

PHILLIPS PRODUCTION COMPANY, :

Plaintiff, :

vs. :

JAMES CROSS,
J. O. CROSS,
JAMES BRINK and
CLARK BRINK,
their 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. 07-426-CD

ACTION TO QUIET TITLE

Type of Pleading:

Complaint in Action to Quiet Title

Filed on behalf of:

Phillips Production Company,
Plaintiff

Counsel of Record for This Party:

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

FILED
MAR 20 2007
William A. Shaw
Prothonotary/Clerk of Courts
1cc Atty Delaney
Atty pd 95.00

ORIGINAL

PHILLIPS PRODUCTION COMPANY, :

Plaintiff, :

vs. :

JAMES CROSS, :

J. O. CROSS, :

JAMES BRINK and :

CLARK BRINK, :

their 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. _____

ACTION TO QUIET TITLE


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 Plaintiffs. 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 Plaintiffs

| | |
|---|------------------------------|
| PHILLIPS PRODUCTION COMPANY, : | IN THE COURT OF COMMON PLEAS |
| Plaintiff, : | CLEARFIELD COUNTY, |
| vs. : | PENNSYLVANIA |
| JAMES CROSS, : | CIVIL ACTION - LAW |
| J. O. CROSS, : | No. _____ |
| JAMES BRINK and : | ACTION TO QUIET TITLE |
| CLARK BRINK, : | |
| their cumulative heirs, devisees, : | |
| administrators, executors, assigns, : | |
| and all other person, persons, firms, : | |
| partnerships, or corporate entities : | |
| in interest, : | |
| Defendants. : | |

COMPLAINT

1. The Plaintiff, Phillips Production Company, is a corporation organized and existing under the laws of Pennsylvania, having a business office address of 502 Keystone Drive, Warrendale, Pennsylvania, 15086.

2. The Plaintiff is the owner of an oil and gas leasehold estate covering 50 acres, more or less, situate in Chest Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on tract line of Newton McCord; thence by the same, South 39° 30' East 79.9 perches to a post in line of William Conley; thence by the same, South 52° West 100.5 perches to a post; thence North 40° 45' West 79.9 perches to a post; thence North 52° East 100.5 perches by line of Frank McCully to post and place of beginning. **CONTAINING** 50 acres, 29.9 perches.

**KNOWN as the oil and gas underlying Clearfield County Assessment
Parcel Number 109-F16-00066.**

3. An Abstract of Title setting forth the chain of title into the Plaintiff's Lessors is attached hereto and marked Exhibit "A".

4. As indicated at Item Number 10 of the Abstract, by deed dated August 7, 1900, and recorded in Clearfield County in Deed Book Volume 115, page 26, E. A. Irvin and Emma A. Irvin, his wife, granted and conveyed to Warren E. Cross, 50 acres, 29.9 perches ("subject tract") situate in Chest Township, Clearfield County, Pennsylvania.

5. As indicated at Item Number 9 of the Abstract, by deed dated April 18, 1921, and recorded in Clearfield County in Deed Book Volume 252, page 533, Warren E. Cross and Rachel Cross, his wife, granted and conveyed to James Cross, the subject tract of land containing 50 acres, 29.9 perches.

6. As indicated at Item Number 8 of the Abstract, by deed dated August 25, 1926, and recorded in Clearfield County in Deed Book Volume 294, page 261, M. M. Overly, Treasurer of Clearfield County, granted and conveyed to the Clearfield County Commissions, the subject tract of land containing 47 acres assessed in the name of J. O. Cross, sold for 1923 and 1924 taxes.

7. As indicated at Item Number 7 of the Abstract, by deed dated July 23, 1929, and recorded in Clearfield County in Deed Book Volume 294, page 262, the Clearfield County Commissions granted and conveyed to James Brink, the subject tract of land containing 47 acres sold as the property of J. O. Cross.

8. As indicated at Item Number 6 of the Abstract, by deed dated June 30, 1930, and recorded in Clearfield County in Deed Book Volume 300, page 132, James Brink granted and conveyed to Clark Brink "all the surface on that tract known as the J. O. Cross property", reciting that the said tract is being the same tract which became vested in James Brink by deed recorded in Deed Book Volume 294, page 262.

9. The remaining chain of title into the Plaintiff's Lessors is set forth in the Abstract of Title.

10. That by Oil and Gas Lease dated February 9, 2006, and recorded in Clearfield County at Instrument Number 2006-06784, C. George Brink, Jr. and Marilyn K. Brink, his wife, and Paul Brink and Linda Brink, his wife, granted and conveyed to Phillips Production Company an Oil and Gas Lease covering the subject tract of land containing 50.19 acres

11. That the Defendants may claim an interest in the subject oil and gas 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 named 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 oil and gas leasehold title to the subject tract of land as described in paragraph 2 above, which the herein named Defendants, their 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 oil and gas leasehold title in and to the subject tract of land containing 50 acres, 29.9 perches, more or less, is in the name of the Plaintiff, Phillips Production Company, and that the Defendants, their 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 oil and gas leasehold title in and to the subject tract of land containing 50 acres, 29.9 perches, more or less.

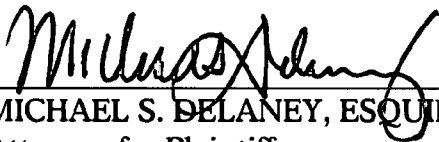
BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

EXHIBIT "A"

ITEM NUMBER 1

DEED

Carl G. Brink, Sr., widower

to

C. George Brink, Jr., Marilyn K. ux

Dated: September 12, 2002

Acknowledged: September 12, 2002

Recorded: September 16, 2002

Instrument No. 2002-14797

Consideration \$1.00

Special Warranty Deed

Signed, sealed and delivered

CONVEYS: All right, title and interest in:

- 1) 67 acres
- 2) 25 acres, 115 perches
- 3) 30 acres, 40 perches
- *4) 50 acres, 29.9 perches

Chest Township (see copy).

EXCEPTION AND RESERVATIONS: From 1) 1 acre in DBV 851, page 1
From 1 & 2) all coal, also gas and oil and rights
From 3 & 4) all coal and rights

UNDER AND SUBJECT: None.

RECITAL: 1) & 2): DBV 767, page 450
3) & 4): DBV 776, page 14

Muriel E. Brink died November 7, 1989, vesting title in grantor.

ITEM NUMBER 2

ESTATE

Muriel E. Brink died November 7, 1989

File No. 20 of 1990

Upon her death, title to an undivided 1/3 interest in the subject tract
vested in Carl G. Brink, Sr., as surviving tenant by the entirety.

ITEM NUMBER 3

DEED

Linda M. Brink

to

Paul B. Brink

Dated: March 7, 1979

Acknowledged: March 7, 1979

Recorded: March 22, 1979

Deed Book Volume 778, Page 16

Consideration: \$1.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: all interest of grantor in various tracts, including: 50 acres, 29.9 perches.
(See copy.)

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: As to 50 acres, 29.9 perches: DBV 776, page 14.

ITEM NUMBER 4

DEED

Mae Brownlee, widow

to

Carl G. Brink, Sr., Muriel E. ux
(undivided 1/3 interest)

C. George Brink, Jr., Marilyn K.
ux (undivided 1/3 interest)

Paul B. Brink, Linda M. ux
(undivided 1/3 interest)

Dated: July 24, 1978

Acknowledged: July 28, 1978

Recorded: January 30, 1979

Deed Book Volume 776, Page 14

Consideration: \$1,507.00 and
\$16,243.00

Special Warranty Deed

Signed, sealed and delivered

CONVEYS: 2 parcels, Chest Township, Clearfield County, Pennsylvania:

- 1) 30 acres, 40 perches
- *2) 50 acres, 29.9 perches
(see copy for description).

EXCEPTIONS AND RESERVATIONS: All coal and mineral deposits.

UNDER AND SUBJECT: None.

RECITAL: 1) DBV 350, page 1.
*2) DBV 346, page 516.

ITEM NUMBER 5

DEED

Edna Marsden, Treasurer of
Clearfield County

to

Mae Brownlee

Dated: May 5, 1941
Acknowledged: May 5, 1941
Recorded: January 17, 1944
Deed Book Volume 346, Page 516
Consideration: \$26.08
Treasurer's Deed
Signed, sealed and delivered

CONVEYS: 47 acres seated land, assessed in name of Clark Brink and sold for 1937 and 1937 taxes.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: None.

ITEM NUMBER 6

DEED

James Brink

to

Clark Brink

Dated: June 30, 1930
Acknowledged: June 30, 1930
Recorded: December 9, 1931
Deed Book Volume 300, Page 132
Consideration: \$1,000.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: *1) all the surface on that tract k/a the J. O. Cross property (see copy).
2) 12 acres.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: *1) DBV 294, page 262.
2) Deed of Isaac B. Norris, et al.

ITEM NUMBER 7

DEED

Clearfield County Commissioners
to
James Brink

Dated: July 23, 1929
Acknowledged: July 23, 1929
Recorded: August 12, 1929
Deed Book Volume 294, Page 262
Consideration: \$10.00
Commissioners' Deed
Signed, sealed and delivered

CONVEYS: 47 acres, seated land, sold as property of J. O. Cross.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: None.

ITEM NUMBER 8

DEED

M. M. Overly, Treasurer of
Clearfield County
to
Clearfield County Commissioners

Dated: August 25, 1926
Acknowledged: November 3, 1926
Recorded: August 12, 1929
Deed Book Volume 294, Page 261
Consideration: \$40.58
Treasurer's Deed
Signed, sealed and delivered

CONVEYS: 47 acres assessed in name of J. O. Cross.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Sold for 1923 and 1924 taxes.

ITEM NUMBER 9

DEED

Warren E. Ross, Rachel ux

to

James Cross

Dated: April 18, 1921

Acknowledged: September 23, 1921

Recorded: September 24, 1921

Deed Book Volume 252, Page 533

Consideration: \$415.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 50 acres, 29.9 perches (same description as in DBV 776, page 14).

EXCEPTIONS AND RESERVATIONS: All coal and rights.

UNDER AND SUBJECT: None.

RECITAL: DBV 115, page 26.

ITEM NUMBER 10

DEED

E. A. Irvin, Emma A. ux

to

Warren E. Cross

Dated: August 7, 1900

Acknowledged: August 8, 1900

Recorded: January 22, 1901

Deed Book Volume 115, Page 26

Consideration: \$325.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 50 acres, 29.9 perches.

EXCEPTIONS AND RESERVATIONS: All coal and rights.

UNDER AND SUBJECT: None.

RECITAL: Part of DBV 28, page 416.

ITEM NUMBER 11

DEED

William Gilligan, Kate C. ux

to

E. A. Irvin

Dated: June 20, 1883

Acknowledged: July 17, 1883

Recorded: September 5, 1883

Deed Book Volume 28, Page 416

Consideration: \$7,000.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 204 acres, 105 perches, (see copy for description).

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Deed of Aaron W. Patchin, ux, dated August 26, 1882.

ITEM NUMBER 12

DEED

Aron W. Patchin, Elizabeth ux

to

William Gilligan

Dated: August 26, 1882

Acknowledged: August 26, 1882

Recorded: 07/19/188_ (1883)

Deed Book Volume 26, Page 193

Consideration: \$3,652.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 204 acres, 105 perches.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: None.

ITEM NUMBER 13ASSESSMENT RECORDS

| | | |
|------|--|---------------------------------|
| 1900 | Warren Cross | 50 acres |
| 1911 | no entry under Cross | |
| 1912 | page 10 of records (where J. O. Cross would appear) missing | |
| 1913 | J. O. Cross | 25 acres and 25 acres |
| 1921 | J. O. Cross | 25 acres and 25 acres |
| 1923 | J. O. Cross | 22 and 25 acres |
| 1924 | J. O. Cross | 22 and 25 acres |
| 1930 | James Brink | 47 acres (formerly J. O. Cross) |
| 1933 | Clark Brink | 47 acres |
| 1937 | Clark Brink | 47 acres surface |
| 1938 | Clark Brink | 47 acres surface |

EXHIBIT "B"

AFFIDAVIT RE DEFENDANTS

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Allegheny : ss.
:

I, GARY A. CLARK, V.P. of OPERATIONS of
PHILLIPS PRODUCTION COMPANY, being duly sworn according to law, deposes and
says that Phillips Production Company 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 Phillips
Production Company 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.

PHILLIPS PRODUCTION COMPANY

BY: [Signature]
Vice President of OPERATIONS

Sworn to and subscribed
before me this 14th day
of March, 2007.

[Signature]
NOTARY PUBLIC

My Commission Expires:

Commonwealth of Pennsylvania

NOTARIAL SEAL

BRUCE J. KERR, Notary Public

Butler Township, County of Butler

My Commission Expires April 21, 2010

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Allegheny : ss.
:

I, GARY A. CLARK, V.P. OF OPERATIONS of
PHILLIPS PRODUCTION COMPANY, being duly sworn according to law, deposes and
says that Phillips Production Company 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 his knowledge, information and belief.

PHILLIPS PRODUCTION COMPANY

BY: [Signature]
Vice President of OPERATIONS

Sworn to and subscribed
before me this 14th day
of March, 2007.

[Signature]
NOTARY PUBLIC

My Commission Expires:

Commonwealth of Pennsylvania
NOTARIAL SEAL
BRUCE J. KERR, Notary Public
Butler Township, County of Butler
My Commission Expires April 21, 2010

PHILLIPS PRODUCTION COMPANY, :
Plaintiff, :

vs. :

JAMES CROSS,
J. O. CROSS,
JAMES BRINK and
CLARK BRINK,
their 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. 07-426-CD

ACTION TO QUIET TITLE

Type of Pleading:

Motion to Service Complaint
Via Publication

Filed on behalf of:

Phillips Production Company,
Plaintiff

Counsel of Record for This Party:

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

FILED^{icc}

MAR 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

PHILLIPS PRODUCTION COMPANY, :
Plaintiff, :

vs. :

JAMES CROSS, :
J. O. CROSS, :
JAMES BRINK and :
CLARK BRINK, :
their 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. _____

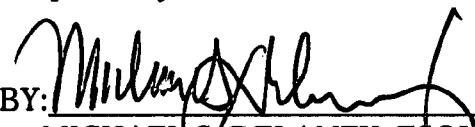
ACTION TO QUIET TITLE

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 identifies 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 Defendants, their 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 19, 2007

| | | |
|---------------------------------------|---|------------------------------|
| PHILLIPS PRODUCTION COMPANY, | : | IN THE COURT OF COMMON PLEAS |
| | : | CLEARFIELD COUNTY, |
| Plaintiff, | : | PENNSYLVANIA |
| | : | |
| | : | CIVIL ACTION - LAW |
| vs. | : | |
| | : | No. _____ |
| JAMES CROSS, | : | |
| J. O. CROSS, | : | |
| JAMES BRINK and | : | ACTION TO QUIET TITLE |
| CLARK BRINK, | : | |
| their cumulative heirs, devisees, | : | |
| administrators, executors, assigns, | : | |
| and all other person, persons, firms, | : | |
| partnerships, or corporate entities | : | |
| in interest, | : | |
| | : | |
| Defendants. | : | |


**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.

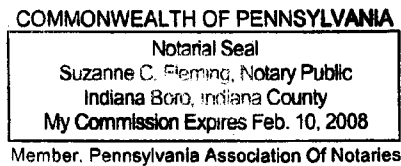
Respectfully submitted:

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

Sworn to and subscribed before
me this 19th day of March, 2007.


NOTARY PUBLIC

My Commission Expires:



PHILLIPS PRODUCTION COMPANY, :
Plaintiff, :

vs. :

JAMES CROSS,
J. O. CROSS,
JAMES BRINK and
CLARK BRINK,
their 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

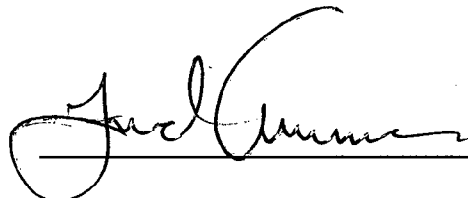
No. 07-426-CD

ACTION TO QUIET TITLE

ORDER FOR PUBLICATION

AND NOW, the 20 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 Defendants, their 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:


J.

FILED

9/9/24/07
MAR 21 2007

cc
Amy Delaney
(6)

William A. Shaw
Prothonotary/Clerk of Courts

PHILLIPS PRODUCTION COMPANY, :
Plaintiff, :

vs. :

JAMES CROSS, :
J. O. CROSS, :
JAMES BRINK and :
CLARK BRINK, :
their 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. 07-426-CD

ACTION TO QUIET TITLE

FILED *rec*
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APR 24 2007 *Salaw*
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. 07-426-CD; that on the 20th 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 26th 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 30th day of March, 2007, as shown

ORIGINAL

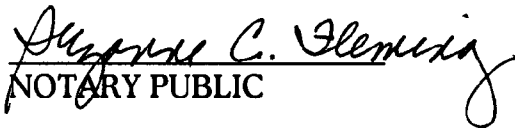
by the Proof of Publication of the Clearfield County Legal Journal, which is attached hereto and made a part hereof; that the Complaint was served on the above-named Defendants by publication and that the Defendants have not filed an answer thereto, or otherwise entered an appearance or plead, although the time in which to do so has elapsed.


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

Sworn to and subscribed

before me this 23rd day

of April, 2007.


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

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :
SS: :

On this 29th day of March, 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 26, 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.

COMMONWEALTH OF PENNSYLVANIA
Notary Seal
Cheryl J. Robinson, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007
Member, Pennsylvania Association Of Notaries

My Commission Expires
October 31, 2007

IN THE COURT
OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION-LAW
ACTION TO
NO. 07-426-CD
QUIET TITLE
PHILLIPS PRODUCTION
COMPANY, Plaintiff
vs.
JAMES CROSS,
J. O. CROSS,
JAMES BRINK and
CLARK BRINK,
their cumulative heirs,
devises, administrators,
executors, assigns,
and all other person,
persons, firms, partnerships,
or corporate entities
in interest,
Defendants.
NOTICE
TO THE DEFENDANTS: JAMES
CROSS, J. O. CROSS, JAMES
BRINK and CLARK BRINK, their cu-
mulative heirs, devisees, adminis-
trators, executors, assigns and all
other person, persons, firms, part-
nerships, or corporate entities in in-
terest.
TAKE NOTICE that at No.
07-426-CD, in the Court of Com-
mon Pleas of Clearfield County,
Pennsylvania, Plaintiff, filed this Com-
plaint against you, your heirs, de-
visees, administrators, executors,
assigns, and all other person, per-
sons, firms, partnerships, or cor-
porate entities in interest, averring
that it is the owner of an oil and gas
leasehold estate covering 50
acres, more or less, situated in Chest
Township, Clearfield County,
Pennsylvania, bounded and de-
scribed as follows:
BEGINNING at a post on tract line
of Newton McCord; thence by the
same, South 39° 30' East 79.9
perches to a post in line of William
Conley; thence by same, South
52° West 100 perches to a post;
thence North 40° 45' West 79.9
perches to a post; thence North
52° East 100.5 perches by line of
Frank McCully to post and place of
beginning.
CONTAINING 50 acres, 29.9
perches.
KNOWN as the oil and gas under-
lying Clearfield County Assess-
ment Parcel Number
109-F-16-00066.
ership in the said oil and gas lease-
hold estate; that the Plaintiff has in-
stituted suit in order to have its inter-
est in said oil and gas leasehold es-
tate adjudicated and that the Defen-
dants be forever barred from as-
serting any rights, lien, title or inter-
est in the said oil and gas leasehold
estate inconsistent 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
3:26-1d-b

DENTAL HYGIENIST.
Part-time position
available in a progres-
sive dental practice.
Well established hy-
giene schedule with ex-
perienced staff. Send re-
sume to: Drs. Wood and
Bell, 120 South Front
Street, Clearfield, PA
16830.

SUMMER INTERN

The Progress is seeking
a summer intern to work
in the newsroom. College
students pursuing a
degree in journalism,
English or a related field
are encouraged to apply.
Duties will include copy
editing, writing news and
feature stories, photogra-
phy, etc. Some evening
and weekend work will
be required.

Send cover letter, resume
and writing samples to:
The Progress

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

PHILLIPS PRODUCTION COMPANY,
Plaintiff, vs. JAMES CROSS, J. O. CROSS,
JAMES BRINK and CLARK BRINK, their
cumulative heirs, devisees, administrators,
executors, assigns, and all other person,
persons, firms, partnerships, or corporate
entities in interest, Defendants.

No. 07-426-CD

ACTION TO QUIET TITLE

NOTICE

TO THE DEFENDANTS: JAMES
CROSS, J. O. CROSS, JAMES BRINK and
CLARK BRINK, their cumulative heirs,
devisees, administrators, executors, as-
signs, and all other person, persons, firms,
partnerships, or corporate entities in interest.

TAKE NOTICE that at No. 07-426-CD, in
the Court of Common Pleas of Clearfield
County, Pennsylvania, Phillips Production
Company, Plaintiff, filed this Complaint
against you, your heirs, devisees, adminis-
trators, executors, assigns, and all other
person, persons, firms, partnerships, or
corporate entities in interest, averring that it
is the owner of an oil and gas leasehold
estate covering 50 acres, more or less,
situate in Chest Township, Clearfield
County, Pennsylvania, bounded and
described as follows:

BEGINNING at a post on tract line of
Newton McCord; thence by the same, South
39° 30' East 79.9 perches to a post in line of
William Conley, thence by the same, South
52° West 100.5 perches to a post; thence
North 40° 45' West 79.9 perches to a post;
thence North 52° East 100.5 perches by line
of Frank McCully to post and place of
beginning. CONTAINING 50 acres, 29.9
perches.

KNOWN as the oil and gas underlying
Clearfield County Assessment Parcel
Number 109-F16-00066.

The Plaintiff claims absolute ownership
in the said oil and gas leasehold estate; that
the Plaintiff has instituted suit in order to
have its interest in said oil and gas leasehold
estate adjudicated and that the Defendants
be forever barred from asserting any rights,
lien, title or interest in the said oil and gas
leasehold estate 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
OF CLEARFIELD COUNTY,
PENNSYLVANIA
(CIVIL DIVISION)
NO. 2007-300-CD

SCOTT E. KUCHARCIK, Plaintiff, VS.
ROY HEILMAN, his heirs, successors and
assigns, ELLEN J. HOWARD, her heirs,
successors and assigns, KELLY J.
SLOPPY, his heirs, successors and assigns,
and/or any person or entity claiming title in
and to the herein herein described premises
under them, Defendant.

ACTION TO QUIET TITLE
NOTICE

TO THE ABOVE NAMED DEFENDANT
her heirs, successors and assigns:

YOU HAVE BEEN SUED IN COURT. If
you wish to defend against the claims set
forth in the following pages, you must take
action within twenty (20) days after this
Complaint and Notice are served, by
entering a written appearance personally or
by attorney and filing in writing with the Court
your defenses or objections to the claim set
forth against you. You are warned that if you
fail to do so, the case may proceed without
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 AF-
FORD 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, Clearfield, PA
16830, (814) 765-2641

You are hereby notified that an Action to
Quiet Title to all that certain piece or parcel
of land situate in the Commonwealth of
Pennsylvania, County of Clearfield,
Township of Ferguson, having the Tax Map
No. 113-G12-000-00048, and more
particularly described as follows:

ALL that certain parcel of land situate in
Ferguson Township, Clearfield County,
Pennsylvania, being described as follows:

BEING that parcel bounded on the North
by the New York Central Railroad, now
abandoned, on the South, West and the
East by the coal company.

Containing four and one-half (4 1/2)
acres, more or less.

Further, the Court of Common Pleas of
Clearfield County, Pennsylvania, did by
Order executed the 1st day of March 2007,
direct that notice of this action be served
upon you by advertisement in the Clearfield

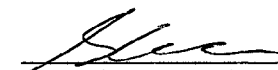
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

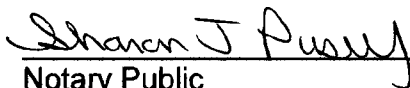
COUNTY OF CLEARFIELD :

On this 30th 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 30, 2007, Vol. 19 No. 13. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

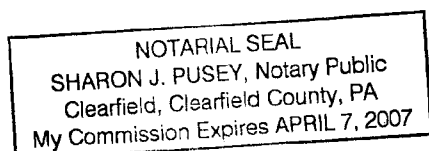


Gary A. Knaresboro, Esquire
Editor

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



Notary Public
My Commission Expires



Michael S. Delaney
936 Philadelphia Street
Indiana PA 15701

PHILLIPS PRODUCTION COMPANY, :

Plaintiff, :

vs. :

JAMES CROSS,
J. O. CROSS,
JAMES BRINK and
CLARK BRINK,
their 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. 07-426-CD

ACTION TO QUIET TITLE

FILED 1CC
10/10:35/301 Atty Delaney
APR 24 2007 (GR)

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR JUDGMENT

AND NOW, this 23rd 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 Quieting 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.


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

ORIGINAL

PHILLIPS PRODUCTION COMPANY, :
Plaintiff, :

vs. :

JAMES CROSS,
J. O. CROSS,
JAMES BRINK and
CLARK BRINK,
their 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. 07-426-CD

ACTION TO QUIET TITLE

FILED ^{ICC}
019:05/201 Atty Delaney
APR 25 2007 (6K)

William A. Shaw
Prothonotary/Clerk of Courts

ORDER OF COURT

AND NOW, this 24 day of April, 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 oil and gas leasehold estate covering 50 acres, more or less, situate in Chest Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on tract line of Newton McCord; thence by the same, South 39° 30' East 79.9 perches to a post in line of William Conley; thence by the same, South 52° West 100.5 perches to a post; thence North 40° 45' West 79.9 perches to a post; thence North 52° East 100.5 perches by line of Frank McCully to post and place of beginning. CONTAINING 50 acres, 29.9 perches.

KNOWN as the oil and gas underlying Clearfield County Assessment
Parcel Number 109-F16-00066.

That title to said oil and gas leasehold estate is in Phillips Production Company,
Plaintiff herein, as set forth in the Complaint in fee simple and absolutely;

That the Defendants, their cumulative heirs, devisees, administrators, executors,
assigns, 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 oil and gas leasehold estate in question that
is inconsistent with the interest of the said Plaintiff, Phillips Production Company, as
set forth in the Complaint, to the said oil and gas leasehold estate, or impeaching,
denying, or in any other way attacking said Plaintiff's title to the said oil and gas
leasehold estate.

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 cursive script, appearing to read "J. J. ...", is written over a horizontal line. Below the line, the letter "J." is printed.