

06-2039-CD
Barrett Holdings vs Carlton Wertz et al

2006-2039-CD
Barrett Holdings vs Carlton Wertz et al

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

*
BARRETT HOLDINGS, LLC,
Plaintiff

*
-vs-
*

*
CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants

*
*
Docket No. 06-2039-CD
ACTION TO QUIET TITLE

Type of pleading:
COMPLAINT

Filed on behalf of:
PLAINTIFF, Barrett
Holdings, LLC

Original
TO CJA
W/MOTION
Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED *AK*
DEC 05 2006
013:10 AM
William A. Shaw
Prothonotary/Clerk of Courts
3 Cents to File

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

BARRETT HOLDINGS, LLC,
Plaintiff

-vs-

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
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Esquire
PA I.D. No. 16332

FILED
DEC 05 2006
013:10p
William A. Shaw
Prothonotary/Clerk of Courts
3 Cents to Return

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

*
BARRETT HOLDINGS, LLC,
Plaintiff *

-vs- * Docket No. 06-
CARLTON G. WERTZ AND -CD
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants *
*
*

N O T I C E

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action 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 within twenty (20) days. 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 relief claimed in the complaint by the plaintiff.

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

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

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

*
BARRETT HOLDINGS, LLC,
Plaintiff

-vs-
* Docket No. 06-_____ -CD
CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants
*
*

COMPLAINT

COMES NOW, Plaintiff Barrett Holdings, LLC, by and through its attorney, Dwight L. Koerber, Jr., Esquire, and files the within Complaint.

1. Plaintiff is Barrett Holdings, LLC, a Pennsylvania Limited Liability Company, with its principal place of business located at 362 Main Street, Grampian, PA 16838.

2. Information pertaining to the named defendants will be set forth in this Complaint as it pertains to them and the portion of property that is the subject of this action against them individually.

3. On October 16, 2006, plaintiff purchased a parcel of

property located in the Borough of Grampian, Clearfield County, Pennsylvania, from Penn Grange No. 534, with such deed recorded at Clearfield County Instrument No. 200617462. Attached hereto as Exhibit A is a true and correct copy of that deed.

4. The property which plaintiff purchased had been four separate segmented parcels, and the deed to plaintiff consolidated the four parcels into one deed description, as set forth in the September 5, 2006 survey performed by Geotech Engineering, Inc.

5. The legal description of the subject property which plaintiff purchased, as set forth in the September 5, 2006 consolidation survey of Geotech Engineering, Inc., is set forth below:

A tract of land being situate in Grampian Borough, County of Clearfield, Commonwealth of Pennsylvania, said tract being the consolidation of the following tracts of land as shown on a deed recorded in Deed Record Volume 384 at page 204, Deed Record Volume 410 at page 279, Deed Record Volume 1396 at page 536 and Deed Record Volume 1589 at page 134, all in the Office of the Recorder of Deeds, Clearfield County, Pennsylvania, said tract of land to be hereinafter known as Consolidated Lot of Penn Grange No. 534, said consolidated lot being more particularly described as follows:

BEGINNING at a point being the point of intersection of the East right of way line of Fifth Street and the North right of way line of Main Street, also known as State Route 0219, said right of way now established; thence along said North right of way line, North 55° 28' 52" West a distance of ninety-five and 82/100 (95.82) feet to a point; thence along same, along a curve to the left having a radius of one thousand four hundred fifty-seven and 69/100 (1457.69) feet, a delta angle of 0° 30' 11", a chord bearing N 55° 43' 55" W., a chord distance of twelve and 80/100 (12.80) feet an arc distance of twelve

and 80/100 (12.80) feet to a point; thence along the line of land of the site for the Honor Roll of the Soldiers and Sailors Memorial, North 33° 18' 00" East a distance of twenty-five and no/100 (25.00) feet to a point; thence along same, along a curve to the left having a radius of one thousand four hundred eighty-two and 69/100 (1482.69) feet, a delta angle of 2° 58' 54", a chord bearing of N 57° 29' 11" W, a chord distance of seventy-seven and 15/100 (77.15) feet an arc distance of seventy-seven and 16/100 (77.16) feet to a point on the West right of way line of Sixth Street, as now established; thence along said West right of way line, North 19° 22' 24" East a distance of one hundred fifty-three and 10/100 (153.10) feet to a point on the South right of way line of a twenty and no/100 (20.00) feet wide alley as now established; thence along said South right of way line South 57° 32' 40" East a distance of two hundred twenty and 31/100 (220.31) feet to a point on aforesaid East right of way line of Fifth Street; thence along said East right of way line, South 32° 33' 36" West a distance of one hundred seventy-eight and 06/100 (178.06) feet to the point of beginning. CONTAINING 33,150.29 square feet or 0.761 acre.

6. Of the four parcels transferred to plaintiff by Penn Grange No. 534, two of the parcels are the subject of this proceeding, and were assessed at Clearfield County Assessment Map No. F11-344-46 and Clearfield County Assessment Map No. F11-344-15.

COUNT I
COMPLAINT AGAINST DEFENDANTS CARLTON G. WERTZ
AND CLARENCE E. BECK, THEIR HEIRS AND ASSIGNS

Clearfield County Assessment Map No. F11-344-46

Paragraphs 1-6 are incorporated herein by reference as though set forth in full.

7. As it pertains to Clearfield County Assessment Map No. F11-344-46, this particular parcel was the subject of a sale by the

Clearfield County Tax Claim Bureau on December 10, 1993.

8. The tax sale deed was recorded at Clearfield County Deed Book Volume 1577, page 247, and conveyed the entire interest in the lot at Assessment Map No. F11-344-46.

9. The parcel was sold for unpaid taxes of Carlton Wertz and Clarence E. Beck, two of the named defendants herein.

10. Attached hereto as Appendix B is a copy of the Tax Claim Bureau Deed which conveys the property of Carlton Wertz and Clarence Beck to plaintiff's predecessor in title, as Patrick Mowrey and Kim Hobba Mowrey, et al., conveyed the said property to Penn Grange No. 534 by deed dated December 31, 1993, which property was conveyed to plaintiff on October 16, 2006 in Instrument No. 200617462, as shown in Exhibit A, attached hereto.

11. The one-half ($\frac{1}{2}$) interest of Defendant Clarence E. Beck in the said property was conveyed to him through a deed from Robert J. Wertz, Marion D. Mencer and Margaret E. Mencer, dated January 24, 1966 and recorded at Clearfield County Deed Book Volume 520, page 411.

12. The one-half ($\frac{1}{2}$) interest of Defendant Carlton G. Wertz in said property was conveyed to him through a deed from Marion D. Mencer and Margaret E. Mencer, dated May 22, 1953, and recorded at Clearfield County Deed Book Volume 429, page 52.

13. The deed wherein Carlton G. Wertz obtained a one-half ($\frac{1}{2}$) interest was to him and to Robert J. Wertz, with Robert Wertz

conveying his one-half (½) interest as set forth in paragraph 11 above.

14. The whereabouts of Clarence E. Beck and Carlton G. Wertz, their heirs and assigns, are unknown by plaintiff, and a search of county records has failed to reveal their whereabouts.

15. Through this proceeding, plaintiff seeks to clear the cloud on title created by the tax sale deed, attached hereto as Appendix B.

16. It is plaintiff's position that the ownership interest of Carlton G. Wertz and Clarence E. Beck, and their heirs and assigns, was properly divested by the Tax Claim Bureau, and that the deed issued by the Clearfield County Tax Claim Bureau on December 10, 1993 (Exhibit B), conveyed good and marketable title of the subject real estate to plaintiff's predecessor in title.

WHEREFORE, plaintiff prays your Honorable Court to grant the following relief:

(a) That the Court declare that the Tax Claim Bureau properly divested Carlton G. Wertz and Clarence E. Beck, their heirs and assigns, of ownership in the subject property, and that the Tax Claim Bureau Deed of December 10, 1993 vested plaintiff's predecessor in title with good and marketable title to the subject property, as formerly identified in Deed Book Volume 1577, page 247.

(b) That Defendants Clarence E. Beck, his heirs and assigns, and that Defendant Carlton G. Wertz, his heirs and assigns, be barred forever from asserting any right, title, lien or interest in plaintiff's land, inconsistent with the ownership of plaintiff, unless defendants, or their heirs or assigns, bring an action of ejectment against plaintiff for recovery of the land within thirty

(30) days after the entry of a judgment of the court.

(c) That plaintiff be declared as the sole owner and be entitled to exclusive possession of the premises located in the Borough of Grampian, Clearfield County, Pennsylvania, which was identified at Clearfield County Assessment Map No. F11-344-46, and now set forth in plaintiff's deed identified as Instrument No. 200617462.

COUNT II
COMPLAINT AGAINST DEFENDANTS
MARION D. MENCER AND MARGARET E. MENCER,
THEIR HEIRS AND ASSIGNS

Clearfield County Assessment Map No. F11-344-46

Paragraphs 1-16 are incorporated herewith as though set forth in full.

17. As it pertains to Clearfield County Assessment Map No. F11-344-46, this particular parcel has a caveat/option on a deed in the chain of title which was from Marion D. Mencer and Margaret E. Mencer to Carlton G. Wertz and Robert J. Wertz, recorded at Clearfield County Deed Book Volume 429, page 52.

18. The deed to Carlton Wertz and Robert Wertz contains a provision specifying that if the property should be conveyed, it must be reconveyed to the grantors, Marion Mencer and Margaret Mencer. Attached hereto as Exhibit C is a true and correct copy of said deed.

19. The deed of one-half (½) interest to Clarence Beck, at Deed Book Volume 520, page 411, extinguishes the reconveyance

language as it pertains to his one-half (½) interest; however, the deed to Carlton G. Wertz purportedly continues to apply that stipulation to his one-half (½) interest.

20. It is plaintiff's position that subsequent conveyances of the property have divested the defendants from any right, title or interest in and to the said parcel. In support of this position, plaintiff asserts the doctrines of laches, estoppel and the statute of limitations.

21. Through this proceeding, plaintiff seeks to extinguish any purportedly retained rights of Defendants Marion D. Mencer and Margaret E. Mencer.

22. The whereabouts of Marion D. Mencer and Margaret E. Mencer, their heirs and assigns, are unknown by plaintiff, and a search of county records has failed to reveal their whereabouts.

WHEREFORE, plaintiff prays your Honorable Court to grant the following relief:

(a) That Defendants Marion D. Mencer and Margaret E. Mencer, their heirs and assigns, be barred forever from asserting any right, title, lien or interest in plaintiff's land, inconsistent with the ownership of plaintiff, unless defendants, or their heirs or assigns, bring an action of ejectment against plaintiff for recovery of the land within thirty (30) days after the entry of a judgment of the court.

(b) That the reconveyance language in Deed Book 429, page 52 is declared to be of no legal effect, with no rights to such retained by Defendants Marion D. Mencer and Margaret E. Mencer and their heirs and assigns.

(c) That plaintiff be declared as the sole owner and be entitled to exclusive possession of the premises located in the Borough of Grampian, Clearfield County, Pennsylvania, which was identified at Clearfield County Assessment Map No. F11-344-46.

COUNT III
COMPLAINT AGAINST DEFENDANT JONATHAN WALL,
HIS HEIRS AND ASSIGNS

Clearfield County Assessment Map No. F11-344-15

Paragraphs 1-22 are incorporated herewith as though set forth in full.

23. The property identified as Assessment Map No. F11-344-15 is that which Penn Grange No. 534, plaintiff's immediate predecessor in title, acquired by deed dated July 31, 1950 from Lulu Smith and Jacob Smith, recorded at Clearfield County Deed Book Volume 410, page 270. Attached hereto as Exhibit D is a true and correct copy of that deed.

24. As it pertains to Assessment Map No. F11-344-15, a one-fifth (1/5) interest in this parcel was sold at sheriff's sale on January 11, 1872, recorded at Clearfield County Deed Book Volume 73, page 254.

25. The one-fifth (1/5) interest in the property was sold as belonging to Defendant Jonathan Wall.

26. In addition, a subsequent deed to Elizabeth Farrell dated August 13, 1872, recorded at Clearfield County Deed Book Volume 121, page 207, names Defendant Jonathan Wall as a grantor of the

property, although he did not sign the deed.

27. It is plaintiff's position that the cloud on title created by the sheriff sale in 1872 and the subsequent defective deed the same year are extinguished by prescriptive rights, as it has been well over 100 years since these events occurred, and all interests which Defendant Jonathan Wall, his heirs or assigns, could have in the property have been divested. In particular, Penn Grange No. 534 possessed such property openly, continuously, exclusively and notoriously from the time of its deed dated July 31, 1950 (Exhibit D, attached hereto) through the date of conveyance to plaintiff on October 16, 2006.

28. Through this proceeding, plaintiff seeks to remove any potential cloud on title created by the one-fifth (1/5) interest that was divested from Defendant Jonathan Wall.

29. The whereabouts of Jonathan Wall, his heirs and assigns, are unknown to plaintiff, and a search of county records has failed to reveal their whereabouts.

WHEREFORE, plaintiff prays your Honorable Court to grant the following relief:

(a) That the Court declare that the one-fifth (1/5) interest formerly owned by Defendant Jonathan Wall has been reunited with the four-fifths (4/5) interest of said land, so as to cover full ownership of the premises located in the Borough of Grampian, Clearfield County, Pennsylvania.

(b) That plaintiff be declared as the sole owner and be entitled to exclusive possession of the premises located in the Borough of Grampian, Clearfield County, Pennsylvania, which was identified as Clearfield County Assessment Map No. F11-344-15.

(c) That Defendant Jonathan Wall, his heirs and assigns, be barred forever from asserting any right, title, lien or interest in plaintiff's land, inconsistent with the ownership of plaintiff, unless defendant brings an action of ejectment against plaintiff for recovery of the land within thirty (30) days after the entry of a judgment of the court.

COUNT IV
COMPLAINT AGAINST DEFENDANTS MARY MARTHA FARRELL
AND MAGGIE MARY BELL FARRELL,
THEIR HEIRS AND ASSIGNS

Clearfield County Assessment Map No. F11-344-15

Paragraphs 1-29 are incorporated herewith by reference as though set forth in full.

30. This count also pertains to the property identified in Count III and specifically referenced in paragraph 23 and Exhibit D of this complaint.

31. As it pertains to Assessment Map No. F11-344-15, a four-fifths (4/5) interest in the property was acquired by Elizabeth Farrell through the deed at Deed Book Volume 121, page 207, as set forth in paragraph 24 above.

32. Elizabeth Farrell died intestate in 1883, leaving two minor children, Mary Martha Farrell and Maggie Mary Bell Farrell to survive her, according to Estate File 1894.

33. The one-fifth (1/5) interest was conveyed to a guardian of the two minor children, as follows:

(a) Sheriff's deed of 1/5 interest sold to W. C. Foley in 1872.

(b) Assignment of 1/5 interest of W. C. Foley to Martha Rafferty in 1881.

(c) Assignment of 1/5 interest of Martha Rafferty to Peter Pifer, Guardian of Mary Martha Farrell and Maggie Mary Bell Farrell, recorded in 1892.

34. The interests in the property of Elizabeth Farrell were conveyed in 1902 to Lulu Rafferty by Elizabeth Farrell's husband, Edward Farrell, and her purported child, Mertie McKendrick, with no explanation of the whereabouts of the two minor children named hereinabove.

35. Through the conveyance to Lulu Rafferty in 1902 at Clearfield County Deed Book Volume 127, page 20, it is stated that the one-fifth (1/5) interest of the late Elizabeth Farrell was conveyed to Mertie McKendrick by deed of Martha Rafferty, recorded at Clearfield County Deed Book Volume 73, page 256, with no explanation of the guardianship that had been conveyed by Martha Rafferty to Peter Pifer.

36. Through this proceeding, plaintiff seeks to extinguish any purported rights of Mary Martha Farrell and Maggie Mary Bell Farrell, their heirs and assigns.

37. Plaintiff maintains that the predecessors in title

acquired good and marketable title to the property by openly, notoriously and continuously possessing the subject parcel for a period of 21 years or more, so as to enable it to acquire ownership of the said parcel through prescriptive rights. In particular, Penn Grange No. 534 possessed such property openly, continuously, exclusively and notoriously from the time of its deed dated July 31, 1950 (Exhibit D, attached hereto) through the date of conveyance to plaintiff on October 16, 2006.

38. The whereabouts of Mary Martha Farrell and Maggie Mary Bell Farrell, their heirs and assigns, are unknown by plaintiff, and a search of county records has failed to reveal their whereabouts.

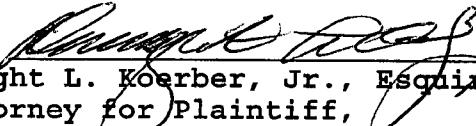
WHEREFORE, plaintiff prays your Honorable Court to grant the following relief:

(a) That the Court declare that the one-fifth (1/5) interest formerly owned by Defendant Jonathan Wall has been reunited with the four-fifths (4/5) interest of said land, so as to cover full ownership of the premises located in the Borough of Grampian, Clearfield County, Pennsylvania.

(b) That plaintiff be declared as the sole owner and be entitled to exclusive possession of the premises located in the Borough of Grampian, Clearfield County, Pennsylvania, which was identified as Clearfield County Assessment Map No. F11-34-15.

(c) That Defendants Mary Martha Farrell and Maggie Mary Bell Farrell, their heirs and assigns, be barred forever from asserting any right, title, lien or interest in plaintiff's land, inconsistent with the ownership of plaintiff, unless defendants bring an action of ejectment against plaintiff for recovery of the land within thirty (30) days after the entry of a judgment of the court.

Respectfully submitted,

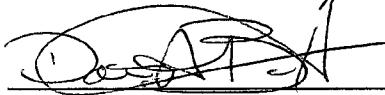
By: 
Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff,
BARRETT HOLDINGS, LLC

VERIFICATION

I verify that the facts set forth in this document are true and correct. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Brian D. Barrett, Co-Managing Member
Barrett Holdings, LLC
DATE: Nov 9, 2006



David A. Barrett, Co-Managing Member
Barrett Holdings, LLC
DATE: 11/9/2006

EXHIBIT A

Attached hereto is a true and correct copy of the deed of plaintiff, recorded at Instrument No. 200617462.

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder
Maurene Inlow - Chief Deputy
P.O. Box 361
1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

Instrument Number - 200617462
Recorded On 10/16/2006 At 2:51:42 PM
* Instrument Type - DEED
* Total Pages - 9
Invoice Number - 156760
* Grantor - PENN GRANGE NO 534
* Grantee - BARRETT HOLDINGS LLC
* Customer - DWIGHT KOERBER

***RETURN DOCUMENT TO:**

DWIGHT KOERBER
110 NORTH 2ND ST
CLEARFIELD, PA 16830

***FEES**

| | |
|-------------------------|----------|
| STATE TRANSFER TAX | \$275.00 |
| STATE WRIT TAX | \$0.50 |
| JCS/ACCESS TO JUSTICE | \$10.00 |
| RECORDING FEES - | \$21.00 |
| RECORDER | |
| RECORDER IMPROVEMENT | \$3.00 |
| FUND | |
| COUNTY IMPROVEMENT FUND | \$2.00 |
| CURWENSVILLE AREA | \$137.50 |
| SCHOOLS REALTY TAX | |
| GRAMPIAN BOROUGH | \$137.50 |
| TOTAL PAID | \$586.50 |

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen J. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

THIS DEED

MADE the 16th day of October, in the year two thousand six (2006), is by and

BETWEEN **PENN GRANGE NO. 534**, a Pennsylvania Corporation, of R. R. 1, Box 474, Grampian, PA 16838, Party of the First Part, herein-after referred to as "GRANTOR",

AND

BARRETT HOLDINGS, LLC, a Pennsylvania Limited Liability Company, of 362 Main Street, P. O. Box L, Grampian, PA 16838, Party of the Second Part, hereinafter referred to as "GRANTEE".

WITNESSETH, That in consideration of the sum of Twenty-seven Thousand Five Hundred (\$27,500.00) Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, its successors and assigns, forever,

ALL those certain four (4) parcels of land situate in the Borough of Grampian, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

THE FIRST THEREOF:

BEGINNING at a post at the corner of Main Street and Sixth Street (formerly public road); thence by Sixth Street northwardly one hundred and eighty-three (183) feet, more or less, to an alley; thence by said alley eastwardly one hundred fourteen (114) feet, more or less, to a post at corner of lot, now or formerly, of George F. McMullen; thence by the line of said lot southwardly one hundred eighty (180) feet, more or less, to Main Street; thence by Main Street westwardly seventy-one (71) feet, more or less, to post and place of beginning.

EXCEPTING AND RESERVING therefrom that portion of said lot fronting on Main Street and extending back along Sixth Street twenty-five (25) feet, being a piece approximately twenty-five (25) feet by seventy-one (71) feet and presently or formerly being used as an Honor Roll Site or Soldiers and Sailors Memorial; ALSO EXCEPTING AND RESERVING therefrom that lot or parcel of

land conveyed to Carlton G. Wertz and Robert J. Wertz by deed of Marion D. Mencer and Margaret E. Mencer Smith, dated May 22, 1953, and recorded in Clearfield County Deed Book 429, page 52.

BEING the same premises as were granted and conveyed unto Grantor herein by Deed of Margaret Smith and Edward H. Smith, dated May 7, 1991, and recorded at Clearfield County Deed Book Volume 1396, page 536. Clearfield County Tax Assessment Map No. F11-344-00018.

THE SECOND THEREOF:

ALL that certain piece of parcel of land situate in Grampian Borough, Clearfield County, Pennsylvania, bounded and described as follows, to wit: Lot identified as Clearfield County Assessment Map No. F11-344-00046.

BEING the same premises as were granted and conveyed unto Grantor herein by Deed of Patrick H. Mowrey and Kim Mowrey Hobba, et al., dated December 31, 1993, and recorded at Clearfield County Deed Book Volume 1589, page 134.

THE THIRD THEREOF:

BEGINNING at a point on the north side of Main Street where the southeast corner of this lot corners with the southwest corner of lot, now or formerly owned by Edward Farrell's heirs; thence north along the line of said Farrell lot one hundred eighty (180) feet to a post at an alley; thence westward along the line of said alley fifty (50) feet to a post; thence southwardly along other lands, now or formerly, of Mary E. OROUTT on a line parallel with the aforesaid line of the Farrell lot to a post on Main Street; thence Eastwardly along the line of Main Street fifty (50) feet to corner and place of beginning. Being a lot fronting fifty (50) feet on Main Street and extending a uniform width to an alley in the rear.

BEING the same premises as were granted and conveyed unto William E. Wall, Charles L. Curry and Bruce Coulter, Trustees for Penn Grange No. 534 by Deed of Frank Arch, Jr. and Steffany Arch dated June 4, 1947, and recorded at Clearfield County Deed Book Volume 384, page 204. Clearfield County Tax Assessment Map No. not specified.

THE FOURTH THEREOF:

ALL that certain lot of ground situate in the Borough of Grampian (formerly Pennville), County of Clearfield and State of Pennsylvania, bounded and described as follows, to wit: On the south by the Turnpike; on the east by an alley; on the north by an alley; and on the west by lot, now or formerly, of E. W. Hepburn. Being sixty (60) feet front by one hundred eighty (180) feet back, and containing about one-fourth of an acre.

BEING the same premises as were granted and conveyed unto Thomas Wall, William Wall and Bruce Coulter, Executive Committee of Penn Grange No. 534 by Deed of Lulu Smith and Jacob Smith, dated July 31, 1950, and recorded at Clearfield County Deed Book Volume 410, page 270. Clearfield County Tax Assessment No. F11-344-00015.

FOR PURPOSES OF CLARIFICATION, THE FOUR DESCRIBED PARCELS SET FORTH ABOVE ARE CONSOLIDATED THROUGH A SURVEY PERFORMED BY GEOTECH ENGINEERING, INC., DATED SEPTEMBER 5, 2006:

A tract of land being situate in Grampian Borough, County of Clearfield, Commonwealth of Pennsylvania, said tract being the consolidation of the following tracts of land as shown on a deed recorded in Deed Record Volume 384 at page 204, Deed Record Volume 410 at page 279, Deed Record Volume 1396 at page 536 and Deed Record Volume 1589 at page 134, all in the Office of the Recorder of Deeds, Clearfield County, Pennsylvania, said tract of land to be hereinafter known as Consolidated Lot of Penn Grange No. 534, said consolidated lot being more particularly described as follows:

BEGINNING at a point being the point of intersection of the East right of way line of Fifth Street and the North right of way line of Main Street, also known as State Route 0219, said right of way now established; thence along said North right of way line, North $55^{\circ} 28' 52''$ West a distance of ninety-five and 82/100 (95.82) feet to a point; thence along same, along a curve to the left having a radius of one thousand four hundred fifty-seven and 69/100 (1457.69) feet, a delta angle of $0^{\circ} 30' 11''$, a chord bearing N $55^{\circ} 43' 55''$ W., a chord distance of twelve and 80/100 (12.80) feet an arc distance of twelve

and 80/100 (12.80) feet to a point; thence along the line of land of the site for the Honor Roll of the Soldiers and Sailors Memorial, North 33° 18' 00" East a distance of twenty-five and no/100 (25.00) feet to a point; thence along same, along a curve to the left having a radius of one thousand four hundred eighty-two and 69/100 (1482.69) feet, a delta angle of 2° 58' 54", a chord bearing of N 57° 29' 11" W, a chord distance of seventy-seven and 15/100 (77.15) feet an arc distance of seventy-seven and 16/100 (77.16) feet to a point on the West right of way line of Sixth Street, as now established; thence along said West right of way line, North 19° 22' 24" East a distance of one hundred fifty-three and 10/100 (153.10) feet to a point on the South right of way line of a twenty and no/100 (20.00) feet wide alley as now established; thence along said South right of way line South 57° 32' 40" East a distance of two hundred twenty and 31/100 (220.31) feet to a point on aforesaid East right of way line of Fifth Street; thence along said East right of way line, South 32° 33' 36" West a distance of one hundred seventy-eight and 06/100 (178.06) feet to the point of beginning. CONTAINING 33,150.29 square feet or 0.761 acre.

SUBJECT TO all restrictions, reservations, covenants, easements, and conditions as are contained in the chain of title to these parcels.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances to the same belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, claim and demand whatsoever, both in law and equity, of the said party of the first part, of, in, to or out of the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD the said premises, with all and singular the appurtenances, unto the said party of the second part, its successors and assigns, to and for the only proper use and behoof of the said party of the second part, its successors and assigns forever.

IN ACCORDANCE WITH SECTION 15 OF CHAPTER IX OF THE NATIONAL GRANGE DIGEST, attached to this deed as Appendix A is the Affidavit signed

by the Master of the Pennsylvania State Grange approving the transfer of the subject real estate and confirming that the required Resolution of Grantor, as the subordinate grange, has been adopted.

GRANTOR states that the above property is not presently being used, nor to the best of its knowledge, information and belief, has it ever been used for the disposal of hazardous waste. This statement is made in compliance with the Solid Waste Management Act No. 97, Section 405.2.

For the purpose of complying with the Act of July 17, 1957, P.L. 984; 52 P.S. Supp. 1551, as amended, of the General Assembly of Pennsylvania, and for no other purpose, there is incorporated herein the following notice:

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type. 

Witness:

David A. Barrett, Member

Brian D. Barrett, Member

This day of

AND the said Grantor will SPECIALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, the said Grantor has caused this Deed to be signed by its Master on the date shown above, being duly authorized to execute this Deed.

PENN GRANGE NO. 534

By: Clair W. Wriglesworth
Clair N. Wriglesworth
Master

ATTEST:

Teri B. Ranch, sec.

Certificate of Residence

I hereby certify that the precise residence of the Grantee herein is as follows:

Dwight L. Koerber, Jr., Esquire
Attorney for Grantee

362 Main Street, P. O. Box L
Grampian, PA 16838

COMMONWEALTH OF PENNSYLVANIA:

:SS:

COUNTY OF CLEARFIELD

:

On this, the 16th day of October, 2006, before me, a Notary Public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared Clair N. Wriglesworth, known to me (or satisfactorily proven) to be the person whose name is subscribed to the above Indenture, and acknowledged that he, being authorized to do so, executed the same for the purposes therein contained.

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

My Commission Expires:



Linda J. Schwartz
Notary Public

APPENDIX A

Attached hereto is the original Affidavit of the Master of the Pennsylvania State Grange, dated October 6, 2006, wherein the approval required by Section 15 of Chapter IX is given to Grantor for the within transfer to Grantee.

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF CUMBERLAND

BETSY E. HUBER, being duly sworn according to law, deposes and says that she is the Master of the Pennsylvania State Grange of Patrons of Husbandry, a Pennsylvania nonprofit corporation having its registered address and principal place of business at 20 Erford Road, Suite 310, Lemoyne, Pennsylvania, 17043, and that all Subordinate or Pomona Granges located throughout the Commonwealth of Pennsylvania are, by their Charter and the laws of the Order of the Patrons of Husbandry, subject to the laws, rules and regulations of the National Grange. The Digest of Laws of the National Grange, Chapter IV, Article XI, Section 4.11.1, as amended, formerly known and numbered as Section 11.1 of Chapter IV and Section 15 of Chapter IX, provides in part that no Subordinate or Pomona Grange shall sell any real property without the prior written consent of the State Grange having jurisdiction and without first adopting a resolution, by a two thirds vote of the members of the said Subordinate or Pomona Grange present and voting, approving the sale of said real property.

PENN GRANGE #534 is a Subordinate Grange located in CLEARFIELD County, Pennsylvania.

PENN GRANGE #534 has presented a resolution duly authorized by two-thirds vote and in accordance with Chapter IV, Section 4.11.1 of the Digest of Laws of the National Grange, to sell such property.

The above resolution was approved by the Executive Committee and the Master of the Pennsylvania State Grange by resolution duly adopted at its regular meeting.

A purchaser of the real estate owned by PENN GRANGE #534 may now obtain title free from any objections of the PENNSYLVANIA STATE GRANGE.

BETSY E. HUBER is authorized to make this Affidavit on behalf of the Pennsylvania State Grange of Patrons of Husbandry and the above-mentioned Subordinate Grange.

Betsy E. Huber
BETSY E. HUBER, MASTER
Pennsylvania State Grange

ON THIS, the 6th day of October, 2006,
before me, the undersigned officer, personally appeared BETSY E. HUBER, Master of Pennsylvania State Grange having authority to do so, and acknowledged that she executed the same for the purpose therein contained.

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

Geraldine A. Berger (SEAL)

Notary Public

| | |
|----------------------------------------------|--|
| COMMONWEALTH OF PENNSYLVANIA | |
| Notarial Seal | |
| Geraldine A. Berger, Notary Public | |
| East Pennsboro Twp., Cumberland County | |
| My Commission Expires Sept. 11, 2008 | |
| Member, Pennsylvania Association of Notaries | |

My Commission Expires:

APPENDIX B

Attached hereto is a copy of the Tax Claim Bureau Deed which conveyed the property at Clearfield County Assessment Map No. F11-344-46 to Clarence Beck and Carlton Wertz.

Attala 21075

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MADE the Tenth day December, in the year of our Lord, 1993,

BETWEEN THE TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, Trustee,
under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments
thereto, hereinafter called the GRANTOR,

PATRICK H. MOWREY, an undivided 1/3 interest;
KIM MOWREY HOBBA, an undivided 1/3 interest;
PATRICK H. MOWREY AND KIM MOWREY HOBBA, TRUSTEES OF THE PATRICK H. MOWREY
FAMILY TRUST, created under Trust Agreement of Harry L. Mowrey and Florence
A. Mowrey dated April 23, 1989, an undivided 1/6 interest;
KIM MOWREY HOBBA AND PATRICK H. MOWREY, TRUSTEES OF THE KIM MOWREY HOBBA
FAMILY TRUST, created under Trust Agreement of Harry L. Mowrey and Florence
A. Mowrey dated April 23, 1989, an undivided 1/6 interest;
all held as tenants in common, of the Borough of Sykesville, County of
Jefferson, State of Pennsylvania, Parties of the Second Part,

hereinafter referred to as "GRANTEEES"

WHEREAS, the hereinafter described premises were assessed in the name
of CARLTON WERTZ & CLARENCE E. BECK, which have not been paid and which are
delinquent; and

WHEREAS, the said delinquent taxes against the said property were filed
in the Tax Claim Bureau of Clearfield County, Pennsylvania; and

WHEREAS, after proceeding under the provisions of the Act aforesaid, the
Tax Claim Bureau did expose the said premises to public sale on the
Fourteenth day of September, 1993; and

WHEREAS, the said premises were sold at said public sale to, PATRICK H.
MOWREY & KIM MOWREY HOBBA, TRUSTEES., for the sum of Three Thousand Nine
Hundred Dollars, (\$3,900.00), as is more particularly shown in the report and
return of said sale by the Tax Claim Bureau, and at the subsequent
confirmation thereof by the Court of Common Pleas of Clearfield County,
Pennsylvania, at Miscellaneous Docket 10, Page 35.

NOW THIS INDENTURE WITNESSETH, that for and in consideration of the sum of
Three Thousand Nine Hundred Dollars, (\$3,900.00), the receipt thereof is
hereby acknowledged, Grantor does hereby grant and convey unto the said
Grantees, their heirs, successors or assigns the following described property
to-wit:

GRAMPIAN BOROUGH
MAP #009-F11-344-00046
H & L

BEING the same property offered for sale for delinquent taxes in
accordance with the provisions of the Act of Assembly hereinbefore recited
under Tax Claim No. 91-923 as the property of CARLTON WERTZ & CLARENCE E.
BECK.

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This deed is executed and acknowledged by MARY ANNE WESDOCK, who was duly appointed Director of the Tax Claim Bureau by Resolution of the County Commissioners of Clearfield County, Pennsylvania, dated August 15, 1989.

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed in its name and its official seal to be affixed hereto the day and year first above written.

TAX CLAIM BUREAU OF CLEARFIELD
COUNTY, PENNA.

Witness:

Jeanne E. Bitt

By Mary Anne Wesdock
Mary Anne Wesdock Director

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

On this 16 day of December A. D., 1993, before me, the subscriber personally appeared MARY ANNE WESDOCK, Director of the Tax Claim Bureau of Clearfield County, Pennsylvania, who in due form of law acknowledged the foregoing Indenture to be her act and deed and desired that the same might be recorded as such.

WITNESS my hand and official seal the day and year aforesaid.

Allen D. Bitt (SEAL)
Prothonotary

My commission expires the first Monday of January, 19

PROTHONOTARY
My Commission Expires
1st Monday in Jan. 1994

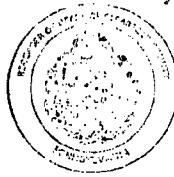
I CERTIFY that the precise residence address of the grantee in this indenture is

362 N. PARK STREET
SYKESVILLE, PA.
15865

| | |
|---------------------------------------|-------------------|
| COMMOMWEALTH OF PENNSYLVANIA | |
| DEPARTMENT OF REVENUE | |
| REALTY TRANSFER DEC 20 1993 TAX | 11184 80-11832 |

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I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck
Recorder of Deeds

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 2:37 PM 10-20-93
BY Jay Blawie
FEES 15.00
Karen L Stark, Recorder

CURWENSVILLE AREA SCHOOL DISTRICT
1% REALTY TR MISFER TAX
AMOUNT \$ 111.84
PAID 12-20-93 KAREN L. STARCK
Date Agent

Entered of Record Dec. 20 1993, 2:37 PM Karen L. Starck, Recorder

EXHIBIT C

Attached hereto is a true and correct copy of the deed to Carlton Wertz and Robert Wertz.

May the Twenty-second day of May, in the year of our Lord, One thousand nine hundred and thirty-three.

ELIZABETH MARION D. MENCER and MARGARET L. MENCER, now MENCER, of the Borough of Grampian, County of Clearfield, and State of Pennsylvania, hereinafter called the Grantors;

CARLTON G. WERTZ and ROBERT J. WERTZ of the Borough of Grampian, County of Clearfield, and State of Pennsylvania, hereinafter called the Grantees,

Witness, that in consideration of the sum of Five Hundred (\$500.00) - - - - - Dollars

in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant and convey to the said grantees, their heirs and assigns;

All That certain parcel or part of lot with improvements thereon situate in the Borough of Grampian, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

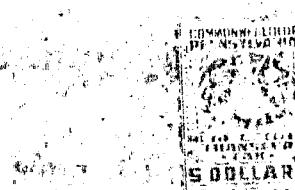
BEGINNING at a post on the south line of an alley, said post being Sixty-nine (69) feet from the eastern line of Sixth Street; thence along said alley in an easterly direction forty-five (45) feet more or less to a post at the corner of lot now or formerly of George P. McMullen; thence by the line of the said lot southwardly One Hundred (100) feet to a post; thence in a westerly direction and being parallel to the alley mentioned aforesaid Twenty-four (24) feet to a post; thence in a northwesterly direction Thirtynine (39) feet more or less to a post; thence in a northwesterly direction and being parallel to the McMullen line Sixty-five (65) feet more or less to line of the alley and place of beginning.

BEING a part of the same premises which J. Harold McFadden et ux granted and conveyed to Marion D. Mencer and Margaret B. Mencer, the grantors herein, by deed dated June 12, 1947 and recorded in the Office of Recording of Deeds in and for said County

in Deed Book 372, page 288.

It is covenanted and agreed by and between the parties that this conveyance is given upon the condition that should the Grantees desire to alienate the parcel herein conveyed in the future the same must be reconveyed or returned to the Grantors, their heirs or assigns.

All due and lawful, to the expense of which, the grantor will be responsible,
that you the grantee, etc., etc., etc., etc., etc., etc., etc., etc., etc.,
shall and will, etc.,
abide and remain, etc., etc., etc., etc., etc., etc., etc., etc.,
their, etc., etc., etc., etc., etc., etc., etc., etc., etc.,
heirs and assigns, against the said grantor, and against every other person
lawfully claiming or who shall hereafter claim the same or any part thereof.



In witness whereof said grantor etc. have hereunto set their hands and
seals the day and year first above written.

Sealed and delivered in the presence of

Marion D. Mencer L.S.
Margaret E. Mencer L.S.
L.S.
L.S.



State of PENNSYLVANIA ss.
County of CLEARFIELD

On the 23 day of May, 1953, before me,
the undersigned officer,
personally appeared Marion D. Mencer and Margaret E. Mencer,
known to me (or satisfactorily proven) to be the person whose name is
subscribed to the within instrument, and acknowledged that
they have executed the same for the purposes therein contained.

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

My Commission Expires
First Monday in January 1958

Dick Rees RECORDER OF DEEDS

Title of Officer

I hereby Certify that the precise residence of the grantee or grantees is

Hanover, Pa.

John D. Mencer

EXHIBIT D

Attached hereto is a true and correct copy of the deed to Penn
Grange No. 534.

County of CLEARFIELD

On this the 28th day of December 1950, before me
 the undersigned officer, personally appeared Andrew Copek and Freda K. Copek, his
 wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within
 instrument, and acknowledged that they executed the same for the purposes therein contained.

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



Mildred L. Wilson *Notary Public*
 Notary Public
 My Commission Expires December 31, 1951
 State of Pennsylvania
 Seal
 74650
 Date of Office

RESIDENCE CERTIFICATE

December 28, 1950

I hereby certify that the precise residence of the within named Grantees
 is Curwensville, Pa.

Penry & Alberth
 Attorney for Grantees

Entered of Record Dec 28 1950, 4:20 P.M. Weir W. Mullen, Recorder

This Deed,

Made the thirty-first day of July in the year Nineteen
 Hundred and Fifty

Between MRS. LULU SMITH and JACOB SMITH, her husband, of No. 400
 T. E. B. O. St., City of Windsor and State of Missouri, Grantors of
 the first part, and THOMAS WALL, WILLIAM WALL and BRUCE COULTER,
 Executive Committee of Penn Grange No. 534 of Penn Township, Clearfield
 County, Pennsylvania, and their successors in office, Grantees of the
 second part.

Witnesseth, that in consideration of One (\$1.00)

Dollars,

in hand paid, the receipt whereof is hereby acknowledged, the said grantors do
 hereby grant and convey to the said grantees, and their successors in office,
 All that certain lot of ground situate in the Borough of Grampian
 (formerly Village of Pennville) County of Clearfield and State of
 Pennsylvania, bounded and described as follows, to wit: On the south
 by the Turnpike; on the east by an alley; on the north by an alley;
 and on the west by lot, now or formerly, of E. W. Lepburn. Being sixty
 (60) feet front by one hundred eighty (180) feet back, and containing
 about one-fourth of an acre, and being the same premises which Mertie

McKenrick and John S. McKenrick, her husband, and Edward Farrell, by their deed dated February 1, 1902, and recorded in Deed Book 127, at page 20, granted and conveyed to Miss Lulu Rafferty, now Mrs. Lulu Smith, the grantor herein, reference being thereunto had, the title will more fully and at large appear.

And the said grantors, do hereby covenant and agree to and with the said grantees, that they, the grantors, their heirs, executors and administrators shall and will generally Warrant and forever Defend the herein above described premises, with the hereditaments and appurtenances, unto the said grantees and their successorsheirs and assigns against the said grantors, and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof

In Witness Whereof said grantors have hereunto set their hands and seals the day and year first above written.

Sealed and delivered in the presence of
Eva Biggs
Notary

Mrs Lulu Smith
Jacob Smith
 L.S.
 L.S.
 L.S.
 L.S.



State of MISSOURI)
 County of Henry) (SS:

On this, the 9 day of August, 1950., before me personally appeared Mrs. Lulu Smith and Jacob Smith, her husband, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

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

Eva Biggs
Notary
 Title of officer
 MY COMMISSION EXPIRES MAY 28, 1951

I Hereby Certify that the precise residence of the ~~notary~~ grantees is
 Grampian, Clarfield County, Pennsylvania.

John M. Are, Attorney
for Grantees

COMMONWEALTH OF MISSOURI
SS.
COUNTY OF HENRY

I, E. B. Zellhauer, Clerk of the County Court of said County, which is a Court of Record, having a common seal, being the officer authorized by the laws of the Commonwealth of Missouri to make the following Certificate, do Certify, That EVA BIGGS, the Notary Public before whom the annexed acknowledgment was made, was at the time of so doing a NOTARY PUBLIC for the Commonwealth of Missouri, residing in the County of Henry, duly commissioned and qualified to administer oaths and affirmations and to take acknowledgments and proofs of Deeds or Conveyances for lands, tenements and hereditaments to be recorded in said Commonwealth of Missouri, and to all those acts, as such, full faith and credit are and ought to be given as well in Courts of Judicature as elsewhere; and that I am well acquainted with the handwriting of the said NOTARY PUBLIC and verily believe her signature thereto is genuine, and that said acknowledgment purports to be taken in all respects as required by the laws of the Commonwealth of Missouri.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 8th day of November in the year of our Lord one thousand nine hundred and fifty (1950).

E. B. Zellhauer
Clerk of Henry County
Missouri

Entered of Record Dec 29 1950, 10:00 AM Weir W. Mullen, Recorder

WARRANTY DEED

(Pennsylvania)

THIS DEED, made the 15th day of October, 1950, between W. BRUCE GLASGOW and MARIAN T. GLASGOW, his wife, of R. D., Berwindale, County of Clearfield, and Commonwealth of Pennsylvania (hereinafter called "Grantors") and THOMAS H. IRWIN and ALICE CLARE IRWIN, his wife, of R. D., Berwindale, County of Clearfield, and Commonwealth of Pennsylvania (hereinafter called "Grantees"),

WITNESSETH, That, in consideration of Five Thousand Eight Hundred Ninety Four and 99/100 Dollars (\$5,894.99), paid by the said Grantees, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey unto the said Grantees, their heirs and assigns, forever, as tenants by the entirety, the following described real estate, to wit:

ALL THAT CERTAIN tract or parcel of land, situate in the Township of Jordan, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a pine stump, corner of land now or formerly of Elizabeth Gibony, and the most Southerly corner herein; running thence by said Gibony's land, North 36° 40' West 167.2 perches across a public road to a post; thence by land now or formerly of James Hunter, North 53° 20' East 94.1 perches to a post, corner of said Hunter's land, and land now or formerly of James R. Johnston and others; thence by said Johnston's land and land now or formerly of Abram Pierce, South 36° 15' East 169.2 perches across the aforesaid public road to a post; and thence South 54° West 93.4 perches to the point or place of beginning; containing 98.25625 acres, more or less.

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

*
BARRETT HOLDINGS, LLC,
Plaintiff

*
-vs-
*

*
CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants

*
Docket No. 06-2034 -CD
ACTION TO QUIET TITLE

Type of pleading:
MOTION FOR PUBLICATION

Filed on behalf of:
PLAINTIFF, Barrett
Holdings, LLC

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

FILED
DEC 05 2006
07310 (W)
William A. Shaw
Prothonotary/Clerk of Courts

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

3 cent to Atc

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

BARRETT HOLDINGS, LLC,
Plaintiff

- VS -

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants

Docket No. 06-_____CD
ACTION TO QUIET TITLE

MOTION FOR PUBLICATION

COMES NOW, Plaintiff BARRETT HOLDINGS, LLC, by and through its attorney, Dwight L. Koerber, Jr., Esquire, and files the within Motion, with an Affidavit having been executed and filed on behalf of plaintiff that the identity and whereabouts of the Defendants named herein, their heirs and assigns, are unknown, and moves this Honorable Court for leave to file the Complaint by publication in such manner as the Court shall direct, as provided by Pa.R.C.P. 430(b).

Respectfully submitted,

By: *Dwight L. Koerber, Jr.*
Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff,
BARRETT HOLDINGS, LLC

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

BARRETT HOLDINGS, LLC,
Plaintiff

- VS -

Docket No. 06-_____CD
ACTION TO QUIET TITLE

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants

AFFIDAVIT THAT THE WHEREABOUTS OF THE DEFENDANTS NAMED HEREIN,
THEIR HEIRS AND ASSIGNS, ARE UNKNOWN

COMMONWEALTH OF PENNSYLVANIA:

ISS

COUNTY OF CLEARFIELD

2

DAVID A. BARRETT AND BRIAN D. BARRETT, Co-Managing Members of BARRETT HOLDINGS, LLC, plaintiff in the above-captioned action, being duly sworn according to law, depose and state that the whereabouts of the defendants named in this matter, their heirs and assigns, and any person or entity claiming or who might claim under them, are unknown by name, and their whereabouts are unknown.

Affiants, through their counsel, have investigated Clearfield County telephone directories, Clearfield County Post Offices, and the Clearfield County Courthouse, including the Office of the Register of Wills and the Tax Assessment Office, and have been unable to locate any of the named defendants, or their heirs and assigns.

David A. Barrett

John D. Bennett

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| COMMONWEALTH OF PENNSYLVANIA | |
| Sworn to and subscribed before me this <u>1st</u> day of <u>Notary Seal Day</u> , 2006. | Dennis L. Spencer, Notary Public Penn Twp., Clearfield County |
|  <u>Dennis L. Spencer</u> <u>Notary Public</u> <u>My Commission Expires Mar. 27, 2010</u> | |
| Member, Pennsylvania Association of Notaries | |

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

BARRETT HOLDINGS, LLC,
Plaintiff

-vs-

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants

* Docket No. 06-2039 -CD
ACTION TO QUIET TITLE

Type of pleading:
ORDER

Filed on behalf of:
PLAINTIFF, Barrett
Holdings, LLC

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED 3CC
013:31304
DEC 07 2006 Atty Koerber

William A. Shaw
Prothonotary/Clerk of Courts

(GK)

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

*
BARRETT HOLDINGS, LLC,
Plaintiff *

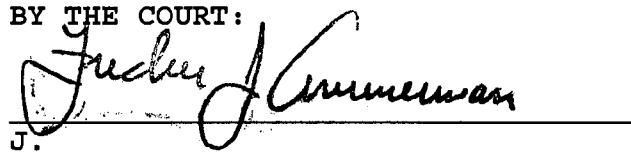
-vs- * Docket No. 06-____-CD
ACTION TO QUIET TITLE
CARLTON G. WERTZ AND *
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER *
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN *
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND *
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants *
*

O R D E R

AND NOW, this 6 day of December, 2006,
upon consideration of the Motion For Publication filed by Dwight L.
Koerber, Jr., attorney for plaintiff in the above-captioned action,
it is hereby ORDERED AND DECREED that plaintiff is granted leave to
make service of the Complaint upon all named Defendants in the
above-captioned case, their heirs and assigns, and any other person
or entity claiming or who might claim title under them, or all
other persons claiming any right, title or interest in the property
described in the Complaint, by publication once in The Progress, a
newspaper of general circulation in Clearfield County,
Pennsylvania, and in the Clearfield County Legal Journal; and proof

of publication thereof shall be filed with the proceedings in this action and the said advertisement shall state that the defendant is required to answer the Complaint within twenty (20) days from the date of advertisement thereof.

BY THE COURT:


J.

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

BARRETT HOLDINGS, LLC,
Plaintiff

-vs-

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants

Docket No. 06-2039-CD
ACTION TO QUIET TITLE

Type of pleading:
AFFIDAVIT OF SERVICE

Filed on behalf of:
PLAINTIFF, Barrett
Holdings, LLC

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED
03:17 PM GK
JAN 16 2007 2 CC TO ATTY
(GK)

William A. Shaw
Prothonotary/Clerk of Courts

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

BARRETT HOLDINGS, LLC,
Plaintiff

*

-vs-

*

Docket No. 06-2039-CD
ACTION TO QUIET TITLE

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,

Defendants

*

*

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

:SS:

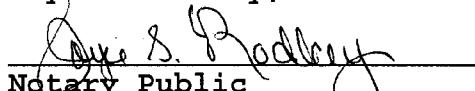
COUNTY OF CLEARFIELD

:

DWIGHT L. KOERBER, JR., ESQUIRE, being duly sworn according to law, deposes and states that the defendants in the above-captioned matter were served through publication with Notice of the Complaint filed in this matter, as set forth in the Order of Court dated December 6, 2006. Notice appeared in "The Progress" on December 28, 2006, and in the "Clearfield County Legal Journal" on December 22, 2006, Vol. 18, No. 51.


Dwight L. Koerber, Jr., Esquire

Sworn to and subscribed
before me this 16th
day of January, 2007.



Notary Public

COMMONWEALTH OF PENNSYLVANIA

| |
|------------------------------------|
| Notarial Seal |
| Joyce S. Rodkey, Notary Public |
| Clearfield Boro, Clearfield County |
| My Commission Expires Oct 21, 2009 |

Member, Pennsylvania Association of Notaries

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

BARRETT HOLDINGS, LLC,
Plaintiff

*

-vs-

*

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants

*

Docket No. 06-2039-CD
ACTION TO QUIET TITLE

*

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FILED acc
01/8:45 cm ATT Koerber
JAN 18 2007 (610)

William A. Shaw
Prothonotary/Clerk of Courts

Type of pleading:
AFFIDAVIT OF DEFAULT
AND ORDER

Filed on behalf of:
PLAINTIFF, Barrett
Holdings, LLC

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

BARRETT HOLDINGS, LLC,
Plaintiff

*

-vs-

*

Docket No. 06-2039-CD
ACTION TO QUIET TITLE

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants

*

*

*

*

*

*

FILED

JAN 18 2007 *2cc to Atty*

William A. Shaw
Prothonotary/Clerk of Courts

O R D E R

AND NOW, this 17th day of January, 2007, with
no Answer to the Complaint having been filed by defendants, and an
Affidavit of Default having been filed with this Court, IT IS THE
ORDER AND DECREE of this Court pursuant to Pa.R.C.P. §1066 that a
judgment by default be entered against defendants, directing as
follows:

THAT defendants named herein, their heirs and assigns, and any
person or entity claiming under said defendants, are permanently
enjoined and restrained from asserting any lien, title, claim or
interest in or to the following real property of plaintiff, or any
part thereof, with such description set forth hereinbelow

containing and incorporating into the description the property which is the subject of the within quiet title action:

ALL those certain four (4) parcels of land situate in the Borough of Grampian, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

THE FIRST THEREOF:

BEGINNING at a post at the corner of Main Street and Sixth Street (formerly public road); thence by Sixth Street northwardly one hundred and eighty-three (183) feet, more or less, to an alley; thence by said alley eastwardly one hundred fourteen (114) feet, more or less, to a post at corner of lot, now or formerly, of George F. McMullen; thence by the line of said lot southwardly one hundred eighty (180) feet, more or less, to Main Street; thence by Main Street westwardly seventy-one (71) feet, more or less, to post and place of beginning.

EXCEPTING AND RESERVING therefrom that portion of said lot fronting on Main Street and extending back along Sixth Street twenty-five (25) feet, being a piece approximately twenty-five (25) feet by seventy-one (71) feet and presently or formerly being used as an Honor Roll Site or Soldiers and Sailors Memorial; ALSO EXCEPTING AND RESERVING therefrom that lot or parcel of land conveyed to Carlton G. Wertz and Robert J. Wertz by deed of Marion D. Mencer and Margaret E. Mencer Smith, dated May 22, 1953, and recorded in Clearfield County Deed Book 429, page 52.

BEING the same premises as were granted and conveyed unto Grantor herein by Deed of Margaret Smith and Edward H. Smith, dated May 7, 1991, and recorded at Clearfield County Deed Book Volume 1396, page 536. Clearfield County Tax Assessment Map No. F11-344-00018.

THE SECOND THEREOF:

ALL that certain piece of parcel of land situate in Grampian Borough, Clearfield County, Pennsylvania, bounded and described as follows, to wit: Lot identified as Clearfield County Assessment Map No. F11-344-00046.

BEING the same premises as were granted and conveyed unto Grantor herein by Deed of Patrick H. Mowrey and Kim Mowrey Hobba, et al., dated December 31, 1993, and recorded at Clearfield County Deed Book Volume 1589, page 134.

THE THIRD THEREOF:

BEGINNING at a point on the north side of Main Street where the southeast corner of this lot corners with the southwest corner of lot, now or formerly owned by Edward Farrell's heirs; thence north along the line of said Farrel lot one hundred eighty (180) feet to a post at an alley; thence westward along the line of said alley fifty (50) feet to a post; thence southwardly along other lands, now or formerly, of Mary E. OROUTT on a line parallel with the aforesaid line of the Farrell lot to a post on Main Street; thence Eastwardly along the line of Main Street fifty (50) feet to corner and place of beginning. Being a lot fronting fifty (50) feet on Main Street and extending a uniform width to an alley in the rear.

BEING the same premises as were granted and conveyed unto William E. Wall, Charles L. Curry and Bruce Coulter, Trustees for Penn Grange No. 534 by Deed of Frank Arch, Jr. and Steffany Arch dated June 4, 1947, and recorded at Clearfield County Deed Book Volume 384, page 204. Clearfield County Tax Assessment Map No. not specified.

THE FOURTH THEREOF:

ALL that certain lot of ground situate in the Borough of Grampian (formerly Pennville), County of Clearfield and State of Pennsylvania, bounded and described as follows, to wit: On the south by the Turnpike; on the east by an alley; on the north by an alley; and on the west by lot, now or formerly, of E. W. Hepburn. Being sixty (60) feet front by one hundred eighty (180) feet back, and containing about one-fourth of an acre.

BEING the same premises as were granted and conveyed unto Thomas Wall, William Wall and Bruce Coulter, Executive Committee of Penn Grange No. 534 by Deed of Lulu Smith and Jacob Smith, dated July 31, 1950, and recorded at Clearfield County Deed Book Volume 410, page 270. Clearfield County Tax Assessment No. F11-344-00015.

FOR PURPOSES OF CLARIFICATION, THE FOUR DESCRIBED PARCELS SET FORTH ABOVE ARE CONSOLIDATED THROUGH A SURVEY PERFORMED BY GEOTECH ENGINEERING, INC., DATED SEPTEMBER 5, 2006:

A tract of land being situate in Grampian Borough, County of Clearfield, Commonwealth of Pennsylvania, said tract being the consolidation of the following tracts of land as shown on a deed recorded in Deed Record Volume 384 at page 204, Deed Record Volume 410 at page 279, Deed Record Volume 1396 at page 536 and Deed Record Volume 1589 at page 134, all in the Office of the Recorder of Deeds, Clearfield County, Pennsylvania, said tract of land to be hereinafter known as Consolidated Lot of Penn Grange No. 534, said consolidated lot being more particularly described as follows:

BEGINNING at a point being the point of intersection of the East right of way line of Fifth Street and the North right of way line of Main Street, also known as State Route 0219, said right of way now established; thence along said North right of way line, North $55^{\circ} 28' 52''$ West a distance of ninety-five and 82/100 (95.82) feet to a point; thence along same, along a curve to the left having a radius of one thousand four hundred fifty-seven and 69/100 (1457.69) feet, a delta angle of $0^{\circ} 30' 11''$, a chord bearing N $55^{\circ} 43' 55''$ W., a chord distance of twelve and 80/100 (12.80) feet an arc distance of twelve and 80/100 (12.80) feet to a point; thence along the line of land of the site for the Honor Roll of the Soldiers and Sailors Memorial, North $33^{\circ} 18' 00''$ East a distance of twenty-five and no/100 (25.00) feet to a point; thence along same, along a curve to the left having a radius of one thousand four hundred eighty-two and 69/100 (1482.69) feet, a delta angle of $2^{\circ} 58' 54''$, a chord bearing of N $57^{\circ} 29' 11''$ W., a chord distance of seventy-seven and 15/100 (77.15) feet an arc distance of seventy-seven and 16/100 (77.16) feet to a point on the West right of way line of Sixth Street, as now established; thence along said West right of way line, North $19^{\circ} 22' 24''$ East a distance of one hundred fifty-three and 10/100 (153.10) feet to a point on the South right of way line of a twenty and no/100 (20.00) feet wide alley as now established; thence along said South right of way line South $57^{\circ} 32' 40''$ East a distance of two hundred twenty and 31/100 (220.31) feet to a point on aforesaid East right of way line of Fifth Street; thence along said East right of way line, South $32^{\circ} 33' 36''$ West a distance of

one hundred seventy-eight and 06/100 (178.06) feet to the point of beginning. CONTAINING 33,150.29 square feet or 0.761 acre.

SUBJECT TO all restrictions, reservations, covenants, easements, and conditions as are contained in the chain of title to these parcels.

The relief requested in the Complaint filed herein shall be granted to plaintiff unless defendants file a written Answer to the Complaint within thirty days of the date of this Order, setting forth their defenses to the Complaint, pursuant to Pa.R.C.P. §1066(b)(1).

IT IS THE FURTHER ORDER AND DECREE of this Court that if no such action is taken by defendants within the thirty day time period specified herein, the Prothonotary, upon Praecept of the plaintiff, shall enter final judgment awarding the relief requested in the Complaint to plaintiff.

BY THE COURT:



Fredric J. Ammerman,
President Judge

FILED

JAN 18 2007

DATE: 1-18-2007

X You are responsible for serving all appropriate parties.

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

 Plaintiff(s) Plaintiff(s) Attorney Other

 Defendant(s) Defendant(s) Attorney

 Special Instructions:

William A. Shaw
Prothonotary/Clerk of Courts

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

BARRETT HOLDINGS, LLC,
Plaintiff

*

-vs-

*

Docket No. 06-2039-CD
ACTION TO QUIET TITLE

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,

*

Defendants

*

FILED

03/18 p.m. 6K

JAN 16 2007 cc to my

GR
William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF DEFAULT

COMMONWEALTH OF PENNSYLVANIA:

:SS:

COUNTY OF CLEARFIELD

:

DWIGHT L. KOERBER, JR., ESQUIRE, being duly sworn according to law, deposes and states as follows, pursuant to Pa.R.C.P. 1066:

1. That he is counsel of record for plaintiff in the above-captioned matter.

2. That a Complaint to Quiet Title with Notice to Defend was filed in this matter on December 5, 2006, requesting that defendants, and any person or entity claiming under defendants, be permanently enjoined and restrained from asserting any claim or interest in or to real property described in plaintiff's Complaint filed in this matter.

3. That An Affidavit that the Whereabouts of the Defendants Named and Their Heirs and Assigns are Unknown was filed in this matter on December 5, 2006, along with a Motion for Publication.

4. That an Order was entered by the Court on December 6, 2006, granting plaintiff leave to make service by publication.

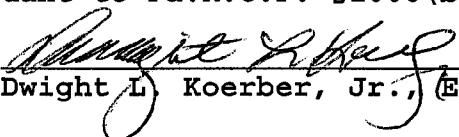
5. That publication was duly performed, as shown in the Affidavit of Service filed in this matter on January 16, 2007.

6. That defendants were advised through said publication to file an Answer within twenty days of the date of publication.

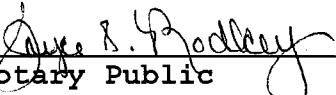
7. That defendants did not file an Answer to the Complaint.

8. That Pa.R.C.P. 1066(a) specifies that this Honorable Court shall grant appropriate relief upon affidavit that a complaint containing a notice to defend has been served and that defendants have not filed an answer.

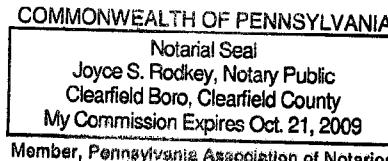
9. That plaintiff requests this Honorable Court to enter an Order against defendants, pursuant to Pa.R.C.P. §1066(b).


Dwight L. Koerber, Jr., Esquire

Sworn to and subscribed
before me this 11th
day of January, 2007.



Notary Public



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

BARRETT HOLDINGS, LLC,
Plaintiff

*

-VS-

*

Docket No. 06-2039-CD
ACTION TO QUIET TITLE

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,

Defendants

*

Type of pleading:
PRAECIPE

Filed on behalf of:
PLAINTIFF, Barrett
Holdings, LLC

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED
03/18/07
FEB 20 2007
NO CC
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William A. Shaw
Prothonotary/Clerk of Courts

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

BARRETT HOLDINGS, LLC,
Plaintiff

*

-vs-

*

Docket No. 06-2039-CD
ACTION TO QUIET TITLE

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,

Defendants

*

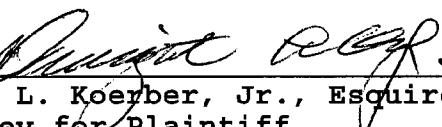
PRAECLYPE

TO THE PROTHONOTARY:

Kindly enter judgment to quiet title in favor of Plaintiff
BARRETT HOLDINGS, LLC and against Defendants CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs and Assigns; MARION D. MENCER AND
MARGARET E. MENCER, their Heirs and Assigns; JONATHAN WALL, his
Heirs and Assigns; and MARY MARTHA FARRELL AND MAGGIE MARY BELL
FARRELL, their Heirs and Assigns, in accordance with the Order of
Court dated January 17, 2007, a true and correct copy of which is
attached.

Respectfully submitted,

By:


Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff,
BARRETT HOLDINGS, LLC
DATE: February 20, 2007

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

BARRETT HOLDINGS, LLC,
Plaintiff

*

-vs-

CARLTON G. WERTZ AND
CLARENCE E. BECK, their Heirs
and Assigns; MARION D. MENCER
AND MARGARET E. MENCER, their
Heirs and Assigns; JONATHAN
WALL, his Heirs and Assigns;
and MARY MARTHA FARRELL AND
MAGGIE MARY BELL FARRELL,
their Heirs and Assigns,
Defendants

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Docket No. 06-2039-CD
ACTION TO QUIET TITLE

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

JAN 16 2007

Attest.

John J. Schreyer
Clerk, County
Court, Clearfield

O R D E R

AND NOW, this 17th day of January, 2007, with
no Answer to the Complaint having been filed by defendants, and an
Affidavit of Default having been filed with this Court, IT IS THE
ORDER AND DECREE of this Court pursuant to Pa.R.C.P. §1066 that a
judgment by default be entered against defendants, directing as
follows:

THAT defendants named herein, their heirs and assigns, and any
person or entity claiming under said defendants, are permanently
enjoined and restrained from asserting any lien, title, claim or
interest in or to the following real property of plaintiff, or any
part thereof, with such description set forth hereinbelow

containing and incorporating into the description the property which is the subject of the within quiet title action:

ALL those certain four (4) parcels of land situate in the Borough of Grampian, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

THE FIRST THEREOF:

BEGINNING at a post at the corner of Main Street and Sixth Street (formerly public road); thence by Sixth Street northwardly one hundred and eighty-three (183) feet, more or less, to an alley; thence by said alley eastwardly one hundred fourteen (114) feet, more or less, to a post at corner of lot, now or formerly, of George F. McMullen; thence by the line of said lot southwardly one hundred eighty (180) feet, more or less, to Main Street; thence by Main Street westwardly seventy-one (71) feet, more or less, to post and place of beginning.

EXCEPTING AND RESERVING therefrom that portion of said lot fronting on Main Street and extending back along Sixth Street twenty-five (25) feet, being a piece approximately twenty-five (25) feet by seventy-one (71) feet and presently or formerly being used as an Honor Roll Site or Soldiers and Sailors Memorial; ALSO EXCEPTING AND RESERVING therefrom that lot or parcel of land conveyed to Carlton G. Wertz and Robert J. Wertz by deed of Marion D. Mencer and Margaret E. Mencer Smith, dated May 22, 1953, and recorded in Clearfield County Deed Book 429, page 52.

BEING the same premises as were granted and conveyed unto Grantor herein by Deed of Margaret Smith and Edward H. Smith, dated May 7, 1991, and recorded at Clearfield County Deed Book Volume 1396, page 536. Clearfield County Tax Assessment Map No. F11-344-00018.

THE SECOND THEREOF:

ALL that certain piece of parcel of land situate in Grampian Borough, Clearfield County, Pennsylvania, bounded and described as follows, to wit: Lot identified as Clearfield County Assessment Map No. F11-344-00046.

BEING the same premises as were granted and conveyed unto Grantor herein by Deed of Patrick H. Mowrey and Kim Mowrey Hobba, et al., dated December 31, 1993, and recorded at Clearfield County Deed Book Volume 1589, page 134.

THE THIRD THEREOF:

BEGINNING at a point on the north side of Main Street where the southeast corner of this lot corners with the southwest corner of lot, now or formerly owned by Edward Farrell's heirs; thence north along the line of said Farrel lot one hundred eighty (180) feet to a post at an alley; thence westward along the line of said alley fifty (50) feet to a post; thence southwardly along other lands, now or formerly, of Mary E. OROUTT on a line parallel with the aforesaid line of the Farrell lot to a post on Main Street; thence Eastwardly along the line of Main Street fifty (50) feet to corner and place of beginning. Being a lot fronting fifty (50) feet on Main Street and extending a uniform width to an alley in the rear.

BEING the same premises as were granted and conveyed unto William E. Wall, Charles L. Curry and Bruce Coulter, Trustees for Penn Grange No. 534 by Deed of Frank Arch, Jr. and Steffany Arch dated June 4, 1947, and recorded at Clearfield County Deed Book Volume 384, page 204. Clearfield County Tax Assessment Map No. not specified.

THE FOURTH THEREOF:

ALL that certain lot of ground situate in the Borough of Grampian (formerly Pennville), County of Clearfield and State of Pennsylvania, bounded and described as follows, to wit: On the south by the Turnpike; on the east by an alley; on the north by an alley; and on the west by lot, now or formerly, of E. W. Hepburn. Being sixty (60) feet front by one hundred eighty (180) feet back, and containing about one-fourth of an acre.

BEING the same premises as were granted and conveyed unto Thomas Wall, William Wall and Bruce Coulter, Executive Committee of Penn Grange No. 534 by Deed of Lulu Smith and Jacob Smith, dated July 31, 1950, and recorded at Clearfield County Deed Book Volume 410, page 270. Clearfield County Tax Assessment No. F11-344-00015.

FOR PURPOSES OF CLARIFICATION, THE FOUR DESCRIBED PARCELS SET FORTH ABOVE ARE CONSOLIDATED THROUGH A SURVEY PERFORMED BY GEOTECH ENGINEERING, INC., DATED SEPTEMBER 5, 2006:

A tract of land being situate in Grampian Borough, County of Clearfield, Commonwealth of Pennsylvania, said tract being the consolidation of the following tracts of land as shown on a deed recorded in Deed Record Volume 384 at page 204, Deed Record Volume 410 at page 279, Deed Record Volume 1396 at page 536 and Deed Record Volume 1589 at page 134, all in the Office of the Recorder of Deeds, Clearfield County, Pennsylvania, said tract of land to be hereinafter known as Consolidated Lot of Penn Grange No. 534, said consolidated lot being more particularly described as follows:

BEGINNING at a point being the point of intersection of the East right of way line of Fifth Street and the North right of way line of Main Street, also known as State Route 0219, said right of way now established; thence along said North right of way line, North 55° 28' 52" West a distance of ninety-five and 82/100 (95.82) feet to a point; thence along same, along a curve to the left having a radius of one thousand four hundred fifty-seven and 69/100 (1457.69) feet, a delta angle of 0° 30' 11", a chord bearing N 55° 43' 55" W., a chord distance of twelve and 80/100 (12.80) feet an arc distance of twelve and 80/100 (12.80) feet to a point; thence along the line of land of the site for the Honor Roll of the Soldiers and Sailors Memorial, North 33° 18' 00" East a distance of twenty-five and no/100 (25.00) feet to a point; thence along same, along a curve to the left having a radius of one thousand four hundred eighty-two and 69/100 (1482.69) feet, a delta angle of 2° 58' 54", a chord bearing of N 57° 29' 11" W., a chord distance of seventy-seven and 15/100 (77.15) feet an arc distance of seventy-seven and 16/100 (77.16) feet to a point on the West right of way line of Sixth Street, as now established; thence along said West right of way line, North 19° 22' 24" East a distance of one hundred fifty-three and 10/100 (153.10) feet to a point on the South right of way line of a twenty and no/100 (20.00) feet wide alley as now established; thence along said South right of way line South 57° 32' 40" East a distance of two hundred twenty and 31/100 (220.31) feet to a point on aforesaid East right of way line of Fifth Street; thence along said East right of way line, South 32° 33' 36" West a distance of

one hundred seventy-eight and 06/100 (178.06) feet to the point of beginning. CONTAINING 33,150.29 square feet or 0.761 acre.

SUBJECT TO all restrictions, reservations, covenants, easements, and conditions as are contained in the chain of title to these parcels.

The relief requested in the Complaint filed herein shall be granted to plaintiff unless defendants file a written Answer to the Complaint within thirty days of the date of this Order, setting forth their defenses to the Complaint, pursuant to Pa.R.C.P. §1066(b)(1).

IT IS THE FURTHER ORDER AND DECREE of this Court that if no such action is taken by defendants within the thirty day time period specified herein, the Prothonotary, upon Praecept of the plaintiff, shall enter final judgment awarding the relief requested in the Complaint to plaintiff.

BY THE COURT:

/s/ Fredric J Ammerman.

Fredric J. Ammerman,
President Judge