16830-2448

2006-1559-CD  
RE: ~~1997-1511-CD~~

March 27, 2013

**Michael L. Wriglesworth and Anna Wriglesworth**  
vs.  
**Virginia Wilson, Jerry Hile and Mandy Heichel**

To All Parties and Counsel:

Please be advised that the Court intends to terminate the above-captioned case without notice, because the Court records show that no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement to Proceed must be filed on or before May 27, 2013.

**If you fail to file the required Statement of Intention to Proceed within the required time period, the case will be terminated.**

Sincerely,

*F. Cortez Bell III*  
F. Cortez Bell, III, Esquire  
Court Administrator

cc Atty Ryan  
Duran +  
FILED  
3/4/2013  
S MAR 28 2013  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MICHAEL L. WRIGLESWORTH \* NO. 2006-1559-CD  
ANNA WRIGLESWORTH \*  
Plaintiffs \*  
vs. \*  
VIRGINIA WILSON, JERRY HILE, MANDY HEICHEL \*  
Defendants \*

**ORDER**

NOW, this 20th day of June, 2013, upon the Court's review of the record, with the Court noting from the docket there has been no activity in the case since May 31, 2007 and that a Notice of Proposed Termination of Court Case had been mailed to the parties March 27, 2013 with no response having been received, pursuant to the provisions of Rule of Judicial Administration 1901 the case is hereby DISMISSED for inactivity. The Prothonotary shall code the case in Full Court as Z-1901A.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

LL NoCC  
07/21/13  
S JUN 27 2013  
6x

William A. Shaw  
Prothonotary/Clerk of Court