

07-169-CD  
DuBois Area School District

*On 6/2/07  
4/14*

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

FILED

FEB 02 2007

6/12/07

William A. Shaw  
Prothonotary/Clerk of Courts  
2 Cents to Mail

IN RE: **Petition of DuBois Area School District for Sale of Unused and Unnecessary Land** : 2007-169-CD  
No. \_\_\_\_\_ C.D.

**PETITION FOR SALE OF UNUSED AND UNNECESSARY LAND**

TO THE HONORABLE FREDRICK J. AMMERMAN, PRESIDENT JUDGE OF  
SAID COURT:

AND, now come the **DUBOIS AREA SCHOOL DISTRICT**, by its Attorneys, **FERRARO, KRUK & FERRARO, LLP**, and presents to your Honor Court a **PETITION FOR SALE OF UNUSED AND UNNECESSARY LAND** in accordance with 24 P.S. Section 7-707 of which the following is a concise summary:

1. **PETITIONER** is the **DUBOIS AREA SCHOOL DISTRICT**, duly organized and existing School District in the Commonwealth of Pennsylvania with office at 500 Liberty Boulevard, DuBois, PA, 15801.
2. **DUBOIS AREA SCHOOL DISTRICT** is the owner of a certain vacant parcel of land situate in the City of DuBois, more particularly bounded and described in a suggested Deed description prepared by Alexander & Associates, Inc. which is attached to this **PETITION** and labeled as "**EXHIBIT A**."
3. It is believed by the **DUBOIS AREA SCHOOL BOARD**, and has been so resolved, that it is proper for the **DUBOIS AREA SCHOOL DISTRICT** to rid itself of the said premises described in "**EXHIBIT A**" and that this is in the best interest of the **DUBOIS AREA SCHOOL DISTRICT** because the land is not needed or necessary for the operation of the **DUBOIS AREA SCHOOL DISTRICT**.
4. **PETITIONER** desires to purchase the premises immediately adjacent to the premises described in "**EXHIBIT A**" and desires to do so for the best interest of the **DUBOIS AREA SCHOOL DISTRICT**. The parcel desired to be purchased by your **PETITIONER** is described by Alexander & Associates, Inc. in a suggested Deed description which is attached to this **PETITION** and marked as "**EXHIBIT B**."

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

IN RE: Petition of DuBois Area School District for Sale of Unused and Unnecessary Land : : No. 2007-169-~~10~~ C.D.

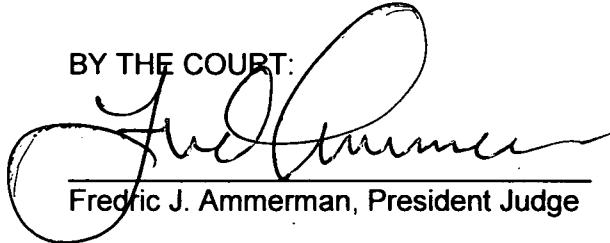
**ORDER**

AND NOW, this 5 day of February, 2007, upon Petition of the DUBOIS AREA SCHOOL DISTRICT for the sale of unused and unnecessary land,

IT IS HEREWITH ORDERED AND DECREED that a Hearing thereon shall be held on the 19<sup>th</sup> day of March, 2007 at 9:00 o'clock, A.M. in Courtroom No. 1, Clearfield County Courthouse, North Second Street, Clearfield, PA (16830).

IT IS FURTHER ORDERED AND DECREED that the DUBOIS AREA SCHOOL DISTRICT shall provide public notice of the Hearing in accordance with the Pennsylvania Public School Code of 1949, as amended.

BY THE COURT:



Fredric J. Ammerman, President Judge

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William A. Shaw  
Prothonotary/Clerk of Courts

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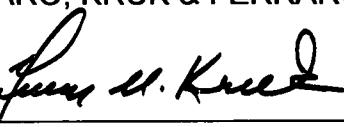
William A. Shaw  
Prothonotary/Clerk of Courts  
2 cent to mailIN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISIONIN RE: **Petition of DuBois Area School** : 2007-169-CD  
**District for Sale of Unused and** : No. \_\_\_\_\_ C.D.  
**Unnecessary Land****PETITION FOR SALE OF UNUSED AND UNNECESSARY LAND**TO THE HONORABLE FREDRICK J. AMMERMAN, PRESIDENT JUDGE OF  
SAID COURT:

AND, now come the **DUBOIS AREA SCHOOL DISTRICT**, by its Attorneys, **FERRARO, KRUK & FERRARO, LLP**, and presents to your Honor Court a **PETITION FOR SALE OF UNUSED AND UNNECESSARY LAND** in accordance with 24 P.S. Section 7-707 of which the following is a concise summary:

1. **PETITIONER** is the **DUBOIS AREA SCHOOL DISTRICT**, duly organized and existing School District in the Commonwealth of Pennsylvania with office at 500 Liberty Boulevard, DuBois, PA, 15801.
2. **DUBOIS AREA SCHOOL DISTRICT** is the owner of a certain vacant parcel of land situate in the City of DuBois, more particularly bounded and described in a suggested Deed description prepared by Alexander & Associates, Inc. which is attached to this **PETITION** and labeled as "**EXHIBIT A**."
3. It is believed by the **DUBOIS AREA SCHOOL BOARD**, and has been so resolved, that it is proper for the **DUBOIS AREA SCHOOL DISTRICT** to rid itself of the said premises described in "**EXHIBIT A**" and that this is in the best interest of the **DUBOIS AREA SCHOOL DISTRICT** because the land is not needed or necessary for the operation of the **DUBOIS AREA SCHOOL DISTRICT**.
4. **PETITIONER** desires to purchase the premises immediately adjacent to the premises described in "**EXHIBIT A**" and desires to do so for the best interest of the **DUBOIS AREA SCHOOL DISTRICT**. The parcel desired to be purchased by your **PETITIONER** is described by Alexander & Associates, Inc. in a suggested Deed description which is attached to this **PETITION** and marked as "**EXHIBIT B**."

5. The owner of the premises described in '**EXHIBIT B**' is **DAVID J. STERN (PARIS CLEANERS)** and he has agreed with your **PETITION** to "trade" his Parcel B in exchange for being conveyed Parcel A, with there not being any monetary consideration in trading hands.
6. 24 P.S. Section 7-07 states that the **BOARD OF SCHOOL DIRECTORS** of any District is vested with the necessary power and authority to sell unused and unnecessary land by certain methods, one of which is at private sale, subject to the approval of the Court of Common Pleas of the County in which the School District is located.
7. In accordance with 24 P.S. Section 7-07 attached hereto and made a part hereof are the Affidavits of two (2) persons who are familiar with the values of Real Estate in the locality in which the land and building proposed to be sold are located, to the effect that they have examined the property described in "**EXHIBIT A**" and the price offered therefore, being the trade for Parcel B, is a fair and reasonable one and in their opinion a better "price" and could not be obtained at public sale and they are not interested, either directly or indirectly, in the purchase or sale thereof.
8. It appears that subdivision approval by the City of DuBois will be needed to complete this transaction, and **PETITIONER** plans on completing the subdivision process after approval from our Honorable Court of this **PETITION**.

**WHEREFORE**, your **PETITIONER** requests approval of you Honorable Court for the conveyance of the premises described in "**EXHIBIT A**" in exchange for the purchase of the premises described in "**EXHIBIT B**."

Respectfully submitted,  
FERRARO, KRUK & FERRARO  
By   
\_\_\_\_\_  
Attorney for Petitioner

I, LLOYD McCREIGHT, as President of DuBois Area School District, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 1-26-07

  
Lloyd McCreight

# *Alexander & Associates Inc.*

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(Land & GPS Surveying Services)

112 CHURCH STREET

P.O. BOX 378

FALLS CREEK, PA 15840

(814) 371-5578

e-mail [balexander@adelphia.net](mailto:balexander@adelphia.net)

**Date:**

**June 11, 2002**

**Prepared  
for:**

**DuBois Area School District  
&  
Paris Cleaners**

**Surveyor:** Lional Alexander, P. L. S.

**Client Address:** DuBois Area School District  
500 Liberty Blvd  
DuBois, PA 15801

**PARCEL NUMBER 1**

**GRANTOR:** David J. Stern (Paris Cleaners)

**GRANTEE:** DuBois Area School District

**Suggested Deed Description:**

Being all that certain piece, parcel, or tract of land lying and being situate in the City of DuBois, Third Ward, Section 5, and a portion of parcel number 1240 on the City of DuBois Assessment Map Section 5, bounded and described as follow:

Beginning at an existing rebar set by previous survey dated November 4, 1994 (Lee-Simpson Associates, Inc., File Number L-2479), said rebar being the northwest corner of lands described David J. Stern, (Deed Book 1339 Page 262, dated April 20, 1990), of which the herein described parcel was a part, and also being the northwest corner of the herein described parcel,

**“EXHIBIT A”**

## DUBOIS AREA SCHOOL DISTRICT &amp; PARIS CLEANERS

THENCE; S 64 degrees 51 minutes 15 seconds E along lands now or formerly the DuBois Area School District (Instrument Number 200012857, dated September 1, 2000) a distance of 201.95 feet to an existing rebar set by previous survey, said iron pin being the northeast corner of the herein described parcel,

THENCE; S 25 degrees 41 minutes 00 seconds W along lands now or formerly the DuBois Area School District (Instrument Number 200012857, dated September 1, 2000) a distance of 137.88 feet to a point, said point being the southeast corner of the herein described parcel,

THENCE; N 64 degrees 45 minutes 51 seconds W through the lands now or formerly David J. Stern, (Deed Book 1339 Page 262, dated April 20, 1990), a distance of 201.12 feet to a rebar set by this survey, said rebar being the southwest corner of the herein described parcel,

THENCE; N 25 degrees 20 minutes 10 seconds E along lands now or formerly The DuBois Area School District (Deed Book 1357 Page 503, dated June 26, 1989) a distance of 137.56 feet to a rebar, the place of beginning.

Containing 27,878 square feet or 0.64 Acre

Subject to a 24" storm drainage pipe that flows through the above described parcel and shown on the hereto attached survey map also and other drainage pipes that map flow into the 24" storm drainage pipe.

Subject to any utilities that may affect the above described parcel.

Being a portion of the description given in Deed Book 1339 Page 262, dated April 20, 1990 in a conveyance from The Clearfield County Industrial Development Authority to David J. Stern.

**BEING the same premises as surveyed and drawn by ALEXANDER & ASSOCIATES INC., Falls Creek, PA 15840. Said survey plat is under the date of June 11, 2002, is referenced as JN2328-02, and is intended to be recorded in the Clearfield County Courthouse for a more particular description.**

---

Lional Alexander  
Professional Land Surveyor  
SU-22887-E

## Alexander & Associates Inc.

(Land & GPS Surveying Services)  
112 CHURCH STREET  
P.O. BOX 378  
FALLS CREEK, PA 15840  
(814) 371-5578  
e-mail alexander@key-net.net

Date:  
June 11, 2002

Prepared  
for:  
**DuBois Area School District**  
&  
**Paris Cleaners**

Surveyor: Lional Alexander, P. L. S.

**Client Address:** DuBois Area School District  
500 Liberty Blvd  
DuBois, PA 15801

### **PARCEL NUMBER 2**

**GRANTOR:** DuBois Area School District

**GRANTEE:** David J. Stern (Paris Cleaners)

### **Suggested Deed Description:**

Being all that certain piece, parcel, or tract of land lying and being situate in the City of DuBois, Third Ward, Section 5, and a portion of parcel number 1242 on the City of DuBois Assessment Map Section 5, bounded and described as follow:

Beginning at an existing rebar set by previous survey dated November 4, 1994 (Lee-Simpson Associates, Inc., File Number L-2479), said rebar being the southeast corner of lands described The DuBois Area School District (Instrument Number 200012857, dated September 1, 2000, of which the herein described parcel was a part, and also being the southeast corner of the herein described parcel,

**“EXHIBIT B”**

THENCE; N 64 degrees 45 minutes 50 seconds W along lands now or formerly David J. Stern, (Deed Book 1339 Page 262, dated April 20, 1990), a distance of 241.54 feet to an existing rebar set by previous survey, said rebar being the southwest corner of the herein described parcel,

THENCE; N 25 degrees 41 minutes 00 seconds E along lands now or formerly David J. Stern, (Deed Book 1339 Page 262, dated April 20, 1990), a distance of 118.80 feet to a point, said point being the northwest corner of the herein described parcel,

THENCE; S 64 degrees 45 minutes 51 seconds E through the lands of The DuBois Area School District (Instrument Number 200012857, dated September 1, 2000) of which the herein described parcel was a part, a distance of 229.04 feet to a rebar set by this survey, said rebar being on the western Right-of-Way for Jeffers Street (60' R/W), and being the Northeast corner of the herein described parcel,

THENCE; along the western Right-of-Way for Jeffers Street (60' R/W) by a curve to the left, said curve having a radius of 1940.08 feet and an arc length of 119.38 feet, said arc having a chord bearing of S 19 degrees 40 minutes 06 seconds W a chord distance of 119.36 feet to a rebar, the place of beginning.

Containing 27,878 square feet or 0.64 Acre

Subject to any utilities that may affect the above described parcel.

Being a portion of the description given in Instrument Number 200012857, dated September 1, 2000, in a conveyance from The Court of Common Pleas in Condemnation of Real Estate of Green DOT, Inc. to the DuBois Area School District.

**BEING the same premises as surveyed and drawn by ALEXANDER & ASSOCIATES INC., Falls Creek, PA 15840. Said survey plat is under the date of June 11, 2002, is referenced as JN2328-02, and is intended to be recorded in the Clearfield County Courthouse for a more particular description.**

---

Lional Alexander  
Professional Land Surveyor  
SU-22887-E

**Provost Real Estate Appraisers**

**Residential - Commercial - Industrial**

**State Certified General and Residential Appraisers**  
**302 East Pine Street - Clearfield, Pa. 16830**  
**(814) 765 5252 - Fax (814) 765 2425**

**Richard J. Provost, IFAS**  
**General**  
**Certified Appraiser**

**Sonya L. Flanagan**  
**Residential**  
**Certified Appraiser**

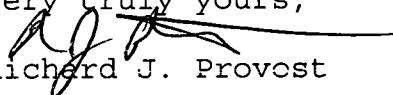
December 12, 2006

To Whom It May Concern:

I am a certified general real estate appraiser in the Commonwealth of Pennsylvania, having my office in Clearfield and I have had an opportunity to view the property involved in the Petition by the DuBois Area School District to sell an unused portion of land acquired for the soccer field that abuts land of David Stern, of Paris Cleaners and have reviewed the map which demonstrates that the two (2) parcels are of identical size, are adjacent to each other and are of the same basic terrain.

This is to certify that I am familiar with values of real estate in this area and have examined the property, and the trading of properties between the DuBois Area School District and David Stern would result in properties of equal value being exchanged, and that the exchange is fair and reasonable and a better price could not be obtained at a public sale. I certify that I am not interested, either directly or indirectly, in the purchase or sale of either property.

Very truly yours,

  
Richard J. Provost

I, Richard J. Provost, being a certified real estate appraiser in the DuBois Area and being duly sworn according to law, deposed and say the facts set forth in this letter are true and correct to the best of my knowledge, information and belief. I understand false statements herein are made subject to the penalties of 18PA. C.S.A. 4904 relating to unsworn falsification to authorities.

Date: 12-14-06

  
\_\_\_\_

# ADVANTAGE APPRAISALS

257 Main Street, Suite A

Brookville, PA 15825

Lori J McAninch, SRA GRI  
"committed to excellence"

1-19-2007

Ferraro, Kruk & Ferraro, LLP  
600 Main St  
Brockway, PA 15824

Dear Attorney Kruk:

As per your request and my inspection of the property involved in the Petition by the DuBois Area School District to sell an unused portion of land acquired for the soccer field that abuts land of David Stern, of Paris Cleaners, please be advised that I have also reviewed the map which demonstrates that the two (2) parcels are of identical size, are adjacent to each other, and are of the same basic terrain.

I am a General Certified Appraiser in the Commonwealth of Pennsylvania as well as an SRA designated appraiser through the Appraisal Institute, having my office in Brookville. This is to certify that I am familiar with real estate values in this area and have examined the property. The exchange of properties between the DuBois Area School District and David Stern would result in properties of equal value being exchanged, and that the exchange is fair and reasonable and a better price could not be obtained at a public sale. I certify that I am not interested, either directly or indirectly, in the purchase or sale of either property.

Sincerely,



Lori J. McAninch, SRA, GRI  
1-19-2007

I, Lori J. McAninch, being a certified real estate appraiser in the DuBois Area and being duly sworn according to law, depose and say the facts set forth in this letter are true and correct to the best of my knowledge, information, and belief. I understand false statements herein are made subject to the penalties of 18PA. C.S.A. 4904 relating to un-sworn falsification to authorities.

Date 1-22-07



PHONE  
814-849-3900

FAX  
814-849-3901

E-MAIL  
advanapp@alltel.net

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

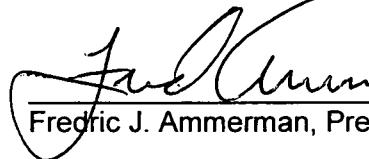
IN RE: Petition of DuBois Area School District for Sale of Unused and Unnecessary Land : No. 2007 – 169 C.D.

ORDER

AND NOW, this 5 day of March, 2007, upon Petition of the DUBOIS AREA SCHOOL DISTRICT, by its Attorneys, FERRARO, KRUK & FERRARO, LLP,

IT IS HEREWITH ORDERED AND DECREED that the Hearing scheduled for March 19, 2007, on the Petition of the DuBois Area School District for Sale of Unused and Unnecessary Land, is hereby continued to a later date to be scheduled upon request of the DuBois Area School District.

BY THE COURT:

  
Fredric J. Ammerman, President Judge

FILED  
03/06/2007  
MAR 06 2007  
1CC  
Atty Ferraro  
(CR)

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 3/10/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

**FILED**  
**MAR 06 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

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

FILED

MAR 02 2007

W/10/30/2007  
William A. Shaw  
Prothonotary/Clerk of Courts

1 Cents to Attorney

IN RE: Petition of DuBois Area School District for Sale of Unused and Unnecessary Land : : No. 2007 - 169 C.D.

**PETITION FOR CONTINUANCE OF HEARING**

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE OF  
SAID COURT:

AND NOW comes the DuBois Area School District by its Attorneys, **FERRARO, KRUK & FERRARO, LLP**, and presents to your Honorable Court a Petition for Continuance of Hearing of which the following is a concise summary:

1. Petitioner is the **DUBOIS AREA SCHOOL DISTRICT**, by its Attorneys, **Ferraro, Kruk & Ferraro, LLP**, with the address of the DuBois Area School District being 500 Liberty Boulevard, DuBois, Clearfield County, PA (15801).
2. Petitioner filed a "Petition for Sale of Unused and Unnecessary Land" on February 2, 2007 in the above-captioned matter, which said Petition set forth that the DuBois Area School District desired to convey a parcel of real estate which was unused and unnecessary as part of a trade or swap for another same sized similarly located parcel.
3. Your Honorable Court set a hearing on the Petition for March 19, 2007 at 9:00 A.M.
4. Petitioner has since discovered that a similar Petition was previously filed by the prior law firm for the DuBois Area School District and a hearing was held and an Order entered by your Honorable Court stating that Petitioner could not "swap" parcels because the Public School Code does not authorize that type of consideration when a District is selling unused and unnecessary land. Your Honorable Court denied the Petition and stated "While it appears to be a tedious exercise to require each party to pay over the

value of each property to the other when the properties are of equal value, the Court finds that under the terms of the statute, such action is required."

5. A copy of the said Order of your Honorable Court, which is dated May 23, 2003, is attached as Exhibit "A" to this Petition.

6. Petitioner needs additional time in order to get an appraisal done, in order to arrive at an actual monetary amount so that there can be compliance with the previous Order of your Honorable Court, and in order to comply with the Public Notice requirements of the Public School Code for the rescheduled hearing.

**WHEREFORE**, Petitioner requests your Honorable Court to continue the hearing in the above-captioned matter from March 19, 2007 to a later date to be scheduled when Petitioner acquires what it needs to continue with this matter.

FERRARO, KRUK & FERRARO, LLP

BY:   
Attorney for Petitioner

I, R. EDWARD FERRARO, ESQ., as Solicitor for the DuBois Area School District, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_



R. Edward Ferraro, Esq.

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

IN RE: APPROVAL OF SALE OF UNUSED  
AND UNNECESSARY LAND OF THE  
DUBOIS AREA SCHOOL DISTRICT

No. 03-200 - CD

OPINION AND ORDER

The DuBois Area School District (the "School District") filed a Petition for Approval of Private Sale of Unused and Unnecessary Land (the "Petition") pursuant to 24 P.S. § 7-707(3), on February 13, 2003, seeking this Court's approval of an exchange of a certain parcel of land owned by the District for a parcel of land owned by Mr. David J. Stern of DuBois, Pennsylvania. The parcels at issue are adjacent to each other and each contains .64 acres of land. The parcel owned by the School District is a part of a 3.4-acre tract acquired by condemnation. The purpose of said exchange is to eliminate the irregular shapes of the parcels to render them more useful to the District as a soccer field. By resolution dated January 22, 2003, the Board of Directors of the School District passed a resolution authorizing the exchange. In accordance with Section 707-7(c) of the Public School Code, this Court Ordered that a public hearing be held on said Petition. The hearing took place on March 24, 2003. On the same date, L. Hays Chambers, the owner of the land condemned by the School District, filed a Response in Opposition to the Petition, though he did not attend such hearing. Mr. Chambers' response alleged that 1.) there was no motion or resolution designating the subject parcel as "unused and unnecessary," and 2.) neither the condemnation nor the land exchange was authorized under the Public School Code. Following such hearing, this Court directed the parties to file briefs on their respective positions, and such briefs were subsequently filed. The issues raised therein are now ripe for decision.

EXHIBIT "A"

The School District argues that it is vested with authority to sell the subject parcel by means of a private sale pursuant to Section 7-707(3) of the Public School Code, which provides that

The board of school directors of any district is hereby vested with the necessary power and authority to sell unused and unnecessary lands and buildings, by any of the following methods and subject to the following provisions:

(3) At private sale, subject to the approval of the court of common pleas of the county in which the school district is located. Approval of the court shall be on petition of the board of school directors, which petition shall be executed by the proper officers of the board, and shall contain a full and complete description of the land proposed to be sold, a brief description and character of the building or buildings erected thereon, if any, the name of the prospective purchaser, the amount offered for the property, and shall have attached thereto an affidavit of at least two persons who are familiar with the values of real estate in the locality in which the land and buildings proposed to be sold are located . . . Before the court may act upon any such petition it shall fix a time for a hearing thereon and shall direct that public notice thereof be given . . .  
Pa. Stat. Ann. tit. 24, §7-707(3)(Supp. 2003).

Additionally, the School District asserts that it may elect to engage in an exchange of property under Section 7-707(5), which states that

The board of school directors may, at their discretion, when selling real estate, sell and convey such real estate to the purchasers for the accepted consideration, payable partly in cash and partly in the form of a purchase money mortgage (and bond) . . .  
24 P.S. § 7-707(5)(Supp. 2003).

In response, the Objector asserts that the School District has failed to comply with the terms of the statute and must be denied. The Court will address each of the Objector's contentions in turn.

First, the Objector notes that the School District failed to attach the two affidavits to its Petition as required by 24 P.S. §707-7(3). However, such information was presented through live testimony during the hearing, and this Court permitted the School District to file such affidavits *nunc pro tunc*. As such, the Objector's first contention is moot.

Next, the Objector asserts that the School District's Petition is inadequate because it fails to state the value of the consideration offered by Mr. Stern for the .64 acre tract of land. He points to the portion of Section 7-707(3), which states that the Petition shall state "the amount being offered for the property." While the Petition does not contain a specific monetary sum, it does indicate that the parcels are of equal size and value. As such, the Court concludes that the "amount being offered" for the subject parcel, is another parcel of equal size and value. The Court finds the Objector's second contention to be without merit.

The Objector also claims that the School District never formally determined by Motion or Resolution that the subject property was unused and unnecessary. The Objector points to the case of In re Petition of Bentworth School Board, 36 D. & C.3d 153 (Com Pl. 1985) as support for its position that a formal declaration by resolution or motion finding the subject property to be unused and unnecessary is required. In that case, the trial court denied a school district's petition where it had failed to prove that it exercised its discretion to determine that the real estate in question was unnecessary and unused. Id. at 158. The Court notes that this is not binding precedent, and that there is no such requirement in Section 7-707 itself, which merely states that a school district has the authority to sell unused and unnecessary lands and buildings. The School District argues that it is clear in the case at hand from both the Petition as well as the testimony of the Superintendent of the School District that the reason for the proposed exchange was the lack of use of the subject parcel due to its irregular shape. However, it is also clear that Section 7-707(3) applies to land determined to be unused and unnecessary and that a School District makes such determination by resolution of its Board of Directors. As such, this Court would urge the School District to exercise greater care in the drafting of its resolutions in the future. However, because the Court finds that it was the intention of the School District to

exchange this land because it was unused and unnecessary, the Court will not find this defect in and of itself to be fatal to the Petition.

The Objector next argues that the testimony presented at the hearing failed to establish that the price offered was fair and reasonable, and was better than what could be obtained through private sale. However, the Court notes that both real estate appraisers testified that in the context of an exchange, and based upon their examination of the parcels, that the two parcels were of identical value. Therefore, the appraisers testified that the value the School District would receive in return would be “fair and reasonable.” Mr. Paul Brazinski, Jr. also testified that based upon his opinion, zoning requirements would have prevented the public sale of these lots because each was undersized. The Objector did not offer any testimony or evidence that the appropriate zoning ordinance permits less than a one-acre minimum lot size, but now argues that this Court must take judicial notice of the ordinance as required by 42 Pa. C.S.A. §6107(a). While the Court will take judicial notice of the zoning ordinance attached to the Objector’s brief, the Court also notes that the ordinance only serves to indicate that the size of the lot alone may not have been a bar to a public sale. It does not indicate that the price received at a public sale would have been more favorable than the value to be received in the exchange. The Objector has presented no evidence in support of that contention. As such, the Court finds that the testimony presented was sufficient to establish that the price was fair and reasonable, and better than that which would have been received at public sale.

Finally, the Objector contends that the Public School Code does not authorize the School District to engage in a swap. Specifically, the Objector points to Section 7-707(5), which delineates the types of consideration a district may receive when selling unused and

unnecessary land. As set forth above, Section 7-707(5) provides a school district may accept consideration “payable partly in cash and partly in the form of a purchase money mortgage (and bond).” There is no provision in this Section for in-kind consideration or the exercise of discretion in the type of consideration to be received. Under Pennsylvania case law, “[w]here some things are specifically designated in a statute, things omitted should be understood as having been excluded . . .” East Stroudsburg University v. Hubbard, 591 A.2d 1181, 1185 (Pa. Cmwlth. 1991). Additionally, other provisions within Section 7-707 clearly provide for a school district’s authority to accept other forms of consideration. *See* 24 P.S. §7-707(7.1)(in transactions with charitable organizations, district may accept consideration “which may include, but not be limited to, payment partly in cash and partly in the form of a purchase money mortgage and bond . . .”); 24 P.S. §7-707(8)(a school district may convey unused and unnecessary property to a city, borough, township, or town “without consideration, or for such consideration and on such terms of exchange or otherwise as may be agreed upon . . .”); 24 P.S. §7-707(9)(school district may convey property to a State Public School Building Authority . . . in connection with a lease “with or without consideration.”). These subsections clearly evidence the General Assembly’s intention to enumerate instances in which a school district is authorized to receive other forms of consideration in lieu of cash or a mortgage. As such, the Court finds that Section 7-707(3) of the Public School Code does not authorize an “exchange” or “swap” of one property for another in the context of a private sale. While it appears to be a tedious exercise to require each party to pay over the value of each property to the other when the properties are of equal value, the Court finds that under the terms of the statute, such action is required. As a result, the Court cannot approve the School District’s Petition.

Finally, the Objector asserts that the exchange of property that the School District received through a condemnation action for other privately owned land is improper and unconstitutional. Because the Court has denied the School District's Petition on other grounds, it is unnecessary to reach this issue. Additionally, the Court also notes that this argument was neither raised during the public hearing nor in the Objector's Response to the Petition, and as a result, has been waived.

WHEREFORE, the Court enters the following Order:

O R D E R

AND NOW this 23<sup>rd</sup> day of May, 2003, upon consideration of the DuBois Area School District's Petition for Approval of Sale of Unused and Unnecessary Lands, said Petition be and hereby is DENIED.

By the Court,

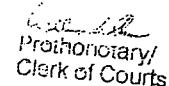
/s/ JOHN K. REILLY, JR.

John K. Reilly, Jr.,  
President Judge

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

MAY 23 2003

Attest.

  
Prothonotary,  
Clerk of Courts

**FERRARO, KRUK & FERRARO, LLP**  
ATTORNEYS AT LAW

690 MAIN STREET  
BROCKWAY, PENNSYLVANIA 15824

May 23, 2007

**R. EDWARD FERRARO  
GREGORY M. KRUK  
ROSS F. FERRARO**

**Phone: (814) 268-2202  
Fax: (814) 265-8740**

Court Administrator  
CLEARFIELD COUNTY COURTHOUSE  
30 East Market Street  
Clearfield, PA 16830

**In re: Petition of DuBois Area School District  
No. 2007-169, C.D.**

Dear Court Administrator:

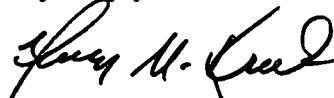
We, on behalf of the DuBois Area School District, previously petitioned the Court to continue a hearing regarding the Petition of the DuBois Area School District for the sale of unused and unnecessary land.

Enclosed you will find a copy of the Order of March 5, 2007, of President Judge Ammerman continuing the matter to a later date "to be scheduled upon request of the DuBois Area School District."

We are making the request that the matter be rescheduled for a date after June 22, 2007, and by then we will have the required appraisals completed and will be ready to provide the required information to the Court.

Therefore, we enclose a suggested order and ask you to schedule the matter for a date after June 22, 2007. If you should have any questions, please give me a call. Thank you for your assistance.

Very truly yours,

  
Gregory M. Kruk

GMK/bab  
Enc.  
cc: Sharon Kirk, DuBois Area School District  
Chris Shaw, Esq.

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

IN RE: **Petition of DuBois Area School  
District for Sale of Unused and  
Unnecessary Land** : **No. 2007 – 169 C.D.**

**ORDER**

AND NOW, this 5 day of March, 2007, upon Petition of the **DUBOIS AREA SCHOOL DISTRICT**, by its Attorneys, **FERRARO, KRUK & FERRARO, LLP**,

IT IS HEREWITHE ORDERED AND DECREED that the Hearing scheduled for March 19, 2007, on the Petition of the DuBois Area School District for Sale of Unused and Unnecessary Land, is hereby continued to a later date to be scheduled upon request of the DuBois Area School District.

BY THE COURT:

**/S/ Fredric J Ammerman**

**Fredric J. Ammerman, President Judge**

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

*Mar 06 2007*

*Attest:*

*John C. Ammerman  
President Judge*

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

IN RE: Petition of DuBois Area School : No. 2007 – 169 C.D.  
District for Sale of Unused and :  
Unnecessary Land :  
: Type of Case: Civil  
: :  
: Type of Pleading: Amendment  
: to Petition for Sale of Unused  
: and Unnecessary Land  
: :  
: Filed on behalf of:  
: DUBOIS AREA SCHOOL DISTRICT  
: :  
: Counsel of Record for this Party:  
: GREGORY M. KRUK, ESQ.  
: Supreme Court No. 27048  
: :  
: FERRARO, KRUK & FERRARO  
: 690 Main Street  
: Brockway, PA 15824  
: 814/268-2202

FILED <sup>1cc</sup>  
07/10/2007 Atty Kruk  
JUN 15 2007  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: Petition of DuBois Area School :  
District for Sale of Unused and : No. 2007 – 169 C.D.  
Unnecessary Land :

**AMENDMENT TO PETITION**  
**FOR SALE OF UNUSED AND UNNECESSARY LAND**

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE OF SAID  
COURT:

AND, now come the **DUBOIS AREA SCHOOL DISTRICT**, by its Attorneys,  
**FERRARO, KRUK & FERRARO, LLP**, and presents to your Honorable Court an  
**AMENDMENT TO THE PETITION FOR SALE OF UNUSED AND  
UNNECESSARY LAND** in accordance with 24 P.S. Section 7-707 of which the  
following is a concise summary:

1. **PETITIONER**, subsequent to the filing of its initial **PETITION** in this matter on February 2, 2007, has received two (2) appraisals for the parcel which it seeks to sell.
2. Copies of the appraisals are attached and show the value of the parcel being sold to be \$61,600.00.
3. **PETITIONER** is therefore seeking approval to sell the unused and unnecessary land, as previously described in the **PETITION** of **PETITIONER**, for \$61,600.00 to David J. Stern, and does still plan on then purchasing the adjoining parcel owned by David J. Stern for the same consideration.

**WHEREFORE**, your **PETITIONER** so amends its previously filed **PETITION FOR SALE OF UNUSED AND UNNECESSARY LAND**.

Respectfully submitted,

FERRARO, KRUK & FERRARO, LLP

By: *Legion M. Kruk*  
\_\_\_\_\_  
Attorney for Petitioner

I, R. EDWARD FERRARO, attorney for the DuBois Area School District, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: JUNE 8, 2007



R. Edward Ferraro

To Whom It May Concern:

I am a certified general real estate appraiser in the Commonwealth of Pennsylvania, having my office in Clearfield \_\_\_\_\_ and I have had an opportunity to view the property involved in the Petition by the DuBois Area School District to sell an unused portion of land acquired for the soccer field that abuts land of David Stern, of Paris Cleaners and purchase an adjacent parcel and have reviewed the map which demonstrates that the two (2) parcels are of identical size, are adjacent to each other and are of the same basic terrain.

I also performed an appraisal which shows the value of the property to be sold to be \$61,600.00.

It is my understanding that the price offered for the property is \$61,600.00 and I believe that price is a fair and reasonable one and a better price than could be obtained at a public sale. I am also not interested, either directly or indirectly in the purchase or sale thereof.

Very truly yours,

  
Richard J. Provost/Lori J. McAninch

I, Richard J. Provost/Lori J. McAninch, being a certified real estate appraiser in the DuBois Area and being duly sworn according to law, deposed and say the facts set forth in this letter are true and correct to the best of my knowledge, information and belief. I understand false statements herein are made subject to the penalties of 18 PA. C.S.A 4904 relating to unsworn falsification to authorities.

Date: 6/7/07

Karen L. Stark

.....orn & Subscripted before me this

7th day of June 2007

Karen L. Stark

Karen L. Stark  
Register & Receiver

MY COMMISSION EXPIRES  
FIRST MONDAY IN JANUARY 2008

To Whom It May Concern - aff

REAL ESTATE APPRAISAL  
DuBois Area School District Property  
And  
Paris Cleaners Property  
Jeffers Street, City of DuBois  
Clearfield County, Pennsylvania  
FOR: Ferraro, Kruk & Ferraro  
Attorneys at Law  
600 Main Street  
Brockway, PA 15824  
BY: Richard J. Provost, IFAS  
PA General Certified Appraiser  
302 East Pine Street  
Clearfield, Pa. 16830

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# Provost Real Estate Appraisers

Residential - Commercial - Industrial  
State Certified General and Residential Appraisers  
302 East Pine Street - Clearfield, Pa. 16830  
(814) 765 5252 - Fax (814) 765 2425

Richard J. Provost, IFAS  
General  
Certified Appraiser

Sonya L. Flanagan  
Residential  
Certified Appraiser

April 4, 2007

Ferraro, Kruk & Ferraro  
Attorneys at Law  
Greg Kruk  
600 Main Street  
Brockway, PA 15824

Dear Mr. Kruk:

Per your request, I am submitting this summary report, on the DuBois Area School District property and the Paris Cleaners Property located in DuBois City, Clearfield County, Pa. The purpose of the appraisal is to estimate market value in fee simple to aid in making an informed valuation decision to enable the parties involved to trade property ownership.

Market value is defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and the seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereof; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

The effective date of the appraisal is as of March 31, 2007.

The appraised properties each consists of .64 acres of level cleared land in the DuBois Industrial park.

The properties are zoned Light Industrial and do not conform to present zoning. A lot area of one acre is required.

After my inspection and analysis, it is my opinion the market value of each property as of the effective date of the appraisal is:

SIXTY ONE THOUSAND SIX HUNDRED DOLLARS

\$61,600.00

DUBOIS AREA SCHOOL DISTRICT PROPERTY \$61,600.00

PARIS CLEANERS PROPERTY \$61,600.00

Respectfully Submitted,

  
\_\_\_\_\_  
Richard J. Provost, IFAS  
PA General Certified Appraiser  
Certification # GA-000369-L

## SUMMARIZATION OF APPRAISAL PROCESS

I inspected the subject sites.

I gathered and confirmed comparable sales data.

I applied the direct sales comparison approach to arrive at an indication of value.

**USE OF APPRAISAL:** For the purpose of providing the client, Greg Kruk with market information to aid in litigation.

**INTENDED USERS:** Attorneys involved, the property owners and the court.

## SCOPE OF WORK

The scope of work refers to the extent of the process in which data is collected, confirmed and reported.

The degree to which the property is inspected or identified.

The extent of research into physical or economic factors that could affect the property.

Extent of data research

Type and extent of analysis applied to arrive at opinions or conclusions.

## SCOPE OF WORK

In developing this appraisal:

I have completed the following scope of work. If an item is checked, it was developed as part of the appraisal. The most applicable approaches have been developed based upon the Client-Appraiser communication and upon the scope of work typically used by the appraiser's peers. I have:

- Defined the problem and type of value and rights to be Appraised.
- Inspected the subject property, interior and exterior.
- Physically measured the building(s).
- Obtained measurements from county records, previous appraisal or plans and specs.
- Photographed the subject property.
- Observed the neighborhood and market area.
- Considered any easements, restrictions, encumbrances, leases, reservations, covenants, declarations, special assessments, ordinances, or other items of a similar nature.
- Considered whether an appraised fractional interest, physical segment, or partial holding contributes pro rata to the value of the whole.
- Identified and considered the effect on value of any personal property, trade fixtures or intangible items that are not real property but are included in the appraisal.
- Considered the effect on use and value of the following factors: land use regulations, reasonably probable modifications of such land use regulations, economic demand, the physical adaptability of the real estate, neighborhood trends, and the highest and best use of the real estate.
- Appraised the land as though vacant and available for development to its highest and best use and of improvements on their actual contribution to the site.

## SCOPE OF WORK

X valued the site.

X collected, verified, analyzed or reconciled any:

- comparable cost data
- comparable data on accrued depreciation
- comparable sales data
- comparable rental data
- comparable operating expense data
- comparable rate data for capitalization and/or discount

based projections of future rent and expenses on reasonably clear and appropriate evidence.

when valuing leased fee or leasehold, estates, considered and analyzed the effect on value, if any, of the terms and conditions of the lease(s).

considered and analyzed the effect on value of the assemblage of various estates or component parts of a property or refrained from estimating the value of the whole solely by adding together the individual values of the differing estates or component parts.

X considered or analyzed the effect on value of anticipated public or private improvements, located on or off site, to the extent that market actions reflect such anticipated improvements as of the effective appraisal date.

## SCOPE OF WORK

- identified and considered the appropriate procedures and market information required to perform the appraisal, including all physical, functional and external market factors as they affect the appraisal.
- appraised proposed improvements after examining and having available for future examination:
  - plans, specifications, or other documentation sufficient to identify the scope and character of the proposed improvements;
  - evidence indicating the probable time of completion of the proposed improvements;
  - reasonably clear and appropriate evidence supporting development costs, anticipated earnings, occupancy projections, and the anticipated competition at the time of completion.



SITE DESCRIPTION

DUBOIS SCHOOL DISTRICT

The site is rectangular in shape containing 27,878.40 square feet. Site dimensions: 137.88' x 201.95' x 137.56' x 201.12'.

The topography of the site is level at grade.

The site has public water and public sewerage.

The site has sufficient size, shape, area and topography to allow for average utility.

The property is zoned Light Industrial and does not conform to zoning.

PARIS CLEANERS

The site is rectangular in shape containing 27,878.40 square feet. Site dimensions: 119.38' x 229.04' x 118.80' x 241.54'.

The topography of the site is level at grade.

The site has public water and public sewerage.

The site has sufficient size, shape, area and topography to allow for average utility.

The property is zoned Light Industrial and does not conform to zoning.

## **HIGHEST AND BEST USE**

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability.

### **HIGHEST AND BEST USE OF LAND OR A SITE AS THOUGH VACANT**

Among all reasonable, alternative uses, the use that yields the highest present land value, after payments are made for labor, capital, and coordination. The use of a property based on the assumption that the parcel of land is vacant or can be made vacant by demolishing any improvements.

### **AS VACANT**

The sites consists of 27,878 square feet of land located in an industrial park.

The sites are zoned light industrial and neither lot conforms to present zoning.

The highest and best use of the sites, as vacant, is for assemblage. That is to be acquired to increase the size and utility of an adjoining parcel of land.

#### THE DIRECT SALES COMPARISON APPROACH

The Direct Sales Comparison Approach is the comparison of similar properties that have been recently sold to the property being appraised to arrive at an indication of value.

##### Comparable # 1

Meadow Lane DuBois  
Clearfield County  
Instrument # 200417573  
Site: 2.35 acres  
On market 321 days  
Grantor: Gray  
Grantee: Welch  
Consideration \$277,500.00  
Sold 10/04  
\$2.71 price per sq. ft.

##### Comparable # 2

Division Street DuBois  
Clearfield County  
Instrument # 200404840  
Site: 2.55 acres  
Marketing Time unknown  
Grantor: Katzen  
Grantee: Cataldo  
Consideration \$246,000.00  
Sold 3/04  
\$2.21 price per sq. ft.

DIRECT SALES COMPARISON APPROACH  
(Continued)

Comparable # 3

DuBois Street DuBois  
Clearfield County  
Instrument # 200519556  
Site: 1.33 acres  
Marketing Time 242 days  
Grantor: Fairman  
Grantee: Garred  
Consideration \$325,000.00  
Sold 11/05  
\$5.61 price per sq. ft.

ANALYSIS

Two of the sales are located in the industrial park. Sale number three is zoned commercial highway. I have selected the two sales in the subject neighborhood as the best indication of value for the properties.

It is my opinion \$2.21 per square foot is applicable to the subject properties.

$$\$2.21 \times 27,878.40 \text{ sq. ft.} = \$61,611.00$$

INDICATED VALUE BY DIRECT SALES COMPARISON APPROACH

\$61,600.00

#### EXPOSURE TIME

Exposure time is defined as the "estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

It would seem the subject property would have an exposure time of thirty (30) days to several months as this is the amount of time estimated to consummate a sale.

#### MARKETING TIME

Marketing time is defined as the amount of time the subject property would take to sell after the effective date of the appraisal.

The estimated marketing time for the subject property is 30 days to six months.

There is ample mortgage money available at competitive rates and terms.

## RECONCILIATION OF VALUE INDICATORS

### COST APPROACH

The Cost Approach estimates the land value and the cost to reproduce the improvements new, deducts accrued depreciation to arrive at a depreciated value of the improvements. The estimated land value is then added to arrive at an indication of market value. This method is generally used for new or almost new construction, or for special purpose type buildings (churches, schools, etc.).

**NOT APPLIED**

### THE DIRECT SALES COMPARISON APPROACH

The Direct Sales Comparison Approach is the comparison of similar properties that have been recently sold to the property being appraised to arrive at an indication of value.

**\$61,600.00**

### INCOME APPROACH

The Income Approach estimates the net annual income and selects the appropriate rate from the market and capitalizes the net annual income to arrive at an indication of value.

**NOT APPLIED**

RECONCILIATION OF VALUE INDICATORS  
(Continued)

The Cost Approach was not developed due to the age of the subject. Difficulty in accurately estimating the accrued depreciation of older structures may diminish the reliability of the value indicated by this technique.

The Direct Sales Comparison Approach contains data of sales located in the same industrial development as the subject.

The Income Approach was not developed due to limited market data.

FINAL VALUE CONCLUSION

\$61,600.00

## LIMITING CONDITIONS

The most significant limiting conditions and assumptions pertinent to this analysis are enumerated below:

1. Market Value is defined as the most probable price which property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in term of financial arrangements comparable thereof; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.
  
2. No investigation of title to the property has been made, and the premises are assumed to be free and clear of all deeds of trust, leases, use restrictions and reservations, easements, cases or action pending, tax liens and bonded indebtedness, unless otherwise specified.
  
3. No survey, legal or engineering analysis of this property has been made by us. It is assumed that the legal description and area computations furnished are correct. We assume the existing boundaries to be correct, and assume no responsibility for any conditions not readily observable from our customary inspection of the premises, which might affect the valuation, excepting those items specifically mentioned in this report. The report assumes the condition of the property unchanged since the date of last field inspection.

LIMITING CONDITIONS  
(CONTINUED)

4. This report is based in part on information assembled from a wide range of sources, and therefore the incorporated data cannot be guaranteed in any fashion. An impractical and uneconomic expenditure of time would be required in attempt to furnish unimpeachable verification in all instances, particularly as to engineering, construction, structural data, title and use restrictions, zoning, and proposed public or private projects in the area.

We suggest the independent verification within these categories be accomplished as a prerequisite to any transaction involving sale, lease, or other significant commitment of subject property, and that such verification be preformed by the appropriate specialist.

Certification of Appraiser

I certify that to the best of my knowledge and belief,...

The statements of fact contained in this report are true and correct.

The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, unbiased professional analysis, opinions, and conclusions.

I have no (or the specified) present or prospective interest in the property that is the subject of this report, and I have no (or the specified) personal interest or bias with respect to the parties involved.

My compensation is not contingent on an action or event resulting from the analysis, opinions, or conclusions in, or the use of this report.

My analysis, opinions, and conclusions were developed, and this report has been prepared in conformity with the requirements of the Uniform Standards of Professional Practice.

I have (or have not) made a personal inspection of the property that is the subject of this report. (If more than one person signs the report, this certification must clearly specify which individuals did and which individuals did not make a personal inspection of the appraised property.)

No one provided significant professional assistance to the person signing this report. (If there are exceptions, the name of each individual providing significant professional assistance must be stated.)

The appraisal assignment was not based on a requested minimum valuation, a specific valuation or the approval of a loan.



Richard J. Provost, IFAS

# Alexander & Associates Inc.

(Land & GPS Surveying Services)  
112 CHURCH STREET  
P.O. BOX 378  
FALLS CREEK, PA 15840  
(814) 371-5578  
e-mail [balexander@adelphia.net](mailto:balexander@adelphia.net)

Date:  
June 11, 2002

Prepared  
for:  
**DuBois Area School District**  
**&**  
**Paris Cleaners**

Surveyor: Lional Alexander, P. L. S.

Client Address: DuBois Area School District  
500 Liberty Blvd  
DuBois, PA 15801

## PARCEL NUMBER 1

GRANTOR: David J. Stern (Paris Cleaners)

GRANTEE: DuBois Area School District

### Suggested Deed Description:

Being all that certain piece, parcel, or tract of land lying and being situate in the City of DuBois, Third Ward, Section 5, and a portion of parcel number 1240 on the City of DuBois Assessment Map Section 5, bounded and described as follow:

Beginning at an existing rebar set by previous survey dated November 4, 1994 (Lee-Simpson Associates, Inc., File Number L-2479), said rebar being the northwest corner of lands described David J. Stern, (Deed Book 1339 Page 262, dated April 20, 1990), of which the herein described parcel was a part, and also being the northwest corner of the herein described parcel,

**“EXHIBIT A”**

Parcel Desc. (JN232802) *Alexander & Associates Inc* 6-11-02 Page No. 2  
**DUBOIS AREA SCHOOL DISTRICT & PARIS CLEANERS**

THENCE; S 64 degrees 51 minutes 15 seconds E along lands now or formerly the DuBois Area School District (Instrument Number 200012857, dated September 1, 2000) a distance of 201.95 feet to an existing rebar set by previous survey, said iron pin being the northeast corner of the herein described parcel,

THENCE; S 25 degrees 41 minutes 00 seconds W along lands now or formerly the DuBois Area School District (Instrument Number 200012857, dated September 1, 2000) a distance of 137.88 feet to a point, said point being the southeast corner of the herein described parcel,

THENCE; N 64 degrees 45 minutes 51 seconds W through the lands now or formerly David J. Stern, (Deed Book 1339 Page 262, dated April 20, 1990), a distance of 201.12 feet to a rebar set by this survey, said rebar being the southwest corner of the herein described parcel,

THENCE; N 25 degrees 20 minutes 10 seconds E along lands now or formerly The DuBois Area School District (Deed Book 1357 Page 503, dated June 26, 1989) a distance of 137.56 feet to a rebar, the place of beginning.

Containing 27,878 square feet or 0.64 Acre

Subject to a 24" storm drainage pipe that flows through the above described parcel and shown on the hereto attached survey map also and other drainage pipes that map flow into the 24" storm drainage pipe.

Subject to any utilities that may affect the above described parcel.

Being a portion of the description given in Deed Book 1339 Page 262, dated April 20, 1990 in a conveyance from The Clearfield County Industrial Development Authority to David J. Stern.

**BEING the same premises as surveyed and drawn by ALEXANDER & ASSOCIATES INC., Falls Creek, PA 15840. Said survey plat is under the date of June 11, 2002, is referenced as JN2328-02, and is intended to be recorded in the Clearfield County Courthouse for a more particular description.**

---

Lionel Alexander  
Professional Land Surveyor  
SU-22887-E

Parcel Desc. (JN232802)

Alexander &amp; Associates Inc

6-11-02

Page No. 3

DUBOIS AREA SCHOOL DISTRICT &amp; PARIS CLEANERS

***Alexander & Associates Inc.***

(Land &amp; GPS Surveying Services)

112 CHURCH STREET

P.O. BOX 378

FALLS CREEK, PA 15840

(814) 371-5578

e-mail [alexander@key-net.net](mailto:alexander@key-net.net)

Date:

June 11, 2002

Prepared  
for:**DuBois Area School District  
&  
Paris Cleaners**

Surveyor: Lional Alexander, P. L. S.

Client Address: DuBois Area School District  
500 Liberty Blvd  
DuBois, PA 15801**PARCEL NUMBER 2****GRANTOR: DuBois Area School District****GRANTEE: David J. Stern (Paris Cleaners)****Suggested Deed Description:**

Being all that certain piece, parcel, or tract of land lying and being situate in the City of DuBois, Third Ward, Section 5, and a portion of parcel number 1242 on the City of DuBois Assessment Map Section 5, bounded and described as follow:

Beginning at an existing rebar set by previous survey dated November 4, 1994 (Lee-Simpson Associates, Inc., File Number L-2479), said rebar being the southeast corner of lands described The DuBois Area School District (Instrument Number 200012857, dated September 1, 2000, of which the herein described parcel was a part, and also being the southeast corner of the herein described parcel,

**“EXHIBIT B”**

Parcel Desc. (JN232802)

Alexander &amp; Associates Inc

6-11-02

Page No. 4

DUBOIS AREA SCHOOL DISTRICT &amp; PARIS CLEANERS

THENCE; N 64 degrees 45 minutes 50 seconds W along lands now or formerly David J. Stern, (Deed Book 1339 Page 262, dated April 20, 1990), a distance of 241.54 feet to an existing rebar set by previous survey, said rebar being the southwest corner of the herein described parcel,

THENCE; N 25 degrees 41 minutes 00 seconds E along lands now or formerly David J. Stern, (Deed Book 1339 Page 262, dated April 20, 1990), a distance of 118.80 feet to a point, said point being the northwest corner of the herein described parcel,

THENCE; S 64 degrees 45 minutes 51 seconds E through the lands of The DuBois Area School District (Instrument Number 200012857, dated September 1, 2000) of which the herein described parcel was a part, a distance of 229.04 feet to a rebar set by this survey, said rebar being on the western Right-of-Way for Jeffers Street (60' R/W), and being the Northeast corner of the herein described parcel,

THENCE; along the western Right-of-Way for Jeffers Street (60' R/W) by a curve to the left, said curve having a radius of 1940.08 feet and an arc length of 119.38 feet, said arc having a chord bearing of S 19 degrees 40 minutes 06 seconds W a chord distance of 119.36 feet to a rebar, the place of beginning.

Containing 27,878 square feet or 0.64 Acre

Subject to any utilities that may affect the above described parcel.

Being a portion of the description given in Instrument Number 200012857, dated September 1, 2000, in a conveyance from The Court of Common Pleas in Condemnation of Real Estate of Green DOT, Inc. to the DuBois Area School District.

**BEING the same premises as surveyed and drawn by ALEXANDER & ASSOCIATES INC., Falls Creek, PA 15840. Said survey plat is under the date of June 11, 2002, is referenced as JN2328-02, and is intended to be recorded in the Clearfield County Courthouse for a more particular description.**

---

Lionel Alexander  
Professional Land Surveyor  
SU-22887-E

To Whom It May Concern:

I am a certified general real estate appraiser in the Commonwealth of Pennsylvania, having my office in Brookville and I have had an opportunity to view the property involved in the Petition by the DuBois Area School District to sell an unused portion of land acquired for the soccer field that abuts land of David Stern, of Paris Cleaners and purchase an adjacent parcel and have reviewed the map which demonstrates that the two (2) parcels are of identical size, are adjacent to each other and are of the same basic terrain.

I also performed an appraisal which shows the value of the property to be sold to be \$61,600.00.

It is my understanding that the price offered for the property is \$61,600.00 and I believe that price is a fair and reasonable one and a better price than could be obtained at a public sale. I am also not interested, either directly or indirectly in the purchase or sale thereof.

Very truly yours,

Richard J. Provost/Lori J. McAninch

I, Richard J. Provost/Lori J. McAninch, being a certified real estate appraiser in the DuBois Area and being duly sworn according to law, deposed and say the facts set forth in this letter are true and correct to the best of my knowledge, information and belief. I understand false statements herein are made subject to the penalties of 18 PA. C.S.A 4904 relating to unsworn falsification to authorities.

Date: 6-6-07



To Whom It May Concern - aff

## A Land Appraisal

**LOCATION** : Jeffers St  
DuBois PA 15801

**LENDER/CLIENT** : Ferraro, Kruk, & Ferraro, LLP  
690 Main St., Brockway, PA 15824

**AS OF DATE** : April 26, 2007

**APPRAISER** : Lori J McAninch, SRA, GRI

Ferraro, Kruk, & Ferraro, LLP  
690 Main St., Brockway, PA 15824

In accordance with your request, I have personally  
inspected and appraised the property located at:

Jeffers St  
DuBois PA 15801

The purpose of the appraisal was to estimate the market  
value of the property, as improved, in unencumbered fee  
simple title of ownership.

It is my opinion that the estimated market value of the  
property as of April 26, 2007 is \$ 61,600

Respectfully submitted,



Lori J McAninch, SRA, GRI

## LAND APPRAISAL REPORT

File No. 070008

Borrower	DuBois Area School D			Census Tract	3302/3303	Map Reference				
Property Address	Jeffers St			County	Clearfield	State	P.A.	Zip Code	15801	
Legal Description										
Sale Price \$	Date of Sale	Loan Term	yrs.	Property Rights Appraised		<input checked="" type="checkbox"/> Fee	<input type="checkbox"/> Leasehold	<input type="checkbox"/> De Minimis PUD		
Actual Real Estate Taxes \$	161.25	(yr.)	Loan charges to be paid by seller	Other sales concessions						
Lender/Client	Ferraro, Kruk, & Ferraro, LLP			Address	690 Main St., Brockway, PA 15824					
Occupant	vacant land	Appraiser	Lori McAninch SRA	Instructions to Appraiser		estimate market value				
Location	<input checked="" type="checkbox"/> Urban	Suburban	Rural	Good	Avg.	Fair	Poor			
Built Up	<input checked="" type="checkbox"/> Over 75%	25% to 75%	Under 25%	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Growth Rate	<input type="checkbox"/> Fully Dev.	<input checked="" type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Steady	Slow	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	Declining	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	Over Supply	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	Over 6 Mos.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Present	30 % 1 Family	5 % 2-4 Family	5 % Apts.	20 % Condo	20 % Commercial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Land Use:	10 % Industrial	30 % Vacant	%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely	<input type="checkbox"/> Taking Place(*)							
(*) From	To									
Predominant Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	5 % Vacant							
Single Family Price Range	\$ 40,000 to \$ 200,000	Predominant Value \$ 90,000	<input type="checkbox"/>							
Single Family Age	15 yrs. to 150 yrs.	Predominant Age 75 yrs.	<input type="checkbox"/>							
Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise)					The subject properties are located in the city of DuBois. They are identical properties in the same proximate location.					

Dimensions	see addendum	=	27,878.40 sqft	n	Corner Lot				
Zoning Classification	Light industrial			<input type="checkbox"/>	Present Improvements	<input type="checkbox"/> Do	<input checked="" type="checkbox"/> Do Not Conform to Zoning Regulations		
Highest and Best Use:	<input checked="" type="checkbox"/> Present Use	<input type="checkbox"/> Other (specify)							
Public	Other (Describe)	OFF SITE IMPROVEMENTS							
Elec.		Street Address:	<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Private					
Gas		Surface	paved						
Water		Maintenance:	<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Private					
San. Sewer			<input type="checkbox"/> Storm Sewer	<input type="checkbox"/> Curb/Gutter					
Underground Elec. & Tel.			<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Street Lights					
Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions) The subject sites appear to be located in a flood zone. Map # 420303 0002 B, zones A and B, 12-1-1978. The sites would have complete city utilities.									

ITEM	Subject Property	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	Jeffers St DuBois, PA	Meadow Lane DuBois, PA		Division St DuBois, PA		DuBois St. DuBois, PA	
Proximity to Subject		0.44 MI WNW		0.45 MI NE		0.72 MI WNW	
Sales Price	\$	\$ 2.71		\$ 2.21		\$ 5.61	
Price \$/Sq.Ft.	\$ 0	\$ 0		\$ 0		\$ 0	
Data Source	Inspection	Files		Files		Files	
Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION	+ (-) Adjustment	DESCRIPTION	+ (-) Adjustment	DESCRIPTION	+ (-) Adjustment
Location	Average	Average		Average		Good	
Site/View	27,878.40 sqft/average	102366 sqft		102366 sqft		57935 sqft	
access	average	average		average		average	
topo	level	level		level		level	
utility	fair	average		-0.27 average		-0.22 average	
Sales or Financing Concessions							
Net Adj. (Total)		Plus	Minus	\$ 0	Plus	Minus	\$ -2.81
Indicated Value of Subject				\$ 2.71		\$ 2.21	\$ 2.80

Comments on Market Data:

Comments and Conditions of Appraisal: The comparables chosen were considered to be the most similar available. They were adjusted for time, location, and functional utility. (due to the small sqft of the subject sites). Comp 3 is located at a high traffic area. The subject sites have an indicated range in value of between \$2.21 - \$2.80 per sqft. Due to the small size of the sites I considered the value to be at the lower end of the range of value

Final Reconciliation: Market value was estimated by use of the direct sales comparison approach. The cost and income approaches were not applied.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF			April 26, 2007	to be \$ 61600
Lori J. McAninch				
Appraiser(s) Lori J McAninch, SRA, GRI			Review Appraiser (if applicable)	
			<input type="checkbox"/> Did	<input type="checkbox"/> Did Not Physically Inspect Property
Date Report Signed May 30, 2007			Date Report Signed	
State Certification # GA000514-L			State Certification #	
or State License #			or State License #	

# ADDITIONAL PHOTOGRAPH ADDENDUM

070008

Borrower DuBois Area School D

Property Address Jeffers St

City DuBois

County

Clearfield

State

PA

Zip Code

15801

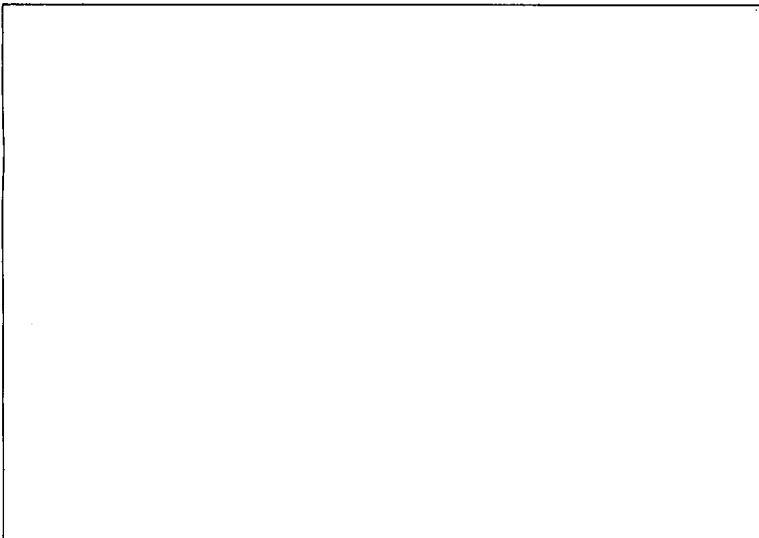
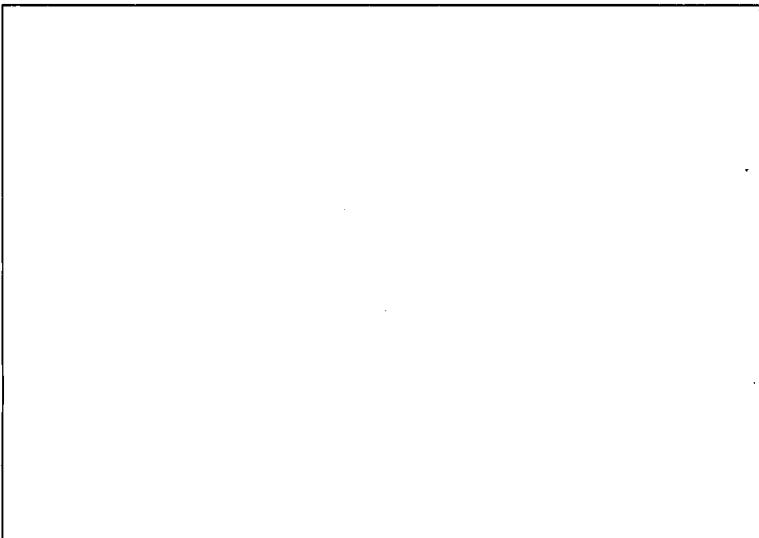
Lender/Client Ferraro, Kruk, & Ferraro, LLP



# ADDITIONAL PHOTOGRAPH ADDENDUM

070008

Borrower	<u>DuBois Area School D</u>						
Property Address	<u>Jeffers St</u>						
City	<u>DuBois</u>	County	<u>Clearfield</u>	State	<u>PA</u>	Zip Code	<u>15801</u>
Lender/Client	<u>Ferraro, Kruk, &amp; Ferraro, LLP</u>						



# LOCATION MAP ADDENDUM

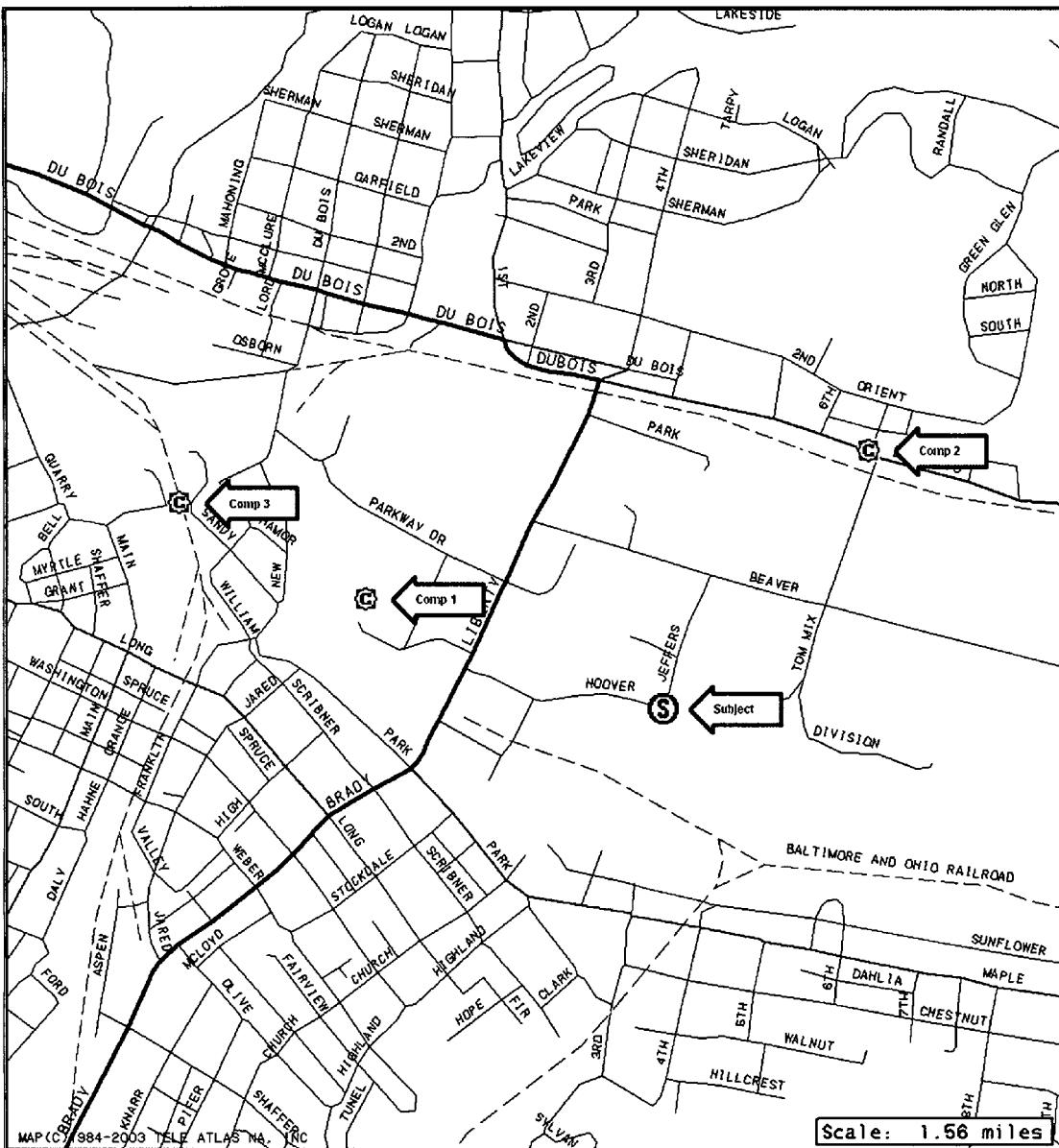
File No: 070008

Borrower DuBois Area School D

Property Address Jeffers St

City DuBois County Clearfield State PA Zip Code 15801

Lender/Client Ferraro, Kruk, & Ferraro, LLP



Prepared by: Advantage Appraisals 814-849-3900

## COMPARABLE SALES INFORMATION

COMPARABLE SALE # 1	
Address	<u>Meadow Lane</u>
Date of Sale	<u>10-2004</u>
Sale Price	<u>2.71</u>
Room Count - Total Rooms	<u>_____</u>
Bedrooms	<u>_____</u>
Baths	<u>_____</u>
Gross Living Area	<u>_____</u>
Proximity to Subject	<u>0.44 MI WNW</u>
COMPARABLE SALE # 2	
Address	<u>DIVISION ST</u>
Date of Sale	<u>3-2004</u>
Sale Price	<u>2.21</u>
Room Count - Total Rooms	<u>_____</u>
Bedrooms	<u>_____</u>
Baths	<u>_____</u>
Gross Living Area	<u>_____</u>
Proximity to Subject	<u>0.45 MI NE</u>
COMPARABLE SALE # 3	
Address	<u>DUBOIS ST</u>
Date of Sale	<u>11-2005</u>
Sale Price	<u>5.61</u>
Room Count - Total Rooms	<u>_____</u>
Bedrooms	<u>_____</u>
Baths	<u>_____</u>
Gross Living Area	<u>_____</u>
Proximity to Subject	<u>0.72 MI WNW</u>

## 2003 USPAP COMPLIANCE ADDENDUM

070008

### APPRAISER'S CERTIFICATION:

The following Certification statements are in addition to and may supercede the signed Appraiser's Certification attached to this appraisal report. This Appraiser's Certification is compliant with the current edition of the Uniform Standards of Professional Appraisal Practice.

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.

I have no bias with respect to the property that is the subject of this report or to the parties involved in this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.

I have (or have not) made a personal inspection of the property that is the subject of this report. (If more than one person signs this certification, the certification must clearly specify which individuals did and which individuals did not make a personal inspection of the appraised property.)

No one provided significant real property appraisal assistance to the person signing this certification. (If there are exceptions, the name of each individual providing significant real property appraisal assistance must be stated.)

### PURPOSE, INTENDED USE, AND INTENDED USER OF THE APPRAISAL:

The purpose of this appraisal is to estimate the market value of the subject property, as defined in this report, as of the effect date of this report. The intended use of the appraisal is to assist the client and any other intended users in the underwriting, approval, and funding of the mortgage loan. The intended users of this report are the stated client and any other institutions involved in underwriting, approval, and funding of the mortgage loan. No one else, including the purchaser and seller, should rely on the estimate of value or any other conclusion contained in this appraisal report.

### ANALYSIS AND REPORT FORM:

The appraisal is based on the information gathered by the appraiser from public records, other identified sources, inspection of the subject property and neighborhood, and selection of comparable sales, listings, and/or rentals within the subject market area.

The original source of the comparable data described in the Data Source section of the market grid along with the source of confirmation is provided, where available. The original source is presented first. The sources and data are considered reliable. When conflicting information was provided, the source deemed most reliable has been used. Data believed to be unreliable was not included in the report or used as a basis for the value conclusion. The extent of the analysis to this assignment is stated in the Appraiser's Certification included above and attached to this report.

### DEFINITION OF INSPECTION:

The term "inspection", as used in this report, is not the same level of inspection that is required for a "Professional Home Inspection". The appraiser does not fully inspect the electrical system, plumbing system, mechanical systems, foundation system, floor structure, or subfloor. The appraiser is not an expert in construction materials and the purpose of the appraisal is to make an economic evaluation of the subject property. If the client needs a more detailed inspection of the property, a home inspection, by a Professional Home Inspector, is suggested.

**DIGITAL SIGNATURES:**

The signature(s) affixed to this report, and certification, were applied by the original appraiser(s) or supervisory appraiser and represent their acknowledgements of the facts, opinions, and conclusions found in the report. Each appraiser(s) applied his or her signature electronically using a password encrypted method. Hence these signatures have more safeguards and carry the same validity as the individual's hand applied signature. If the report has a hand-applied signature, this comment does not apply.

**OPINION OF MARKET VALUE VS ESTIMATE OF MARKET VALUE:**

The current Uniform Standards of Professional Practice defines the market value conclusion as an opinion of market value and not an estimate of market value.

**THREE YEAR SALES HISTORY FOR THE SUBJECT PROPERTY:**

The appraiser has complied with Standards Rules 1-5b and 2-2b(ix) requiring the appraiser to analyze and report all sales of the subject property that occurred within the three (3) years prior to the effective date of the appraisal. If this information was available to the appraiser(s), it is reported in the Subject column of Sales Comparison Analysis section of the appraisal report.

**EXPOSURE PERIOD:**

By studying the sales of similar comparable residential properties with value ranges as identified in the Neighborhood section of this report and discussions with individuals knowledgeable of current neighborhood trends in the subject area, the appraiser feels that the exposure time for the subject property is equal to the indicated Marketing Time identified in the Neighborhood section of this appraisal report.

**APPRAISER:**

Signature: Lori J. McAninch

Name: Lori J McAninch, SRA, GRI

State Certification #: GA000514-L State: PA

Or State License #: State:

Date: May 30, 2007

**SUPERVISORY APPRAISER (ONLY IF REQUIRED):**

Did  Did Not Inspect Property

Signature:

Name:

State Certification #: State:

Or State License #: State:

Date:

**TEXT ADDENDUM**

File No. 070008

Borrower: DuBois Area School D	Property Address: Jeffers St	City: DuBois	State: PA
Lender: Ferraro, Kruk, & Ferraro, LLP		County: Clearfield Zip Code: 15801	

**Purpose of the appraisal:**

The purpose of this appraisal is to estimate the market values of two identical properties which are in the same general area as to be considered the same location. I have inspected the sites, reviewed data of comparable sales and have developed a grid to estimate the range of value per sqft of the subject sites.

**Site description:**

DuBois School District Site - The site is rectangular in shape and consists of 27,878.40 sqft. The site dimensions are: 137.88' x 201.95' x 137.56' x 201.12'

The site is level. The site is of smaller sqft than typical of current sales and will be adjusted for utility.

The subject is located in an area of light industrial zoning. The current use does not conform.

Paris Cleaners - The site is rectangular in shape and consists of 27,878.40 sqft. The site dimensions are: 119.38' x 229.04' x 118.80' x 241.54'

The site is level. The site is of smaller sqft than typical of current sales and will be adjusted for utility.

The subject is located in an area of light industrial zoning. The current use does not conform.

## Statement of Limiting Conditions

File #: 070008

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in the market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgement.

### STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantee, express or implied, regarding the determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous waste, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

**APPRAISER'S CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than, the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analyses, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form. I certify that, to the best of my knowledge and belief: The statements of fact contained in this report are true and correct. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limited conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
4. I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have made a personal inspection of the property that is the subject of this report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. No one provided significant professional assistance to the person signing this report.

If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

**SUPERVISORY APPRAISER'S CERTIFICATION:** If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

**ADDRESS OF PROPERTY APPRAISED:** Jeffers St DuBois PA 15801

**APPRAISER:****SUPERVISORY APPRAISER**

Signature: Lori J. McAninch

Name: Lori J McAninch, SRA, GRI

Date Signed: May 30, 2007

State Certification #: GA000514-L PA

or State License #:

Expiration Date of Certification or License: 06/30/2009

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date Signed: \_\_\_\_\_

State Certification #: \_\_\_\_\_

or State License #: \_\_\_\_\_

Expiration Date of Certification or License: \_\_\_\_\_

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

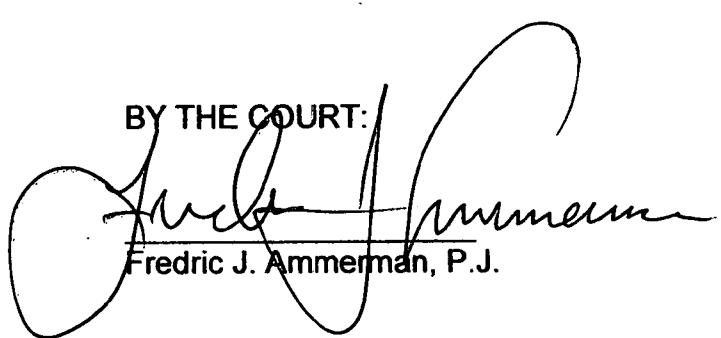
IN RE: **Petition of DuBois Area School** :  
**District for Sale of Unused and** :  
**Unnecessary Land** : **No. 2007 – 169 C.D.**

**ORDER OF COURT**

AND NOW, this 10<sup>th</sup> day of July, 2007, upon Petition with amendment of  
the DuBois Area School District, and after hearing held this day,

IT IS HEREWITH ORDERED AND DECREED that the DuBois Area  
School District is hereby given Court approval to convey the parcel described in  
its Petition in this matter to David J. Stern, or his designee, for \$61,600.00.

BY THE COURT:

  
Fredric J. Ammerman, P.J.

FILED 3:00  
0194034 Atty Kunk  
JUL 10 2007 (will serve)

William A. Shaw  
Prothonotary/Clerk of Courts 