

06-2124-CD
S&SP Dev. Vs Thomas Ruggles et al

S &SP Development vs Thomas Ruggles et al
2006-2124-CD

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

S & SP DEVELOPMENT, LLC : NO. 06-2124 C.D.
Plaintiff : Type of Case:
vs. : ACTION TO QUIET TITLE
THOMAS G. RUGGLES, JEAN : Type of Pleading:
RUGGLES, KYLE RUGGLES and : COMPLAINT
ASHLEY RUGGLES : Filed on Behalf of: PLAINTIFF
Defendants : Counsel of Record:
: CHRISTOPHER E. MOHNEY, ESQUIRE
: Supreme Court No.: 63494
: 25 EAST PARK AVENUE
: SUITE 6
: DUBOIS, PA 15801
: (814) 375-1044

FILED 01/11/2007 Pd. 85.00
Atty pd. 10.00
DEC 22 2006
5CC Atty
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – AT LAW

S & SP DEVELOPMENT, LLC	:	NO. 06 -	- C.D.
	:		
	:		
Plaintiff,	:	ACTION TO QUIET TITLE	
	:		
vs.	:		
	:		
THOMAS G. RUGGLES, JEAN	:		
RUGGLES, KYLE RUGGLES	:		
and ASHLEY RUGGLES	:		
	:		
Defendants	:		

NOTICE

TO: THOMAS G. RUGGLES, JEAN RUGGLES, KYLE RUGGLES and ASHLEY RUGGLES

YOU ARE HEREBY NOTIFIED THAT AN ACTION TO QUIET TITLE TO PREMISES SITUATE IN SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, HAVE BEEN FILED AGAINST YOU. SAID PREMISES ARE DESCRIBED AS FOLLOWS:

ALL that certain tract of land designated as Lot No. 52B, Section No. 7A, "Guadeloupe" in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights-of-way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declarations of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

The land subject of this quiet title is also Tax Map No. 128-21-C2-7A-52B.

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIM SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

CLEARFIELD COUNTY PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982

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

S & SP DEVELOPMENT, LLC	:	NO. 06 -	- C.D.
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Plaintiff,	:	ACTION TO QUIET TITLE	
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vs.	:		
	:		
THOMAS G. RUGGLES, JEAN	:		
RUGGLES, KYLE RUGGLES	:		
and ASHLEY RUGGLES	:		
	:		
Defendants.	:		

COMPLAINT

AND NOW, comes the Plaintiff ***S & SP DEVELOPMENT, LLC***, by and through its attorney, ***CHRISTOPHER E. MOHNEY, ESQUIRE***, and brings this Action to Quiet Title to the premises hereinafter described against the above-named Defendants, and in support thereof avers:

1. Plaintiff S & SP DEVELOPMENT, LLC is a Pennsylvania limited liability company with an address at 1047 Treasure Lake, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant THOMAS G. RUGGLES is an adult individual with a last known address of 604 Sofia Lane, Apartment G, Charlotte, North Carolina 28262.
3. Defendant JEAN RUGGLES is an adult individual with a last known address of 4011 North 15th Street, Tacoma, Washington 98406.
4. Defendant KYLE RUGGLES is an adult individual with a last known address of 4011 North 15th Street, Tacoma, Washington 98406.

5. Defendant ASHLEY RUGGLES is an adult individual with a last known address of 4011 North 15th Street, Tacoma, Washington 98406.

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

ALL that certain tract of land designated as Lot No. 52B, Section No. 7A, "Guadalupe" in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights-of-way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declarations of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

The land subject of this quiet title is also Tax Map No. 128-21-7A-52B.

7. By Deed dated August 4, 1972, and recorded in Clearfield County Deed Book Volume 642, Page 181, Treasure Lake, Inc. conveyed the above-described property to Louella H. Ruggles.

8. By Deed dated May 24, 1985, and recorded in Clearfield County Deed Book Volume 1059, Page 106, Thomas Ruggles, Executor of the Estate of Louella Ruggles conveyed the above-described property to Thomas Ruggles and Jean Ruggles, parents of Kyle Ruggles and Ashley Ruggles.

9. By Deed dated February 23, 2006, and recorded in Clearfield County Recorder of Deeds office as Instrument #200602857, the Tax Claim Bureau of Clearfield County,

Pennsylvania, conveyed the above-described property to S & SP DEVELOPMENT, LLC, the land being sold out from under THOMAS G. RUGGLES, JEAN RUGGLES, KYLE RUGGLES and ASHLEY RUGGLES for unpaid taxes against the above-described property.

10. No third party has ever made any claim of any kind to ownership of interest and/or claim to or upon the property except as set forth in this Complaint.

11. Plaintiff is unaware of any right, title or interest claimed by the named Defendants.

12. Plaintiff has been informed and therefore believes that the Defendants may have a claim or interest adverse to the Plaintiff. Any claims of the Defendants are without any right whatsoever, and Defendants' potential claims are wholly without right and constitute clouds on the Plaintiff's title, which Plaintiff desires to remove.

13. This action is brought to clear any and all clouds on the title to the ownership in interest to the property described in paragraph 6 of this Complaint, which the herein named Defendants might claim, possess or assert pertaining to any alleged irregularities in the chain of title herein set forth.

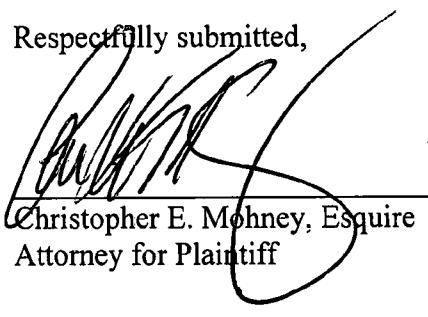
14. This suit to quiet title is instituted under the terms and provisions of the Pennsylvania Rules of Civil Procedure 1061 to 1067, inclusive, pertaining to the quieting of titles and other pertinent rules of local procedure.

WHEREFORE, your Plaintiff requests this Honorable Court to decree that title to the above-described property in paragraph 6 of this Complaint is in the name of S & SP DEVELOPMENT, and that the Defendants be forever barred from asserting any right, title, lien or interest in the land in question that is inconsistent with the interest of the Plaintiff as set forth herein to the said premises, or impeaching, denying or in any way attacking the Plaintiff's title to

the said premises; and that your Honorable Court make any other necessary Order for the granting of proper relief as it deems necessary to equitably and legally recognize and preserve Plaintiff's rights in this matter.

Respectfully submitted,

By:


Christopher E. Mohney, Esquire
Attorney for Plaintiff

VERIFICATION

I, Shawn Parker of S & SP DEVELOPMENT, LLC, being a member thereof of being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

S & SP DEVELOPMENT, LLC

By: Shawn Parker

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

S & SP DEVELOPMENT, LLC., : NO. 06 - 2124 - C.D.
Plaintiff, : Type of Case:
vs. : ACTION TO QUIET TITLE
THOMAS G. RUGGLES, JEAN : Type of Pleading: MOTION FOR
RUGGLES, KYLE RUGGLES and : DEFAULT JUDGMENT
ASHLEY RUGGLES, : Filed on Behalf of: PLAINTIFF
Defendants : S & SP DEVELOPMENT, LLC.
: Counsel of Record:
: CHRISTOPHER E. MOHNEY, ESQUIRE
: Supreme Court No.: 63494
: 25 EAST PARK AVENUE
: SUITE 6
: DUBOIS, PA 15801
: (814) 375-1044

FILED
02/10/07
APR 16 2007
cc
44

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – AT LAW

S & SP DEVELOPMENT, LLC.,	:	NO. 06 - 2124 - C.D.
Plaintiff,	:	Type of Case:
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vs.	:	
THOMAS G. RUGGLES, JEAN	:	
RUGGLES, KYLE RUGGLES and	:	
ASHLEY RUGGLES	:	
Defendants.	:	

MOTION FOR DEFAULT JUDGMENT

AND NOW, comes the Plaintiff, ***S & SP DEVELOPMENT, LLC***, by and through its attorney, ***CHRISTOPHER E. MOHNEY, ESQUIRE***, and files this Motion for Default Judgment against Defendants ***THOMAS G. RUGGLES, JEAN RUGGLES, KYLE RUGGLES and ASHLEY RUGGLES***, and in support thereof avers the following:

1. This is an action to quiet title in which Plaintiff, S & SP DEVELOPMENT, LLC, requests that Defendant THOMAS G. RUGGLES, be permanently enjoined and restrained from asserting any claim or interest in or to real property described in Plaintiff's Complaint. A true and correct of the Plaintiff's Complaint is attached hereto, incorporated herein by reference, and marked Exhibit "A".

2. Defendants Jean Ruggles, Kyle Ruggles and Ashley Ruggles have signed a Quit Claim Deed to S & SP Development, LLC.

3. Attached as Exhibit "B" is copy of cover letter from undersigned to Defendant Thomas G. Ruggles dated December 27, 2006 serving certified true and correct copy of Complaint attached hereto as Exhibit "A", and also copy of Return Receipt.

4. Defendant Thomas G. Ruggles has not filed an answer to the Complaint, nor has he entered an appearance of record.

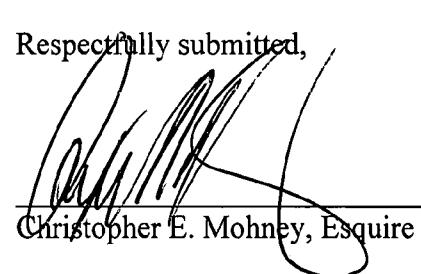
5. Attached as Exhibit "C" is copy of Important Notice sent to Defendant Thomas G. Ruggles, which Important Notice was sent on February 13, 2007, as evidenced by the attached Certificate of Mailing.

6. Pennsylvania Rule of Civil Procedure 1066(a) allows the Court to grant appropriate relief on Affidavit that a Complaint containing a Notice to Defend has been served and Defendant has not filed an answer.

WHEREFORE, Plaintiff requests this Court to enter an Order of Default Judgment against Defendant THOMAS G. RUGGLES, pursuant to Pennsylvania Rule of Civil Procedure 1066(a).

Respectfully submitted,

By:

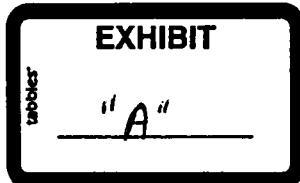

Christopher E. Mohney, Esquire

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Defendants : Counsel of Record:
: CHRISTOPHER E. MOHNEY, ESQUIRE
: Supreme Court No.: 63494
: 25 EAST PARK AVENUE
: SUITE 6
: DUBOIS, PA 15801
: (814) 375-1044

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

DEC 22 2006



Attest.

William H. *W.H. H.*
Prothonotary/
Clerk of Courts

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

S & SP DEVELOPMENT, LLC	:	NO. 06 -	- C.D.
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	:		
vs.	:		
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THOMAS G. RUGGLES; JEAN RUGGLES, KYLE RUGGLES and ASHLEY RUGGLES	:		
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vs. : :
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and ASHLEY RUGGLES :
: :
Defendants. : :

COMPLAINT

AND NOW, comes the Plaintiff *S & SP DEVELOPMENT, LLC*, by and through its attorney, *CHRISTOPHER E. MOHNEY, ESQUIRE*, and brings this Action to Quiet Title to the premises hereinafter described against the above-named Defendants, and in support thereof avers:

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11. Plaintiff is unaware of any right, title or interest claimed by the named Defendants.

12. Plaintiff has been informed and therefore believes that the Defendants may have a claim or interest adverse to the Plaintiff. Any claims of the Defendants are without any right whatsoever, and Defendants' potential claims are wholly without right and constitute clouds on the Plaintiff's title, which Plaintiff desires to remove.

13. This action is brought to clear any and all clouds on the title to the ownership in interest to the property described in paragraph 6 of this Complaint, which the herein named Defendants might claim, possess or assert pertaining to any alleged irregularities in the chain of title herein set forth.

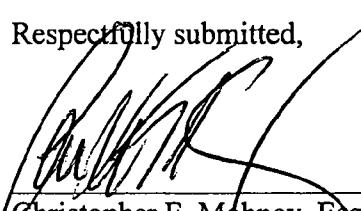
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WHEREFORE, your Plaintiff requests this Honorable Court to decree that title to the above-described property in paragraph 6 of this Complaint is in the name of S & SP DEVELOPMENT, and that the Defendants be forever barred from asserting any right, title, lien or interest in the land in question that is inconsistent with the interest of the Plaintiff as set forth herein to the said premises, or impeaching, denying or in any way attacking the Plaintiff's title to

the said premises; and that your Honorable Court make any other necessary Order for the granting of proper relief as it deems necessary to equitably and legally recognize and preserve Plaintiff's rights in this matter.

Respectfully submitted,

By:


Christopher E. Mohney, Esquire
Attorney for Plaintiff

VERIFICATION

I, John Shawn Carlson of S & SP DEVELOPMENT, LLC, being a member thereof of being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

S & SP DEVELOPMENT, LLC

By: John Carlson

CHRISTOPHER E. MOHNEY

ATTORNEY AT LAW
25 EAST PARK AVENUE
SUITE 6
DuBOIS, PA 15801

TELEPHONE: (814) 375-1044

FILE COPY

FACSIMILE: (814) 375-1088

December 27, 2006

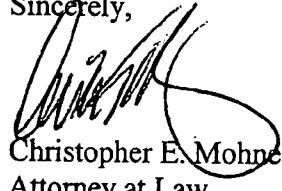
Mr. Thomas G. Ruggles
604 Sofia Lane
Apt. G
Charlotte, NC 28262

**RE: S & SP Development, LLC vs. Thomas G. Ruggles,
Jean Ruggles, Kyle Ruggles and Ashley Ruggles
No. 06-2124-C.D. (Clearfield County, Pennsylvania)**

Dear Mr. Ruggles:

Enclosed I hereby serve you with certified true and correct copy of Complaint in Quiet Title filed on behalf of my client S & SP Development, LLC, on December 22, 2006, in the Court of Common Pleas of Clearfield County, Pennsylvania.

Sincerely,



Christopher E. Mohney
Attorney at Law

CEM: sms

Enclosure

EXHIBIT

"B"

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

8595 5748
8595 0000
0000 0000
0000 0000
0750 0000
0750 0000
7004 0000

Postage	\$ 1.87
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.12

Postmark
Here

Sent To
Mr. Thomas G. Ruggles
Street, Apt. No.
or P.O. Box No.
City, State, Zip Code
Charlotte, NC 28262

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:

Mr. Thomas G. Ruggles
604 Sofia Lane
Apt G
Charlotte, NC 28262

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Mr. Thomas*

Agent

Addressee

B. Received by (Printed Name)

M. Thomas

C. Date of Delivery

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 0750 0000 8595 5748

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

FILE COPY

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

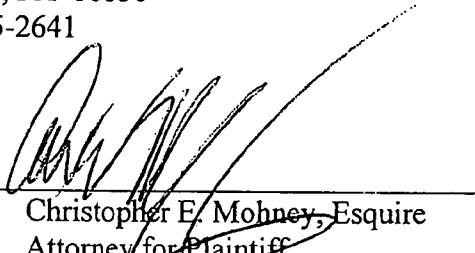
S & SP DEVELOPMENT, LLC : NO. 06 - 2124 - C.D.
Plaintiff, : ACTION TO QUIET TITLE
vs. :
THOMAS G. RUGGLES, JEAN :
RUGGLES, KYLE RUGGLES :
and ASHLEY RUGGLES :
Defendants :
TO: THOMAS G. RUGGLES
604 Sophia Lane, Apt. G.
Charlotte, NC 28262

DATE OF NOTICE: February 13, 2007

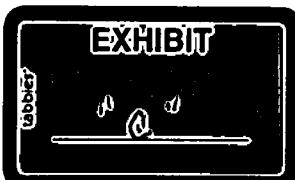
IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
1 NORTH SECOND STREET
CLEARFIELD, PA 16830
(814) 765-2641

BY: 

Christopher E. Mohney, Esquire
Attorney for Plaintiff
I.D. #63494
25 East Park Avenue, Suite 6
DuBois, PA 15801
(814) 375-1044



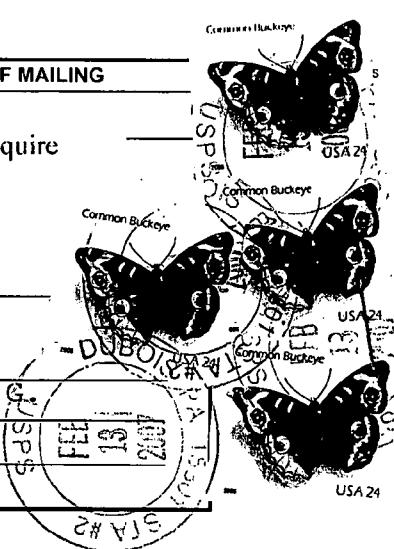
U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**

MAY BE USED
PROVIDE FOR

Receiver: Christopher E. Mohney, Esquire
25 East Park Avenue
Suite 6
DuBois, PA 15801

One piece of ordinary mail addressed to:
THOMAS G. RUGGLES
604 Sophia Lane, Apt. G
Charlotte, NC 28262

PS Form 3817, January 2001



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION – AT LAW

S & SP DEVELOPMENT, LLC., : NO. 06 - 2124 - C.D.
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Vs. : ACTION TO QUIET TITLE
THOMAS G. RUGGLES, JEAN :
RUGGLES, KYLE RUGGLES and :
ASHLEY RUGGLES :
Defendants. :

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

I, CHRISTOPHER E. MOHNEY, ESQUIRE, being duly sworn according to law, deposes and says that I am counsel for Plaintiff in this action, and make this Affidavit on behalf of Plaintiff, being authorized to do so; that a Complaint in this action to quiet title, containing a Notice to Defend within twenty (20) days of service was duly served on Defendant Thomas G. Ruggles, as evidenced by the original return receipt attached to the Motion as Exhibit "B"; and that to date, Defendant Thomas G. Ruggles has not filed an Answer in the action.

By:


Christopher E. Mohney, Esquire

Sworn to and Subscribed
before me this 16th day
of April, 2007.


Laura L. Emerick
Notary Public

NOTARIAL SEAL
Laura L. Emerick, Notary Public
DuBois, Clearfield County
My commission expires May 18, 2008

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

S & SP DEVELOPMENT, LLC. : NO. 06 - 2124 - C.D.
Plaintiff, : Type of Case:
vs. : ACTION TO QUIET TITLE
THOMAS G. RUGGLES, JEAN :
RUGGLES, KYLE RUGGLES and :
ASHLEY RUGGLES :
Defendants. :
:

FILED *ICC*
04/07/07 *4th*
APR 17 2007 *Mohney*
William A. Shaw
Prothonotary/Clerk of Courts
(6K)

ORDER

AND NOW, this 17 day of April, 2007, an Affidavit of Service of a Complaint with Notice to Plead having been filed and no answer having been made by Defendant Thomas G. Ruggles, upon consideration of the Motion of Plaintiff pursuant to Pennsylvania Rule of Civil Procedure 1066(a), it is hereby **ORDERED and DECREED** that judgment by default be entered against Defendant Thomas G. Ruggles directing he is permanently enjoined and restrained from asserting any claim or interest in or to the following real property or any part thereof:

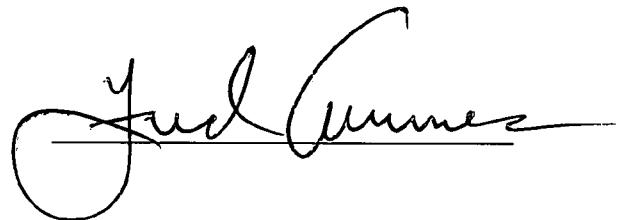
Sandy Township

Map No. 128-21-7A-52B

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

That these proceedings, or any authenticated copy thereof, shall at all times be
hereinafter taken as evidence of the facts declared and established thereby.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Judge James", is written over a horizontal line. A small circle is drawn to the left of the signature.