

07-331-CD
Seneca Res. Vs Charles Steele

Seneca Resources vs Charles Steele
2007-331-CD

SENECA RESOURCES
CORPORATION,

Plaintiff,

vs.

CHARLES STEELE,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 2007-331-CD

ACTION TO QUIET TITLE

Type of Pleading:

Complaint in Action to Quiet Title

Filed on behalf of:

Seneca Resources Corporation,
Plaintiff

Counsel of Record for This Party:

Michael S. Delaney, Esquire
936 Philadelphia Street
Indiana PA 15701
(724) 349-2255
ID #25537

FILED *per \$95.00
AA
m/3.45 cm
MAR 05 2007*

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

SENECA RESOURCES : IN THE COURT OF COMMON PLEAS
CORPORATION, : CLEARFIELD COUNTY,
Plaintiff, : PENNSYLVANIA
vs. : CIVIL ACTION - LAW
CHARLES STEELE, : No. _____
his cumulative heirs, devisees, :
administrators, executors, assigns, :
and all other person, persons, firms, : ACTION TO QUIET TITLE
partnerships, or corporate entities :
in interest, :
Defendants. :

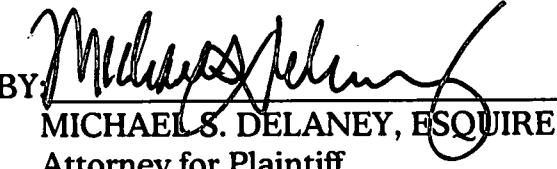
NOTICE

TO THE DEFENDANTS:

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator's Office
CLEARFIELD COUNTY COURTHOUSE
1 N. 2nd Street
Clearfield, Pennsylvania 16830
TELEPHONE: (814) 765-2641, Ext. 5982

BY 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

SENECA RESOURCES	:	IN THE COURT OF COMMON PLEAS
CORPORATION,	:	CLEARFIELD COUNTY,
	:	PENNSYLVANIA
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION - LAW
	:	
CHARLES STEELE,	:	No. _____
his cumulative heirs, devisees,	:	
administrators, executors, assigns,	:	
and all other person, persons, firms,	:	ACTION TO QUIET TITLE
partnerships, or corporate entities	:	
in interest,	:	
	:	
Defendants.	:	

COMPLAINT

1. Plaintiff, Seneca Resources Corporation, is a corporation having an address of 165 Lawrence Bell Drive, Suite 122, Williamsville, New York, 14221.
2. The Plaintiff is the owner of all the coal, fireclay and other clays of every kind and description, oils, gas and all other minerals in, under and upon those certain tracts of land situate in Lawrence Township, Clearfield County, Pennsylvania, described as follows:

<u>Warrant No.</u>	<u>Acreage</u>	<u>Clearfield County Surface Assessment Parcel Number</u>
5299	1,100	123-J3-2
5302	1,100	123-J4-3

BEING the same coal, fireclay and other clays of every kind and description, oils, gas and all other minerals as excepted and reserved in

the deed of Whitmer-Steele Company to Punxsutawney Hunting Club, dated April 16, 1919, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume 233, page 269.

3. An Abstract of Title setting forth the chain of title into the Plaintiff, Seneca Resources Corporation, is attached hereto and marked Exhibit "A".

4. As indicated at Item Number 9 of the Abstract, William E. Dodge, et ux., et al., granted and conveyed to Pennsylvania Joint Lumber and Land Company Warrant No. 5299, 1,100 acres, and Warrant No. 5302, 1,100 acres, by deed dated November 22, 1870, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume FF, page 522.

5. As indicated at Item Number 8 of the Abstract, Pennsylvania Joint Lumber and Land Company granted and conveyed to Whitmer-Steele Company Warrant No. 5299, containing 1,100 acres, and Warrant No. 5302, containing 1,100 acres, by deed dated March 30, 1908, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume 165, page 561.

6. As indicated at Item Number 7 of the Abstract, the Treasurer of Clearfield County granted and conveyed to Charles Steele Warrant No. 5299, containing 1,100 acres, assessed to Penn Joint Land & Lumber Co. by deed dated June 8, 1908, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume 171, page 119.

7. As indicated at Item Number 6 of the Abstract, the Treasurer of Clearfield County granted and conveyed to Charles Steele Warrant No. 5302, containing 1,100

acres, assessed in the name of Penn Joint Land & Lumber Co. by deed dated June 8, 1908, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume 171, page 137.

8. Plaintiff believes and it therefore avers that Charles Steele was an officer of Whitmer-Steele Company and said deeds from the Treasurer of Clearfield County to said Charles Steele created a constructive trust on behalf of said Whitmer-Steele Company.

9. As indicated at Item Number 5 of the Abstract, Whitmer-Steele Company granted and conveyed to Punxsutawney Hunting Club Warrant No. 5299, containing 1,100 acres, and Warrant No. 5302, containing 1,100 acres, excepting and reserving unto Whitmer-Steele Company all the coal, fireclay and other clays, oils, gas and other minerals and rights.

10. The remaining chain of title into the Plaintiff is set forth in the Abstract of Title.

11. That the Defendants may claim an interest in the subject tracts of land herein described by virtue of the facts set forth in this Complaint and the attached Abstract of Title as marked Exhibit "A".

12. That the whereabouts of the Defendants and the identity of their heirs, successors and assigns, are unknown to the Plaintiff as is evidenced by an Affidavit hereby given and attached hereto and marked Exhibit "B".

13. That this action is brought to clear any and all possible clouds on the title to the subject tracts of land as described in paragraph 2 above, which the herein

named Defendant, his heirs, devisees, executors, administrators, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest or their legal representatives may possess.

14. That this action is found upon the general powers of the Court to quiet title.

WHEREFORE, the Plaintiff requests the Court to decree that the title to ALL the coal, fireclay and other clays, oils, gas and all other minerals in, under and upon Warrant No. 5299, containing 1,100 acres, and Warrant No. 5302, containing 1,100 acres, is in the name of the Plaintiff, Seneca Resources Corporation, in fee simple, and absolutely, and that the named Defendant, his heirs, devisees, executors, administrators, assigns, and all other person, persons, firms, partnerships, or legal representatives be forever barred from asserting any title to the said premises, or for impeaching, denying or in any other way attacking the Plaintiff's title to the coal, fireclay and other clays, oils, gas and all other minerals in and upon Warrant No. 5299, containing 1,100 acres, and Warrant No. 5302, containing 1,100 acres.

BY:


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

EXHIBIT "A"

ITEM NUMBER 1

Empire Exploration, Inc.

Seneca Resources Corporation

MERGER

Dated: April 29, 1994
Recorded: July 15, 1994
Deed Book Volume 1618, page 462

ITEM NUMBER 2

National Fuel Gas Supply Corporation Seneca Resources Corporation

to

Empire Exploration, Inc.

DEED

Dated: March 21, 1985
Acknowledged: March 22, 1985
Recorded: April 26, 1985
Record Book Volume 1009, Page 318
Consideration: \$1.00
Special Warranty Deed
Signed, sealed and delivered

EXCEPTIONS AND RESERVATIONS: From Deed) Rights-of-way for railroads, pipeline, etc.

UNDER AND SUBJECT: As to No. 5299 and No. 5302: None.

RECITAL: As to No. 5299 and No. 5302: DBV 298, page 454.

ITEM NUMBER 3

The Sylvania Corporation
into and with

National Fuel Gas Supply Corporation

CERTIFICATE OF MERGER

Dated: December 31, 1975
Recorded: July 15, 1976
Misc. Book Vol. 203, page 498

ITEM NUMBER 4

Whitmer-Steele Company
to
The Sylvania Corporation

DEED

Dated: February 4, 1931
Acknowledged: February 4, 1931
Recorded: April 15, 1931
Deed Book Volume 298, Page 454
Consideration: \$1.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: All oil and gas in and under the following tracts of land in Lawrence and Goshen Townships, including: Warrant No. 5299, 1,100 acres
Warrant No. 5302, 1,100 acres
together with rights (including those reserved in deed dated April 16, 1919, to Punxsutawney Hunting Club).

EXCEPTIONS AND RESERVATIONS: From Deed) Rights-of-way for railroads, pipelines, etc.

UNDER AND SUBJECT: None.

RECITAL: No. 5299 and No. 5302: DBV 165, page 561.

ITEM NUMBER 5

Whitmer-Steele Company*

to

Punxsutawney Hunting Club

DEED

Dated: April 16, 1919

Acknowledged: April 16, 1919

Recorded: April 29, 1919

Deed Book Volume 233, Page 269

Consideration: \$12,000.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: Warrant No. 5299, 1,100 acres

Warrant No. 5302, 1,100 acres

EXCEPTIONS AND RESERVATIONS: All the coal, fireclay and other clays, oils, gas and all other minerals and rights (see copy).

UNDER AND SUBJECT: None.

RECITAL: DBV 165, page 561.

Note: Deed was executed by Charley Steele as Vice President of Whitmer-Steele Company.

ITEM NUMBER 6

Leslie Stewart, Treasurer of Clearfield County

to

Charles Steele

DEED

Dated: June 8, 1908

Acknowledged: September 10, 1908

Recorded: October 7, 1908

Deed Book Volume 171, Page 137

Consideration: \$81.18

Treasurer's Deed

Signed, sealed and delivered

CONVEYS: Warrant No. 5302, 1,100 acres, unseated list, assessed to Penn Joint Land & Lumber Co.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: To the redemption allowed by law.

RECITAL: Sold for 1906 and 1907 taxes.

ITEM NUMBER 7

Leslie Stewart Treasurer of Clearfield
County

to

Charles Steele

DEED

Dated: June 8, 1908
Acknowledged: September 10, 1908
Recorded: October 7, 1908
Deed Book Volume 171, Page 119
Consideration: \$81.18
Treasurer's Deed
Signed, sealed and delivered

CONVEYS: Warrant No. 5299, 1,100 acres, unseated list, assessed to Penn Join Land & Lumber co.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: To the redemption allowed by law.

RECITAL: Sold for 1906 and 1907 taxes.

ITEM NUMBER 8

Pennsylvania Joint Lumber and Land
Company

to

Whitmer-Steele Company

DEED

Dated: March 30, 1908
Acknowledged: March 30, 1908
Recorded: May 5, 1908
Deed Book Volume 165, Page 561
Consideration: \$55,000.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: Tracts in Lawrence Township, including: Warrant No. 5299, 1,100 acres
Warrant No. 5302, 1,00 acres

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: Memorandum of Agreement dated January 29, 1902, by and between grantor and F. H. & C. W. Goodyear.

RECITAL: None given.

ITEM NUMBER 9

William E. Dodge, Melissa P. ux
Daniel James
James Stokes, Caroline P. ux

to

Pennsylvania Joint Lumber and
Land Company

DEED

Dated: November 22, 1870
Acknowledged: November 22, 1870
Recorded: February 7, 1871
Deed Book Volume FF, Page 522
Consideration: \$70,000.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: inter alia, Warrant No. 5299, 1,100 acres, & Warrant No. 5302, 1,100 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: None given.

ITEM NUMBER 10

Ebenezer B. Campbell, Mary A. ux

to

William E. Dodge
Daniel James
James Stokes

DEED

Dated: August 23, 1870
Acknowledged: August 24, 1870
Recorded: March 24, 1871
Deed Book Volume FF, Page 552
Consideration: \$4,000.00
Quit-Claim Deed
Signed, sealed and delivered

CONVEYS: inter alia, Warrant No. 5299, 1,100 acres, & Warrant No. 5302, 1,100 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: None given.

ITEM NUMBER 11

James Stokes, Caroline P. ux
to
Ebenezer B. Campbell

DEED

Dated: December 1, 1863
Acknowledged: January 28, 1864
Recorded: April 1, 1864
Deed Book Volume V, Page 201
Consideration: \$4,000.00
Quit-Claim Deed
Signed, sealed and delivered

CONVEYS: Warrant No. 5299, 1,100 acres, & Warrant No. 5302, 1,100 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: None given.

ITEM NUMBER 12

William E. Dodge, Executor of the
Last Will & Testament of the Late
Anson G. Phelps

to

James Stokes
Daniel James

DEED

Dated: November 17, 1863
Acknowledged: November 28, 1863
Recorded: April 1, 1864
Deed Book Volume V, Page 191
Consideration: \$50,000.00
Executor's Deed
Signed, sealed and delivered

CONVEYS: Township of Lawrence:

Warrant No. 5299, containing ten hundred and sixty-five acres (1,065)
Warrant No. 5302, containing eleven hundred and fifty acres (1,150)

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: None given.

EXHIBIT "B"

AFFIDAVIT RE DEFENDANTS

STATE OF NEW YORK

:

COUNTY OF ERIE

: ss.

:

I, DALE A. ROWEKAMP, General Manager, on behalf of SENECA RESOURCES CORPORATION, being duly sworn according to law, deposes and says that Seneca Resources Corporation makes this Affidavit as the Plaintiff and, being authorized to do so, that the above-named Defendants' whereabouts are unknown, and that their dates of death are unknown; that the names and whereabouts of their heirs and devisees of the above-mentioned parties are unknown; that the names of any other parties who should be defendants in the above action are unknown; that Seneca Resources Corporation is unable to ascertain the names of the persons, other than the foregoing Defendants, who should be the defendants herein; that for the foregoing reasons, the names and addresses of several other defendants are unknown.

SENECA RESOURCES CORPORATION

BY: 

Sworn to and subscribed
before me this 28th day
of February, 2007.


NOTARY PUBLIC

My Commission Expires:

MICHAEL J. COLMERAUER
Notary Public, State of New York
Qualified in Erie County 2-16-10
My Commission Expires 2-16-10

STATE OF NEW YORK

COUNTY OF ERIE

:
: ss.
:

I, DALE A. ROWEKAMP, General Manager, on behalf of
SENECA RESOURCES CORPORATION, being duly sworn according to law, deposes
and says that Seneca Resources Corporation is the Plaintiff named in the foregoing
Complaint and that the matters and facts set forth therein are true and correct to the
best of my knowledge, information and belief.

SENECA RESOURCES CORPORATION

BY: Dale A. Rowekamp

MP

Sworn to and subscribed
before me this 28th day
of February, 2007.

Michael J. Colmerauer
NOTARY PUBLIC

My Commission Expires:

MICHAEL J. COLMERAUER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 2-16-10

SENECA RESOURCES
CORPORATION,

Plaintiff,

vs.

CHARLES STEELE,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 2007-331-CJ

ACTION TO QUIET TITLE

Type of Pleading:

Motion to Service Complaint
Via Publication

Filed on behalf of:

Seneca Resources Corporation,
Plaintiff

Counsel of Record for This Party:

Michael S. Delaney, Esquire
936 Philadelphia Street
Indiana PA 15701
(724) 349-2255
ID #25537

FILED DCC Atty
3/31/05 cm
MAR 05 2007
JW

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

SENECA RESOURCES : IN THE COURT OF COMMON PLEAS
CORPORATION, : CLEARFIELD COUNTY,
Plaintiff, : PENNSYLVANIA
vs. :
: CIVIL ACTION - LAW
CHARLES STEELE, :
his cumulative heirs, devisees, :
administrators, executors, assigns, :
and all other person, persons, firms, :
partnerships, or corporate entities :
in interest, :
Defendants. :
: No. _____
: ACTION TO QUIET TITLE
:

MOTION TO SERVE COMPLAINT VIA PUBLICATION

AND NOW, comes the Plaintiff, by and through its undersigned counsel, and avers that the whereabouts and identities of the above-mentioned Defendants who might possibly claim an interest in this Quiet Title Action are presently unknown, that the Plaintiff and counsel for Plaintiff have executed affidavits pursuant to Pa. R.C.P. 410 and 430 stating that they have made a good faith effort to ascertain the identities of the above-mentioned Defendants, including a title search and examination and research of available public records, that the identities and/or whereabouts of the Defendants cannot be ascertained, and that service by publication pursuant to Pa. R.C.P. 410 and 430 is the only method that can be utilized to serve notice of this Action on the Defendants.

Accordingly, Plaintiff, through its undersigned counsel, moves this Court for leave to serve the Complaint on the above-mentioned Defendant, his heirs, devisees, administrators, executors, assigns, and all other persons, firms, partnerships, or corporate entities in interest, or their legal representatives, generally, by publication and in such manner as the Court shall direct and as provided by Pa.R.C.P. 410 and 430.

Respectfully submitted:

BY 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

DATE: March 2, 2007

SENECA RESOURCES : IN THE COURT OF COMMON PLEAS
CORPORATION, : CLEARFIELD COUNTY,
Plaintiff, : PENNSYLVANIA
vs. :
CHARLES STEELE, : CIVIL ACTION - LAW
his cumulative heirs, devisees, :
administrators, executors, assigns, :
and all other person, persons, firms, :
partnerships, or corporate entities :
in interest, : No. _____
Defendants. : ACTION TO QUIET TITLE

AFFIDAVIT OF COUNSEL IN SUPPORT OF
MOTION TO SERVE COMPLAINT VIA PUBLICATION

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF INDIANA :
:

Undersigned Counsel for the Plaintiff, being duly sworn according to law, deposes and states that he makes this affidavit pursuant to Pa. R.C.P. 410 and 430, that the whereabouts and identities of the above-mentioned Defendants who might possibly claim an interest in this Quiet Title Action are presently unknown, that Plaintiff and Counsel for Plaintiff, Michael S. Delaney, Esquire, have made a good faith effort to ascertain the identities of the above-mentioned Defendants, including a title search and examination and research of available public records in conjunction with said title search, that said title abstract is attached to the Complaint, that the identities and/or whereabouts of the Defendants cannot be ascertained based upon said search

and examination, and that service by publication pursuant to Pa. R.C.P. 410 and 430 is the only method that can be utilized to serve notice of this action on the Defendants.

Respectfully submitted:

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

Sworn to and subscribed before
me this 8th day of March, 2007.

Suzanne C. Fleming
NOTARY PUBLIC

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Suzanne C. Fleming, Notary Public

Indiana Boro, Indiana County

My Commission Expires Feb. 10, 2008

Member, Pennsylvania Association Of Notaries

SENECA RESOURCES
CORPORATION,

Plaintiff,

vs.

CHARLES STEELE,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 2007-331-CD

ACTION TO QUIET TITLE

ORDER FOR PUBLICATION

AND NOW, the 6 day of March, 2007, upon consideration of the foregoing Motion, the Plaintiff is granted leave to make service of the Complaint on the above-mentioned Defendant, his cumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, by publication one (1) time in the Clearfield County Legal Journal and one (1) time in the Clearfield Progress. The notice is to contain a notice to the Defendants, their unknown heirs and assigns, to enter their appearance or plead to the Complaint within twenty (20) days of the publication of said notice or a default judgment may be entered against them.

BY THE COURT:

FILED

01/06/07
MAR 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

Atty Delaney
(60)


J.

SENECA RESOURCES	:	IN THE COURT OF COMMON PLEAS
CORPORATION,	:	CLEARFIELD COUNTY,
	:	PENNSYLVANIA
Plaintiff,	:	
	:	CIVIL ACTION - LAW
vs.	:	
	:	
CHARLES STEELE,	:	
his cumulative heirs, devisees,	:	
administrators, executors, assigns,	:	
and all other person, persons, firms,	:	
partnerships, or corporate entities	:	
in interest,	:	
	:	
Defendants.	:	

FILED *ICC*
MAY 10 2007 *AAH*
MAY 01 2007 *Delaney*
EM

William A. Shaw
 Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA	:	
	:	ss.
COUNTY OF INDIANA	:	

MICHAEL S. DELANEY, ESQUIRE, being duly sworn according to law, deposes and says that he is the attorney of record for the Plaintiff in the above action, and makes this Affidavit on its behalf being authorized to do so, hereby swearing and attesting to the following facts: that a Complaint in Action to Quiet Title, endorsed with Notice to Plead within twenty (20) days from the services thereof, was filed in the Office of the Prothonotary of Clearfield County, Pennsylvania, at No. 2007-331-CD; that on the 6th day of March, 2007, the said Court made an Order that service be made upon the Defendants set forth in above-captioned matter by publication; that said Notice, as ordered by said Court, was published one (1) time in The Progress, of Clearfield, Pennsylvania, on the 12th day of March, 2007, as shown by the Proof of Publication of The Progress, which is attached hereto and made a part hereof; that said Notice, as ordered by said Court, was published one (1) time in the Clearfield County Legal Journal, of Clearfield, Pennsylvania, on the 23rd day of March, 2007, as shown by the Proof of Publication of the Clearfield County Legal Journal, which is attached hereto and made a part hereof; that the Complaint was served on the above-named

ORIGINAL

Defendants by publication and that the Defendants have not filed an answer thereto, or otherwise entered an appearance or plead, although the time in which to do so has elapsed.


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

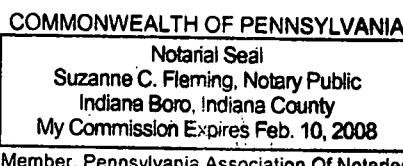
Sworn to and subscribed

before me this 30th day

of April, 2007.


NOTARY PUBLIC

My Commission Expires:



IN THE COURT
OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION-LAW
No. 2007-331-CD
ACTION TO
QUIET TITLE
SENECA RESOURCES
CORPORATION;
Plaintiff

vs.
CHARLES STEELE,
his cumulative heirs,
devisees, administrators,
executors, assigns,
and all other person,
persons, firms, partnerships,
or corporate entities
in interest,
Defendants.

NOTICE
TO THE DEFENDANTS:
CHARLES STEELE, his cumulative
heirs, devisees, administrators,
executors, assigns, and all other
person, persons, firms, partner-
ships, or corporate entities in inter-
est

TAKE NOTICE that an No.
2007-331-CD, in the Court of
Common Pleas of Clearfield
County, Pennsylvania, Seneca Re-
sources Corporation, Plaintiff, filed
this Complaint against you, your
heirs, devisees, administrators,
executors, assigns, and all other
person, persons, firms, partner-
ships, or corporate entities in inter-
est, averring that it is the owner of all
the coal, fireclay and other clays of
every kind and description, oils,
gas and all other minerals in, under
and upon those certain tracts of
land situate in Lawrence Township,
Clearfield, Pennsylvania described
as follows:

Warrant No.; Acreage; Clearfield
County Surface Assessment Par-
cel Number
5299; 1,100; 123-J3-2; 5302;

1,100; 123-J4-3

BEING the same coal, fireclay and
other clays of every kind and de-
scription, oils, gas and all other min-
erals as excepted and reserved in
the deed of Whitmer-Steele Com-
pany to Punxsutawney Hunting
Club, dated April 16, 1919, and re-
corded in the Recorder's Office in
Clearfield County, Pennsylvania, in
Deed Book Volume 233, page
269.

The plaintiff claims absolute own-
ership in the said coal, fireclay and
other clays of every kind and de-
scription, oils, gas and all other min-
erals; that the Plaintiff has instituted
suit in order to have its interest in
said coal, fireclay and other clays of
every kind and description, oils,
gas and all other minerals adjudic-
ated and that the Defendants be
forever barred from asserting any
rights, lien, title or interest in the
said coal, fireclay and other clays of
every kind and description, oils,
gas and all other minerals inconsis-
tent with the interest of the Plaintiff
as set forth in the Complaint.

YOU ARE NOTIFIED TO APPEAR
AND ANSWER THE SAID COM-
PLAINT ON SAID ACTION WITHIN
TWENTY (20) DAYS OF THIS NO-
TICE, OTHERWISE, JUDGMENT
WILL BE ENTERED AGAINST YOU
BARRING YOU FROM ANY
CLAIMS, RIGHTS, OR INTEREST
INCONSISTENT THEREWITH.

Michael S. Delaney, Esquire
936 Philadelphia Street
Indiana, PA 15701

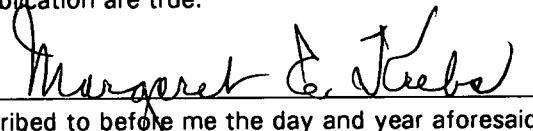
Attorney for Plaintiff

PROOF OF PUBLICATION

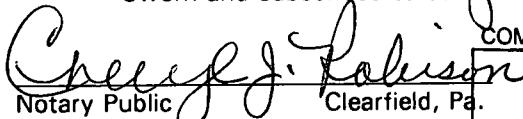
STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 24th day of April, A.D. 20 07,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of March 12, 2007.
And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.



Sworn and subscribed to before me the day and year aforesaid.


Cheryl J. Robison
Notary Public
Clearfield, Pa.

My Commission Expires
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Cheryl J. Robison, Notary Public

Clearfield Boro, Clearfield County

My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, Defendants

No. 2007-331-CD

ACTION TO QUIET TITLE

NOTICE

TO THE DEFENDANTS: CHARLES STEELE, his cumulative heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest.

TAKE NOTICE that at No. 2007-331-CD, in the Court of Common Pleas of Clearfield County, Pennsylvania, Seneca Resources Corporation, Plaintiff, filed this Complaint against you, your heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, averring that it is the owner of all the coal, fireclay and other clays of every kind and description, oils, gas and all other minerals in, under and upon those certain tracts of land situate in Lawrence Township, Clearfield County, Pennsylvania, described as follows:

Clearfield County Surface

Warrant No.	Acreage	Assessment Parcel Number
5299	1,100	123-J3-2
5302	1,100	123-J4-3

BEING the same coal, fireclay and other clays of every kind and description, oils, gas and all other minerals as excepted and reserved in the deed of Whitmer-Steele Company to Punxsutawney Hunting Club, dated April 16, 1919, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume 233, page 269.

The Plaintiff claims absolute ownership in the said coal, fireclay and other clays of every kind and description, oils, gas and all other minerals; that the Plaintiff has instituted suit in order to have its interest in said coal, fireclay and other clays of every kind and description, oils, gas and all other minerals adjudicated and that the Defendants be forever barred from asserting any rights, lien, title or interest in the said coal, fireclay and other clays of every kind and description, oils, gas and all other minerals inconsistent with the interest of the Plaintiff as set forth in the Complaint.

YOU ARE NOTIFIED TO APPEAR AND ANSWER THE SAID COMPLAINT ON SAID ACTION WITHIN TWENTY (20) DAYS OF THIS NOTICE, OTHERWISE, JUDGMENT WILL BE ENTERED AGAINST YOU BARRING YOU FROM ANY CLAIMS, RIGHTS, OR INTEREST INCONSISTENT THEREWITH.

Michael S. Delaney, Esquire, 936 Philadelphia Street, Indiana, PA 15701, Attorney for Plaintiff.

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

SENECA RESOURCES CORPORATION, Plaintiff, vs. CHARLES STEELE, his cumulative heirs, devisees, administrators,

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

ACTION OF MORTGAGE FORECLOSURE
No. 06-1992-CD
NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

OHIO SAVINGS BANK, Plaintiff vs.
JOHN CAROLUS & NICOLE CAROLUS,
Mortgagors and Real Owners Defendants

TO: NICOLE CAROLUS, MORTGAGOR
AND REAL OWNER, DEFENDANT
whose last known address is 11 E. Weber
Avenue, DuBois, PA 15801.

THIS FIRM IS A DEBT COLLECTOR
AND WE ARE ATTEMPTING TO COLLECT
A DEBT OWED TO OUR CLIENT. ANY
INFORMATION OBTAINED FROM YOU
WILL BE USED FOR THE PURPOSE OF
COLLECTING THE DEBT.

You are hereby notified that Plaintiff,
OHIO SAVINGS BANK, has filed a
Mortgage Foreclosure Complaint endorsed
with a notice to defend against you in the
Court of Common Pleas of Clearfield
County, Pennsylvania, docketed to No. 06-
1992-CD, wherein Plaintiff seeks to
foreclose on the mortgage secured on your
property located, 11 E. Weber Avenue,
DuBois, PA 15801, whereupon your property
will be sold by the Sheriff of Clearfield
County.

NOTICE

You have been sued in court. If you wish
to defend against the claims set forth in the
following pages, you must take action within
twenty (20) days after the Complaint and
notice are served, by entering a written
appearance personally or by attorney and
filing in writing with the court your defenses
or objections to the claims set forth against
you. You are warned that if you fail to do so
the case may proceed without you and a
judgment may be entered against you by the
Court without further notice for any money
claim in the Complaint or for any other claim
or relief requested by the Plaintiff. You may
lose money or property or other rights
important to you.

YOU SHOULD TAKE THIS PAPER TO
YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE A LAWYER OR CANNOT
AFFORD ONE, GO TO OR TELEPHONE
THE OFFICE SET FORTH BELOW. THIS
OFFICE CAN PROVIDE YOU WITH
INFORMATION ABOUT HIRING A
LAWYER.

IF YOU CANNOT AFFORD TO HIRE A
LAWYER, THIS OFFICE MAY BE ABLE TO
PROVIDE YOU WITH INFORMATION
ABOUT AGENCIES THAT MAY OFFER
LEGAL SERVICES TO ELIGIBLE PER-

A complete copy of the Notice of Sheriff
Sale will be sent to you upon request to the
Attorney for the Plaintiff, Scott A. Dietterick,
Esquire, P.O. Box 650, Hershey, PA 17033.
Phone (717)533-3280.

THIS PAPER IS A NOTICE OF THE
TIME AND PLACE OF THE SALE OF
YOUR PROPERTY.

IT HAS BEEN ISSUED BECAUSE
THERE IS A JUDGMENT AGAINST YOU.

SENECA RESOURCES
CORPORATION,

Plaintiff,

vs.

CHARLES STEELE,
his cumulative heirs, devisees,
administrators, executors, assigns,
and all other person, persons, firms,
partnerships, or corporate entities
in interest,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 2007-331-CD

ACTION TO QUIET TITLE

MOTION FOR JUDGMENT

AND NOW, this 30th day of April, 2007, an Affidavit having been filed by the Plaintiff, that the Complaint with Notice to Plead was served by publication on the Defendants, that the Plaintiff, by its attorney, Michael S. Delaney, Esquire, moves the Court to enter judgment in favor of the Plaintiff and against the Defendants and to grant the Plaintiff the relief for which it has prayed in accordance with the Pennsylvania Rules of Civil Procedure relating to Quietling of Title, Rule 1066 in particular. The Plaintiff further requests the Honorable Court to modify the thirty (30) day period in which the Defendants have to file an ejectment action to eliminate such thirty (30) day period in accordance with Pennsylvania Rule of Civil Procedure Number 248.

FILED ^{1CC}
MAY 01 2007 *Michael S. Delaney*
MAY 01 2007 *WAS*
6K

William A. Shaw
Prothonotary/Clerk of Courts


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

ORIGINAL

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : :

COUNTY OF CLEARFIELD : :

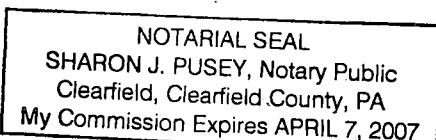
On this 23rd day of March AD 2007, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of March 23, 2007, Vol. 19 No. 12. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.

Sharon J Pusey
Notary Public
My Commission Expires



Michael S. Delaney
936 Philadelphia St
Indiana PA 15701

SENECA RESOURCES : IN THE COURT OF COMMON PLEAS
 CORPORATION, : CLEARFIELD COUNTY,
 Plaintiff, : PENNSYLVANIA
 :
 vs. : CIVIL ACTION - LAW
 :
 :
 CHARLES STEELE, :
 his cumulative heirs, devisees, :
 administrators, executors, assigns, :
 and all other person, persons, firms, :
 partnerships, or corporate entities :
 in interest, : ACTION TO QUIET TITLE
 :
 Defendants. :

FILED ^{1CC}
 07054601 Atty
 MAY 03 2007 Delaney
 (6)

William A. Shaw
 Prothonotary/Clerk of Courts

ORDER OF COURT

AND NOW, this 2 day of May, 2007, an Affidavit of Service of the
 Complaint having been filed and no answer or other pleading or appearance having
 been made by any of the Defendants, the Court, upon Motion of Michael S. Delaney,
 Esquire, Attorney for the Plaintiff herein, ORDERS AND DECREES:

That the property subject to this Quiet Title Action is ALL the coal,
 fireclay and other clays of every kind and description, oils, gas and all
 other minerals in, under and upon those certain tracts of land situate in
 Lawrence Township, Clearfield County, Pennsylvania, described as
 follows:

<u>Warrant No.</u>	<u>Acreage</u>	<u>Clearfield County Surface Assessment Parcel Number</u>
5299	1,100	123-J3-2
5302	1,100	123-J4-3

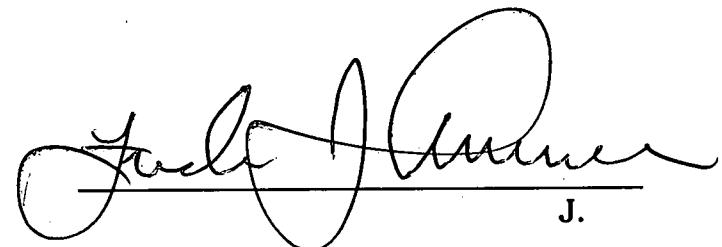
BEING the same coal, fireclay and other clays of every kind and
 description, oils, gas and all other minerals as excepted and reserved in
 the deed of Whitmer-Steele Company to Punxsutawney Hunting Club,
 dated April 16, 1919, and recorded in the Recorder's Office of Clearfield
 County, Pennsylvania, in Deed Book Volume 233, page 269.

That title to said coal, fireclay and other clays of every kind and description, oils, gas and all other minerals is in Seneca Resources Corporation, Plaintiff herein, as set forth in the Complaint in fee simple and absolutely;

That the Defendants, their administrators, executors, heirs, devisees, assigns, successors, and all other person, persons, firms, partnerships, or corporate entities in interest or legal representatives, are forever barred from asserting any right, title, lien, interest or claim whatsoever in the said coal, fireclay and other clays of every kind and description, oils, gas and all other minerals in question that is inconsistent with the interest of the said Plaintiff, Seneca Resources Corporation, as set forth in the Complaint, to the said coal, fireclay and other clays of every kind and description, oils, gas and all other minerals, or impeaching, denying, or in any other way attacking said Plaintiff's title to the said coal, fireclay and other clays of every kind and description, oils, gas and all other minerals.

AND that the thirty (30) day provision in Pennsylvania Rule of Civil Procedure 1066(b)(1) is modified so as to eliminate the said thirty (30) day time period in which the Defendants would otherwise be entitled to take further action. Said modification is in accordance with authority vested in this Court by virtue of Pennsylvania Rule of Civil Procedure Number 248.

BY THE COURT:



A handwritten signature in black ink, appearing to read "John J. Palmer", is written over a horizontal line. Below the signature, the initials "J." are written.