

06-1788-CD

In Re: Dept. of Trans. Rt. 0453 Sec. A01

In RE: Route 0453, Section A01  
2006-1788-CD

Date: 4/19/2013

Time: 01:06 PM

Page 1 of 1

**Clearfield County Court of Common Pleas**

User: BILLSHAW

Reminders

CT COMMON PLEAS,

All Case Types

All Dates

2006-01788-CD, for all users

Reminder Date	Case	Reminder For	Reminder Text
5/4/2013	2006-01788-CD In Re:Route 0453, Section A01, etal.	BILLSHAW	Funds in escrow account for 5 years. 1-11-12 Called Denise Farkas and left message for her to call. 3-13 Called Denise Farkas regarding status of this case and about fund being returned to state.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
TRANSPORTATION, OF THE  
RIGHT-OF-WAY FOR STATE  
ROUTE 0453, SECTION A01 R/W, IN  
THE BOROUGH OF  
CURWENSVILLE

NO. 2006-1788-C0

EMINENT DOMAIN PROCEEDING  
IN REM

DECLARATION OF TAKING

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

This Declaration of Taking, based on the provisions of Chapter 3, Section 302 of the Eminent Domain Code, 26 Pa. C. S. § 302, respectfully represents that:

1. The Condemnor is the Commonwealth of Pennsylvania, Department of Transportation, acting through the Secretary of Transportation.

2. The address of the Condemnor is:

Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212

  
**FILED**

OCT 31 2006

0/12/20/6  
William A. Shaw  
Prothonotary/Clerk of Courts

2 Cert to Comm.

3. The Department of Transportation is authorized by the provisions of Section 2003(e) of the Administrative Code of 1929, P. L. 177, 71 P. S. 513(e), as amended, to acquire by gift, purchase, condemnation or otherwise, land in fee simple or such other estate or interest as it shall determine, in the name of the Commonwealth for all transportation purposes.

4. The within condemnation has been authorized by a plan signed by the Secretary of Transportation on June 8, 2006, titled "Drawings Authorizing Acquisition

of Right-of-Way for State Route 0453, Section A01 R/W in Clearfield County”, a copy of which plan was filed in the County Recorder’s Office as Instrument Number 200617433 on October 16, 2006.

5. The purpose of the within condemnation is to acquire property for transportation purposes.

6. A Schedule of Property Condemned identifying and specifying the location of the property hereby condemned is attached hereto and made a part hereof.

7. Plans showing the property hereby condemned may be inspected in the Recorder’s Office of the aforesaid County at the places indicated on the attached Schedule of Property Condemned or, if not shown thereon, on the day of the filing of this document being lodged for record or filed in said Recorder’s Offices, where they may be inspected.

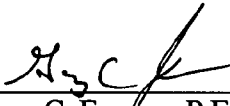
8. The nature of the title hereby condemned is fee simple, excepting and reserving therefrom on Parcel 5 a property interest in the nature of an easement to Curwensville Municipal Authority for its facilities.

9. In the event there are recoverable minerals (including gas and oil) within the areas, if any, hereby condemned in fee simple, the mineral rights (including rights to gas and oil) in those areas are hereby excepted and reserved from this condemnation, provided however, that the right of support of the areas condemned is included within the scope of this condemnation, and no access from the surface of such areas for removal purposes will be allowed without permission from the Commonwealth.

10. The payment of just compensation in this matter is secured by the Commonwealth's power of taxation.

11. I, Gary C. Fawver, P.E., Chief, Utilities and Right of Way Section, of the Department of Transportation, do hereby depose, swear and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief, and are made subject to penalties provided in 18 Pa. C. S. §4904, relating to false swearing to authorities.

WHEREFORE, fee simple title, excepting and reserving therefrom on Parcel 5 a property interest in the nature of an easement to Curwensville Municipal Authority for its facilities, is hereby condemned from the property identified on the attached Schedule of Property Condemned as indicated on the plans referenced in paragraph 7, above.

  
\_\_\_\_\_  
Gary C. Fawver, P.E.  
Chief, Utilities and Right of Way Section

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR STATE  
ROUTE 0453, SECTION A01 R/W,  
IN THE BOROUGH OF CURWENSVILLE

---

DECLARATION OF TAKING

---

Christopher J. Clements  
Assistant Counsel in-Charge, R/W  
ID No. 44699

Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212

RW-437 (9/06)

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF TRANSPORTATION**  
**SCHEDULE OF PROPERTY CONDEMNED**

(Declaration of Taking)



ROW OFFICE PROJ. NO.	020131
COUNTY	Clearfield
S.R. - SECTION	0453-A01
MUNICIPALITY	Curwensville Borough

**\*TYPE OF TAKE**

PT- Partial Take  
 TT- Total Take

**\*\*TYPE OF DESCRIPTION**

D- Deed Description  
 P- Plan lodged for recording with  
 Notice of Condemnation  
 R- Plan now recorded in Recorder's  
 Office

<b>Parcel No.</b>	<b>Claim Number</b>	<b>*Type of Take</b>	<b>Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property</b>	<b>Attached Exhibit Number (if any)</b>	<b>**Type of Description</b>	<b>Plan (if any) Recorded in</b>
5	1700241000	PT	Unknown Owner Address Unknown  Location: Sta. 99+91 RT to Sta. 100+11 RT		R	Clearfield County Instrument #200617433 Sheets 6 & 10

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
TRANSPORTATION, OF THE RIGHT-  
OF-WAY FOR STATE ROUTE 0453,  
SECTION A01 R/W, IN THE BOROUGH  
OF CURWENSVILLE

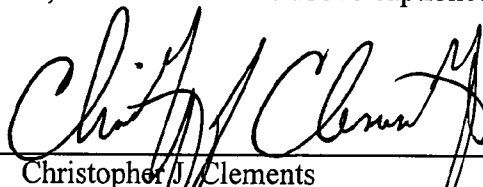
NO.

EMINENT DOMAIN PROCEEDING  
IN REM

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Please enter the appearance of Michael J. Creighton, Assistant Counsel in-Charge, 1209 State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania and Christopher J. Clements, Assistant Counsel in-Charge, R/W, Office of Chief Counsel, Department of Transportation, P.O. Box 8212, Harrisburg, PA 17105-8212, as attorneys for the Commonwealth of Pennsylvania, Department of Transportation, Condemnor in the above-captioned proceedings.

  
\_\_\_\_\_  
Christopher J. Clements  
Assistant Counsel in-Charge, R/W

Michael J. Creighton  
Assistant Counsel in-Charge

Dated: 10.27.06



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

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR STATE ROUTE  
0453, SECTION A01 R/W,

IN THE  
BOROUGH OF CURWENSVILLE

PRAECIPE TO ENTER APPEARANCE

Filed, \_\_\_\_\_, 20

\_\_\_\_ A.M. \_\_\_\_ P.M.

Commonwealth of Pennsylvania  
Department of Transportation

Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, Pennsylvania 17105-8212  
Telephone No. (717) 787-3128

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
TRANSPORTATION, OF THE RIGHT-  
OF-WAY FOR STATE ROUTE 0453,  
SECTION A01 R/W, IN THE BOROUGH  
OF CURWENSVILLE

NO. 1788-CD TERM, 2006

EMINENT DOMAIN PROCEEDING  
IN REM

MEMORANDUM TO PROTHONOTARY

You are hereby informed that notice of the condemnation effected by the Declaration of Taking filed to the above term and number on October 31, 2006, was recorded in the office of the Recorder of Deeds of the above county in Inst. No. 200618482, Page(s)

The condemnation book and page number, file number, or microfilm number of any property plat filed or microfilmed separately from the said Notice of Condemnation is shown on the list of property condemned which is attached hereto.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

BY Michael R. Rux  
District Right of Way Administrator  
Engineering District No. 2-0

**FILED**  
01/12/38/2006  
OCT 31 2006  
Comm. of PA  
William A. Shaw  
Prothonotary/Clerk of Courts

RW-437 (9/06)

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF TRANSPORTATION**  
**SCHEDULE OF PROPERTY CONDEMNED**  
 (Declaration of Taking)



ROW OFFICE PROJ. NO.	020131
COUNTY	Clearfield
S.R. - SECTION	0453-A01
MUNICIPALITY	Curwensville Borough

<b><u>*TYPE OF TAKE</u></b>
PT- Partial Take
TT- Total Take

<b><u>**TYPE OF DESCRIPTION</u></b>
D- Deed Description
P- Plan lodged for recording with Notice of Condemnation
R- Plan now recorded in Recorder's Office

<b>Parcel No.</b>	<b>Claim Number</b>	<b>*Type of Take</b>	<b>Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property</b>	<b>Attached Exhibit Number (if any)</b>	<b>**Type of Description</b>	<b>Plan (if any) Recorded in</b>
5	1700241000	PT	Unknown Owner Address Unknown  Location: Sta. 99+91 RT to Sta. 100+11 RT		R	Clearfield County Instrument #200617433 Sheets 6 & 10

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
TRANSPORTATION, OF THE  
RIGHT-OF-WAY FOR STATE  
ROUTE 0453, SECTION A01  
IN THE BOROUGH OF CURWENSVILLE

: NO. 1788-CD      TERM, 2006  
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:  
: EMINENT DOMAIN PROCEEDING  
: IN REM

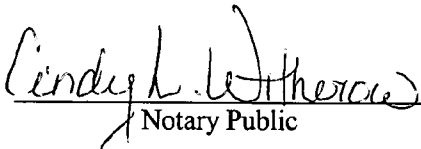
PROOF OF SERVICE

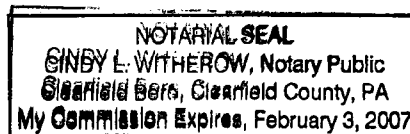
COMMONWEALTH OF PENNSYLVANIA :  
: ss:  
COUNTY OF CLEARFIELD :

Michael Hnat, being duly sworn according to law, deposes and says that he is District Right-of-Way Administrator of Engineering District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before November 1, 2006, notice of the filing of the declaration of taking in the above matter was served on the condemnees affected thereby in compliance with Chapter 3, Section 305, of the Eminent Domain Code. Schedules of the condemnees, mortgagees of record, and lienholders of record notified are attached hereto and made part hereof.

  
District Right-of-Way Administrator

Sworn to and subscribed before me

  
Notary Public



My Commission Expires: Feb 3, 2007

Attachments: RW-437, Schedule of Property Condemned

**FILED**

NOV 01 2006  
6/7:05/6  
William A. Shaw (lm)  
Prothonotary/Clerk of Courts

2 CLERK TO  
ADMINISTRATOR

RW-437 (9/06)

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF TRANSPORTATION**  
**SCHEDULE OF PROPERTY CONDEMNED**  
 (Declaration of Taking)



ROW OFFICE PROJ. NO.	020131
COUNTY	Clearfield
S.R. - SECTION	0453-A01
MUNICIPALITY	Curwensville Borough

**\*TYPE OF TAKE**

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Parcel No.	Claim Number	*Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	**Type of Description	Plan (if any) Recorded in
5	1700241000	PT	Unknown Owner Address Unknown  Location: Sta. 99+91 RT to Sta. 100+11 RT		R	Clearfield County Instrument #200617433 Sheets 6 & 10

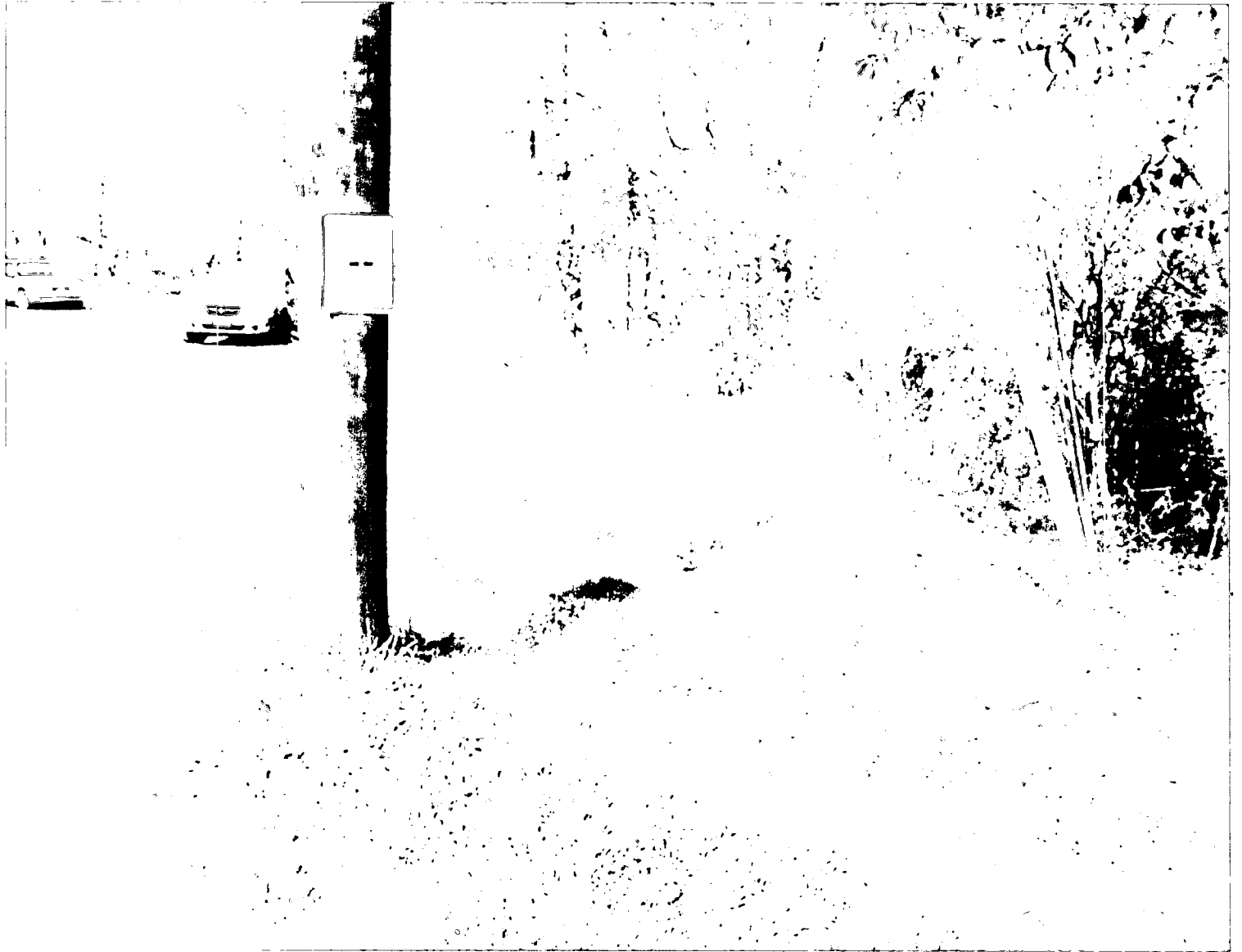
**SCHEDULE OF PROPERTY OWNERS SERVED**

**CLEARFIELD COUNTY  
SR 0453, SECTION A01  
BOROUGH OF CURWENSVILLE**

CLAIM NUMBER 1700241000  
UNKNOWN OWNER  
ADDRESS UNKNOWN

POSTED ON OCTOBER 31, 2006  
PUBLISHED ON NOVEMBER 1, 2006 IN THE PROGRESS







IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA;  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR STATE  
ROUTE 0453, SECTION A01 R/W, IN THE  
BOROUGH OF CURWENSVILLE

CLAIM NO. 1700241000

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
:  
: EMINENT DOMAIN PROCEEDING  
: IN REM  
:  
:  
:

: NO. 2006-1788-CD

FILED <sup>2cc</sup>  
m/12:58 PM  
DEC 21 2006 Amy  
(6R)

William A. Shaw  
Prothonotary/Clerk of Courts

**PETITION TO DEPOSIT ESTIMATED JUST COMPENSATION**

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

1. The Department of Transportation is an administrative agency of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.

2. On October 31, 2006 a Declaration of Taking was filed to the above-captioned court term and number by the Secretary of Transportation.

3. The Commonwealth has been unable to make payment because claimant is unknown and unlocatable after a diligent search.

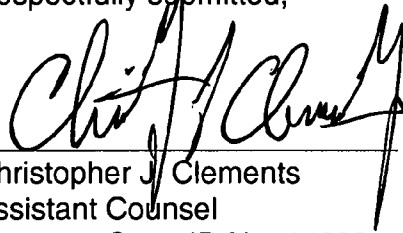
4. A draft in the total amount of just compensation due the condemnee, as estimated by the Commonwealth, and the Commonwealth's pro-rata share of taxes on the subject property made payable to the Prothonotary of this Court is attached hereto.

5. I, Christopher J. Clements, Assistant Counsel in Charge, do affirm that I am authorized to execute this Petition to Deposit Estimated Just Compensation on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief and that they are made subject to the penalties provided in 18 Pa. C.S. §4909, relating to unsworn falsification to authorities.

1

WHEREFORE, in order to assure possession of the condemned property, if required, by your Petitioner to which it is entitled under Section 307, of the Eminent Domain Code of 2006, *as amended* 26 Pa.C.S. §307, your Petitioner prays that your Honorable Court direct payment of the aforesaid estimated just compensation and the Commonwealth's pro-rata share of the taxes on the subject property into Court, to be held until further Order of Court directing payment of said amount, or any part thereof, to the said condemnee and/or interested parties entitled thereto pursuant to Sections 307, 521 and/or 522, of the said Code, 26 Pa.C.S. §§307, 521 and/or 522, as applicable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris J. Clements", written over a horizontal line.

Christopher J. Clements  
Assistant Counsel  
Supreme Court ID No. 44699  
Commonwealth of Pennsylvania  
Department of Transportation  
P.O. Box 8212  
Harrisburg, PA 17105-8212

## PROPOSED SCHEDULE OF DISTRIBUTION

ROW OFFICE PROJ. NO.	020131
COUNTY	CLEARFIELD
S.R.-SECTION	0453-A01
MUNICIPALITY	CURWENSVILLE BORO.
PARCEL NO.	5
CLAIM NO.	1700241000

ENCUMBRANCES, TAXES, ETC.							NET DUE TO CONDEMNEE
NAME(S) & ADDRESS(ES) OF CONDEMNEE(S); LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION	TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD AMOUNT DUE	
UNKNOWN OWNER	E.J.C. \$500.00	NONE					\$500.00
ADDRESS UNKNOWN							
LOCATION: STA. 99+91 RT TO STA. 100+11 RT	Commonwealth Pro-Rata Share Real Estate Taxes \$0.00						
	Total \$500.00						

Subject to possible unliened, unpaid municipal claims and taxes.

CERTIFIED MAIL  
COUNTY: Clearfield  
S.R. 0453, SECTION A01 R/W  
CLAIM NO. 1700241000  
COURT DOCKET NO. 2006-1788-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION TO  
DEPOSIT ESTIMATED JUST COMPENSATION**

**NAMES AND ADDRESSES**

Unknown Owner  
Address Unknown  
Owner unlocatable  
after diligent search.

**DATE RECEIVED CERTIFIED MAIL**

Address Unknown. Notice of Declaration of  
Taking posted on October 31, 2006 and  
published in the Progress on November 1, 2006.

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR STATE  
ROUTE 0453, SECTION A01 R/W, IN THE  
BOROUGH OF CURWENSVILLE

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
:  
: EMINENT DOMAIN PROCEEDING  
: IN REM  
:  
:  
: NO. 2006-1788-CD

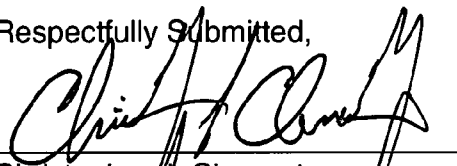
CLAIM NO. 1700241000

**SWORN STATEMENT AS TO NOTICE OF PRESENTATION OF PETITION TO  
DEPOSIT ESTIMATED JUST COMPENSATION**

I, Christopher J. Clements, Assistant Counsel in Charge of the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties provided by 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

As the condemnee is not locatable, notice regarding estimated just compensation was posted on the subject property on October 31, 2006 and published in the Progress on November 1, 2006. In compliance with Section 522 of the Eminent Domain Code of 2006, as amended, the notice stated the Department's intent to present a Petition to Deposit Estimated Just Compensation in the above-captioned case to the Clearfield County Court of Common Pleas twenty days subsequent to the expiration of the statutory period for the filing of Preliminary Objections to the Declaration of Taking.

Respectfully Submitted,



Christopher J. Clements  
Supreme Court ID No. 44699  
Commonwealth of Pennsylvania  
Pennsylvania Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212

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

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR STATE ROUTE  
0453, SECTION A01 R/W, IN THE  
TOWNSHIP OF CURWENSVILLE

CLAIMANT: UNKNOWN OWNER  
CLAIM NO. 1700241000

EMINENT DOMAIN PROCEEDING  
IN REM

NO: 2006-1788-CD

**FILED** *2cc*  
*m/12:58 PM* *Any*  
**DEC 21 2006** *(GW)*

William A. Shaw  
Prothonotary/Clerk of Courts

**PRAECIPE FOR ENTRY OF COURT ORDER TO PERMIT THE DEPARTMENT  
OF TRANSPORTATION TO DEPOSIT ESTIMATED JUST COMPENSATION**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (DOT), by and through its attorneys Andrew M. Rapach, Assistant Counsel, and the Office of Chief Counsel, and hereby requests the Honorable Court execute the attached Order to permit the Department of Transportation to deposit estimated just compensation upon the following averments:

1. On October 31, 2006, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.

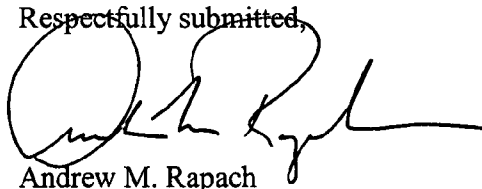
2. Thereafter, the Department of Transportation notified the Claimant by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimant is unknown.

3. Notice of Condemnation and Deposit of Estimated Just Compensation was posted on the subject property on October 31, 2006 and published in the Progress on November 1, 2006.

4. More than 20 days have lapsed since the Claimant was given notice of the Petition to Deposit Estimated Just Compensation and before presentation to the Court as required by Section 1-522.

THEREFORE, the Commonwealth of Pennsylvania, Department of Transportation requests the Court the attached Order to permit the Department of Transportation to deposit estimated just compensation into court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Rapach', written over the typed name.

Andrew M. Rapach  
Assistant Counsel  
Pa. ID #62016

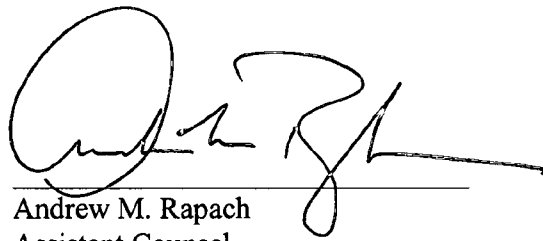
Office of Chief Counsel  
Firm #052  
1209 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222

412.565.7555

**VERIFICATION**

I, Andrew M. Rapach, Assistant Counsel, do hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief.

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

A handwritten signature in black ink, appearing to read 'Andrew M. Rapach', written over a horizontal line.

Andrew M. Rapach  
Assistant Counsel  
Pa. ID #62016

Office of Chief Counsel  
Firm #052  
1209 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222

412.565.7555



IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR STATE  
ROUTE 0453, SECTION A01 RW, IN THE  
BOROUGH OF CURWENSVILLE

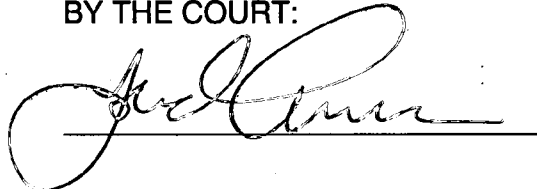
CLAIM NO. 1700241000

CA  
: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
:  
: EMINENT DOMAIN PROCEEDING  
: IN REM  
:  
:  
: NO. 2006-1788-CD

**ORDER**

AND NOW, this 22 day of Dec, 2006, upon presentation of the Petition to Deposit Estimated Just Compensation, it is **ORDERED** and **DIRECTED** that the sum of \$500.00, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnee and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account, if available. It is further **ORDERED** that the sum shall be held until further Order of Court directing full or partial payment to the condemnee and/or interested parties entitled to it pursuant to Sections 307, 521 and/or 522 of the Eminent Domain Code of 2006, as amended, 26 Pa.C.S. Sections 307, 521 and/or 522, as applicable.

BY THE COURT:



FILED  
013:39/201  
DEC 26 2006

William A. Shaw  
Prothonotary/Clerk of Courts

2cc  
Amy Rapach  
@

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

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR STATE ROUTE  
0453, SECTION A01 R/W, IN THE  
TOWNSHIP OF CURWENSVILLE

CLAIMANT: UNKNOWN OWNER  
CLAIM NO. 1700241000

EMINENT DOMAIN PROCEEDING  
IN REM

NO: 2006-1788-CD

**FILED** *acc AM*  
*O/B: 10 cm*  
**JAN 04 2007** *Rapach*  
*(S)*

William A. Shaw  
Prothonotary/Clerk of Courts

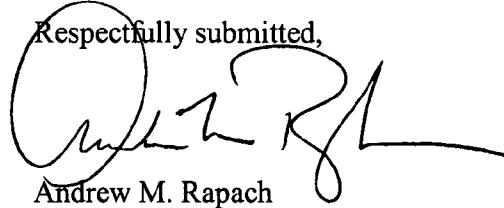
**PRAECIPE TO DEPOSIT ESTIMATED JUST COMPENSATION**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (PennDOT), by and through its attorneys Andrew M. Rapach, Assistant Counsel, and the Office of Chief Counsel, and hereby requests the Prothonotary accept for deposit into Court estimated just compensation upon the following averments:

1. On October 31, 2006, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.
2. Thereafter, PennDOT notified the Claimant by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimants is unknown.
3. On December 22, 2006, the Court of Common Pleas of Clearfield County entered an Order to allow PennDOT to pay estimated just compensation into Court.
4. Attached to the within Praecipe is check number 00228449, in the amount of \$500.00, on behalf of Claimant in the above-captioned case, Unknown Owner, Claim No. 1700241000.

THEREFORE, the Commonwealth of Pennsylvania, Department of  
Transportation deposits estimated just compensation into court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Rapach', written over the words 'Respectfully submitted,'.

Andrew M. Rapach  
Assistant Counsel  
Pa. ID #62016

Office of Chief Counsel  
Firm #052  
1209 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222

412.565.7555

**VERIFICATION**

I, Andrew M. Rapach, Assistant Counsel, do hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief.

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

A handwritten signature in black ink, appearing to read 'Andrew M. Rapach', written over a horizontal line.

Andrew M. Rapach  
Assistant Counsel  
Pa. ID #62016

Office of Chief Counsel  
Firm #052  
1209 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222

412.565.7555

FILED

JAN 04 2007

William A. Shaw  
Prothonotary/Clerk of Courts

Date: 1/4/2007  
Time: 02:02 PM

Clearfield County Court of Common Pleas  
Receipt

NO. 1917052  
Page 1 of 1

Received of: Commonwealth of Penna. Dept. of Transpor \$ 500.00

, PA  
Five Hundred and 00/100 Dollars

Subject: IN RE: Route 0453, Section A01, etal.  
Case Litigant type

	Amount
2006-01788-CD Subject	
Trust account	500.00

Total: 500.00

Balance due: 0.00

Check: 08543687 Bank: PNC Bank Pittsburgh

Payment Method: Check

Amount Tendered: 500.00

Change Returned: 0.00

Clerk: BILLSHAW

William A. Shaw, Prothonotary/Clerk of Cou

By: \_\_\_\_\_  
Deputy Clerk

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT-OF-WAY FOR STATE  
ROUTE 0453, SECTION A01 R/W IN THE  
BOROUGH OF CURWENSVILLE

CLAIM NO.1700241000

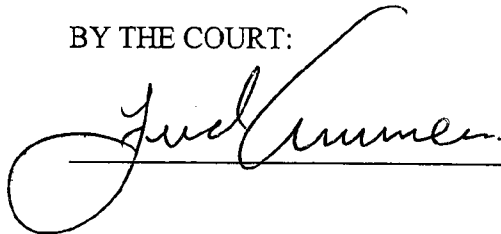
: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
:  
: EMINENT DOMAIN PROCEEDING  
: IN REM  
:  
:  
: NO. 2006-1788-CD

**ORDER**

AND NOW, December 12 2014, upon presentation of  
the Commonwealth's Petition, it is **ORDERED** and **DIRECTED** that the undistributed amount  
of estimated just compensation due to the unknown owner that was previously deposited into  
Court, shall be paid to the Pennsylvania Department of Transportation without escheat in  
accordance with 26 P.S. §1-522.

It is further ordered that the Prothonotary make a check payable to the Commonwealth of  
Pennsylvania, Department of Transportation in the amount of \$500.00, together with any accrued  
interest, deliver it to Denise Farkas located at  
301 5th Avenue, Ste. 210, Pittsburgh, PA 15222 and mark the record  
accordingly.

BY THE COURT:



FILED

(3/5)

DEC 12 2014

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

M/315/B/S  
Jen D. Farkas

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT-OF-WAY FOR STATE  
ROUTE 0453, SECTION A01 R/W IN THE  
BOROUGH OF CURWENSVILLE

CLAIM NO.1700241000

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
:  
: EMINENT DOMAIN PROCEEDING  
: IN REM  
:  
:  
: NO. 2006-1788-CD

**PETITION TO PAY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT  
OF TRANSPORTATION THE UNDISTRIBUTED ESTIMATED JUST  
COMPENSATION DEPOSITED INTO COURT**

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commonwealth of Pennsylvania, Department of Transportation,  
respectfully represents that:

1. The Department of Transportation ("Commonwealth") is a Department of the  
Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania,  
17105-8212.

2. On October 31, 2006 the Commonwealth filed a Declaration of Taking,  
condemning, *inter alia*, certain real property determined after a diligent search to be owned by an  
unknown and unlocatable owner ("condemnee").

3. On December 22, 2006 upon Petition of the Commonwealth, this Honorable  
Court ordered and directed that the sum of \$500.00, representing the just compensation estimated  
by the Commonwealth to be due condemnee in the above-captioned case, be deposited into  
Court. (Exhibit A)

4. At the time the Petition to Deposit Estimated Just Compensation was filed, there  
were neither liens nor encumbrances against the property, as shown on the attached proposed  
Schedule of Distribution. (Exhibit B)

5. The sum of \$500.00 remains deposited.

6. No fee shall be charged against these funds. 26 P.S. §1-522; *City of Pittsburgh v.  
Imler Supply Company*, 471 A.2d 591(Pa. Cmwlth. 1984).

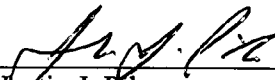


7. Pursuant to 26 P.S. §1-522, if no petition is presented by any party in interest within a period of five years of the date of payment into court, the court shall order the fund or any balance remaining to be paid to the Commonwealth without escheat.

8. I, Justin J. Pike, Assistant Counsel, affirm that I am authorized to execute this Petition to Pay the Commonwealth of Pennsylvania, Department of Transportation the Undistributed Estimated Just Compensation Deposited into Court on behalf of the Commonwealth, that the averments set forth in this Petition are true and correct to the best of my knowledge, information and belief and that they are made subject to the penalties provided in 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

**WHEREFORE**, your Petitioner respectfully requests that this Honorable Court order and direct that the sum of \$500.00, representing the amount of estimated just compensation due the condemnee which remains undistributed, together with any accrued interest, be paid to the Commonwealth of Pennsylvania, Department of Transportation, without escheat, as provided in Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. §1-522, as amended.

Respectfully submitted,

  
Justin J. Pike

Assistant Counsel

I.D. No. 313228

Commonwealth of Pennsylvania

Department of Transportation

Office of Chief Counsel

P.O. Box 8212

Harrisburg, PA 17105-8212

717-787-3128

[jupike@pa.gov](mailto:jupike@pa.gov)

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR STATE  
ROUTE 0453, SECTION A01 RW, IN THE  
BOROUGH OF CURWENSVILLE

CLAIM NO. 1700241000

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
:  
: EMINENT DOMAIN PROCEEDING  
: IN REM  
:

OFFICE OF CHIEF COUNSEL

: NO. 2006-1788-CD

DEC 27 2006

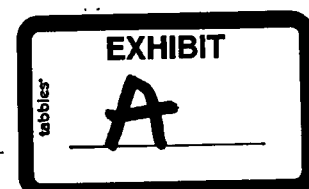
ORDER

WESTERN REGIONAL OFFICE

AND NOW, this 22 day of Dec., 2006, upon presentation of the Petition to Deposit Estimated Just Compensation, it is **ORDERED** and **DIRECTED** that the sum of \$500.00, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnee and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account, if available. It is further **ORDERED** that the sum shall be held until further Order of Court directing full or partial payment to the condemnee and/or interested parties entitled to it pursuant to Sections 307, 521 and/or 522 of the Eminent Domain Code of 2006, as amended, 26 Pa.C.S. Sections 307, 521 and/or 522, as applicable.

BY THE COURT:

/s/ Fredric J. Ammerman



## PROPOSED SCHEDULE OF DISTRIBUTION

ROW OFFICE PROJ. NO.	020131
COUNTY	CLEARFIELD
S.R. SECTION	0453-A01
MUNICIPALITY	CURWENSVILLE BORO.
PARCEL NO.	5
CLAIM NO.	1700241000

ENCUMBRANCES, TAXES, ETC.								NET DUE TO CONDEMNEE
NAME(S) & ADDRESS(ES) OF CONDEMNEE(S); LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION	TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD AMOUNT DUE	ACTUAL AMOUNT DUE	
UNKNOWN OWNER  ADDRESS UNKNOWN  LOCATION: STA. 99+91 RT TO STA. 100+11 RT	E.J.C.  \$500.00  Commonwealth Pro-Rata Share Real Estate Taxes  \$0.00  Total    \$500.00	NONE						\$500.00

Subject to possible unliened, unpaid municipal claims and taxes.

EXHIBIT

B

tabbles


IN RE: CONDEMNATION BY THE : IN THE COURT OF COMMON PLEAS  
COMMONWEALTH OF PENNSYLVANIA, : CLEARFIELD COUNTY, PA  
DEPARTMENT OF TRANSPORTATION, :  
OF RIGHT-OF-WAY FOR STATE : EMINENT DOMAIN PROCEEDING  
ROUTE 0453, SECTION A01 R/W IN THE: IN REM  
BOROUGH OF CURWENSVILLE :  
CLAIM NO.1700241000 : NO. 2006-1788-CD

**SWORN STATEMENT AS TO NOTICE TO PAY THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION THE  
UNDISTRIBUTED ESTIMATED JUST COMPENSATION DEPOSITED INTO  
COURT**

I, Justin J. Pike, Assistant Counsel in the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Pennsylvania Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties set forth in 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

As the condemnee is unknown and unlocatable, notice regarding estimated just compensation was previously posted on the subject property and published leading to the order directing the Department to deposit on December 22, 2006. In compliance with Section 522 of the Eminent Domain Code of 2006, as amended, the notice stated the Department's intent to present a Petition to Deposit Estimated Just Compensation in the above-captioned case to the Clearfield County Court of Common Pleas twenty days subsequent to the expiration of the statutory period for the filing of Preliminary Objections to the Declaration of Taking.

Respectfully submitted,

  
Justin J. Pike, Esquire  
Supreme Court I.D. 313228  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212

CERTIFIED MAIL  
COUNTY: Clearfield  
S.R. 0453, SECTION A01  
CLAIM NO. 1700241000  
COURT DOCKET NO. 2006-1788-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION TO  
WITHDRAW ESTIMATED JUST COMPENSATION**

**NAMES AND ADDRESSES**

Unknown Owner  
Address Unknown  
Owner unlocatable  
after diligent search

**DATE RECEIVED CERTIFIED MAIL**

Address Unknown. Notice of Declaration of  
Taking posted on October 31, 2006, and  
published in The Progress on November 1,  
2006.