

2006-1801-CD
Evelyn Eshelman vs George Hoover et al

06-1801-CD
Evelyn Eshelman vs George Hoover et al

COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

EVELYN A. ESHELMAN, Trustee of the
Evelyn A. Eshelman Trust of
November 1, 2000

Plaintiff,

vs.

GEORGE W. HOOVER and
ELIZABETH A. HOOVER, husband and
wife, WILLIAM B. HUGHES and
REBECCA E. HUGHES, husband and
wife, E. C. HARRIS and AMIEL T.
KALGREN and LEAH C. KALGREN,
husband and wife, their heirs, successors,
executors, administrators and assigns and
all successors and all person, persons,
firms, partnerships or corporate entities in
interest or their legal representatives,

Defendants.

) NO. 06 - 1801 - C.D.
)
)
) Type of Case: ACTION TO QUIET TITLE
)
)
) Type of Pleading: COMPLAINT
)
)
) Filed on Behalf of: PLAINTIFF
)
)
) Counsel of Record:
)
) BENJAMIN S. BLAKLEY, III, ESQ.
)
)
) Supreme Court No. 26331
)
)
) BLAKLEY & JONES
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) 90 Beaver Drive, Box 6
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) Du Bois, Pa 15801
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) (814) 371-2730
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w motion for sum
on behalf

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William A. Shaw
Prothonotary/Clerk of Courts

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

EVELYN A. ESHELMAN, Trustee of the) NO. 06 - 1801 - C.D.
Evelyn A. Eshelman Trust of)
November 1, 2000) Type of Case: ACTION TO QUIET TITLE
Plaintiff,)
) Type of Pleading: COMPLAINT
vs.)
File on Behalf of: PLAINTIFF
GEORGE W. HOOVER and)
ELIZABETH A. HOOVER, husband and) Counsel of Record:
wife, WILLIAM B. HUGHES and) BENJAMIN S. BLAKLEY, III, ESQ.
REBECCA E. HUGHES, husband and)
wife, E. C. HARRIS and AMIEL T.) Supreme Court No. 26331
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executors, administrators and assigns and) 90 Beaver Drive, Box 6
all successors and all person, persons,) Du Bois, Pa. 15801
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interest or their legal representatives,)
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FILED

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

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husband and wife, their heirs, successors,)
executors, administrators and assigns and)
all successors and all person, persons,)
firms, partnerships or corporate entities in)
interest or their legal representatives,)
)
Defendants.)

NOTICE

**TO: GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife,
WILLIAM B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C.
HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife,
their heirs, successors, executors, administrators and assigns and all successors and all
person, persons, firms, partnerships or corporate entities in interest or their legal
representatives, Defendant**

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

ALL that coal, coal oil, other minerals, saw timber, gas and oil, along with the rights to remove the same, as set forth in prior deeds of conveyance lying in and under all of those two certain parcels of land, situate, lying and being in the Township of Sandy, County of Clearfield, and State of Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: Being a part of Warrant No. 4231 and beginning at a post in the center of the public road in the east line of land heretofore deeded by Daniel Kingsbury and wife to William Brown; thence by said line North 119 perches to a post, said post being 11.8 perches south from the northeast corner of said William Brown land; thence East 74.4 perches to a post in line of land deeded by W. G. Hoover, et al. to Charles Fyock; thence South 50 perches to a post; thence South 36-1/2 degrees East 10 perches to a post; thence South 55-1/2 degrees East 24.7 perches to a post in aforementioned public road south of the present tract; thence South 64-1/2 degrees West 12.6 perches to a post; thence South 52 degrees West 9 perches, to a post; thence South 66-3/4 degrees West 61.4 perches to a post; thence South 69 degrees West 26 perches to a post; thence West 6 perches to the place of beginning. Containing 53 acres, more or less, and being subject to coal, mineral and timber reservations as set forth in deed of G. W. Hoover to J. W. Fossler dated March 24, 1893, and recorded at Clearfield in Deed Book No. 81, Page 258, and subject to exception and reservation of 10 Acres conveyed by J. W. Fossler, et ux, to George Beer by Deed dated April 19, 1903, recorded at Clearfield in Deed Book No. 132, Page 63.

THE SECOND THEREOF: Beginning at a corner in middle of the township road leading from Penfield to Brockwayville in line of lands of W. H. Brown; thence by said Brown's lands South 5 degrees 30' West, 5.60 chains to a corner post: thence along line of lands now or formerly of John E. DuBois, South 84 degrees 30' East, 17.70 chains to a corner post and stone; thence North 5 degrees 30' East, 12.34 chains to a corner in aforementioned road; thence along said road, South 70 degrees 30' West, 14.15 chains; thence South 74 degrees 20' West 3.375 ; thence North 84 degrees 20' West, 1.48 chains to the place of beginning. Containing 14.91 acres, more or less.

EXCEPTING AND RESERVING out of the northwest corner of the first above described parcel of land, a lot or parcel of land containing two acres. The said reserved lot or parcel to be in the shape of a square, or as nearly square as the angle at the intersection of the north and west lines of the said first parcel will permit. Being the same piece of land that was excepted and reserved in deed to the Grantor herein.

FURTHER UNDER AND SUBJECT TO all reservations, exceptions and conditions as contained in prior deeds of conveyance.

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 OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFFS. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

EVELYN A. ESHELMAN, Trustee of the) NO. 06 - - C.D.
Evelyn A. Eshelman Trust of)
November 1, 2000)
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Plaintiff,)
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vs.)
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GEORGE W. HOOVER and)
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wife, WILLIAM B. HUGHES and)
REBECCA E. HUGHES, husband and)
wife, E. C. HARRIS and AMIEL T.)
KALGREN and LEAH C. KALGREN,)
husband and wife, their heirs, successors,)
executors, administrators and assigns and)
all successors and all person, persons,)
firms, partnerships or corporate entities in)
interest or their legal representatives,)
)
Defendants.)

COMPLAINT

AND NOW, comes the Plaintiff, **EVELYN A. ESHELMAN, Trustee of the Evelyn A. Eshelman Trust of November 1, 2000**, by and through her attorneys, **BLAKLEY & JONES**, and brings this action to quiet title to the premises hereinafter described against the above-named Defendants and in support thereof avers:

1. Plaintiff, **EVELYN A. ESHELMAN, Trustee of the Evelyn A.**

Eshelman Trust of November 1, 2000, is an adult individual residing at 6000 Ianwood Circle, Peninsula, Ohio, 44264-9532.

2. Defendant, **GEORGE W. HOOVER and ELIZABETH A. HOOVER**

are husband and wife, adult individuals whose last known mailing address is Bellefonte, Centre County, Pennsylvania.

3. Defendants, **WILLIAM B. HUGHES and REBECCA E. HUGHES** are

husband and wife, adult individuals whose last known mailing address is Bellefonte, Centre County, Pennsylvania.

4. Defendant, **E. C. HARRIS**, is an adult individual whose last known

mailing address is Bellefonte, Centre County, Pennsylvania.

5. Defendants, **AMIEL T. KALGREN and LEAH C. KALGREN** are

husband and wife, adult individuals whose last known mailing address is RD 2, DuBois, Clearfield County, Pennsylvania.

6. After diligent search, Plaintiff has been unable to ascertain who or where any parties or their successors-in-interest or legal representatives might be found against whom to bring suit other than those parties listed as Defendants and referenced in the caption of this Complaint, which is incorporated herein by reference.

7. The purpose of this action is to quiet title to the following described estate:

ALL that coal, coal oil, other minerals, saw timber, gas and oil, along with the rights to remove the same, as set forth in prior deeds of conveyance lying in and under all of those two certain parcels of land, situate, lying and being in the Township of Sandy, County of Clearfield, and State of Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: Being a part of Warrant No. 4231 and beginning at a post in the center of the public road in the east line of land heretofore deeded by Daniel Kingsbury and wife

to William Brown; thence by said line North 119 perches to a post, said post being 11.8 perches south from the northeast corner of said William Brown land; thence East 74.4 perches to a post in line of land deeded by W. G. Hoover, et al. to Charles Fyock; thence South 50 perches to a post; thence South 36-1/2 degrees East 10 perches to a post; thence 1 South 55-1/2 degrees East 24.7 perches to a post in aforementioned public road south to the present tract; thence South 64-1/2 degrees II West 12.6 perches to a post; thence South 52 degrees West 9 perches, to a post; thence South 66-3/4 degrees West 61.4 perches to a post: II thence West 6 perches to the place of beginning. Containing 53 acres, more or less, and being subject to coal, mineral and timber I reservations as set forth in deed of G. W. Hoover to GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, dated March 24, 1893, recorded at Clearfield in Deed Book No. 81, Page 258, and subject to exception and reservation of 10 Acres conveyed by GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, et. ux. to George Beer, by Deed dated April 19, 1903, recorded at Clearfield in Deed Book No. 132, Page 63.

THE SECOND THEREOF: Beginning at a corner in middle of the, township road leading from Penfield to Brockwayville in line of lands of W. H. Brown: thence by said Brown's lands South 5 degrees 30' West; 5.60 chains to a corner post: thence along line of lands now or formerly of John E. DuBois, South 84 degrees 30' East, 17.70 chains to a corner post and stone: thence North 5 degrees 30' East, 12.34 chains to a corner in aforementioned road: thence along said road, South 74 degrees 20' West, 3.375 chains: thence North 84 degrees 20' West 1.48 chains to the place of beginning. Containing 14.91 acres, more or less.

EXCEPTING AND RESERVING out of the north-west corner of the first above described parcel of land, a lot or parcel of land containing two acres. The said reserved lot or parcel to be in the shape of a square, or as nearly square as the angle at the intersection of the north and west lines of the said first parcel will permit. Being the same piece of land that was excepted and reserved in deed to the Grantor herein.

ALSO EXCEPTING AND RESERVING a twelve-acre parcel of land conveyed by Harold Bundy, et ux, by Deed recorded in the Recorder of Deeds Office of Clearfield County in Deed Book Vol. 689, page 514.

FURTHER UNDER AND SUBJECT TO all reservations, exceptions and conditions as contained in prior deeds of conveyance.

8. By deed dated March 24, 1983, and recorded in Clearfield County Deed Book Vol. 81, page 258, Defendants George W. Hoover, Elizabeth A. Hoover, his wife, William

B. Hughes and Rebecca E Hughes, his wife and E. C. Harris conveyed the premises described above to J. W. Fossler.

9. In the aforesaid deed of conveyance, the Defendants did except and reserve all coal, coal oil and other minerals in and upon said land, with full rights-of-way to mine and remove the same and also reserved all saw timber, with the right to go on and upon the land for the purpose of removing the same at the pleasure of the grantors.

10. By deed dated July 19, 1928, and recorded in Clearfield County Deed Book 287, page 192, J. W. Fossler and Abigail Fossler, his wife, conveyed the subject property subject to the exceptions and reservations in the aforesaid deed to Roy M. Rickard and Genevieve Rickard, his wife.

11. By deed dated July 31, 1936 and recorded in Clearfield County Deed Book 302, page 298, Clarence H. Ammerman, Sheriff of Clearfield County, conveyed the subject property subject to the exceptions and reservations in the aforesaid deed to Elk County Savings and Loan Association of St. Marys.

12. By deed dated March 17, 1943, and recorded in Clearfield County Deed Book 351, page 223, Elk County Savings and Loan Association of St. Marys conveyed the subject property subject to the exceptions and reservations in the aforesaid deed to Amiel T. Kalgren and Leah C. Kalgren, his wife.

13. By deed dated October 2, 1954, and recorded in Clearfield County Deed Book 446, page 350, Amiel T. Kalgren and Leah C. Kalgren, his wife, conveyed the subject

property subject to the exceptions and reservations in the aforesaid deed to Harold Bundy and Betty Bundy, his wife, excepting and reserving to themselves, their heirs and assigns, all the gas and oil in and under the aforesaid two tracts of land, with the usual rights for the production of gas and oil, including the right to drill wells, lay pipelines and build such structures as are necessary for the purposes therein mentioned, and with the grantors, their heirs and assigns to bury pipelines below plow depth, if requested, and with no well to be drilled within 200 feet of any dwelling erected on the premises without written consent of the grantees, their heirs or assigns, and with any damages to growing crops resulting from such operations to be paid by the then owner of the gas rights.

14. By deed dated August 23, 1960, and recorded in Clearfield County Deed Book Vol. 485, page 84, Harold Bundy and Betty Bundy did convey the subject property subject to the exceptions and reservations in the aforesaid deed to George R. Green and Martha J. Green, husband and wife.

15. By deed dated April 14, 1971, and recorded in Clearfield County Deed Book Vol. 579, page 290, George R. Green and Martha J. Green conveyed the subject property subject to the exceptions and reservations in the aforesaid deed to C. Richard Eshelman and Nancy Katherine Eshelman, husband and wife.

16. By deed dated July 24, 1981, and recorded in Clearfield County Deed Book Vol. 817, page 469, Nancy Katharine Eshelman conveyed the subject property subject to the exceptions and reservations in the aforesaid deed to C. Richard Eshelman.

17. By deed dated April 20, 1994, and recorded in Clearfield County Deed and Record Book Vol. 1600, page 189, C. Richard Eshelman conveyed the subject property subject to the exceptions and reservations in the aforesaid deed to Evelyn A. Eshelman.

18. By deed dated July 10, 2001, and recorded in Clearfield County at Instrument No. 200111175, C. Richard Eshelman conveyed the subject property subject to the exceptions and reservations in the aforesaid deed to Evelyn A. Eshelman, Trustee of the Evelyn A. Eshelman Trust of November 1, 2000.

19. No third party has ever made any claim or any kind of ownership of interest in or claim to or upon the whole coal, coal oil and other minerals, saw timber, gas and oil located on or beneath the subject premises except as set forth in this Complaint.

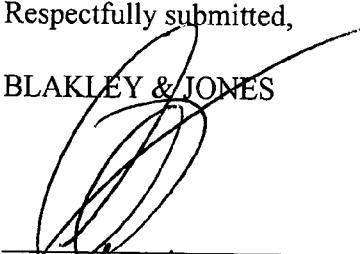
20. This action is brought to clear any and all clouds of title in and to the ownership and interest in and to the coal, coal oil and other minerals, saw timber, gas and oil located upon the said premises which the herein defendants are heirs, devisees, executors, administrators, successors and assigns, and all persons, partnerships or corporate entities-in-interest or their legal representatives might claim, possess or assert pertaining to any alleged irregularities in the chain of title as herein set forth.

21. This suit to quiet title is instituted under the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 to 1067 inclusive, pertaining to the quieting of titles and other pertinent rules of local procedure.

WHEREFORE, your Plaintiff requests this Honorable Court decree that title to the above-described coal, coal oil, minerals, saw timber, gas and oil located in or upon said premises described in this Complaint, along with the rights to reserve the same as set forth in any prior deeds of conveyance, is in the name of Plaintiff **EVELYN A. ESHELMAN, Trustee of the Evelyn A. Eshelman Trust of November 1, 2000**, and that the Defendants, their executors, successors, administrators and assigns and all other person, persons, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any right, title, lien or interest in the coal, coal oil, minerals, saw timber, gas and oil located in or upon said premises question that is inconsistent with the interest of the Plaintiff as set forth herein to the said coal, coal oil, minerals, saw timber, gas and oil located in or upon said premises or impeaching, denying or in any way attacking the Plaintiff's title to the said coal, coal oil, minerals, saw timber, gas and oil located in or upon said premises, and that your Honorable Court make any other order necessary for the granting of the proper relief as it deems necessary to equitably and legally recognize and preserve Plaintiff's rights in this matter.

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I EVELYN A. ESHELMAN, Trustee of the Evelyn A. Eshelman Trust of November 1, 2000, being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

DATED: 10-30-2006


**EVELYN A. ESHELMAN, Trustee of the
Evelyn A. Eshelman Trust of
November 1, 2000**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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EVELYN A. ESHELMAN, Trustee of the) NO. 06 - 1801 - C.D.
Evelyn A. Eshelman Trust of)
November 1, 2000)
Plaintiff,) Type of Case: ACTION TO QUIET TITLE
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GEORGE W. HOOVER and) Type of Pleading: MOTION FOR SERVICE
ELIZABETH A. HOOVER, husband and) OF COMPLAINT BY PUBLICATION
wife, WILLIAM B. HUGHES and)
REBECCA E. HUGHES, husband and) Filed on Behalf of: PLAINTIFF
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KALGREN and LEAH C. KALGREN,) Counsel of Record:
husband and wife, their heirs, successors,) BENJAMIN S. BLAKLEY, III, ESQ.
executors, administrators and assigns and)
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interest or their legal representatives,)
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William A. Shaw
Prothonotary/Clerk of Courts

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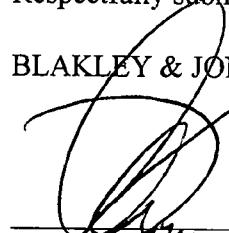
**MOTION FOR SERVICE
OF COMPLAINT ON DEFENDANTS BY PUBLICATION**

AND NOW, this _____ day of _____, 2006, an Affidavit having been
executed and filed by the Plaintiff through her attorneys that the identity and whereabouts of the
Defendants, their heirs, successors, executors, administrators and assigns and all successors and
all person, persons, firms, partnerships or corporate entities in interest or their legal
representatives, are unknown, Plaintiff moves the Court for leave to serve the Complaint on the

above-mentioned Defendants, their heirs, successors, executors, administrators and assigns and all successors and all person, persons, firms, partnerships or corporate entitles in interest or their legal representatives, by publication in such a manner as the Court shall direct, as provided by the Pennsylvania Rules of Civil Procedure No. 410 and 430(b).

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiff

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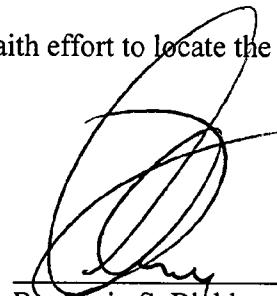
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AFFIDAVIT

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

BENJAMIN S. BLAKLEY, III, being duly sworn according to law, deposes and says
that he is the attorney for the Plaintiff in the above-captioned matter and he has been unable to
discover the whereabouts and identity of the above-named Defendants, their heirs, successors,

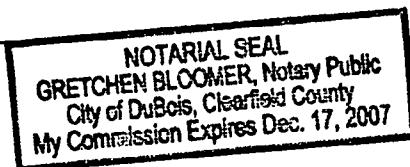
executors, administrators and assigns and all successors and all person, persons, firms, partnerships or corporate entities in interest or their legal representatives, and has caused the records in the offices of the County of Clearfield and the Department of State, Corporation Bureau to be examined to ascertain the names and addresses of all of the Defendants' heirs, legatees or devisees, and whether or not there has been any adverse conveyance of the real estate that is subject to suit and that he has made a good faith effort to locate the whereabouts of the Defendants.



Benjamin S. Blakley, III
Attorney For Plaintiff

Sworn to and subscribed
before me this 2nd
day of November, 2006.

Gretchen Bloomer
Notary Public



(C)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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EVELYN A. ESHELMAN, Trustee of the) NO. 06 - 1801 - C.D.
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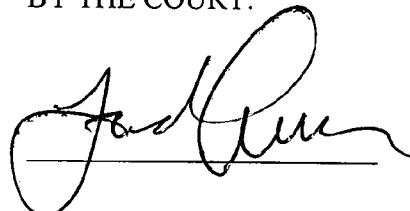
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 interest or their legal representatives,)
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 Defendants.)

ORDER FOR PUBLICATION

AND NOW, this 2nd day of Nov, 2006, upon consideration of the foregoing Plaintiff's Motion for Service by Publication, the Plaintiff is granted leave to make service of the Complaint on the Defendants, their heirs and assigns, by publication once a week for one consecutive week in the *Courier-Express* and in the *Clearfield County Legal Journal*, according to the notice hereto attached.

BY THE COURT:



FILED

NOV 03 2006
03:00 PM
William A. Shaw
Prothonotary/Clerk of Courts
2 Court to Att
©

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ACTION TO QUIET TITLE

No.

NOTICE

**TO: GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife,
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HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife,
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You are hereby notified that an action to quiet title to premises situate in Sandy
Township, Clearfield County, Pennsylvania, has been filed against you. Said premises are
described as follows:

ALL that coal, coal oil, other minerals, saw timber, gas and oil, along with the rights to remove the same, as set forth in prior deeds of conveyance lying in and under all of those two certain parcels of land, situate, lying and being in the Township of Sandy, County of Clearfield, and State of Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: Being a part of Warrant No. 4231 and beginning at a post in the center of the public road in the east line of land heretofore deeded by Daniel Kingsbury and wife to William Brown; thence by said line North 119 perches to a post, said post being 11.8 perches south from the northeast corner of said William Brown land; thence East 74.4 perches to a post in line of land deeded by W. G. Hoover, et al. to Charles Fyock; thence South 50 perches to a post; thence South 36-1/2 degrees East 10 perches to a post; thence South 55-1/2 degrees East 24.7 perches to a post in aforementioned public road south of the present tract; thence South 64-1/2 degrees West 12.6 perches to a post; thence South 52 degrees West 9 perches, to a post; thence South 66-3/4 degrees West 61.4 perches to a post; thence South 69 degrees West 26 perches to a post; thence West 6 perches to the place of beginning. Containing 53 acres, more or less, and being subject to coal, mineral and timber reservations as set forth in deed of G. W. Hoover to J. W. Fossler dated March 24, 1893, and recorded at Clearfield in Deed Book No. 81, Page 258, and subject to exception and reservation of 10 Acres conveyed by J. W. Fossler, et ux, to George Beer by Deed dated April 19, 1903, recorded at Clearfield in Deed Book No. 132, Page 63.

THE SECOND THEREOF: Beginning at a corner in middle of the township road leading from Penfield to Brockwayville in line of lands of W. H. Brown; thence by said Brown's lands South 5 degrees 30' West, 5.60 chains to a corner post: thence along line of lands now or formerly of John E. DuBois, South 84 degrees 30' East, 17.70 chains to a corner post and stone; thence North 5 degrees 30' East, 12.34 chains to a corner in aforementioned road; thence along said road, South 70 degrees 30' West, 14.15 chains; thence South 74 degrees 20' West 3.375 ; thence North 84 degrees 20' West, 1.48 chains to the place of beginning. Containing 14.91 acres, more or less.

EXCEPTING AND RESERVING out of the northwest corner of the first above described parcel of land, a lot or parcel of land containing two acres. The said reserved lot or parcel to be in the shape of a square, or as nearly square as the angle at the intersection of the north and west lines of the said first parcel will permit. Being the same piece of land that was excepted and reserved in deed to the Grantor herein.

FURTHER UNDER AND SUBJECT TO all reservations, exceptions and conditions as contained in prior deeds of conveyance.

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 OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED

BY THE PLAINTIFFS. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS
IMPORTANT TO YOU.

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

Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

Benjamin S. Blakley, III, Esquire
BLAKLEY, JONES & MOHNEY
90 Beaver Drive, Box 6
DuBois, PA 15801
(814) 371-2730

**PLEASE PUBLISH ONCE AND FURNISH PROOF OF PUBLICATION
TO BLAKLEY & JONES
90 Beaver Drive, Box 6
DuBois, PA 15801**

6A

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

EVELYN A. ESHELMAN, Trustee of the) NO. 06-1801 - C.D.
Evelyn A. Eshelman Trust of)
November 1, 2000) Type of Case: ACTION TO QUIET TITLE
)
Plaintiff,) Type of Pleading:
vs.) MOTION FOR DEFAULT JUDGMENT
GEORGE W. HOOVER and)
ELIZABETH A. HOOVER, husband and) Filed on Behalf of: PLAINTIFF
wife, WILLIAM B. HUGHES and)
REBECCA E. HUGHES, husband and)
wife, E. C. HARRIS and AMIEL T.)
KALGREN and LEAH C. KALGREN,) Counsel of Record:
husband and wife, their heirs, successors,) BENJAMIN S. BLAKLEY, III, ESQ.
executors, administrators and assigns and)
all successors and all person, persons,) Supreme Court No. 26331
firms, partnerships or corporate entities in)
interest or their legal representatives,)
Defendants.)
)

FILED

DEC 06 2006

01 8:40 AM

William A. Shaw
Prothonotary/Clerk of Courts

2 copy to ATTY

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

EVELYN A. ESHELMAN, Trustee of the) NO. 06-1801 - C.D.
Evelyn A. Eshelman Trust of)
November 1, 2000,)
)
Plaintiff,)
)
vs.)
)
GEORGE W. HOOVER and)
ELIZABETH A. HOOVER, husband and)
wife, WILLIAM B. HUGHES and)
REBECCA E. HUGHES, husband and)
wife, E. C. HARRIS and AMIEL T.)
KALGREN and LEAH C. KALGREN,)
husband and wife, their heirs, successors,)
executors, administrators and assigns and)
all successors and all person, persons,)
firms, partnerships or corporate entities in)
interest or their legal representatives,)
)
Defendants.)

MOTION FOR DEFAULT JUDGMENT

AND NOW, comes the Plaintiff, **EVELYN A. ESHELMAN, Trustee of the Evelyn A. Eshelman Trust of November 1, 2000**, by and through her attorneys, **BLAKLEY & JONES**, and file this Motion For Default Judgment in the above-captioned action and in support thereof avers:

1. This is an action to quiet title in which Plaintiff **EVELYN A. ESHELMAN, Trustee of the Evelyn A. Eshelman Trust of November 1, 2000**, requests that Defendants **GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM**

B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife, their heirs, successors, executors, administrators and assigns and all successors and all person, persons, firms, partnerships or corporate entities in interest or their legal representatives, and their heirs, administrators, executors and assigns be forever barred from asserting any right, title, liens or interests in or impeaching, levying or in any way attack the Plaintiff's title to the land described in Plaintiff's Complaint.

2. That by Order of this Court dated November 2, 2006, the Plaintiff was given leave to serve the Complaint filed in the above-captioned quiet title action by publication once in the *Clearfield County Legal Journal* and in the *Courier Express*, a newspaper of general circulation in Clearfield County, Pennsylvania, the service by publication being allowed upon Motion and Affidavit filed by Plaintiff that the whereabouts of the Defendants, **GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife, their heirs, administrators, executors and assigns are unknown.**

3. That pursuant to the Order of Court dated November 2, 2006, publication was made in the *Courier Express* on November 10, 2006, and in the *Clearfield County Legal Journal* on November 17, 2006. The Proofs of Publication are attached as Exhibits A and B, respectively.

4. That more than twenty (20) days have passed since last service of the Complaint and no appearance nor answer to the Complaint has been filed by the Defendants, **GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife**, their heirs, administrators, executors and assigns.

5. Attached as Exhibit C is an Affidavit stating that a Complaint was served by publication once in the *Clearfield County Legal Journal* and in the *Courier Express* and more than twenty (20) days have elapsed since service and that Defendants, **GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife**, or anyone claiming under Defendants, **GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife**, have not entered an appearance nor have they filed an answer to the Complaint.

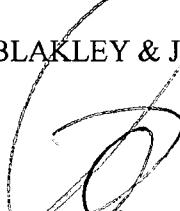
6. Pa. R.C.P. 1066(a) allows this Honorable Court to grant appropriate relief upon affidavit that a Complaint containing notice to the Defendants has been served and that Defendants have not filed an answer. An Affidavit of Counsel for the Plaintiff to this effect is attached hereto as Exhibit C.

7. Pa. R.C.P. 248 permits this Honorable Court to modify the thirty (30) day period provided Defendants by Pa. R.C.P. 1066(b), to assert any right, title or interest in the land inconsistent with the interest or the claims set forth in their complaint.

WHEREFORE, Your Honorable Court is respectfully requested to enter an Order for judgment for the Plaintiff as prescribed by Pa. R.C.P. 1066.

Respectfully Submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiff

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

EVELYN A. ESHELMAN, Trustee of the) NO. 06-1801 - C.D.
Evelyn A. Eshelman Trust of November 1,)
2000,)
Plaintiff,)
vs.)
GEORGE W. HOOVER and ELIZABETH A.)
HOOVER, husband and wife, WILLIAM B.)
HUGHES and REBECCA E. HUGHES,)
husband and wife, E. C. HARRIS and AMIEL)
T. KALGREN and LEAH C. KALGREN,)
husband and wife, their heirs, successors,)
executors, administrators and assigns and all)
successors and all person, persons, firms,)
partnerships or corporate entities in interest or)
their legal representatives,)
Defendants.)

AFFIDAVIT PURSUANT TO PA. R.C.P. RULE 1066(a)

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

BENJAMIN S. BLAKLEY, III, being duly sworn according to law, deposes and says that, as counsel for the Plaintiffs in the above-captioned action, he did serve the Complaint filed in the above-captioned quiet title action on the Defendants, **GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife**, by publication pursuant to Order of Court dated November 2, 2006, and that none of these Defendants have filed an Answer to the Complaint.

Sworn to and Subscribed
before me, this 5th day
of December, 2006.

Gretchen Bloomer
Notary Public

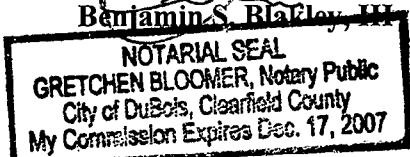


EXHIBIT C

IN
BUREAU OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL DIVISION
NO. 06-1801-C.D.

EVELYN A. ESHELMAN, Trustee of the Evelyn A. Eshelman Trust of November 1, 2.
Plaintiff,

GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES
REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C.
KALGREN, husband and wife, their heirs, successors, executors, administrators and assigns and all
successors and all person, persons, firms, partnerships or corporate entities in interest or their legal
representatives,
Defendants.

ACTION TO QUIET TITLE

No. 06-1801-CD

NOTICE

TO: GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES
and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C.
KALGREN, husband and wife, their heirs, successors, executors, administrators and assigns and all
successors and all person, persons, firms, partnerships or corporate entities in interest or their legal
representatives, Defendant

You are hereby notified that an action to quiet title to premises situate in Sandy Township,

Clearfield County, Pennsylvania, has been filed against you. Said premises are described as follows:

ALL that coal, coal oil, other minerals, saw timber, gas and oil, along with the rights to remove the same, as set forth in prior deeds of conveyance lying in and under all of those two certain parcels of land, situate, lying and being in the Township of Sandy, County of Clearfield, and State of Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: Being a part of Warrant No. 4231 and beginning at a post in the center of the public road in the east line of land heretofore deeded by Daniel Kingsbury and wife to William Brown; thence by said line North 119 perches to a post, said post being 11.8 perches south from the northeast corner of said William Brown land; thence East 74.4 perches to a post in line of land deeded by W. G. Hoover, et al. to Charles Fyock; thence South 50 perches to a post; thence South 36-1/2 degrees East 10 perches to a post; thence South 55-1/2 degrees East 24.7 perches to a post in aforementioned public road south of the present tract; thence South 64-1/2 degrees West 12.6 perches to a post; thence South 52 degrees West 9 perches, to a post; thence South 66-3/4 degrees West 61.4 perches to a post; thence South 69 degrees West 26 perches to a post; thence West 6 perches to the place of beginning. Containing 53 acres, more or less, and being subject to coal, mineral and timber reservations as set forth in deed of G. W. Hoover to J. W. Fossler dated March 24, 1893, and recorded at Clearfield in Deed Book No. 81, Page 258, and subject to exception and reservation of 10 Acres conveyed by J. W. Fossler, et ux, to George Beer by Deed dated April 19, 1903, recorded at Clearfield in Deed Book No. 132, Page 63.

THE SECOND THEREOF: Beginning at a corner in middle of the township road leading from Penfield to Brockwayville in line of lands of W. H. Brown; thence by said Brown's lands South 5 degrees 30' West; 5.60 chains to a corner post; thence along line of lands now or formerly of John E. DuBois, South 84 degrees 30' East, 17.70 chains to a corner post and stone; thence North 5 degrees 30' East, 12.34 chains to a corner in aforementioned road; thence along said road, South 70 degrees 30' West, 14.15 chains; thence South 74 degrees 20' West 3.375; thence North 84 degrees 20' West, 1.48 chains to the place of beginning. Containing 14.91 acres, more or less.

EXCEPTING AND RESERVING out of the northwest corner of the first above described parcel of land, a lot or parcel of land containing two acres. The said reserved lot or parcel to be in the shape of a square, or as nearly square as the angle at the intersection of the north and west lines of the said first parcel will permit. Being the same piece of land that was excepted and reserved in deed to the Grahtor herein.

FURTHER UNDER AND SUBJECT TO all reservations, exceptions and conditions as contained in prior deeds of conveyance.

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 OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFFS. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

Benjamin S. Blakley, III, Esquire
BLAKLEY & JONES
90 Beaver Drive, Box 6
DuBois, PA 15801
(814) 371-2730

ties include good written and oral communication skills including taking minutes and transcription of dictated minutes, computer skills including Microsoft Office. The candidate should be able to multi-task and have experience in the medical field. This is a full-time position with benefits.

The ideal candidate will demonstrate a professional work ethic and be able to interact with staff on all levels. Qualified candidates, please submit resume to:

Human Resources Department
Brookville Hospital
100 Hospital Road
Brookville, PA 15825
Fax: 814-849-4841

E.O.E.

Christmas Is For Kids

will appear in the
CHRISTMAS SONGBOOK
Inty Sunday, December 10

Child's picture included in this year's songbook,
mention & payment by Wednesday, November 22.

umber: _____

TRY
ristmas!
oo much.
Daddy

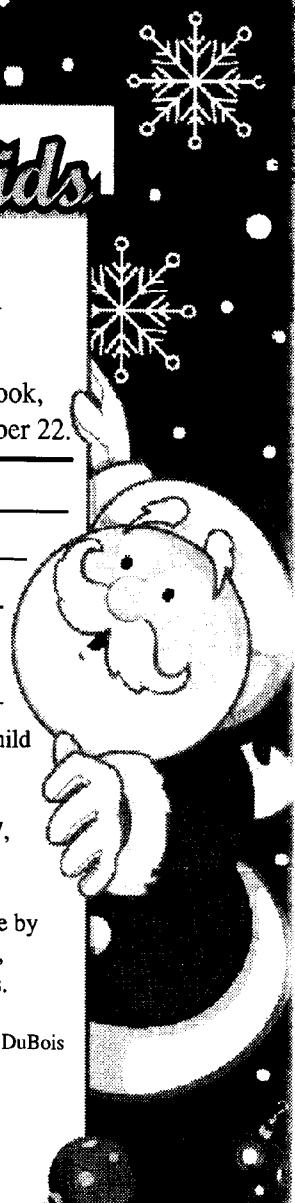


Mail photo, information about child
and \$12 payment to:
Christmas Is For Kids,
Courier-Express, P.O. Box 407,
DuBois, PA 15801.

Your payment of \$12 can be made by
cash, check, Mastercard, Visa,
Discover or American Express.

Ads may be dropped off at 500 Jeffers St., DuBois
or 301 Main St., Brookville.
Call 371-4200 Ext. 111 or
849-5339 Ext. 24 for more details.

HURRY...
Deadline is Wed., Nov. 22



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

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

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD

SS:

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

10th day of November A.D. 2006

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

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

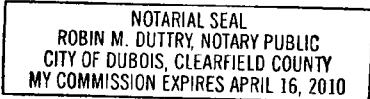
By Linda Smith

Sworn and subscribed to before me this 22nd day of Nov., 2006

Robin M. Duttry
NOTARY PUBLIC



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



TO

Blakley & Jones

For publishing the notice or advertisement attached hereto on the above stated dates.....	<u>\$510.30</u>
Probating same.....	<u>\$7.50</u>
Total.....	<u>\$517.80</u>

Publisher's Receipt for Advertising Costs

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

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

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

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

EXHIBIT

tabbed

A

ATTORNEY FOR

PROOF OF PUBLICATION

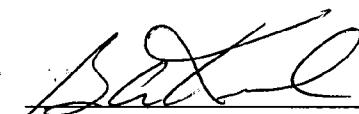
STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

On this 17th day of November AD 2006, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of November 17, 2006, Vol. 18 No. 46. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



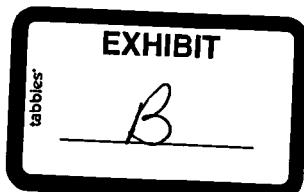
Gary A. Knaresboro, Esquire
Editor

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

Sharon J. Pusey
Notary Public
My Commission Expires

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

Blakley & Jones
90 Beaver Drive Box 6
DuBois PA 15801



representatives of Defendants
ACTION TO QUIET TITLE
No. 06-1801-CD

NOTICE

TO: GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife, their heirs, successors, executors, administrators and assigns and all successors and all person. Persons, firms, partnerships or corporate entities in interest or their legal representatives. Defendant

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

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THE SECOND THEREOF: Beginning at a corner in middle of the township road leading from Penfield to Brockwayville in line

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

EVELYN A. ESHELMAN, Trustee of the Evelyn A. Eshelman Trust of November 1, 2000, Plaintiff, vs. GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife, their heirs, successors, executors, administrators and assigns and all successors and all person. Persons, firms, partnerships or corporate entities in interest or their legal

feet, more or less, to place of beginning.
Being identified in the Clearfield County
Mapping and Assessment Office as Map No.
K08-247-00067.

SEIZED, taken in execution to be sold
as the property of STACEY L. RAINY, at
the suit of COUNTRYWIDE HOME LOANS
INC. F/K/A AMERICA WHOLESALE
LENDER. JUDGMENT NO. 06-1157-CD.

Chester A. Hawkins, Sheriff.
ADV: November 3rd, 10th, 17th, 2006.

SHERIFF'S SALE OF VALUABLE REAL ESTATE

BY VIRTUE OF: Execution issued out of
the Court of Common Pleas of Clearfield
County, Pennsylvania and to me directed,
there will be exposed to public sale in the
Sheriff's Office in the Court House in the
Borough of Clearfield on FRIDAY,
DECEMBER 1, 2006 at 10:00 A.M.

THE FOLLOWING DESCRIBED PROPERTY TO WIT: (SEE ATTACHED DESCRIPTION) TERMS OF SALE

The Price or sum at which the property
shall be struck off must be paid at the time
of sale or such other arrangements made as
will be approved, otherwise the property will
be immediately put up and sold again at the
expense and risk of the person to whom it
was struck off and who in case of deficiency
of such resale shall make good for the same
and in no instance will the deed be
presented for confirmation unless the money
is actually paid to the Sheriff.

TO all parties in interest and claimants:
A schedule of distribution will be filed by the
Sheriff in his office the first Monday following
the date of the sale and distribution will be
made in accordance with the schedule
unless exceptions are filed within ten (10)
days thereafter.

THE FOLLOWING DESCRIBED PROPERTY TO WIT:

The parcel of real estate subject to this
action consists of a two-story house on a 55'
x 145' lot, known as Second Avenue, Glen
Richey, Clearfield, Pennsylvania 16830 and
also identified by Clearfield County Tax Map
No. 123-J10-477- 8 & 9 and is more
particularly described as follows:

ALL those certain lots, pieces or parcels
of land situate in Lawrence Township,
Clearfield County, Pennsylvania, bounded
and described as follows:

-- THE FIRST THEREOF: All that certain
lot or parcel of ground situate in the Village
of Glen Richey, Lawrence Township,
Clearfield County, Pennsylvania, bounded
and described as follows:

County.

Wanda Holmes, Administratrix, Estate
of Julia E. Whipkey, late of DuBois,
Clearfield County.

Irene McMichael, Executrix Estate of
Louis J. Brunswick, late of DuBois,
Clearfield County.

Mona Stephanian, Executrix, Estate of
Carl R. Penman, late of Sandy Township,
Clearfield County.

Michael C. P. Breck, Executor, Estate of
Stephen Breck, late of Sandy Township,
Clearfield County.

Paula M. Cherry, Executrix, Estate of
Raymond H. Marsh, late of DuBois,
Clearfield County.

Third & Partial Account of S & T Bank,
Trustee of J. Clyde Martin T/U/W, late of
DuBois, Clearfield County.

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

EVELYN A. ESHELMAN, Trustee of the) NO. 06-1801 - C.D.
Evelyn A. Eshelman Trust of)
November 1, 2000) Type of Case: ACTION TO QUIET TITLE
)
Plaintiff,) Type of Pleading:
) FINAL ORDER
)
vs.) Filed on Behalf of: PLAINTIFF
)
GEORGE W. HOOVER and)
ELIZABETH A. HOOVER, husband and) Counsel of Record:
wife, WILLIAM B. HUGHES and) BENJAMIN S. BLAKLEY, III, ESQ.
REBECCA E. HUGHES, husband and)
wife, E. C. HARRIS and AMIEL T.) Supreme Court No. 26331
KALGREN and LEAH C. KALGREN,)
husband and wife, their heirs, successors,) BLAKLEY & JONES
executors, administrators and assigns and) 90 Beaver Drive, Box 6
all successors and all person, persons,) Du Bois, Pa 15801
firms, partnerships or corporate entities in) (814) 371-2730
interest or their legal representatives,)
)
Defendants.)

EW
FILED 3cc
01/24/2007 Atty Blakley
DEC 08 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

EVELYN A. ESHELMAN, Trustee of the) NO. 06-1801 - C.D.
Evelyn A. Eshelman Trust of)
November 1, 2000,)
)
Plaintiff,)
)
vs.)
)
GEORGE W. HOOVER and)
ELIZABETH A. HOOVER, husband and)
wife, WILLIAM B. HUGHES and)
REBECCA E. HUGHES, husband and)
wife, E. C. HARRIS and AMIEL T.)
KALGREN and LEAH C. KALGREN,)
husband and wife, their heirs, successors,)
executors, administrators and assigns and)
all successors and all person, persons,)
firms, partnerships or corporate entities in)
interest or their legal representatives,)
)
Defendants.)

FINAL ORDER

AND NOW, this 1st day of December, 2006, it appearing that service of the
Complaint with Notice to Plead having been made by publication once in the once in the
Clearfield County Legal Journal and in the *Courier Express* upon **GEORGE W. HOOVER**
and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and
REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN
and LEAH C. KALGREN, husband and wife, their heirs, successors, executors,
administrators and assigns and all successors and all person, persons, firms, partnerships
or corporate entities in interest or their legal representatives, and no answer having been
filed to said action or appearance entered for any of said Defendants and a Motion for Judgment

by Default having been made by **BENJAMIN S. BLAKLEY, III**, it is hereby **ORDERED AND**

DECREED:

1. That said Defendants, **GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife, their heirs, successors, executors, administrators and assigns and all successors and all person, persons, firms, partnerships or corporate entitles in interest or their legal representatives**, are forever barred from asserting any rights, lien title or interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint, in and to:

ALL that coal, coal oil, other minerals, saw timber, gas and oil, along with the rights to remove the same, as set forth in prior deeds of conveyance lying in and under all of those two certain parcels of land, situate, lying and being in the Township of Sandy, County of Clearfield, and State of Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: Being a part of Warrant No. 4231 and beginning at a post in the center of the public road in the east line of land heretofore deeded by Daniel Kingsbury and wife to William Brown; thence by said line North 119 perches to a post, said post being 11.8 perches south from the northeast corner of said William Brown land; thence East 74.4 perches to a post in line of land deeded by W. G. Hoover, et al. to Charles Fyock; thence South 50 perches to a post; thence South 36-1/2 degrees East 10 perches to a post; thence South 55-1/2 degrees East 24.7 perches to a post in aforementioned public road south of the present tract; thence South 64-1/2 degrees West 12.6 perches to a post; thence South 52 degrees West 9 perches, to a post; thence South 66-3/4 degrees West 61.4 perches to a post; thence South 69 degrees West 26 perches to a post; thence West 6 perches to the place of beginning. Containing 53 acres, more or less, and being subject to coal, mineral and timber reservations as set forth in deed of G. W. Hoover to J. W. Fossler dated March 24, 1893, and recorded at Clearfield in Deed Book No. 81, Page 258, and subject to exception and reservation of 10 Acres conveyed by J. W. Fossler, et ux, to George Beer by Deed dated April 19, 1903, recorded at Clearfield in Deed Book No. 132, Page 63.

THE SECOND THEREOF: Beginning at a corner in middle of the township road leading from Penfield to Brockwayville in line of lands of W. H. Brown; thence by said Brown's lands South 5 degrees 30' West; 5.60 chains to a corner post: thence along line of lands now or formerly of John E. DuBois, South 84 degrees 30' East, 17.70 chains to a corner post and stone; thence North 5 degrees 30' East, 12.34 chains to a corner in aforementioned road; thence along said road, South 70 degrees 30' West, 14.15 chains; thence South 74 degrees 20' West 3.375; thence North 84 degrees 20' West, 1.48 chains to the place of beginning. Containing 14.91 acres, more or less.

EXCEPTING AND RESERVING out of the northwest corner of the first above described parcel of land, a lot or parcel of land containing two acres. The said reserved lot or parcel to be in the shape of a square, or as nearly square as the angle at the intersection of the north and west lines of the said first parcel will permit. Being the same piece of land that was excepted and reserved in deed to the Grantor herein.

FURTHER UNDER AND SUBJECT TO all reservations, exceptions and conditions as contained in prior deeds of conveyance.

2. In accordance with Pa. R.C.P. 1066(b)(1) is hereby modified so that this Order shall take effect immediately.

3. The rights of the Plaintiff are superior to the rights of the Defendants, **GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife, their heirs, successors, executors, administrators and assigns and all successors and all person, persons, firms, partnerships or corporate entities in interest or their legal representatives.**

4. The Plaintiff has title in fee simple to the said premises as described in the Complaint as against Defendants, **F GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and REBECCA E. HUGHES,**

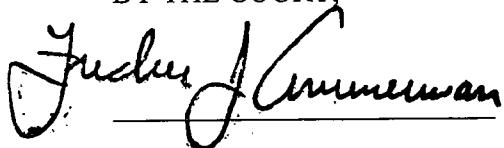
**husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN,
husband and wife, their heirs, successors, executors, administrators and assigns and all
successors and all person, persons, firms, partnerships or corporate entitles in interest or
their legal representatives.**

5. The said Defendants, **GEORGE W. HOOVER and ELIZABETH A. HOOVER, husband and wife, WILLIAM B. HUGHES and REBECCA E. HUGHES, husband and wife, E. C. HARRIS and AMIEL T. KALGREN and LEAH C. KALGREN, husband and wife, their heirs, successors, executors, administrators and assigns and all successors and all person, persons, firms, partnerships or corporate entitles in interest or their legal representatives**, are enjoined from setting up any title to the premises of the Plaintiff described in said Complaint and from impeaching, denying or in any way attacking the title of the Plaintiff to the premises described in the Complaint.

6. These proceedings or an authenticated copy thereof shall be at all times hereafter taken as evidence of the facts declared and established hereby.

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

BY THE COURT,

A handwritten signature in black ink, appearing to read "Judge J. Kumerow", is written over a horizontal line. The signature is fluid and cursive, with "Judge" and "Kumerow" being the most distinct parts.