



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

IN RE: CONDEMNATION BY  
BURNSIDE BOROUGH OF EASEMENTS  
TO PROPERTIES LOCATED IN  
BURNSIDE BOROUGH, CLEARFIELD  
COUNTY, PENNSYLVANIA,

No. 06- 2070 -CD

Type of Pleading: Declaration of Taking

Filed on behalf of: Burnside Borough

Counsel of Record for this Party:

Kim C. Kesner, Esquire  
Supreme Ct. I.D. #28307

23 North Second Street  
Clearfield, PA 16830

814-765-1706

FILED 15 CC  
DEC 13 2006  
Atty Kesner  
Atty pd 85.00

William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: CONDEMNATION BY :  
BURNSIDE BOROUGH OF EASEMENTS : No. 06- -CD  
TO PROPERTIES LOCATED IN :  
BURNSIDE BOROUGH, CLEARFIELD :  
COUNTY, PENNSYLVANIA, :

**DECLARATION OF TAKING**

NOW COMES, Burnside Borough, Clearfield County, Pennsylvania and files the following Declaration of Taking:

1. The Condemnor is Burnside Borough, with a mailing address of P.O. Box 208, Burnside, Pennsylvania, 15721.

2. This condemnation is authorized by Section 1501 of the Borough Code, 53 P.S. §44501, as amended and supplemented;

3. This Declaration of Taking was authorized by resolution duly passed by Burnside Borough at a regular meeting held on December 6, 2006. The record thereof, including a copy of the Resolution may be examined at the office of the Borough in Burnside, PA, 15721, during regular business hours.

4. The purpose of this condemnation is to acquire permanent and temporary easements for the purposes of the construction of the Borough's sewer system and related facilities.

5. The properties condemned are shown on plats thereof annexed to this Declaration of Taking as a part hereof, which properties are identified by the following assessment map numbers and owner(s) as known to the Borough.

<u>Map Number</u>	<u>Owner(s)</u>
2-A13-62	Mary L. Bingaman
2-A13-30	Ray C. & Katherine A. Fleming
2-A13-41	David J. Gregg, Kay E. Gregg, III, Donald J. Gregg Jacob K. & Marjorie L. Gregg, Howard L. Gregg, III George A. Gregg, Kay Leroy Gorman
2-A13-310-37	John Paul & Carrie Jean Kolenko
2-A13-309-24	Mona Jean Munkel
2-A13-308-49	Mary Rawle
2-A13-16	Wachovia Bank of Delaware
2-A13-36	Edward D. Somerville

Copies of the Plats annexed hereto are also being lodged for record concurrent with the filing herewith in the Office of the Recorder of Deeds of Clearfield County in accordance with Section 404 of the Eminent Domain Code, Act of June 22, 1964, Sp. Sess., P.L. 84, Art. I Section 404, as amended, Act of December 5, 1969, P.L. 316, Section 1 and Act of December 29, 1971, P.L. 636, No. 169 Section 2, 26 P.S. Section 1-404.

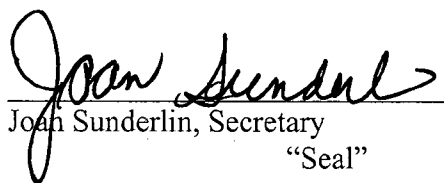
6. The nature of the title acquired in and to properties described in Paragraph 5 hereof are permanent, exclusive and sufficient easements, rights-of-way, rights, and privileges for the purpose of placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing sewage facilities over, under, across, upon and through the permanent easement areas as shown on the Plats, with the temporary right during construction to use an additional area of the surface of the properties also shown on the Plats to construct and install within the permanent easement areas the facilities to be constructed with rights to do all things

necessary, convenient and required to carry out the construction within the permanent easement areas.

7. The construction plans of the Borough showing the facilities to be constructed and installed as well as the condemned properties may be inspected at the office of the Borough at Burnside, Pennsylvania, 15721, during regular business hours.

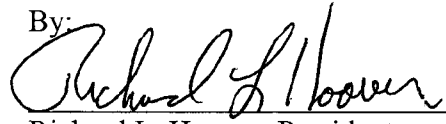
8. Just compensation for this condemnation is secured by the Bond of the Borough, without surety, in accordance with Section 403 of the Eminent Domain Code, 26 P.S. Section 1-403(a) which is being filed contemporaneously herewith.

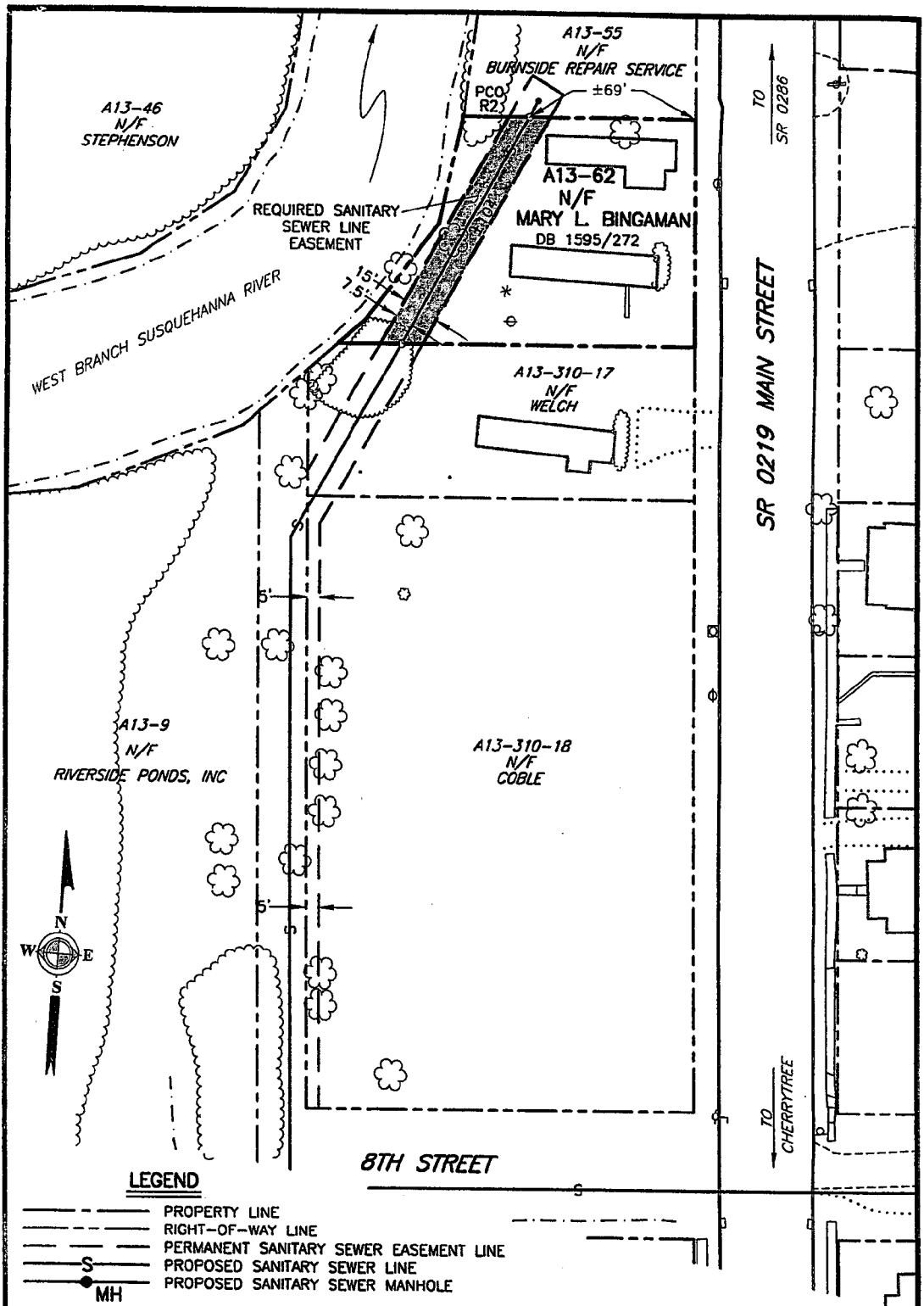
ATTEST:

  
Joan Sunderlin, Secretary  
"Seal"

BURNSIDE BOROUGH

By:

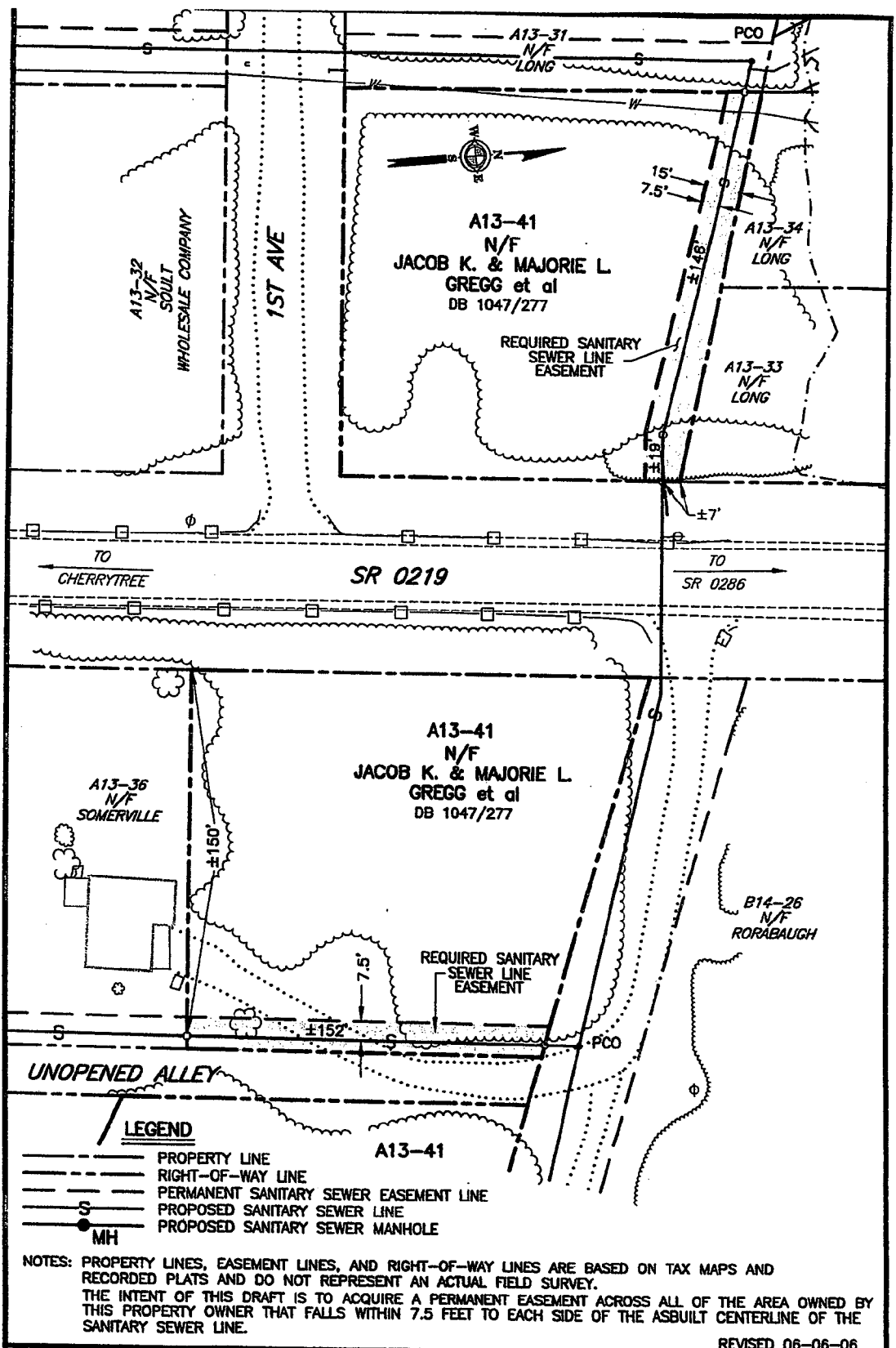
  
Richard L. Hoover, President



NOTES: PROPERTY LINES, EASEMENT LINES, AND RIGHT-OF-WAY LINES ARE BASED ON TAX MAPS AND RECORDED PLATS AND DO NOT REPRESENT AN ACTUAL FIELD SURVEY. THE INTENT OF THIS DRAFT IS TO ACQUIRE A PERMANENT EASEMENT ACROSS ALL OF THE AREA OWNED BY THIS PROPERTY OWNER THAT FALLS WITHIN 7.5 FEET TO EACH SIDE OF THE ASBUILT CENTERLINE OF THE SANITARY SEWER LINE.

<b>PERMANENT SANITARY SEWER LINE EASEMENT</b> DESIRED BY BURNSIDE BOROUGH FROM <b>MARY L. BINGAMAN</b> BURNSIDE BOROUGH, CLEARFIELD COUNTY PENNSYLVANIA		 <b>KELLER ENGINEERS</b> KELLER ENGINEERS, INC. 420 ALLEGHENY STREET POST OFFICE BOX 61 HOLLIDAYSBURG, PA 16648 PHONE: (814) 696-7430 FAX: (814) 696-0150	SEAL  <b>ANDREW H. EBERSOLE</b> LAND SURVEYOR No. 39396-E PENNSYLVANIA
PROJECT NUMBER: 1780-1			
SCALE: 1" = 50'	DATE: 08-15-05		





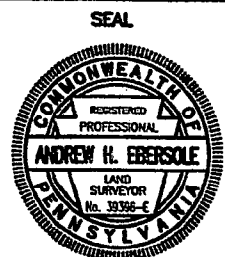
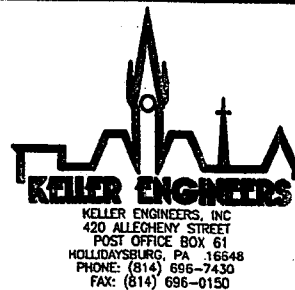
REVISED 06-06-06

PERMANENT SANITARY SEWER LINE EASEMENT  
DESIRED BY  
BURNSIDE BOROUGH  
FROM  
JACOB K. & MAJORIE L.  
GREGG et al  
BURNSIDE BOROUGH, CLEARFIELD COUNTY  
PENNSYLVANIA

PROJECT NUMBER: 1780-1

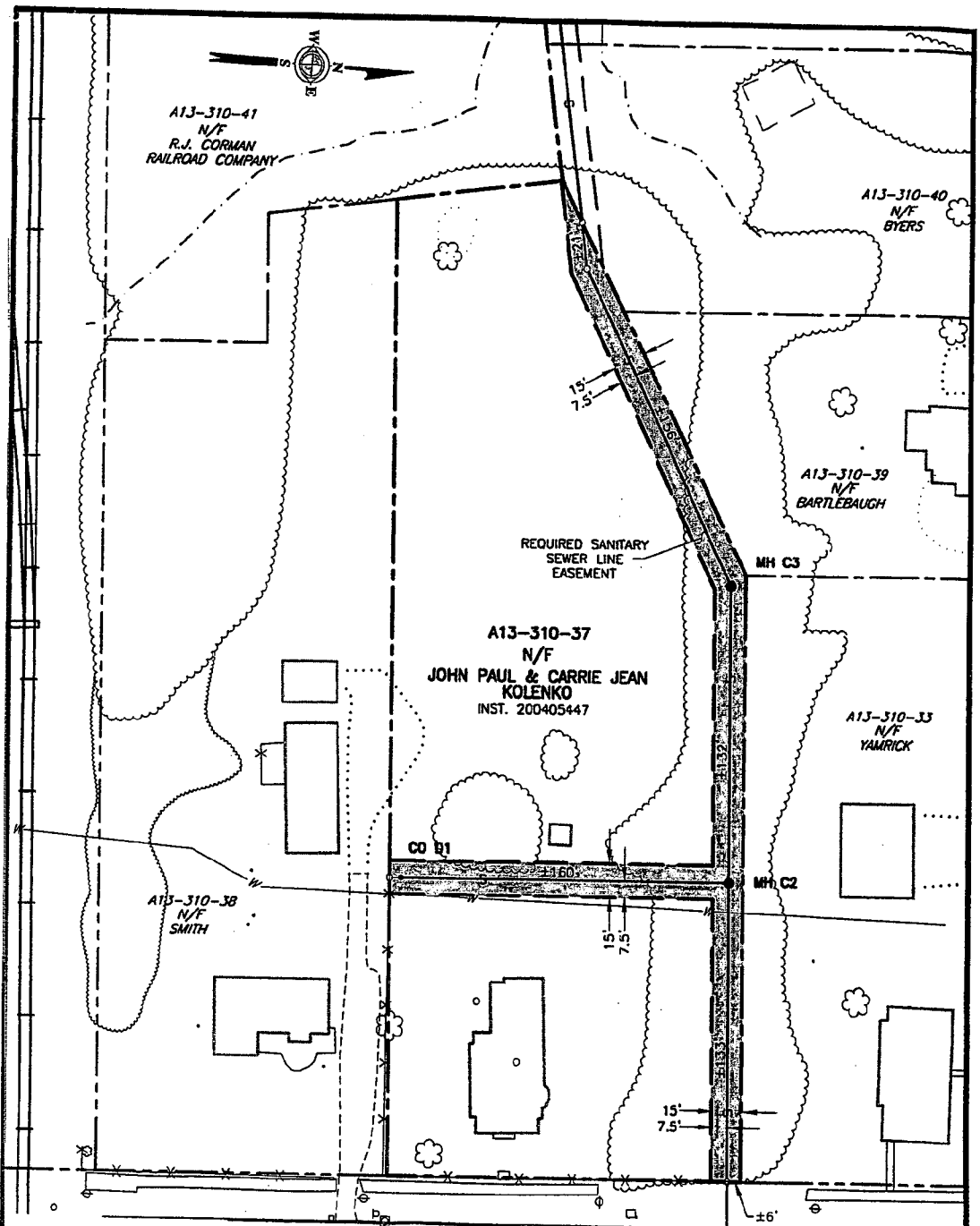
SCALE: 1" = 50'

DATE: 08-15-05



1780-1EASE.DWG





#### LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY LINE
- PERMANENT SANITARY SEWER EASEMENT LINE
- S ----- PROPOSED SANITARY SEWER LINE
- MH PROPOSED SANITARY SEWER MANHOLE

NOTES: PROPERTY LINES, EASEMENT LINES, AND RIGHT-OF-WAY LINES ARE BASED ON TAX MAPS AND RECORDED PLATS AND DO NOT REPRESENT AN ACTUAL FIELD SURVEY. THE INTENT OF THIS DRAFT IS TO ACQUIRE A PERMANENT EASEMENT ACROSS ALL OF THE AREA OWNED BY THIS PROPERTY OWNER THAT FALLS WITHIN 7.5 FEET TO EACH SIDE OF THE ASBUILT CENTERLINE OF THE SANITARY SEWER LINE.

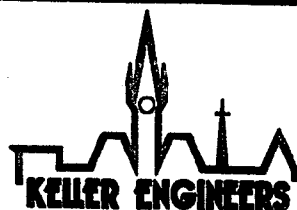
REVISED 10-02-06

PERMANENT SANITARY SEWER LINE EASEMENT  
DESIRED BY  
BURNSIDE BOROUGH  
FROM  
JOHN PAUL & CARRIE JEAN  
KOLENKO  
BURNSIDE BOROUGH, CLEARFIELD COUNTY  
PENNSYLVANIA

PROJECT NUMBER: 1780-1

SCALE: 1" = 60'

DATE: 08-15-05

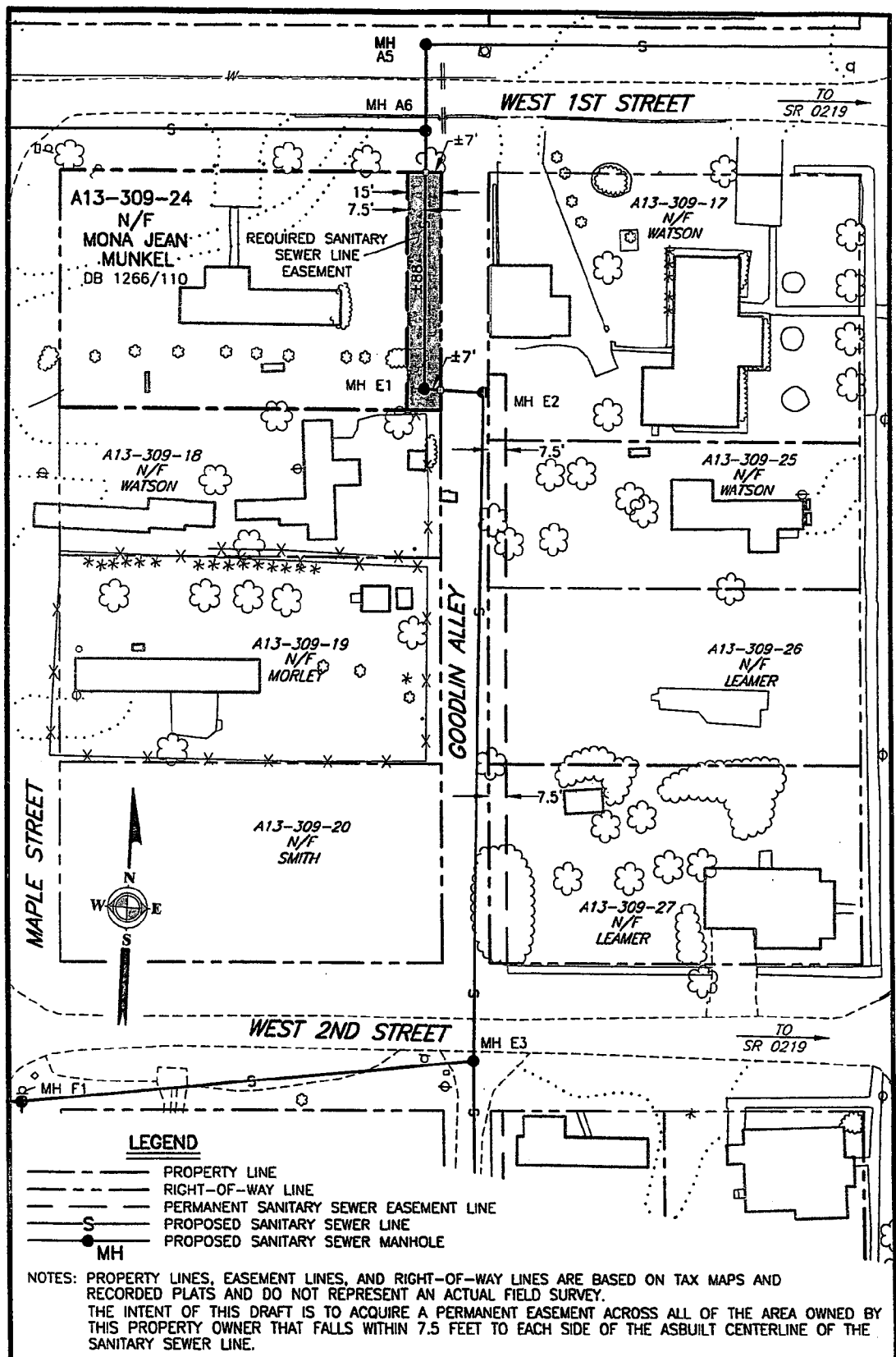


KELLER ENGINEERS, INC.  
420 ALLEGHENY STREET  
POST OFFICE BOX 51  
HOLLIDAYSBURG, PA 16648  
PHONE: (814) 696-7430  
FAX: (814) 696-0150

SEAL



1780-1EASE.DWG



# **LEGEND**

- PROPERTY LINE
- - - RIGHT-OF-WAY LINE
- PERMANENT SANITARY SEWER EASEMENT LINE
- S — PROPOSED SANITARY SEWER LINE
- MH PROPOSED SANITARY SEWER MANHOLE

NOTES: PROPERTY LINES, EASEMENT LINES, AND RIGHT-OF-WAY LINES ARE BASED ON TAX MAPS AND RECORDED PLATS AND DO NOT REPRESENT AN ACTUAL FIELD SURVEY.  
 THE INTENT OF THIS DRAFT IS TO ACQUIRE A PERMANENT EASEMENT ACROSS ALL OF THE AREA OWNED BY THIS PROPERTY OWNER THAT FALLS WITHIN 7.5 FEET TO EACH SIDE OF THE ASBUILT CENTERLINE OF THE SANITARY SEWER LINE.

PERMANENT SANITARY SEWER LINE EASEMENT  
 DESIRED BY  
 BURNSIDE BOROUGH  
 FROM

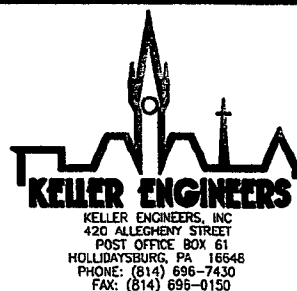
MONA JEAN MUNKEL

BURNSIDE BOROUGH, CLEARFIELD COUNTY

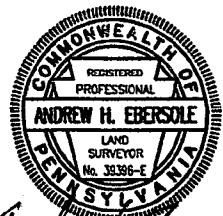
PROJECT NUMBER: 1780-1

SCALE: 1" = 50'

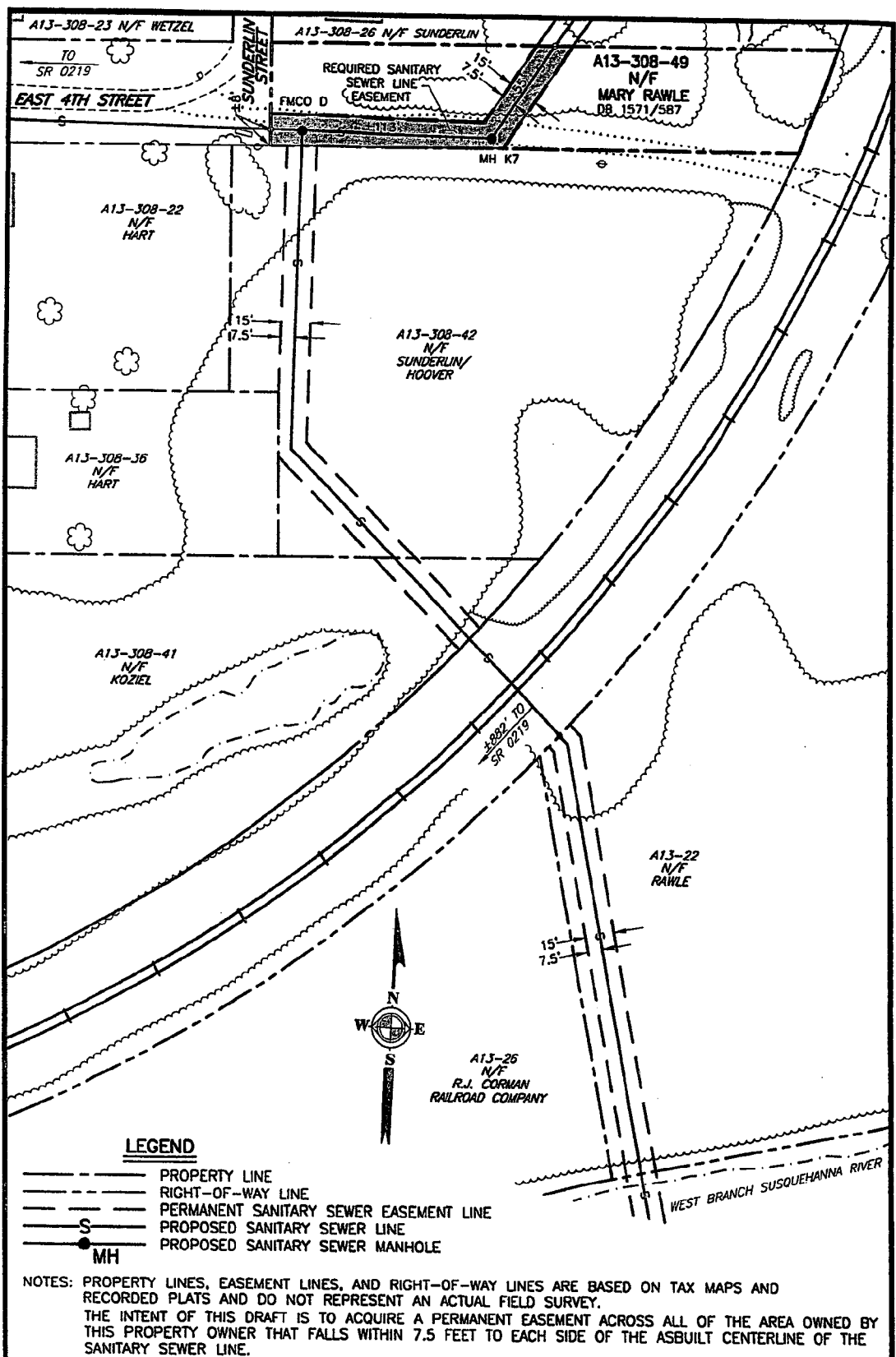
DATE: 08-15-05



SEAL



*Andrew H. Ebersole*  
 1780-1EASE.DWG

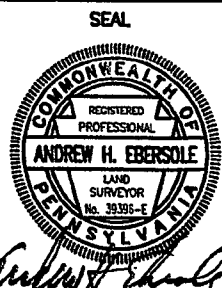
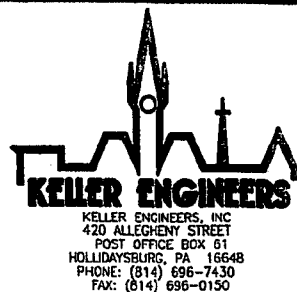


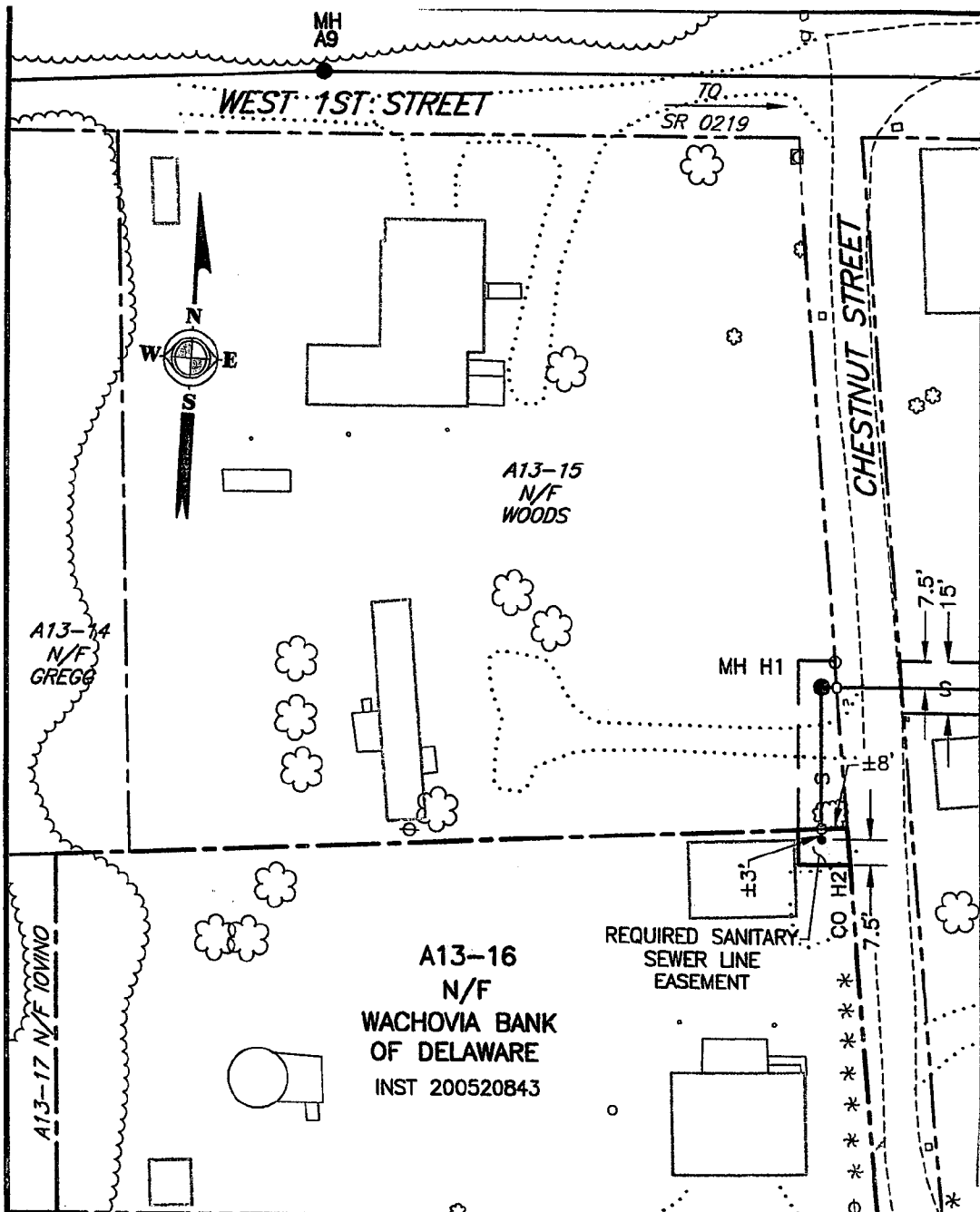
PERMANENT SANITARY SEWER LINE EASEMENT  
DESIRED BY  
BURNSIDE BOROUGH  
FROM  
**MARY RAWLE**  
BURNSIDE BOROUGH, CLEARFIELD COUNTY  
PENNSYLVANIA

PROJECT NUMBER: 1780-1

SCALE: 1" = 60'

DATE: 08-15-05





**LEGEND**

- PROPERTY LINE
- - - - - RIGHT-OF-WAY LINE
- - - - - PERMANENT SANITARY SEWER EASEMENT LINE
- S - - - PROPOSED SANITARY SEWER LINE
- MH PROPOSED SANITARY SEWER MANHOLE

NOTES: PROPERTY LINES, EASEMENT LINES, AND RIGHT-OF-WAY LINES ARE BASED ON TAX MAPS AND RECORDED PLATS AND DO NOT REPRESENT AN ACTUAL FIELD SURVEY.  
 THE INTENT OF THIS DRAFT IS TO ACQUIRE A PERMANENT EASEMENT ACROSS ALL OF THE AREA OWNED BY THIS PROPERTY OWNER THAT FALLS WITHIN 7.5 FEET TO EACH SIDE OF THE ASBUILT CENTERLINE OF THE SANITARY SEWER LINE.

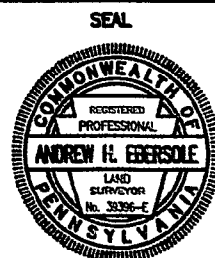
REVISED 07-24-06

PERMANENT SANITARY SEWER LINE EASEMENT  
 DESIRED BY  
 BURNSIDE BOROUGH  
 FROM  
 WACHOVIA BANK  
 OF DELAWARE  
 BURNSIDE BOROUGH, CLEARFIELD COUNTY  
 PENNSYLVANIA

PROJECT NUMBER: 1780-1

SCALE: 1" = 40' DATE: 06-15-05

**KELLER ENGINEERS**  
 KELLER ENGINEERS, INC.  
 420 ALLEGHENY STREET  
 POST OFFICE BOX 61  
 HOLLIDAYSBURG, PA 16648  
 PHONE: (814) 696-7430  
 FAX: (814) 696-0150





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

IN RE: CONDEMNATION BY  
BURNSIDE BOROUGH OF EASEMENTS  
TO PROPERTIES LOCATED IN  
BURNSIDE BOROUGH, CLEARFIELD  
COUNTY, PENNSYLVANIA,

No. 06-2070 -CD

Type of Pleading: Bond

Filed on behalf of: Burnside Borough

Counsel of Record for this Party:

Kim C. Kesner, Esquire  
Supreme Ct. I.D. #28307

23 North Second Street  
Clearfield, PA 16830

814-765-4706

FILED <sup>1cc</sup>  
01/11/24 By Atty Kesner  
DEC 13 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

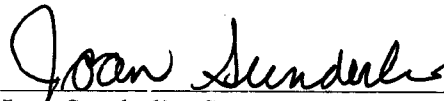
IN RE: CONDEMNATION BY :  
BURNSIDE BOROUGH OF EASEMENTS : No. 06- 2070 -CD  
TO PROPERTIES LOCATED IN :  
BURNSIDE BOROUGH, CLEARFIELD :  
COUNTY, PENNSYLVANIA, :

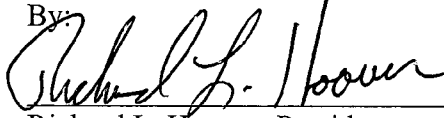
**BOND**

KNOW ALL MEN BY THESE PRESENTS, THAT BURNSIDE BOROUGH, CLEARFIELD COUNTY, PENNSYLVANIA, with a mailing address of P.O. Box 208, Burnside, Pennsylvania, 15721, hereafter called "OBLIGOR" is held and firmly bound unto the Commonwealth of Pennsylvania, hereinafter called "OBLIGEE" for the use and benefit of the owner or owners of the property interests condemned, the condition of which shall be that the OBLIGOR shall pay such damages as shall be determined by law.

WHEREAS, Burnside Borough, the OBLIGOR herein, shall pay or cause to be paid such amount of damages as the said owner(s) of the property interest(s) shall be entitled to by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to remain in full force and effect.

ATTEST:

  
Joan Sunderlin, Secretary  
"Seal"

BURNSIDE BOROUGH  
By:   
Richard L. Hoover, President

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

IN RE: CONDEMNATION BY  
BURNSIDE BOROUGH OF EASEMENTS  
TO PROPERTIES LOCATED IN  
BURNSIDE BOROUGH, CLEARFIELD  
COUNTY, PENNSYLVANIA,

No. 06-2070 -CD

Type of Pleading: Memorandum of  
Recording

Filed on behalf of: Burnside Borough

Counsel of Record for this Party:

Kim C. Kesner, Esquire  
Supreme Ct. I.D. #28307

23 North Second Street  
Clearfield, PA 16830

814-765-1706

**FILED** *icc*  
*0/1:05/01*  
**DEC 13 2006** *Atty Kesner*

William A. Shaw  
Prothonotary/Clerk of Courts



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

IN RE: CONDEMNATION BY :  
BURNSIDE BOROUGH OF EASEMENTS : No. 06-2070 -CD  
TO PROPERTIES LOCATED IN :  
BURNSIDE BOROUGH, CLEARFIELD :  
COUNTY, PENNSYLVANIA, :

**MEMORANDUM OF RECORDING**  
**NOTICE OF CONDEMNATION**

In accordance with Section 404 of the Eminent Domain Code, 26 P.S. Section 1-404, now comes Burnside Borough, by its solicitor, Kim C. Kesner, Esquire and files this Memorandum that on the 13<sup>th</sup> day of December, 2006, a Notice of this condemnation was recorded with the Recorder of Deeds of Clearfield County and is of the record at Instrument Number 2006 20665.



Kim C. Kesner, Esquire  
Solicitor - Burnside Borough

# AFFIDAVIT OF PROCESS SERVER

FILED NO CC  
01/10/33/61  
DEC 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

Court of Common Pleas of Clearfield County

(NAME OF COURT)

Burnside Borough

PLAINTIFF/PETITIONER

vs. Edmund D Somerville

DEFENDANT/RESPONDENT

06-2070-CD

CASE #

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Edmund D Somerville

with the (documents) Notice and Declaration of Taking

by serving

at ☒ Home 38 Second Ave Burnside Pa 15721

☐ Business

on Dec 16, 2006 at 9:50 AM.

Thereafter copies of the documents were mailed by prepaid, first class mail on \_\_\_\_\_  
from \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ DATE \_\_\_\_\_

- Manner of Service: ☒ By personally delivering copies to the person/authorized agent of entity being served.  
☐ By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.  
☐ By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household 18 or older and explaining the general nature of the papers.  
☐ By posting copies in a conspicuous manner to the address of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s).

- ☐ Unknown at Address ☐ Evading ☐ Moved, Left no Forwarding ☐ Other  
☐ Address Does Not Exist ☐ Service Cancelled by Litigant ☐ Unable to Service in a Timely Fashion

Service Attempts: Service was attempted on ( ) \_\_\_\_\_ ( ) \_\_\_\_\_  
( ) \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ ( ) \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_  
( ) \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

Description: Age 40's Sex M Race W Hgt. 5'10 Wgt. 180 Hair B Glasses N

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on 12-18-06  
at Clearfield CITY PA STATE

State of PA  
County of CLEARFIELD

Sworn to and subscribed before me this 18  
day of December, 2006

[Signature]  
SIGNATURE OF PROCESS SERVER

RICHARD A IRELAND

Magisterial District Judge

State of Pennsylvania

No. 46-3-02, Clearfield Co.

Term Expires on January 3, 2012

NOTARY PUBLIC

# AFFIDAVIT OF PROCESS SERVER

FILED NO CC  
01/10/33/01  
DEC 20 2006

Court of Common Pleas of Clearfield County

(NAME OF COURT)

Burnside Borough

PLAINTIFF/PETITIONER

vs. John Paul  
CARRIE JEN KOLENKO

DEFENDANT/RESPONDENT

William A. Shaw  
Prothonotary/Clerk of Courts

06-2020-CD

CASE #

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served John Paul Kolenko

with the (documents) Notice and Declaration of Taking

by serving

NAME

RELATIONSHIP

at ☒ Home N. Long St. Cherry Tree Pa 15724

☐ Business

on December 16, 2006 at 10:45 AM

Thereafter copies of the documents were mailed by prepaid, first class mail on

from CITY STATE DATE

Manner of Service: ☒ By personally delivering copies to the person/authorized agent of entity being served.

☐ By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.

☐ By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household 18 or older and explaining the general nature of the papers.

☐ By posting copies in a conspicuous manner to the address of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s).

☐ Unknown at Address ☐ Evading ☐ Moved, Left no Forwarding ☐ Other  
☐ Address Does Not Exist ☐ Service Cancelled by Litigant ☐ Unable to Service in a Timely Fashion

Service Attempts: Service was attempted on ( ) DATE TIME ( ) DATE TIME  
( ) DATE TIME ( ) DATE TIME ( ) DATE TIME

Description:

Age 60's Sex M Race W Hgt. 5' 8" Wgt. 140 Hair 1/2 hat on Glasses N

I declare, under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on 12-18-06  
at Clearfield PA CITY STATE DATE

State of PA  
County of Clearfield

Sworn to and subscribed before me this 18  
day of December, 2006

RICHARD A IRELAND  
Magisterial District Judge  
State of Pennsylvania  
No. 46-3-02, Clearfield Co.  
Term Expires on January 3, 2012

SIGNATURE OF PROCESS SERVER

NOTARY PUBLIC

# AFFIDAVIT OF PROCESS SERVER

FILED No cc  
0103361  
DEC 20 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

Court of Common Pleas of Clearfield County  
(NAME OF COURT)

Burusside Borough  
PLAINTIFF/PETITIONER

vs. Raymond C & Katherine A Fleming  
DEFENDANT/RESPONDENT

06-2020-CD  
CASE #

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Katherine A Fleming

with the (documents) Notice and Declaration of Taking

by serving

at ☒ Home 345 Third Ave Buesside Pa 15721  
NAME RELATIONSHIP

☐ Business

on December 17, 2006 at 9:55 AM.

Thereafter copies of the documents were mailed by prepaid, first class mail on

from \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ DATE \_\_\_\_\_

- Manner of Service: ☒ By personally delivering copies to the person/authorized agent of entity being served.  
☐ By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.  
☐ By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household 18 or older and explaining the general nature of the papers.  
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Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s).

- ☐ Unknown at Address ☐ Evading ☐ Moved, Left no Forwarding ☐ Other  
☐ Address Does Not Exist ☐ Service Cancelled by Litigant ☐ Unable to Service in a Timely Fashion

Service Attempts: Service was attempted on ( ) 12-16-06 9:55 AM ( ) 12-16-06 10:10 AM  
( ) \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ ( ) \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

Description: Age 30's Sex F Race W Hgt. 5'4" Wgt. 115 Hair Br Glasses Y

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on 12-18-06  
at Clearfield PA CITY STATE DATE

State of PA  
County of Clearfield

Sworn to and subscribed before me this 18  
day of December, 2006

[Signature]  
SIGNATURE OF PROCESS SERVER

**RICHARD A IRELAND**  
Magisterial District Judge  
State of Pennsylvania

No. 46-3-02, Clearfield Co.

Term Expires on January 3, 2012

NOTARY PUBLIC

FILED

DEC 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

IN SENATE  
JANUARY 11, 2007

REPORT

OF THE

COMMISSION

ON THE

GOVERNMENT

OF THE

STATE

OF

PA

# AFFIDAVIT OF PROCESS SERVER

FILED <sup>no cc</sup>  
DEC 20 2006  
01/10/33/81

William A. Shaw  
Prothonotary/Clerk of Courts

Court of Common Pleas of Clearfield County

(NAME OF COURT)

Buonside Borough

PLAINTIFF/PETITIONER

vs. Mona Jean Munkel

DEFENDANT/RESPONDENT

06-2070- CD

CASE #

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Mona Jean Munkel

with the (documents) Notice and Declaration of Taking

by serving

NAME

RELATIONSHIP

at ☒ Home 57 W. First St Buonside Pa 15721

☐ Business

on December 16, 2006 at 10:00 AM

Thereafter copies of the documents were mailed by prepaid, first class mail on

from \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ DATE \_\_\_\_\_

- Manner of Service: ☒ By personally delivering copies to the person/authorized agent of entity being served.
- ☐ By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.
- ☐ By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household 18 or older and explaining the general nature of the papers.
- ☐ By posting copies in a conspicuous manner to the address of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s).

- ☐ Unknown at Address ☐ Evading ☐ Moved, Left no Forwarding ☐ Other
- ☐ Address Does Not Exist ☐ Service Cancelled by Litigant ☐ Unable to Service in a Timely Fashion

Service Attempts: Service was attempted on ( ) \_\_\_\_\_ ( ) \_\_\_\_\_ ( ) \_\_\_\_\_

( ) \_\_\_\_\_ ( ) \_\_\_\_\_ ( ) \_\_\_\_\_

DATE TIME DATE TIME DATE TIME

Description:

Age 40's Sex F Race W Hgt. 5-4 Wgt. 200 Hair Br Glasses N

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on 12-18-06

at Clearfield CITY PA STATE

[Signature]  
SIGNATURE OF PROCESS SERVER

State of PA  
County of Clearfield

Sworn to and subscribed before me this 18  
day of December, 2006

RICHARD A IRELAND

Magisterial District Judge

State of Pennsylvania

No. 46-3-02, Clearfield Co.

Term Expires on January 3, 2012

NOTARY PUBLIC

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

IN RE: CONDEMNATION BY  
BURNSIDE BOROUGH OF EASEMENTS  
TO PROPERTIES LOCATED IN  
BURNSIDE BOROUGH, CLEARFIELD  
COUNTY, PENNSYLVANIA,

No. 06-2070-CD

Type of Pleading: Affidavit of Service

Filed on behalf of: Burnside Borcugh

Counsel of Record for this Party:

Kim C. Kesner, Esquire  
Supreme Ct. I.D. #28307

23 North Second Street  
Clearfield, PA 16830

814-765-1706

**FILED**

DEC 22 2006

William A. Shaw  
Prothonotary/Clerk of Courts

icc  
Atty Kesner

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

IN RE: CONDEMNATION BY :  
BURNSIDE BOROUGH OF EASEMENTS : No. 06-2070-CD  
TO PROPERTIES LOCATED IN :  
BURNSIDE BOROUGH, CLEARFIELD :  
COUNTY, PENNSYLVANIA, :

**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA:

: ss.

COUNTY OF CLEARFIELD :

The undersigned, Kim C. Kesner, Esquire, Attorney for Burnside Borough, Plaintiff in the above captioned matter, being duly sworn according to law, deposes and says that on December 14, 2006, he caused a Notice of Condemnation and certified copy of the Declaration of Taking to be served on the following condemnees by mailing the same them at their last known residences, by United States mail, certified, return receipt requested, as evidenced by Certified Mail receipt and Return Receipts which are attached hereto and incorporated herein by reference.

Mary Rawle  
7450 Jackson Road  
Mays Landing, NJ 08330

Donald J. Gregg  
9 Walnut Circle  
Cresson, PA 16630

Jacqueline L. Stinson  
352 Manor Drive  
Ebensburg, PA 15931

Howard L. Gregg, III  
127 West Outer Drive  
State College, PA 16801

Wachovia Bank of Delaware  
1100 Corporate Center Drive  
Raleigh, NC 27607

Kay Leroy Gorman  
3728 Route 56 Hwy. East  
Homer City, PA 15748

David J. Gregg  
439 Braden Street  
Waynesburg, PA 15370

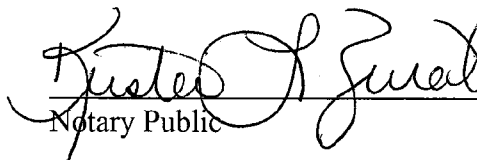
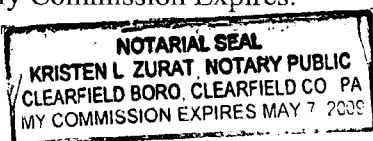
George A. Gregg  
302 Walters Lane  
Cresson, PA 16630



Kim C. Kesner, Esquire  
Attorney for Burnside Borough

Sworn to and subscribed before me this 21<sup>st</sup> day of December, 2006.

My Commission Expires:

  
Notary Public



2004 2510 0007 6101 9977

U.S. Postal Service	
<b>CERTIFIED MAIL<sup>®</sup> RECEIPT</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

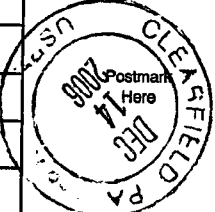
Postmark: CLEARFIELD PA 2004

Sent To	Mary Raulle Benhayon
Street, Apt. No., or PO Box No.	7450 Jackson Road
City, State, ZIP+4	Mayo Landing NJ 08330

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Mary Raulle Benhayon          7450 Jackson Road          Mayo Landing, NJ          08330</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number          (Transfer from service label)</p> <p>7004 2510 0007 6101 9977</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7004 2510 0007 6101 9960

U.S. Postal Service <sup>®</sup>	
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For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To <u>Jacqueline L. Stinson</u> Street, Apt. No., or PO Box No. <u>352 Manor Drive</u> City, State, ZIP+4 <sup>®</sup> <u>Ebensburg, PA 15931</u>	
PS Form 3800, June 2002 See Reverse for Instructions	

<b>SENDER: COMPLETE THIS SECTION</b> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
1. Article Addressed to: <u>Jacqueline L. Stinson</u> <u>352 Manor Drive</u> <u>Ebensburg, PA</u> <u>15931</u>		A. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <u>JACQUELINE STINSON</u> C. Date of Delivery <u>12-15-07</u>	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7004 2510 0007 6101 9960	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

7004 2510 0007 6101 9984

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**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
 2006  
 CLEARFIELD PA

Sent To  
 Wachovia Bank of Delaware  
 Street, Apt. No.,  
 or PO Box No. 1100 Corporate Center Dr.  
 City, State, ZIP+4<sup>®</sup> Raleigh, NC 27607

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature            X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)            ART VERNON</p> <p>C. Date of Delivery            12-08-06</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:            Wachovia Bank of Delaware            1100 Corporate Center Dr.            Raleigh, NC            27607</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number            (Transfer from service label) 7004 2510 0007 6101 9984</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7004 2510 0007 6101 9991

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Sent To David J. Gregg  
 Street, Apt. No.,  
 or PO Box No. 439 Braden Street  
 City, State, ZIP+4 Waynesburg, PA 15370

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Addressee  <input type="checkbox"/> Agent  <u>X Victoria Gregg</u>            B. Received by (Printed Name) <u>Victoria Gregg</u>            C. Date of Delivery <u>DEC 10 2006</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below <u>NO</u></p>
<p>1. Article Addressed to:  <u>David J. Gregg</u>  <u>439 Braden Street</u>  <u>Waynesburg, PA</u>  <u>15370</u></p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number            (Transfer from service label)  <u>7004 2510 0007 6101 9991</u></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7004 2510 0007 6102 0003

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**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To: Donald J. Gregg  
 Street, Apt. No., or PO Box No. 9 Walnut Circle  
 City, State, ZIP+4 Cresson, PA 16630

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <u>John Gregg</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>John Gregg</u> C. Date of Delivery <u>12-15-06</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><u>Donald J. Gregg</u>  <u>9 Walnut Circle</u>  <u>Cresson, PA</u>  <u>16630</u></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number          (Transfer from service label)</p> <p>7004 2510 0007 6102 0003</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

7004 2510 0007 6102 2519

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
 9008  
 14  
 DEC  
 CLEARFIELD PA

Sent To Howard L. Gregg, III  
 Street, Apt. No.,  
 or PO Box No. 127 West Outer Drive  
 City, State, ZIP+4<sup>®</sup> State College, PA 16801

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> <u>Howard L. Gregg</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Howard Gregg</u> C. Date of Delivery <u>12-19-06</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p><u>Howard L. Gregg, III</u>  <u>127 West Outer Drive</u>  <u>State College, PA</u>  <u>16801</u></p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number          (Transfer from service label) <u>7004 2510 0007 6102 2519</u></p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 1670 0002 4682 4841

Postage \$  
 Certified Fee  
 Return Receipt Fee (Endorsement Required)  
 Restricted Delivery Fee (Endorsement Required)  
 Total Postage & Fees \$

Sent To Kay Leroy Gorman  
 Street, Apt. No., or PO Box No. 3728 Route 56 Hwy East  
 City, State, ZIP+4 Homer City, PA 15748

PS Form 3800, May 2000 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <u>Kay L. Gorman</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>KAY L. GORMAN</u> C. Date of Delivery <u>12-15-06</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p><u>Kay Leroy Gorman</u>  <u>3728 Route 56 Hwy East</u>  <u>Homer City, PA</u>  <u>15748</u></p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number          (Transfer from service label) <u>7000 1670 0002 4682 4841</u></p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7004 2510 0007 6102 2526

U.S. Postal Service <sup>™</sup>	
<b>CERTIFIED MAIL<sup>™</sup> RECEIPT</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To <u>George A. Gregg</u> Street, Apt. No., or PO Box No. <u>302 Walters Lane</u> City, State, ZIP+4 <sup>®</sup> <u>Cresson, PA 16630</u>	
PS Form 3800, June 2002 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <u>Demetrius Gregg</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <u>George A. Gregg</u> C. Date of Delivery <u>12/18/06</u> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
1. Article Addressed to: <u>George A. Gregg</u> <u>302 Walters Lane</u> <u>Cresson, PA</u> <u>16630</u>	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
2. Article Number (Transfer from service label)	7004 2510 0007 6102 2526



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

IN RE: CONDEMNATION BY :  
BURNSIDE BOROUGH OF EASEMENTS : No. 06-2070-CD  
TO PROPERTIES LOCATED IN :  
BURNSIDE BOROUGH, CLEARFIELD :  
COUNTY, PENNSYLVANIA, :

FILED ICC  
01/12/07 5:23 PM  
DEC 27 2006 Kesler

AFFIDAVIT OF POSTING

William A. Shaw  
Prothonotary/Clerk of Courts (62)

COMMONWEALTH OF PENNSYLVANIA:

: ss.

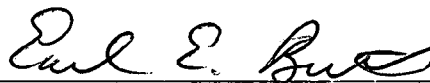
COUNTY OF CLEARFIELD :

The undersigned, Louis Radzynski, Constable, being duly sworn according to law, deposes and says that on December 21, 2006, he caused a Notice of Condemnation and acopy of the Declaration of Taking in the above captioned matter to be posted on the property of Mary Bingaman, located on Main Street, SR 0219, Burnside Borough, Clearfield County, Pennsylvania, known as Clearfield County Assessment Map No. 2-A13-62.



Louis Radzynski, Constable

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



Notary Public  
COMMONWEALTH OF PENNSYLVANIA

My Commission Expires:

Aug 20, 2008

