

06-2070-CD
In Re: Burnside Borough

In Re: Burnside Borough et al
2006-2070-CD

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, :
: 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
01/11/2007 Atty Kesner
DEC 13 2006
S 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.

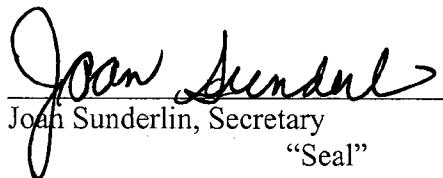
6. The nature of the title acquired in and to properties described in Paragraph 5 hereof are permanent, exclusive and sufficient easements, rights-of-way, rights, and privileges for the purpose of placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing 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:



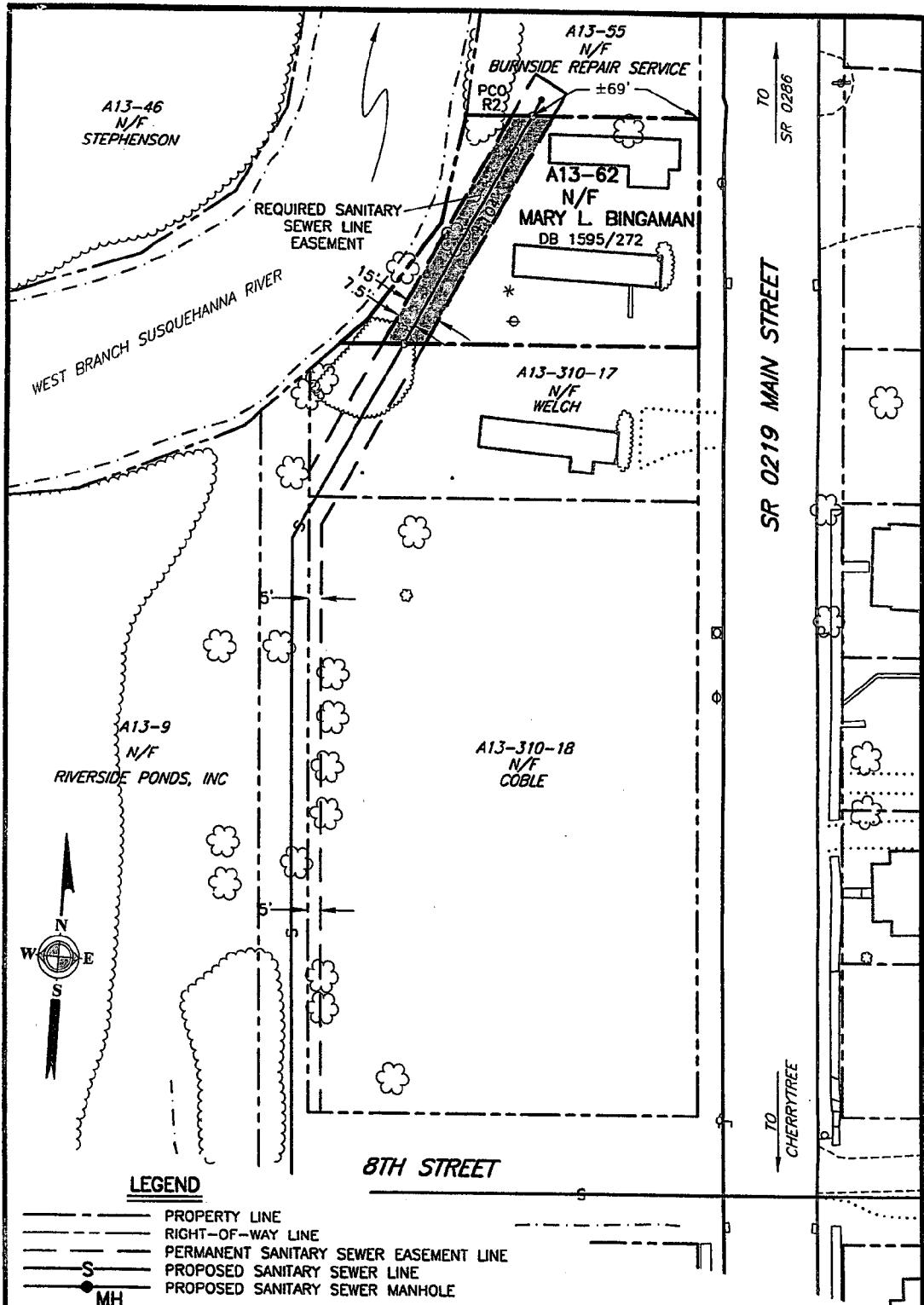
Joan Sunderlin, Secretary
"Seal"

BURNSIDE BOROUGH

By:



Richard L. Hoover



PERMANENT SANITARY SEWER LINE EASEMENT
DESIRED BY
BURNSIDE BOROUGH
FROM
MARY L. BINGAMAN
BURNSIDE BOROUGH, CLEARFIELD COUNTY
PENNSYLVANIA

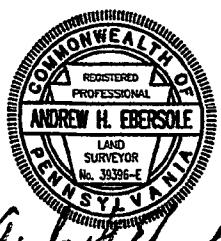
PROJECT NUMBER: 1780-1

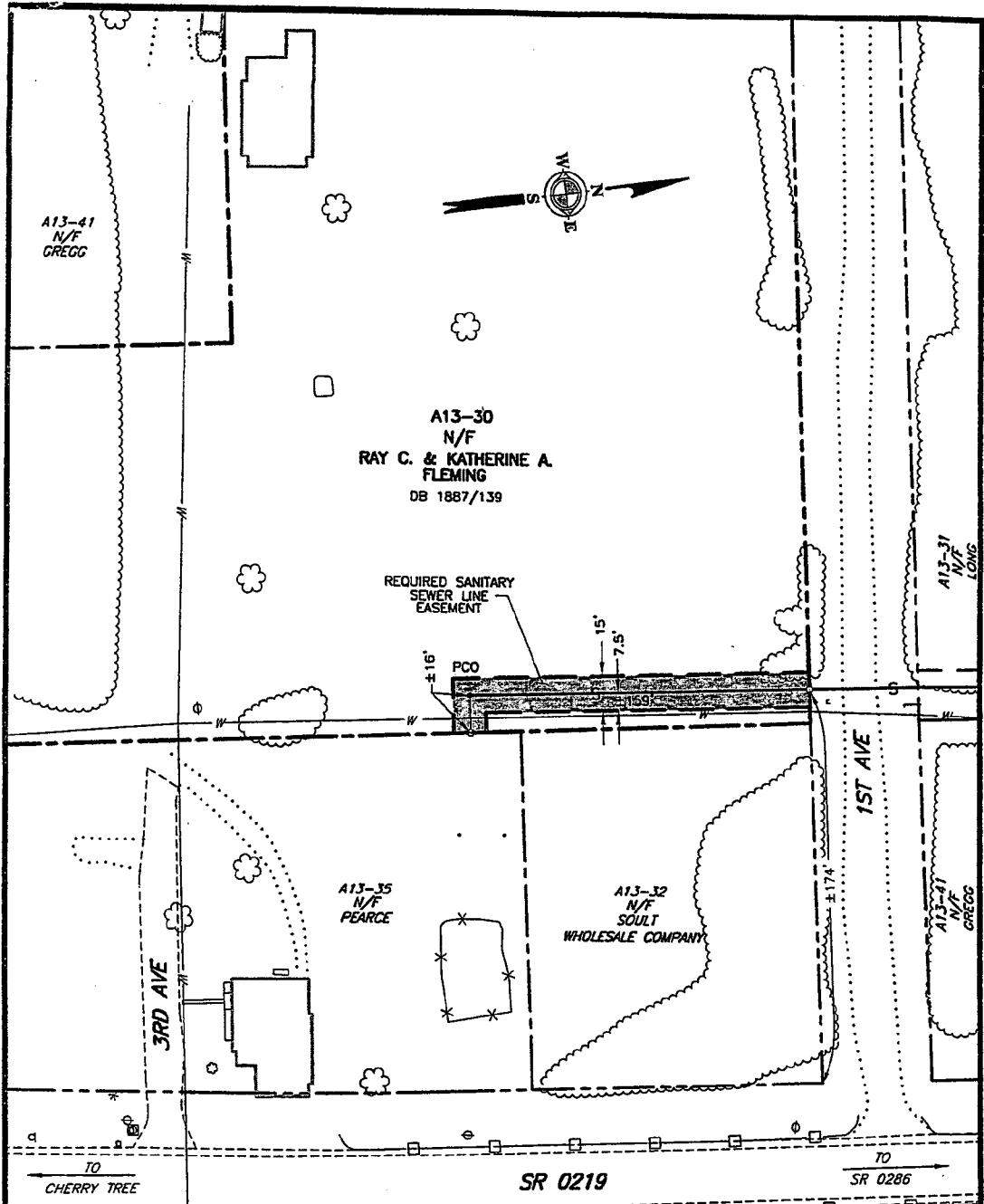
SCALE: 1" = 50' DATE: 08-15-05

SEAL

KELLER ENGINEERS

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





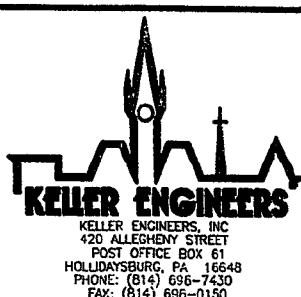
NOTES: PROPERTY LINES, EASEMENT LINES, AND RIGHT-OF-WAY LINES ARE BASED ON TAX MAPS AND
RECORDED PLATS AND DO NOT REPRESENT AN ACTUAL FIELD SURVEY.

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.

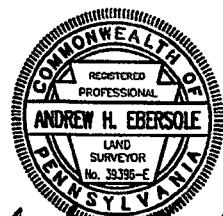
PERMANENT SANITARY SEWER LINE EASEMENT
DESIRED BY
BURNSIDE BOROUGH
FROM
RAY C. & KATHERINE A.
FLEMING
BURNSIDE BOROUGH, CLEARFIELD COUNTY
PENNSYLVANIA

PROJECT NUMBER: 1780-1

SCALE: 1" = 60' DATE: 08-15-05

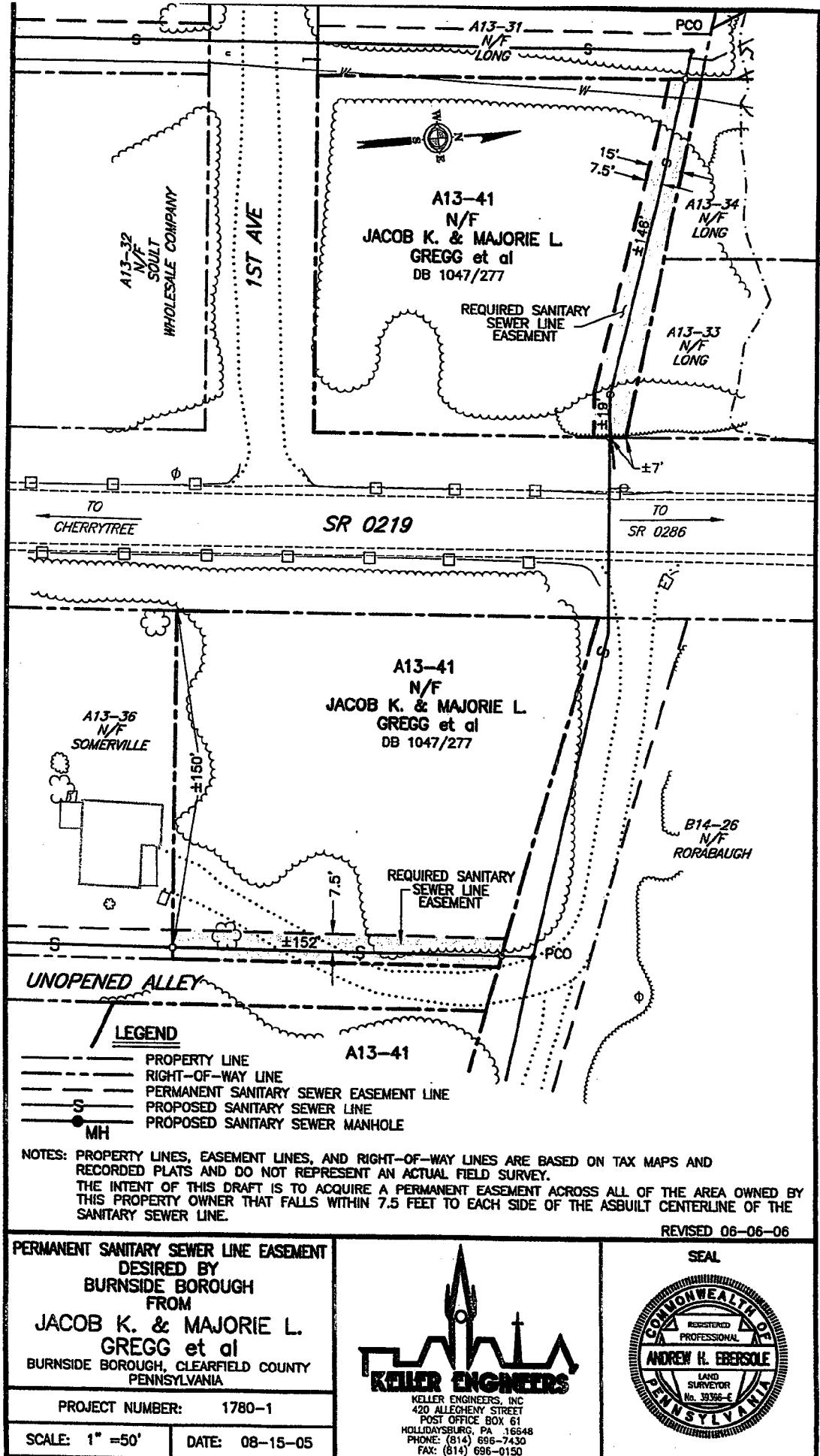


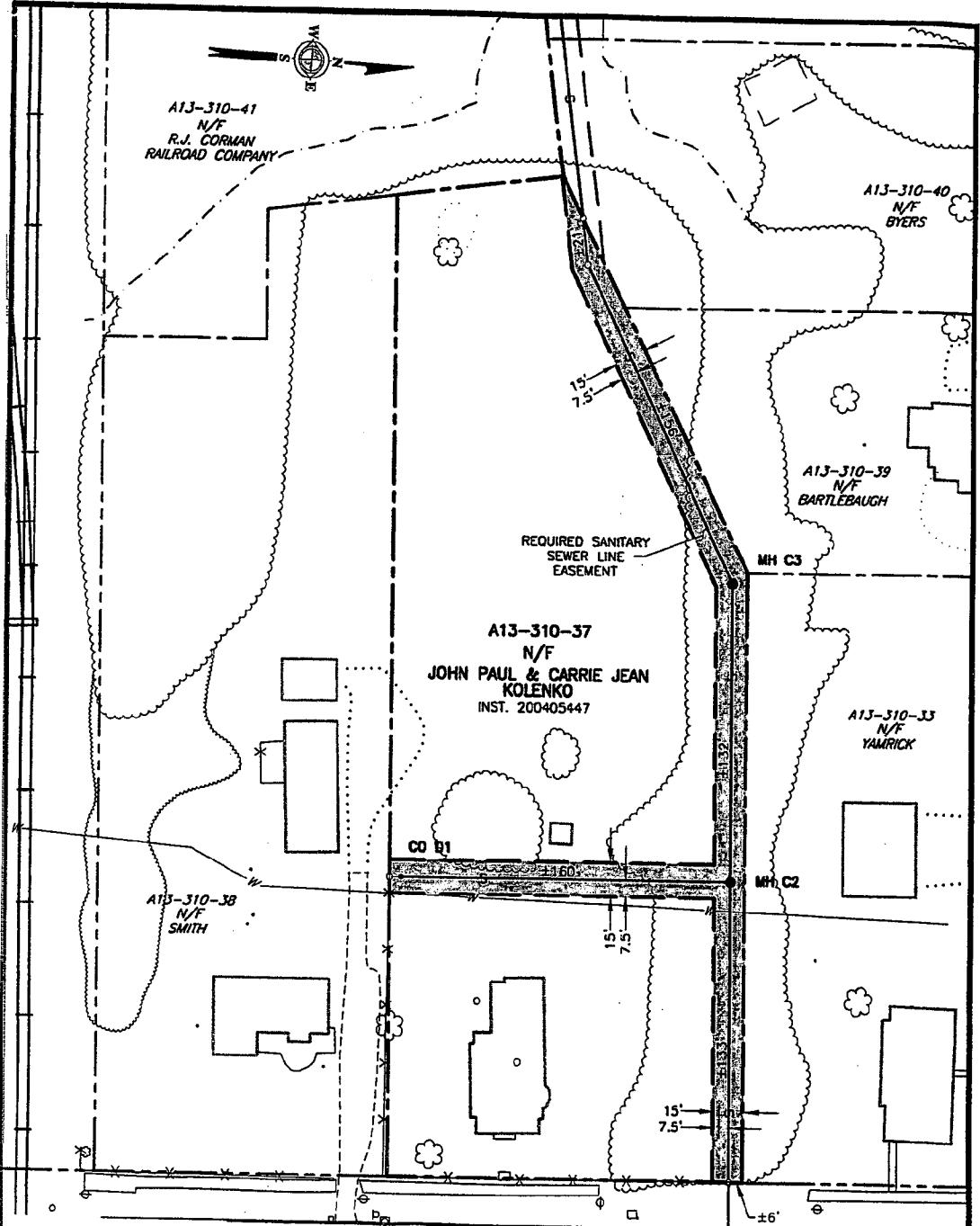
SEAL



Andrew H. Ebersole

1780-1EASE.DWG





LEGEND

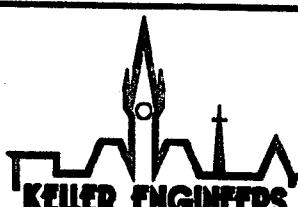
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- PERMANENT SANITARY SEWER EASEMENT LINE
- S — PROPOSED SANITARY SEWER LINE
- — PROPOSED SANITARY SEWER MANHOLE

SR 0219 MAIN STREET

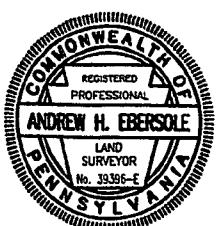
NOTES: PROPERTY LINES, EASEMENT LINES, AND RIGHT-OF-WAY LINES ARE BASED ON TAX MAPS AND
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SANITARY SEWER LINE.

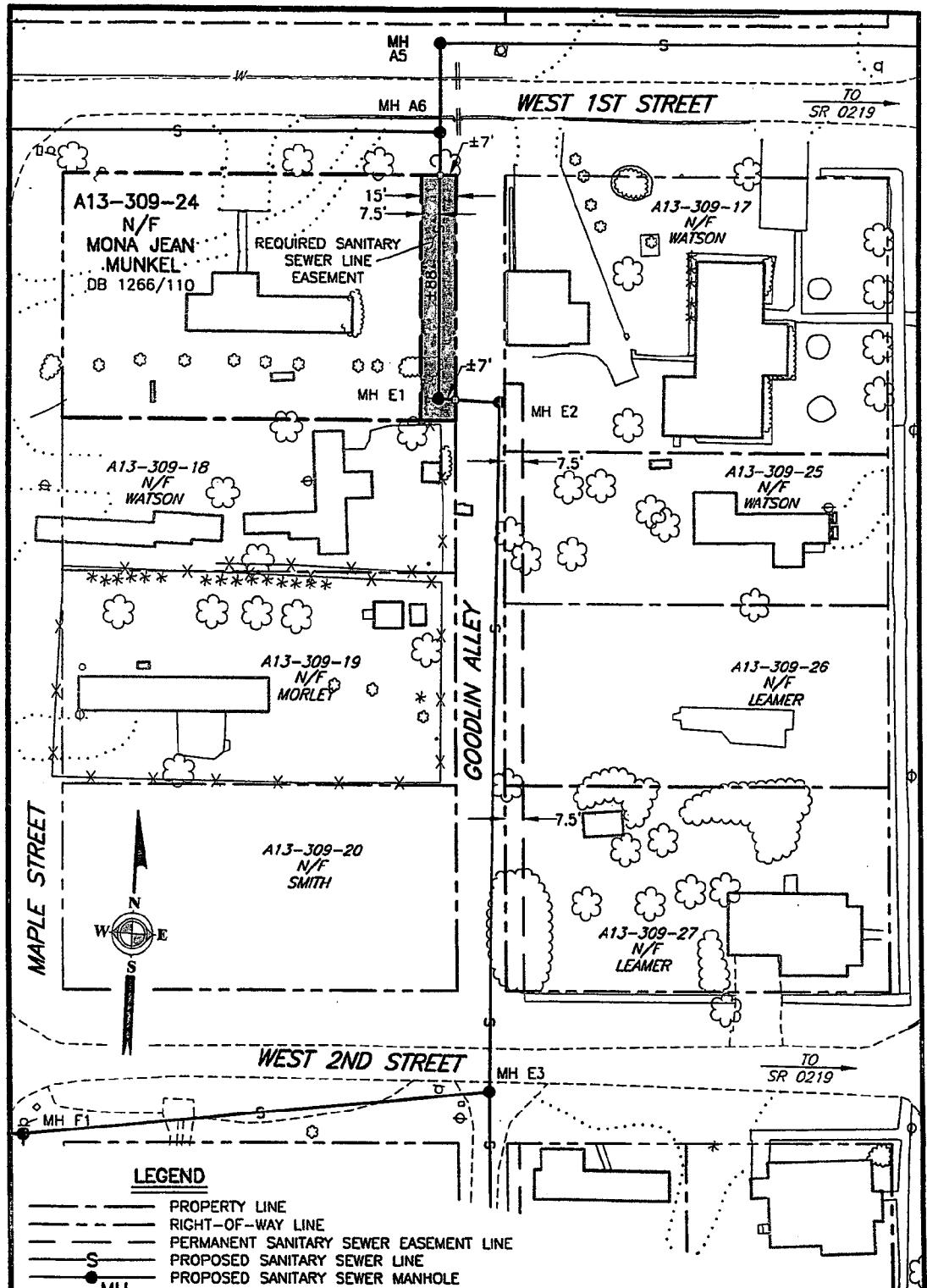
REVISED 10-02-06

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 61
HOLLIDAYSBURG, PA 16648
PHONE: (814) 696-7430
FAX: (814) 696-0150





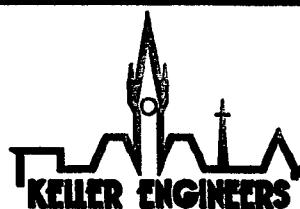
PERMANENT SANITARY SEWER LINE EASEMENT
DESIRED BY
BURNSIDE BOROUGH
FROM

MONA JEAN MUNKEL

BURNSIDE BOROUGH, CLEARFIELD COUNTY

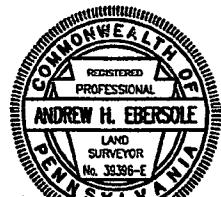
PROJECT NUMBER: 1780-1

SCALE: 1" = 50' DATE: 08-15-05



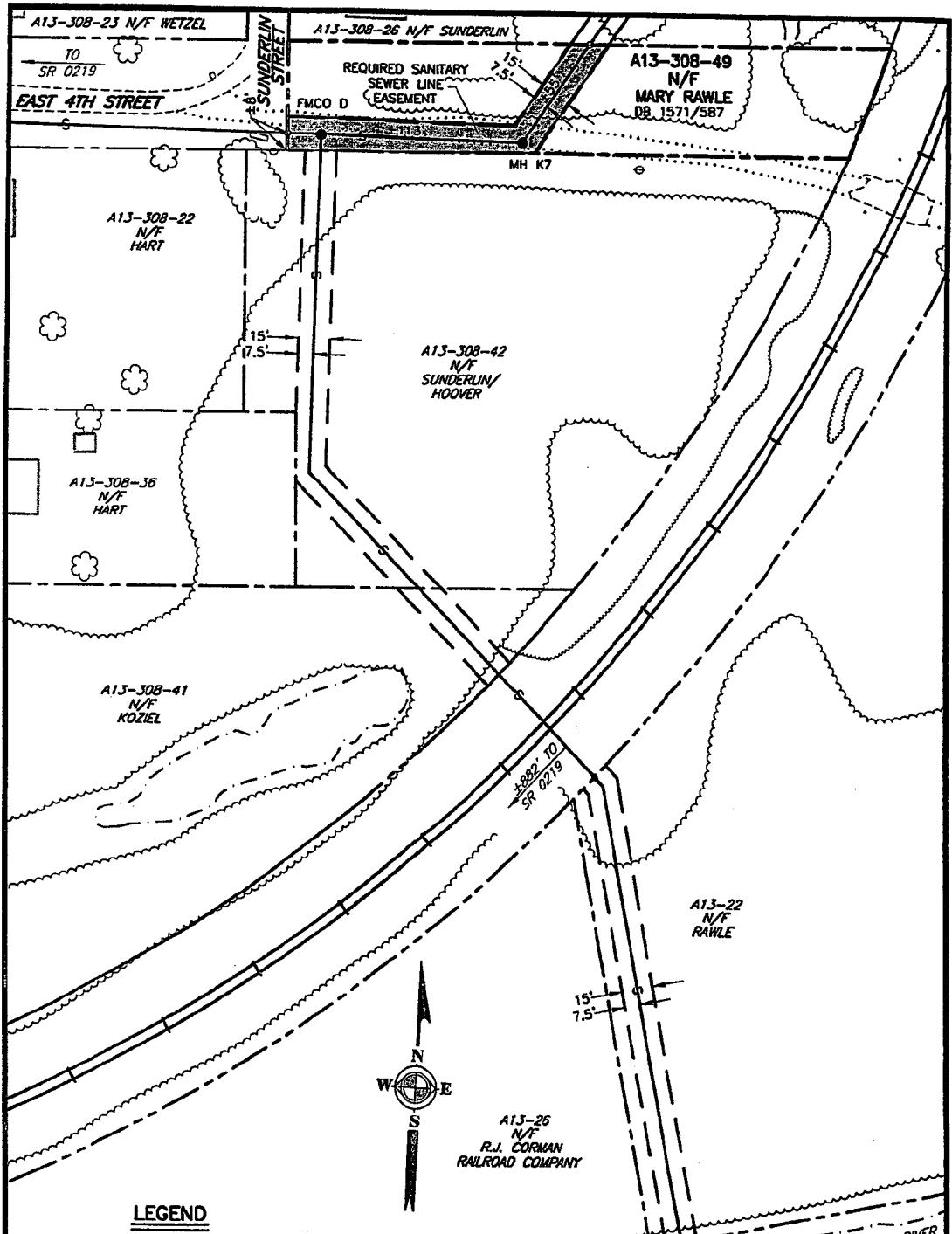
KELLER ENGINEERS, INC
420 ALLEGHENY STREET
POST OFFICE BOX 61
HOLLIDAYSBURG, PA 16648
PHONE: (814) 696-7430
FAX: (814) 696-0150

SEAL



Andrew H. Ebersole

1780-1EASE.DWG



LEGEND

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

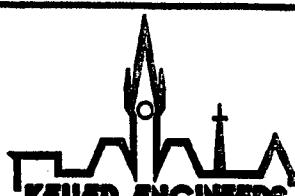
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THIS PROPERTY OWNER THAT FALLS WITHIN 7.5 FEET TO EACH SIDE OF THE ASBUILT CENTERLINE OF THE
SANITARY SEWER LINE.

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

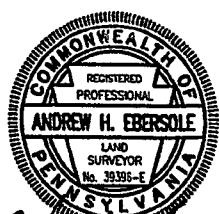
PROJECT NUMBER: 1780-1

SCALE: 1" = 60' DATE: 08-15-05

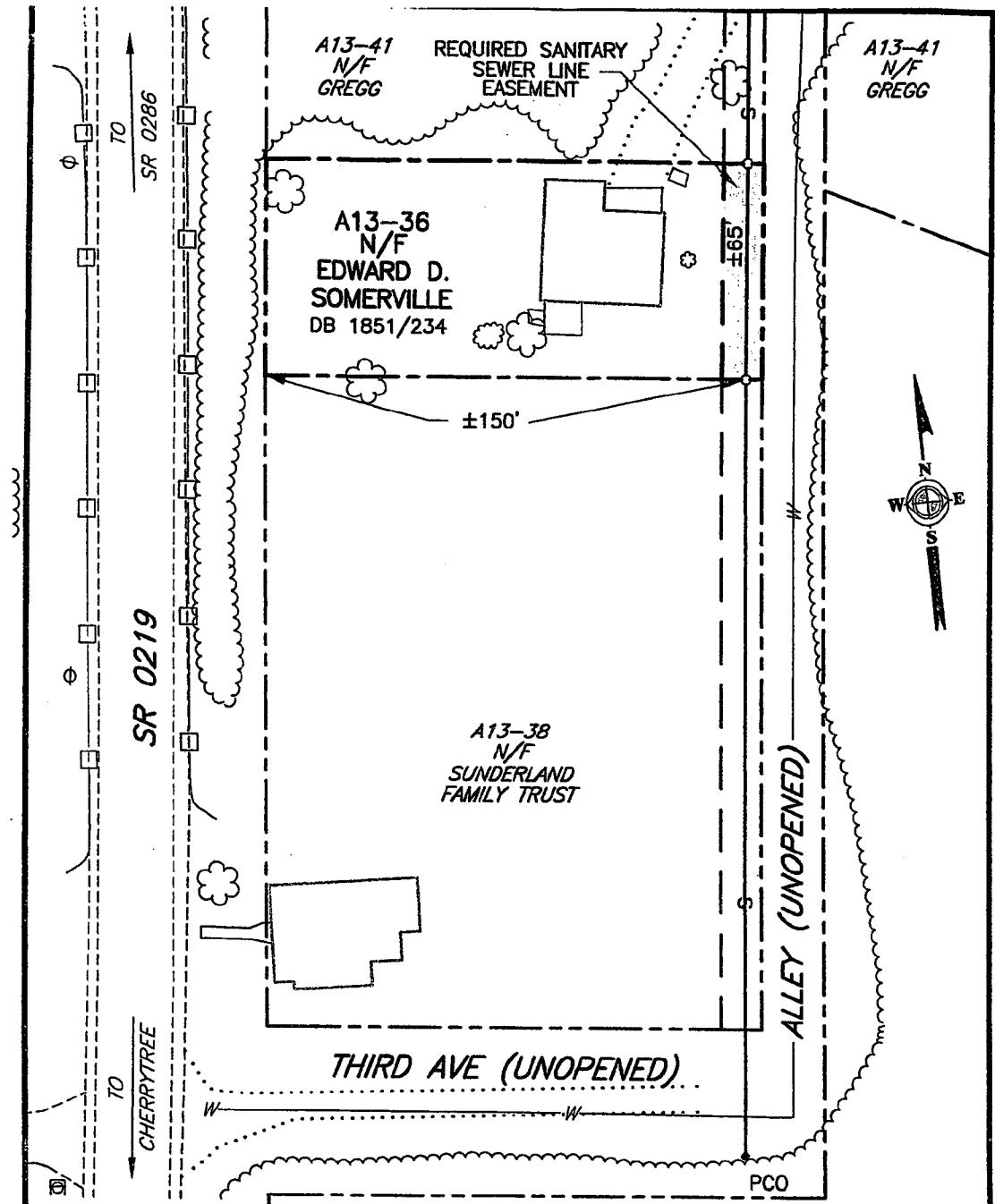


KELLER ENGINEERS, INC.
420 ALLEGHENY STREET
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SEAL



Andrew H. Ebersole



LEGEND

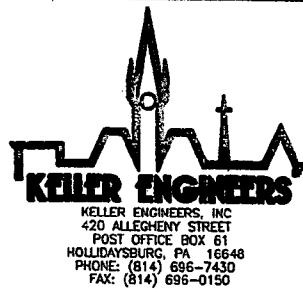
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- PERMANENT SANITARY SEWER EASEMENT LINE
- PROPOSED SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE

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 06-06-06

PERMANENT SANITARY SEWER LINE EASEMENT DESIRED BY BURNSIDE BOROUGH FROM	
EDWARD D. SOMERVILLE	
BURNSIDE BOROUGH, CLEARFIELD COUNTY PENNSYLVANIA	
PROJECT NUMBER: 1780-1	
SCALE: 1" = 40'	DATE: 08-15-05



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, : 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
01/11/2006
DEC 13 2006
Atty Kesner
JW

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
Joan Sunderlin, Secretary
"Seal"

BURNSIDE BOROUGH

By:

Richard L. Hoover
Richard L. Hoover, President

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, : 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
11/05/01
DEC 13 2001
Atty Kesner
S

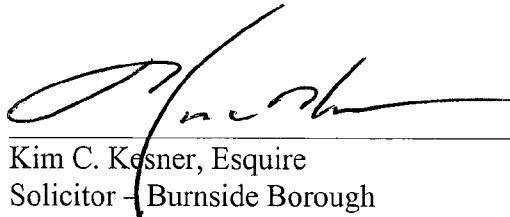
William A. Shaw
Prothonotary/Clerk of Courts

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 13th 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 200620665.



Kim C. Kesner, Esquire
Solicitor - Burnside Borough

FILED NOCC
01/10/33/01
DEC 20 2006

AFFIDAVIT OF PROCESS SERVER

William A. Shaw
Prothonotary/Clerk of Courts

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

Burnside Borough
PLAINTIFF/PETITIONER

vs. Edward D Somerville 06-2020-CD
DEFENDANT/RESPONDENT 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 Edward D Somerville

with the (documents) Notice and Declaration of Taking

by serving _____

at Home 38 Second Ave Burnside P. 15721 NAME
 Business _____ RELATIONSHIP
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.

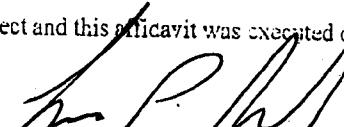
Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s).

<input type="checkbox"/> Unknown at Address	<input type="checkbox"/> Evading	<input type="checkbox"/> Moved, Left no Forwarding	<input type="checkbox"/> Other
<input type="checkbox"/> Address Does Not Exist	<input type="checkbox"/> Service Cancelled by Litigant	<input type="checkbox"/> Unable to Service in a Timely Fashion	
Service Attempts: Service was attempted on () DATE () DATE () DATE			
() DATE	() DATE	() DATE	() DATE
TIME	TIME	TIME	TIME

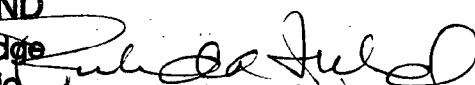
Description: Age 40 Sex M Race W Hgt. 5'10 Wgt. 180 Hair B Glasses N
I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on 12-18-06
at Clearfield PA CITY STATE DATE

State of PA
County of CLEARFIELD

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

 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
OCT 3 3 2011
DEC 20 2008
S

Count of Common Pleas of Clearfield County

(NAME OF COURT)

Business Borough

PLAINTIFF/PETITIONER

vs.

John Paul S
Carrie Ann Kolenko

William A. Shaw
Prothonotary/Clerk of Courts

06-2010-CD

DEFENDANT/RESPONDENT

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 Rd 15724

Business _____

on December 16, 2008 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

Description:

Age 60's Sex M Race W Hgt. 5' 8" Wgt. 140 Hair the 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 12-18-08

at CLEARFIELD PA

DATE

State of PA
County of CLEARFIELD

Sworn to and subscribed before me this 18
day of December, 2008

SIGNATURE OF PROCESS SERVER

RICHARD A IRELAND

Magisterial District Judge
State of Pennsylvania

No. 46-3-02, Clearfield Co.

NOTARY PUBLIC

Term Expires on January 3, 2012

FILED NO
01/18/2006
CC
DEC 20 2006
S

AFFIDAVIT OF PROCESS SERVER

William A. Shaw
Prothonotary/Clerk of Courts

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

Burnside Borough
PLAINTIFF/PETITIONER

vs. Raymond C & Katherine A Fleming 06-2020-CO
DEFENDANT/RESPONDENT
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 Burnside 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 _____ DATE
CITY STATE

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).

<input type="checkbox"/> Unknown at Address	<input type="checkbox"/> Evading	<input type="checkbox"/> Moved, Left no Forwarding	<input type="checkbox"/> Other		
<input type="checkbox"/> Address Does Not Exist	<input type="checkbox"/> Service Cancelled by Litigant	<input type="checkbox"/> Unable to Service in a Timely Fashion			
Service Attempts: Service was attempted on () <u>12-16-06</u> <u>9:45 AM</u> () <u>12-16-06</u> <u>10:10 AM</u>	DATE	TIME	DATE	TIME	
DATE	TIME	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 DATE
CITY STATE

SIGNATURE OF PROCESS SERVER

RICHARD A IRELAND

Magisterial District Judge

State of Pennsylvania

No. 46-3-02, Clearfield Co.

NOTARY PUBLIC

Term Expires on January 3, 2012

FILED

DEC 20 2006

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF PROCESS SERVER

FILED NO
01/10/2006
CC
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. Mona Jean Munkel

06-2070- CD

DEFENDANT/RESPONDENT

CASE #

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Service: I served Mona Jean Munkel

with the (documents) Notice and Declaration of Taking

by serving

at Home 57 W. First St Burnside Pa. 15721 NAME RELATIONSHIP

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

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

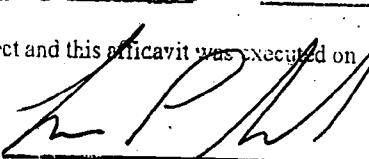
Description:

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 Pa. CITY PA STATE DATE

State of PA
County of Clearfield

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


SIGNATURE OF PROCESS SERVER

RICHARD A. IRELAND

Magisterial District Judge

State of Pennsylvania

No. 46-3-02, Clearfield Co.

NOTARY PUBLIC

Term Expires on January 3, 2012

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, : 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
01/18/07
DEC 22 2006
Atty Kesner
S
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, :

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

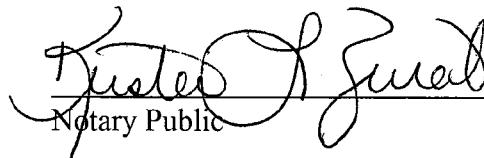


Kim C. Kesner, Esquire
Attorney for Burnside Borough

Sworn to and subscribed before me this 21st day of December, 2006.

My Commission Expires:





Kristen L. Zurat
Notary Public

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

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OFFICIAL USE

2004	2510	0007	6101	997?
Postage \$				
Certified Fee				
Return Receipt Fee (Endorsement Required)				
Restricted Delivery Fee (Endorsement Required)				
Total Postage & Fees \$				

CLEASFIELD
PA
Postmark
Here
2005

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

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

*Mary Rawle Benhayon
 7450 Jackson Road
 Mays Landing, NJ
 08330*

2. Article Number
(Transfer from service label)

7004 2510 0007 6101 997?

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Mary Rawle Benhayon

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

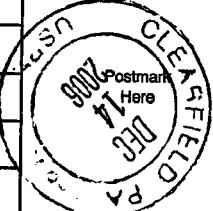
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7004 2510 0007 6101 9960

U.S. Postal Service	
CERTIFIED MAILTM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
	
Sent To <i>Jacqueline L. Stinson</i> Street, Apt. No. or PO Box No. <i>352 Manor Drive</i> City, State, ZIP+4 <i>Ebensburg, PA 15931</i>	
PS Form 3800, June 2002 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

*Jacqueline L. Stinson
352 Manor Drive
Ebensburg, PA
15931*

COMPLETE THIS SECTION ON DELIVERY

A. Signature

JACQUELINE STINSON

Agent

Addressee

B. Received by (Printed Name)

JACQUELINE STINSON

C. Date of Delivery

12-15-02

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

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)

Yes

2. Article Number

(Transfer from service label)

7004 2510 0007 6101 9960

7004 2510 0007 6101 9984

U.S. Postal Service™	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	\$
Return Receipt Fee (Endorsement Required)	\$
Restricted Delivery Fee (Endorsement Required)	\$
Total Postage & Fees	\$
Sent To Street, Apt. No.; or PO Box No. City, State, ZIP	
<i>Wachovia Bank of Delaware</i> <i>1100 Corporate Center Dr.</i> <i>Raleigh, NC 27607</i>	
PS Form 3800, June 2002	
See Reverse for Instructions	

CLEARFIELD, PA Postmark 08-06-02

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

*Wachovia Bank of
Delaware
1100 Corporate Center Dr.
Raleigh, NC
27607*

2. Article Number

(Transfer from service label)

7004 2510 0007 6101 9984

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X M. Vernon

Agent
 Addressee

B. Received by (Printed Name)

M. Vernon 12-08-06

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

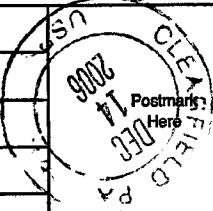
Yes

U.S. Postal Service
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OFFICIAL USE

2004	2510	0007	6101	9991				
Postage \$								
Certified Fee								
Return Receipt Fee (Endorsement Required)								
Restricted Delivery Fee (Endorsement Required)								
Total Postage & Fees \$								



Postmark: 11 Dec 2006
Postmark Here

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 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.

1. Article Addressed to:

*David J. Gregg
439 Braden Street
Waynesburg, PA
15370*

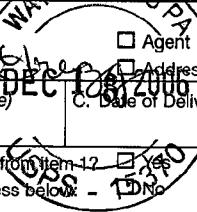
2. Article Number

(Transfer from service label)

7004 2510 0007 6101 9991

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Victoria Gregg 
 Agent Addressee
B. Received by (Printed Name) *Victoria Gregg* Date of Delivery
C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: *15370* No

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) Yes

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OFFICIAL USE

2003	0003	2002	0002	0001	2000	0000
Postage	\$					
Certified Fee						
Return Receipt Fee (Endorsement Required)						
Restricted Delivery Fee (Endorsement Required)						
Total Postage & Fees	\$					

Sent To *Donald J. Gregg*
 Street, Apt. No.: *9 Walnut Creek*
 or PO Box No. *110630*
 City, State, ZIP+4 *Weston, PA 110630*

PS Form 3800, June 2002 See Reverse for Instructions

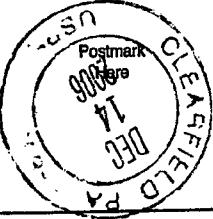
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <i>Donald J. Gregg</i></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>JOAN Gregg</i></p> <p>C. Date of Delivery <i>12-15-06</i></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><i>Donald J. Gregg 9 Walnut Creek Weston, PA 110630</i></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>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number <i>(Transfer from service label)</i></p>		<p>7004 2510 0007 6102 0003</p>	

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OFFICIAL USE

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



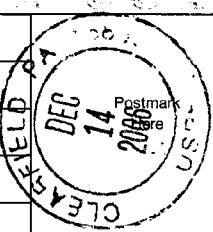
Sent To
Howard L. Gregg, III
Street, Apt. No.: 127 West Outer Drive
or PO Box No.
City, State, ZIP+4: State College, PA 16801

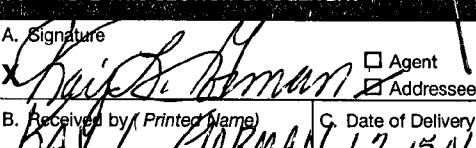
PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION <ul style="list-style-type: none"> <input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p>Howard L. Gregg, III 127 West Outer Drive State College, PA 16801</p>		COMPLETE THIS SECTION ON DELIVERY <p>A. Signature <input checked="" type="checkbox"/> <i>Howard L. Gregg</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Howard L. Gregg</i> C. Date of Delivery 12-19-06</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>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>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
2. Article Number (Transfer from service label) 7004 2510 0007 6102 2519			

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

7000	1670	0002	4682	4841	
[Redacted]					[Redacted]
Postage	\$ [Redacted]				[Redacted]
Certified Fee	\$ [Redacted]				[Redacted]
Return Receipt Fee (Endorsement Required)	\$ [Redacted]				[Redacted]
Restricted Delivery Fee (Endorsement Required)	\$ [Redacted]				[Redacted]
Total Postage & Fees	\$ [Redacted]				[Redacted]
<i>Sent To</i> Kay Henry Borman Street, Apt. No., or P.O. Box No. 3728 Route 56 Hwy East City, State, ZIP+4 Homer City, PA 15748					
<small>PS Form 3800 (May 2000) See Reverse for Instructions</small>					



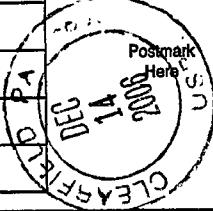
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by / Printed Name KAY H. BORMAN 12-1506 C. Date of Delivery 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: Kay Henry Borman 3728 Route 56 Hwy East Homer City, PA 15748		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 <small>(Transfer from service label)</small> 7000 1670 0002 4682 4841		Domestic Return Receipt	

6102 2526
7004 2510 0007 6102 2526

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OFFICIAL USE

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

Sent To
George A. Gregg
Street, Apt. No.: 302 Walter's Lane
or PO Box No.
City, State, ZIP+4 Cresson, PA 16630

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

George A. Gregg
302 Walter's Lane
Cresson, PA
16630

COMPLETE THIS SECTION ON DELIVERY

A. Signature
George A. Gregg

B. Received by (Printed Name)
George A. Gregg

C. Date of Delivery
10/10/06

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) 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}
01/15/2007 AMY
DEC 27 2006 Keshner

AFFIDAVIT OF POSTING

COMMONWEALTH OF PENNSYLVANIA:

: ss.

COUNTY OF CLEARFIELD :

William A. Shaw
Prothonotary/Clerk of Courts

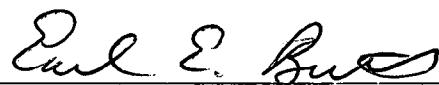
(6)

The undersigned, Louis Radzyminski, Constable, being duly sworn according to law, deposes and says that on December 21, 2006, he caused a Notice of Condemnation and a copy 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 Radzyminski, Constable

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



Notary Public
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Earl E. Butler, Notary Public
Lawrence Twp., Clearfield County
My Commission Expires Aug. 20, 2008

Member, Pennsylvania Association Of Notaries

My Commission Expires:

Aug 20, 2008

2008 PJC 100
2008 PJC 100