

07-445-CD In RE: Laying Out and  
Opening A Private Road

In RE: Laying Out et al  
2007-445-CD

Date: 6/18/2009

**Clearfield County Court of Common Pleas**

User: LMILLER

Time: 10:40 AM

**ROA Report**

Page 1 of 3

Case: 2007-00445-CD

Current Judge: Paul E. Cherry

In Re:Laying Out and Opening A Private Road, et al

**Civil In Re-COUNT**

Date		Judge
3/22/2007	New Case Filed.	No Judge
	X Filing: Petition to Appoint Viewers Paid by: Gordon, Jeffrey M. (attorney for No Judge Deible, Henry H.) Receipt number: 1918161 Dated: 3/22/2007 Amount: \$85.00 (Check) 1CC shff and 1CC Atty.	
4/3/2007	X Rule to Show Cause, NOW, this 2nd day of April, 2007, Rule is granted upon the Respondent. Each Respondent shall have 20 days after service of this Rule and the within Petition to answer the Rule. If no objections are filed to this Rule, then 3 viewers shall be appointed to make a report to this Court in accordance with the above acts. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Gordon, 1CC Sheriff	No Judge
4/23/2007	X Sheriff Return, April 23, 2007 After diligent search I returned the within Petition to Appoint Viewers & Rule to Show Cause "NOT FOUND" as to David A. Lecorchick. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Gordon \$50.58	No Judge
6/14/2007	X Motion - Service Pursuant to Special Order of Court, filed by s/ Jeffrey M. Gordon, Esquire. 1CC Atty. Gordon	No Judge
	X Rule to Show Cause, this 14th day of June, 2007, a Rule is granted upon the Respondent to show cause why viewers should not be appointed in this matter. Each Respondent shall have 20 days after service of a copy of this Rule and the within Petition to answer the Rule. If no objections are filed to this Rule, then 3 viewers shall be appointed to make a report to this court. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Gordon	Paul E. Cherry
	X Order, this 14th day of June, 2007, upon the Motion of the Petitioners, Henry Paul E. Cherry H. Deible and Mary M. Deible, it is Ordered that: Petitioners shall be permitted to effectuate service of process regarding the above-referenced matter by publication. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Gordon	
7/27/2007	X Order, this 25th day of July, 2007, the following individuals are appointed as a Board of View: 1. Peter Smith, Esquire - Chairman 2. Evo Facchine 3. Sam Yost By The Court, /s/ Paul E. Cherry, Judge. 1CC to Atty Gordon; D. Lecorchick, 5739 Main St. Lajose, PA 15753; Atty. Smith; E. Facchine; S. Yost.	Paul E. Cherry
9/17/2007	X Certificate of Service, filed. That a true and correct copy of a Notice of Hearing was sent to Jeffrey M. Gordon Esq., David Lecorchick-pro se, Samuel Yost, Surveyor and Evo Facchine, filed by s/ Peter F. Smith Esq. No CC.	No Judge
12/4/2007	X Certificate of Service, filed. That a true and correct copy of a Notice of Hearing was sent by first class mail to Jeffrey M. Gordon Esq., Samuel Yost-Surveyor, David Lecorchick-pro se., Evo Facchine, filed by s/ Peter F. Smith Esq. No CC.	No Judge
1/8/2008	X Continuance, this 8th day of Jan., 2008, upon advice the Respondent David Lecorchick recently died, the hearing scheduled in this matter for Jan. 10, 2008 is cancelled. Either party may contact the undersigned chairperson to have this matter rescheduled. Attached is an interim bill totaling \$325 for the board member services. Petitioners are directed to pay the same to the Chairperson within 30 days of the date hereof. By s/ Peter F. Smith, Esquire. No CC	No Judge

Date: 6/18/2009  
Time: 10:40 AM  
Page 2 of 3

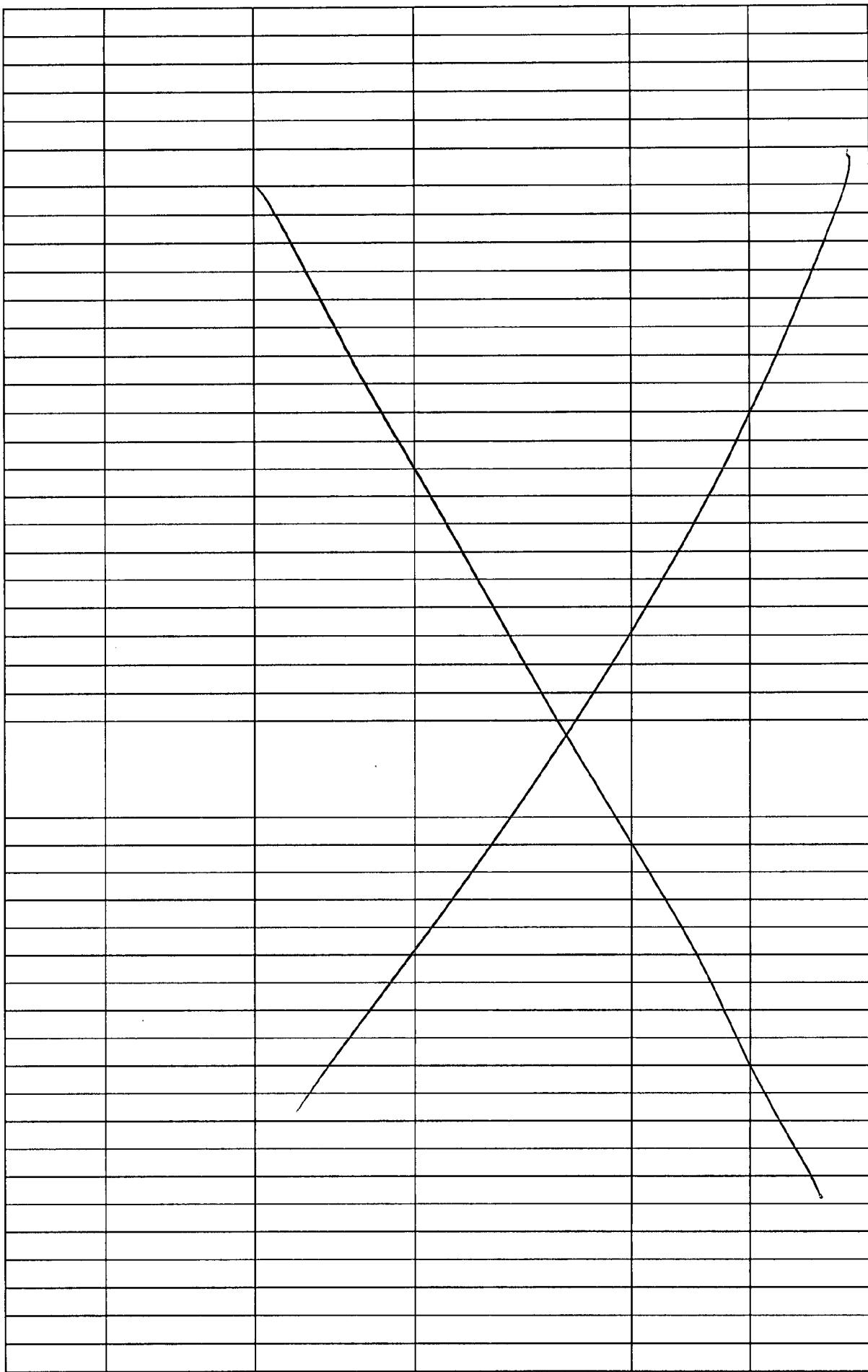
**Clearfield County Court of Common Pleas**  
ROA Report  
Case: 2007-00445-CD  
Current Judge: Paul E. Cherry

In Re:Laying Out and Opening A Private Road, et al

User: LMILLER

Civil In Re-COUNT

Date	Judge
1/8/2008	X Certificate of Service, copy of a Continuance was sent First Class Mail on Jan. 8, 2008, to: Jeffrey M. Gordon, Esquire; Samuel Yost, Surveyor; Estate of David Lecorchick C/O Dino S. Persio, Esquire; and Evo Facchine. Filed by s/ Peter F. Smith, Esquire. No CC No Judge
11/14/2008	X Certificate of Service, filed. That a true and correct copy of Notice of Hearing was sent by U.S. first class mail to Jeffrey M. Gordon Esq., Dino S. Persio Esq., Samuel Yost-Surveyor, Evo Facchine-Board Member, Cathy Provost-Court reporter and by certified mail to Benjamin J. Lecorchick Jr., filed by s/ Peter F. Smith Esq. No CC. No Judge
12/18/2008	X Entry of Appearance, on behalf of Benjamin J. Lecorchick, Jr., Executor of the Estate of David A. Lecorchick, Deceased, enter appearance of John R. Ryan, Esquire. Filed by Atty. Ryan. 4CC Atty. Ryan No Judge
12/19/2008	X Certificate of Service, filed. Served a certified copy of Praeclipe for Entry of Appearance filed on behalf of Benjamin J. Lecorchick Jr., Executor of the Estate of David A. Lecorchick by first class mail on the 18th day of December 2008 to Peter F. Smith Esq. and Jeffrey M. Gordon Esq., filed by s/ John R. Ryan Esq. No CC. No Judge
1/14/2009	X Certificate of Service, filed. Served a certified copy of Pre-Trial Statement of Respondent by first-class mail on the 13th day of January 2009 to Jeffrey M Gordon Esq., Peter F. Smith Esq., Samuel Yost and Evo Facchine, filed by s/ John R. Ryan Esq. No CC. No Judge
2/17/2009	X Report, filed by s/ Peter F. Smith, Esquire. 2CC Atty. No Judge X Certificate of Service, copies of the Report and Proposed Order was sent by First Class Mail to Jeffrey M. Gordon, Esquire, and John R. Ryan, Esquire, on Jan. 21, 2009. filed by s/ Peter F. Smith, Esquire. No CC X Order, this 17th day of Feb., 2009, in consideration of the Report filed on behalf of the Board of View appointed in the above captioned matter it is Ordered: 1. Petitioners are directed to issue a check payable to Peter F. Smith, as Attorney for the Board to compensate the Board members for their services in the amount of \$825.00. 2. Mr. Smith shall then make disbursement of that compensation from his attorney escrow as follows: A. Eva Facchine - \$125.00 B. Samuel Yost - \$125.00 C. Peter F. Smith, Esquire - \$575.00 3. Upon payment in full of the Board, the Board's authority shall be concluded upon filing a Discontinuance by counsel for the Petitioners. By The Court, /s/ Paul E. cherry, judge. 2CC to Atty. Paul E. Cherry
2/19/2009	X Certificate of Service, a copy of Order was sent by First Class Mail to Jeffrey M. Gordon, Esq.; John R. Ryan, Esq.; Samuel Yost, Surveyor; and Evo Facchine. Filed by s/ Peter F. Smith, Esquire. Date: Feb. 18, 2009. No CC No Judge
5/19/2009	X Certification, filed. I, Peter F. Smith, chariman of the Board of View appointed in the above captioned matter, received the Plaintiff's check in the amount of \$825.00, I deposited that check and disbursed it as follows: Evo Facchine \$125.00 Samuel Yost \$125.00 Peter F. Smith Esq. \$575.00, filed by s/ Peter F. Smith Esq. No CC. No Judge
5/27/2009	X Motion to Dismiss Action, filed by s/ John R. Ryan, Esquire. 4CC Atty. Ryan No Judge



Date: 6/18/2009  
Time: 10:40 AM  
Page 3 of 3

**Clearfield County Court of Common Pleas**  
ROA Report  
Case: 2007-00445-CD  
Current Judge: Paul E. Cherry  
In Re:Laying Out and Opening A Private Road, et al

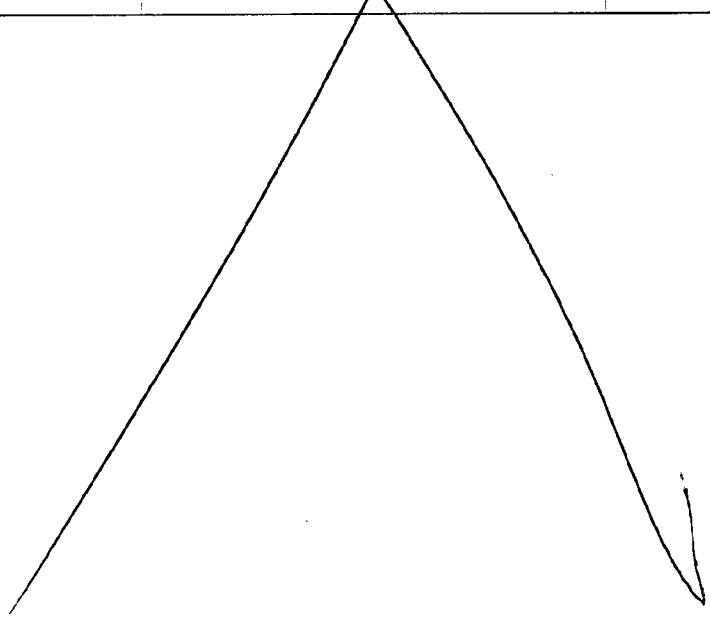
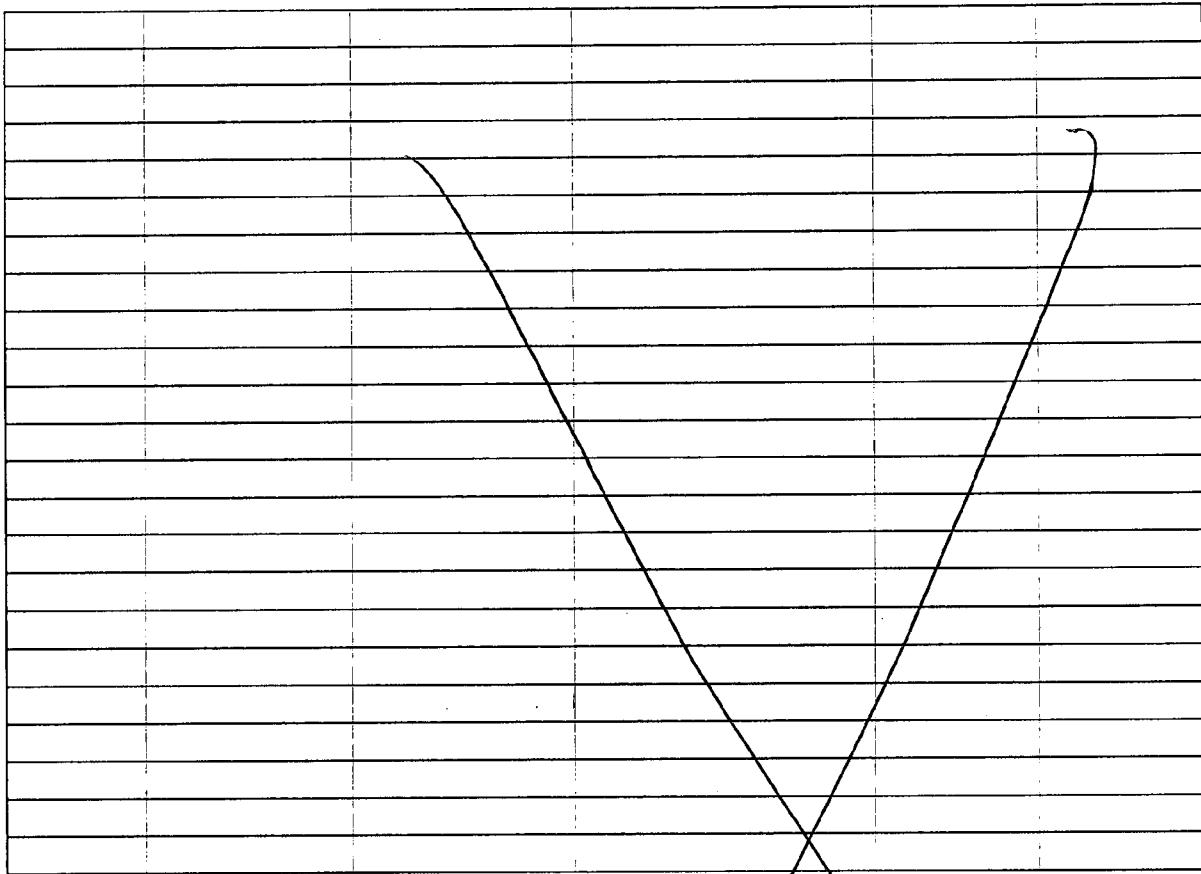
User: LMILLER

Civil In Re-COUNT

Date	Judge
6/4/2009	X Order this 2nd day of June 2009 upon consideration of the foregoing Motion Paul E. Cherry a rule is issued upon Henry H. Deible and Mary M. Deible to appear and show cause why the relief requested herein should not be granted. Rule returnable for hearing the 26th day of June 2009 at 9:00 am in Courtroom N 2. One half (1/2) hour has been set aside for the hearing of this matter. BY THE COURT: /s/ Paul E. Cherry, Judge. 4CC Atty Ryan.
6/8/2009	X Certificate of Service, filed. Served a certified copy of Motion to Dismiss Paul E. Cherry Action and Order dated June 2, 2009 by regular mail on the 5th day of June 2009 to Jeffrey M. Gordon Esq., filed by s/ John R. Ryan Esq. No CC.

6-24-09 Praeclipe to withdraw motion

6-25-09 Certificate of Service



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

CIVIL ACTION - LAW  
No. 2007-445-CD

Type of Pleading:  
**Petition to Appoint Viewers**

Filed on Behalf of:  
**Henry H. Deible and  
Mary M. Deible,  
Petitioners**

Counsel of Record for this Party:  
**Jeffrey M. Gordon, Esquire**  
Supreme Court No. 55835  
152 Jefferson Street  
Brookville, PA 15825  
(814) 849-6800

Original  
Upstairs

FILED *pd \$85.00 AM*  
*m/11/50cm kc AM*  
*MAR 22 2007 kc Smtf*  
*cm*

William A. Shaw  
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

CIVIL ACTION - LAW

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Type of Pleading:  
**Petition to Appoint Viewers**

Filed on Behalf of:  
**Henry H. Deible and  
Mary M. Deible,  
Petitioners**

Counsel of Record for this Party:  
**Jeffrey M. Gordon, Esquire**  
Supreme Court No. 55835  
152 Jefferson Street  
Brookville, PA 15825  
(814) 849-6800

FILED at \$85.00 Atty  
m/11:50am, rec AKA  
MAR 22 2007 rec Shff  
cm

William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND :  
OPENING A PRIVATE ROAD : No.

**PETITION TO APPOINT VIEWERS**

AND NOW, come the Petitioners, pursuant to 36 P.S. §2731 et seq. and respectfully represent that:

1. Petitioners are Henry H. Deible and Mary M. Deible, husband and wife, who reside at 200 Lewis Street, Reynoldsville, Pennsylvania, 15851.
2. Petitioners are the owners of a certain tract of land situate in the Township of Chest, Clearfield County, Pennsylvania, conveyed to them by Cuba L. Tyree, widow, by Deed dated April 17, 1995, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 1671, page 407, containing sixty (60) acres, more or less and being known as Parcel No. 109-D14-1.
3. There is no reasonable road or access from the Petitioners' said described land to a public road or place of necessary public resort or to any private way leading to a public road.
4. Without such a road, the Petitioners are unable to use their property without undue burden and hardship.
5. The Respondent, David A. Lecorchick, whose address is 5739 Main Street, LaJose, Clearfield County, Pennsylvania, is the owner of adjacent tracts of land over which a private road extending to a public road would be feasible.
6. The Respondent's property is identified as Parcel No. 109-D13-4.

7. Petitioners request that a private road be laid out and opened in such manner as your Honorable Court may deem appropriate in accordance with 36 P.S. §2731 et seq.

WHEREFORE, Petitioners pray Your Honorable Court to appoint Viewers and direct a view to be had at the place where such private road is requested, set a consideration therefore, and a report thereof be made in accordance with the laws of the Commonwealth of Pennsylvania.

Respectfully submitted,



Jeffrey M. Gordon, Esquire  
Attorney for Petitioners

**VERIFICATION**

I, Henry H. Deible, do hereby verify that I have read the foregoing Petition to Appoint Viewers. The statements therein are correct to the best of my personal knowledge or information or belief.

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



Henry H. Deible

**VERIFICATION**

I, Mary M. Deible, do hereby verify that I have read the foregoing Petition to Appoint Viewers. The statements therein are correct to the best of my personal knowledge or information or belief.

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

  
\_\_\_\_\_  
Mary M. Deible

**FILED**

**MAR 22 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

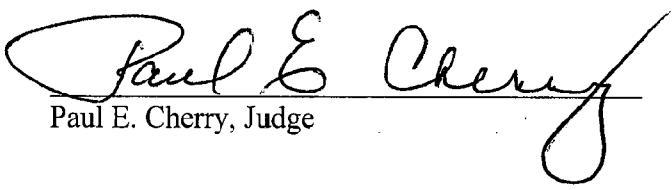
: No. 2007-445-CD

**RULE TO SHOW CAUSE**

AND NOW, to wit, this 2<sup>nd</sup> day of April, 2007, upon application of Petitioners through their attorney, Jeffrey M. Gordon, a Rule is granted upon the Respondent to show cause why viewers should not be appointed in this matter pursuant to 36 P.S. §2731 et seq.

Each Respondent shall have twenty (20) days after service of a true and correct copy of this Rule and the within Petition to answer the Rule. If no objections are filed to this Rule, then three (3) viewers shall be appointed to make a report to this Court in accordance with the above acts.

BY THE COURT:

  
Paul E. Cherry, Judge

FILED  
09:58 AM  
APR 03 2007  
1CC Atty Gordon  
1CC Sheriff

William A. Shaw  
Prothonotary/Clerk of Courts

60

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket #

**102650**

IN RE: LAYING OUT AND OPENING A PRIVATE ROAD

Case # 07-445-CD

vs.

TO: DAVID A. LECORCHICK

TYPE OF SERVICE PETITION TO APPOINT VIEWERS & RULE TO SHOW CAU

**SHERIFF RETURNS**

NOW April 23, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN PETITION TO APPOINT VIEWERS & RULE TO SHOW CAUSE "NOT FOUND" AS TO DAVID A. LECORCHICK, DEFENDANT. WORKS AT NURSING HOME IN EBENSBURG, PA..

SERVED BY: /

**FILED**

04/23/07  
APR 23 2007

William A. Shaw  
Prothonotary/Clerk of Courts

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	6204	10.00
SHERIFF HAWKINS	GORDON	6204	40.58

Sworn to Before me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2007

*Chester A. Hawkins  
by Marilyn Hamm*  
Chester A. Hawkins  
Sheriff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

CIVIL ACTION - LAW

No. *2007-445-CD*

Type of Pleading:  
**Petition to Appoint Viewers**

Filed on Behalf of:  
**Henry H. Deible and  
Mary M. Deible,  
Petitioners**

Counsel of Record for this Party:  
**Jeffrey M. Gordon, Esquire**  
Supreme Court No. 55835  
152 Jefferson Street  
Brookville, PA 15825  
(814) 849-6800

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

MAR 22 2007

Attest.

*William D. Grier*  
Prothonotary/  
Clerk of Courts

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

IN RE: LAYING OUT AND :  
OPENING A PRIVATE ROAD : No.

**PETITION TO APPOINT VIEWERS**

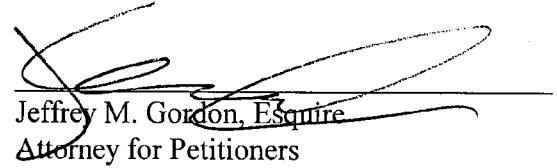
AND NOW, come the Petitioners, pursuant to 36 P.S. §2731 et seq. and respectfully represent that:

1. Petitioners are Henry H. Deible and Mary M. Deible, husband and wife, who reside at 200 Lewis Street, Reynoldsville, Pennsylvania, 15851.
2. Petitioners are the owners of a certain tract of land situate in the Township of Chest, Clearfield County, Pennsylvania, conveyed to them by Cuba L. Tyree, widow, by Deed dated April 17, 1995, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 1671, page 407, containing sixty (60) acres, more or less and being known as Parcel No. 109-D14-1.
3. There is no reasonable road or access from the Petitioners' said described land to a public road or place of necessary public resort or to any private way leading to a public road.
4. Without such a road, the Petitioners are unable to use their property without undue burden and hardship.
5. The Respondent, David A. Lecorchick, whose address is 5739 Main Street, LaJose, Clearfield County, Pennsylvania, is the owner of adjacent tracts of land over which a private road extending to a public road would be feasible.
6. The Respondent's property is identified as Parcel No. 109-D13-4.

7. Petitioners request that a private road be laid out and opened in such manner as your Honorable Court may deem appropriate in accordance with 36 P.S. §2731 et seq.

WHEREFORE, Petitioners pray Your Honorable Court to appoint Viewers and direct a view to be had at the place where such private road is requested, set a consideration therefore, and a report thereof be made in accordance with the laws of the Commonwealth of Pennsylvania.

Respectfully submitted,



Jeffrey M. Gordon, Esquire  
Attorney for Petitioners

**VERIFICATION**

I, Henry H. Deible, do hereby verify that I have read the foregoing Petition to Appoint Viewers. The statements therein are correct to the best of my personal knowledge or information or belief.

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



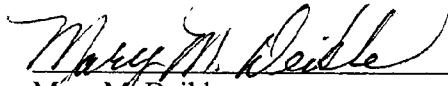
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Henry H. Deible

**VERIFICATION**

I, Mary M. Deible, do hereby verify that I have read the foregoing Petition to Appoint Viewers. The statements therein are correct to the best of my personal knowledge or information or belief.

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

  
\_\_\_\_\_  
Mary M. Deible

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

: No. 2007-445-C0

**RULE TO SHOW CAUSE**

AND NOW, to wit, this 20<sup>th</sup> day of April, 2007, upon application of Petitioners through their attorney, Jeffrey M. Gordon, a Rule is granted upon the Respondent to show cause why viewers should not be appointed in this matter pursuant to 36 P.S. §2731 et seq.

Each Respondent shall have twenty (20) days after service of a true and correct copy of this Rule and the within Petition to answer the Rule. If no objections are filed to this Rule, then three (3) viewers shall be appointed to make a report to this Court in accordance with the above acts.

BY THE COURT:

**/s/ Paul E. Cherry**

Paul E. Cherry, Judge

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

APR 03 2007

Attest.

*William E. Cherry*  
Prothonotary/  
Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

CIVIL ACTION - LAW

No. 2007-445 C.D.

Type of Pleading:  
**Motion - Service Pursuant to  
Special Order of Court**

Filed on Behalf of:  
**Henry H. Deible and  
Mary M. Deible,  
Petitioners**

Counsel of Record for this Party:  
**Jeffrey M. Gordon, Esquire**  
Supreme Court No. 55835  
152 Jefferson Street  
Brookville, PA 15825  
(814) 849-6800

FILED *cc*  
01/50/07 *Atty Gordon*  
JUN 14 2007 *CK*

William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND :  
OPENING A PRIVATE ROAD : No. 2007-445 C.D.

**MOTION**

**SERVICE PURSUANT TO SPECIAL ORDER OF COURT**

Pursuant to Pa. R.C.P. Rule 430, the Petitioners, Henry H. Deible and Mary M. Deible, husband and wife, request that this Honorable Court issue a special order permitting service of process by publication, and in support thereof, avers the following:

1. The Petitioners are Henry H. Deible and Mary M. Deible, husband and wife, who reside at 200 Lewis Street, Reynoldsville, Jefferson County, Pennsylvania, 15851.

2. Petitioners are the owners of a certain tract of land situate in Chest Township, Clearfield County, Pennsylvania, containing 60 acres, more or less and being known on Clearfield County Assessment Maps and Records as Parcel No. 190-D14-1.

3. The Respondent, David A. Lecorchick, who was thought to reside at 5739 Main Street, LaJose, Clearfield County, Pennsylvania, is the owner of an adjacent tract of land over which a private road extending to a public road would be feasible. The Respondent's property is identified on Clearfield County Assessment Maps and Records as Parcel No. 190-D13-4.

4 The Petitioners desire that a private road be laid out and opened in such a manner as your Honorable Court may deem appropriate and in accordance with 36 P.S. §2731 et seq.

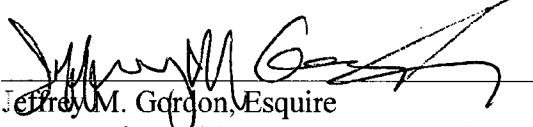
5. A Petition to Appoint Viewers was filed on March 22, 2007, along with a Rule to Show Cause signed by this Honorable Court on April 2, 2007, providing the Respondent with twenty (20) days to object.

6. Since that time, Petitioners have been unable to effectuate service on the Respondent.

7. Reasonable efforts have been made by the Petitioners by and through their counsel to identify where Respondent may be residing or working through inquiries of postal authorities, as well as examination of local telephone directories, voter registration records, access to internet services, and tax records.

WHEREFORE, Henry H. Deible and Mary M. Deible, respectfully request this Court to issue an Order permitting the Petitioners to effectuate service of process upon the Respondent by publication.

Respectfully submitted,



Jeffrey M. Gordon, Esquire  
Attorney for Petitioners, Henry H. Deible  
and Mary M. Deible

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

IN RE: LAYING OUT AND :  
OPENING A PRIVATE ROAD : No. 2007-445 C.D.

**AFFIDAVIT IN SUPPORT OF**  
**MOTION TO PERMIT SERVICE BY PUBLICATION**

The undersigned hereby affirms that the following efforts were made to identify the defendants in the above-referenced matter:

Inquiries to postal authorities, examination of local telephone directories, voter registration records, access to internet services, tax records.

None of the above-referenced efforts provided the Petitioners with any information that would help identify the location of the Respondent.

  
Jeffrey M. Gordon, Esquire  
Attorney for Petitioners, Henry H. Deible and  
Mary M. Deible

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

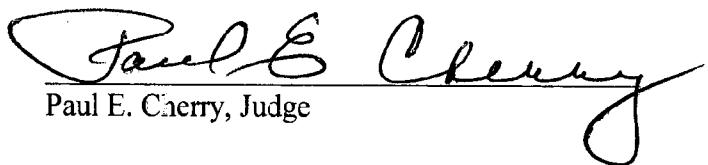
IN RE: LAYING OUT AND :  
OPENING A PRIVATE ROAD : No. 2007-445 C.D.

**RULE TO SHOW CAUSE**

AND NOW, to wit, this 14<sup>th</sup> day of June, 2007, upon application of Petitioners through their attorney, Jeffrey M. Gordon, a Rule is granted upon the Respondent to show cause why viewers should not be appointed in this matter pursuant to 36 P.S. §2731 et seq.

Each Respondent shall have twenty (20) days after service of a true and correct copy of this Rule and the within Petition to answer the Rule. If no objections are filed to this Rule, then three (3) viewers shall be appointed to make a report to this Court in accordance with the above acts.

BY THE COURT:

  
Paul E. Cherry, Judge

FILED <sup>1cc</sup>  
01/15/2007 JUN 14 2007 Atty Gordon  
William A. Shaw  
Prothonotary/Clerk of Courts <sup>6R</sup>

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

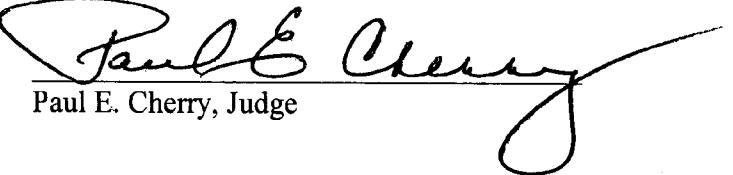
IN RE: LAYING OUT AND :  
OPENING A PRIVATE ROAD : No. 2007-445 C.D.

ORDER

AND NOW, this 14<sup>th</sup> day of June, 2007, upon consideration of the Motion of the Petitioners, Henry H. Deible and Mary M. Deible, it is hereby ORDERED AND DECREED, that,

1. Reasonable efforts have been made by the Petitioner to identify the location of the Respondent and effectuate service in this action, without success;
2. Petitioners shall be permitted to effectuate service of process regarding the above-referenced matter by publication;
3. Service of process by publication shall be made in compliance with Pa. R.C.P. 430;
4. Publication shall be made one (1) time in the Clearfield County Legal Journal and one (1) time the Courier Express and in any other publication that the Court deems necessary.

BY THE COURT:

  
Paul E. Cherry, Judge

FILED <sup>ICC</sup>  
01/5064 Atty  
JUN 14 2007 Gordon  
William A. Shaw  
Prothonotary/Clerk of Courts 6K

1A

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

IN RE: LAYING OUT AND : NO. 07-445-CD  
OPENING A PRIVATE ROAD : :

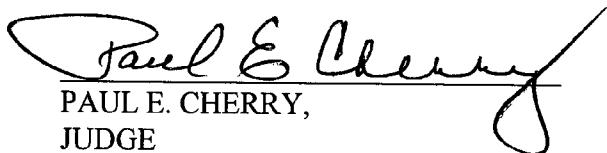
**ORDER**

AND NOW, this 25<sup>th</sup> day of July, 2007, upon consideration of the Motion filed by Jeffrey M. Gordon, Esquire, for Appointment of Board of View, it is the ORDER of this Court that the following individuals hereby be appointed as a Board of View:

1. Peter Smith, Esquire - Chairman
2. Evo Facchine
3. Sam Yost

It is the further directive of this Court that prior to commencing any activities, the Chairman of the Board of View shall contact counsel for the Plaintiffs and Defendants in order to determine if the dispute still exists.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

FILED  
07/28/07  
JUL 27 2007

William A. Shaw  
Prothonotary/Clerk of Courts

Atty Gordon  
D. Lecorchick  
5734 Main St.  
LaJoye, PA 15753

Atty Smith  
E. Facchine  
S. Yost

(6K)

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

: No. 07-445-CD

**CERTIFICATE OF SERVICE**

I, Peter F. Smith, Chairman of the Board of View in this matter, hereby certify that a true and correct copy of a **NOTICE OF HEARING** was sent by U.S. First Class Mail, Postage Prepaid to the Attorney for the Petitioners, Mr. Lecorchick and the Board of View members as follows:

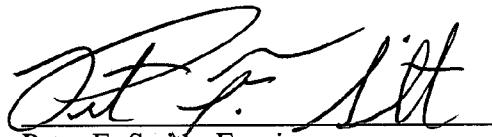
Jeffrey M. Gordon, Esquire  
Attorney for Petitioners  
152 Jefferson Street  
Brookville, PA 15825

David Lecorchick  
Pro Se  
5739 Main Street  
La Jose, PA 15753

Samuel Yost, Surveyor  
Yost Surveying  
168 Baneyville Road  
Clearfield, PA, 16830

Evo Facchine  
407 Patterson Avenue  
DuBois, PA, 15801

Respectfully submitted,



Peter F. Smith, Esquire  
Chairman of the Board of View  
P. O. Box 130, 30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

Date: September 14, 2007

FILED  
010-17-2011  
SEP 17 2011  
WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

: No. 07-445-CD

**CERTIFICATE OF SERVICE**

I, Peter F. Smith, Chairman of the Board of View in this matter, hereby certify that a true and correct copy of a **NOTICE OF HEARING** was sent by U.S. First Class Mail, Postage Prepaid to the Attorney for the Petitioners, Mr. Lecorchick and the Board of View members as follows:

Jeffrey M. Gordon, Esquire  
Attorney for Petitioners  
152 Jefferson Street  
Brookville, PA 15825

David Lecorchick, Pro Se  
C/o Select Specialty  
Room 635-2  
1086 Franklin Street  
Johnstown, PA 15905

Samuel Yost, Surveyor  
Yost Surveying  
168 Baneyville Road  
Clearfield, PA, 16830

Evo Facchine  
407 Patterson Avenue  
DuBois, PA, 15801

Respectfully submitted,



Peter F. Smith, Esquire  
Chairman of the Board of View  
P. O. Box 130, 30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

Date: December 3, 2007

FILED NO  
10/26/07  
DEC 04 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

No. 07-445-CD

NOTICE OF VIEW & HEARING

TO: Jeffrey M. Gordon, Esquire  
Attorney for Petitioners  
152 Jefferson Street  
Brookville, PA 15825

David Lecorchick, Pro Se  
C/o Select Specialty  
Room 635-2  
1086 Franklin Street  
Johnstown, PA 15905

Notice is given that the View and Hearing scheduled for December 4, 2007 has been cancelled and the hearing in this matter has been rescheduled by the Board for Thursday, January 10, 2008 commencing at 9:00 a.m. The proceedings will commence in Courtroom C on the second floor of the Clearfield County Courthouse at the corner of Second and Market Streets in Clearfield, Pennsylvania. All witnesses will be sworn at that time. Preliminary matters will be addressed, and then the Board and parties will proceed to the subject real estate for its View.

Pre Trial statements complying with local rule 212.4(e) shall be submitted to each member of the Board at least one week prior to January 10, 2008. Be certain to attach copies of all appraisals or expert reports which you propose to offer as evidence. Pre Trial statements may be submitted by U.S. First Class mail as follows:

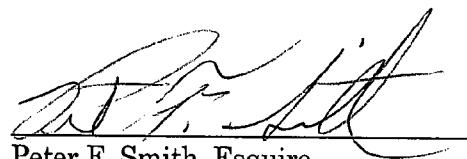
Attorney Peter F. Smith  
Chairman of the Board  
P.O. Box 130  
Clearfield, PA 16830

Samuel Yost, Surveyor  
Yost Surveying  
168 Baneyville Road  
Clearfield, PA, 16830

Evo Facchine  
407 Patterson Avenue  
DuBois, PA, 15801

By the Board,

Date: 12-3-09



Peter F. Smith, Esquire  
Chairman of the Board of View  
P. O. Box 130,  
30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

No. 07-445-CD

**CONTINUANCE**

NOW, this eighth day of January 2008, upon advice the Respondent David Lecorchick recently died, the hearing scheduled in this matter for Thursday January 10 2008 is cancelled.

Either party may contact the undersigned chairperson to have this matter rescheduled.

Attached hereto, and incorporated here and by reference is an interim bill totaling \$325 (three hundred twenty five dollars) for the board member services. Petitioners are directed to pay the same to the Chairperson for distribution within 30 days of the date hereof.

By:



Date: January 8, 2008

Attorney Peter F. Smith  
Chairman of the Board  
P.O. Box 130  
Clearfield, PA, 16830

FILED  
01/08/2008 NO CC  
JAN 08 2008  
6P  
William A. Shaw  
Prothonotary/Clerk of Courts

January 7, 2008

---

PETER F. SMITH  
Attorney  
30 South Second Street  
P.O. Box 130  
Clearfield, PA 16830

---

(814) 765-5595

---

07/31/07	Got and reviewed docket, letters to Sam and Evo	45 min.
08/22/07	Notice of Hearing, letter to Attorney Gordon, call to Court Administrator	45 min.
09/06/07	Calls and letters to reschedule	15 min.
11/29/07	Calls to Lecorchick and Attorney Gorden, letters	30 min.
12/24/07	Letter to Lecorchick	10 min.
01/07/08	Calls to Sam and Evo, revised to Continuance	5 min.

**TOTAL AMOUNT DUE PETER F. SMITH, ATTORNEY - \$225.00**

January 7, 2008

---

Samuel Yost, Surveyor  
Yost Surveying  
168 Baneyville Road  
Clearfield, PA 16830

---

---

01/07/08                    3/4 hours

**TOTAL AMOUNT DUE Samuel Yost - \$50.00**

January 7, 2008

---

Evo Facchine  
407 Patterson Avenue  
DuBois, PA 15801

---

---

01/07/08            3/4 hours

**TOTAL AMOUNT DUE Evo Facchine - \$50.00**

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

: No. 07-445-CD

**CERTIFICATE OF SERVICE**

I, Peter F. Smith, Chairman of the Board of View in this matter, hereby certify that a true and correct copy of a **CONTINUANCE** was sent by U.S. First Class Mail, Postage Prepaid to the Attorney for the Petitioners, Estate of David Lecorchick and the Board of View members as follows:

Jeffrey M. Gordon, Esquire  
Attorney for Petitioners  
152 Jefferson Street  
Brookville, PA 15825

Estate of David Lecorchick,  
Respondent  
C/O  
Dino S. Persio, Esquire  
129 South Center Street  
P.O.Box 239  
Ebensburg, PA 15931-0239

Samuel Yost, Surveyor  
Yost Surveying  
168 Baneyville Road  
Clearfield, PA, 16830

Evo Facchine  
407 Patterson Avenue  
DuBois, PA, 15801

Respectfully submitted,



Peter F. Smith, Esquire  
Chairman of the Board of View  
P. O. Box 130, 30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

Date: January 8, 2008

FILED  
01/08/2008 NO CC  
JAN 08 2008  
(GK)

William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

: No. 07-445-CD

**CERTIFICATE OF SERVICE**

S FILED NO  
OCT 16 2008  
NOV 14 2008  
V.M.  
William A. Shaw  
Prothonotary/Clerk of Courts

I, Peter F. Smith, Chairman of the Board of View in this matter, hereby certify that a true and correct copy of a **NOTICE OF HEARING** was sent by U.S. First Class Mail, Postage Prepaid to the Jeffrey M. Gordon Attorney for the Petitioners, Dino S. Persio, Attorney for the David A. Lecorchick Estate, the Board of View members and by Certified Mail to Benjamin J. Lecorchick, Jr., Executor of the David A. Lecorchick Estate the on November 13, 2008 as follows:

Jeffrey M. Gordon, Esquire  
Attorney for Petitioners  
152 Jefferson Street  
Brookville, PA 15825

Dino S. Persio, Esquire  
P.O. Box 239  
129 S. Center Street  
Ebensburg, PA 15931-0239

**CERTIFIED MAIL**

Benjamin J. Lecorchick, Jr.  
7030 Egypt Road  
Medina, OH 44256

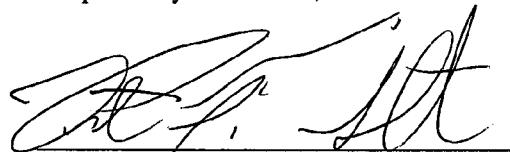
Samuel Yost, Surveyor  
Board Member  
Yost Surveying  
168 Baneyville Road  
Clearfield, PA, 16830

Evo Facchine  
Board Member  
407 Patterson Ave.  
DuBois, PA, 15801

Cathy Provost  
Court Reporter  
Clearfield Co. Courthouse  
230 East Market Street  
Clearfield, PA 16830

Date: November 13, 2008

Respectfully submitted,



Peter F. Smith, Esquire  
Chairman of the Board of View  
P. O. Box 130, 30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

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

IN RE: LAYING OUT AND : NO. 07-445-CD  
OPENING A PRIVATE ROAD :  
:

**SCHEDULING NOTICE OF VIEW & HEARING**

TO: Jeffrey M. Gordon, Esquire  
Attorney for Petitioners  
152 Jefferson Street  
Brookville, PA 15825

Dino S. Persio, Esquire  
Attorney for the Estate of David A. Lecorchick  
P. O. Box 239  
129 S. Center Street  
Ebensburg, PA 15931-0239

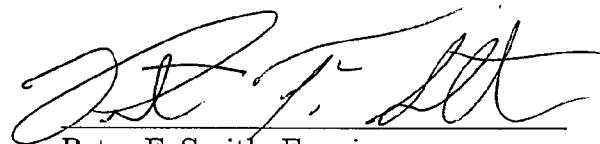
Benjamin J. Lecorchick, Jr.  
Executor of the David A. Lecorchick Estate  
7030 Egypt Road  
Median, OH 44256

AND NOW this 13<sup>th</sup> day of November, 2008 the undersigned Chairperson of the Board of View in the above-captioned matter schedules the View and Hearing to be conducted on Thursday, January 22, 2009. The proceeding shall convene at 9:00 a.m. EST. It shall be conducted in Courtroom C on the second floor of the Clearfield County Courthouse at the corner of Second and Market Streets in Clearfield, Pennsylvania. A court reporter will be present to transcribe testimony of the proceedings.

At least one week prior to the hearing, that is on or before January 15, 2009, each party or counsel shall serve on each member of the Board of View a Pre-Trial Memorandum complying with Clearfield County Local Rule 212.4(e). The parties' attention is specifically directed to the subsection of this rule that requires copies of all expert reports to be attached to their Pre-Trial Memoranda. Clearfield County L.R. 212.4(e)(5).

Complete copies of Pre-Trial Memoranda shall be served on the members of the Board at their addresses stated on the Certificate of Service which accompanies this Notice.

Respectfully submitted,



Date: November 13, 2008

Peter F. Smith, Esquire  
Chairperson of the Board of View  
P. O. Box 130,  
30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

: NO. 07 - 445 - C.D.

**PRAECIPE FOR ENTRY OF  
APPEARANCE**

Filed on Behalf of:  
BENJAMIN J. LECORCHICK, JR.,  
Executor of the Estate of DAVID A.  
LECORCHICK

Counsel of Record for  
This Party:

JOHN R. RYAN, ESQUIRE  
Pa. I.D. #38739

BELIN, KUBISTA & RYAN LLP  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED 4CC  
01/31/2008 Atty Ryan  
DEC 18 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
Copy to CIA

(60)

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

IN RE: LAYING OUT AND : NO. 07-445-C.D.  
OPENING A PRIVATE ROAD :  
:

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of BENJAMIN J. LECORCHICK, JR., Executor  
of the Estate of DAVID A. LECORCHICK Deceased, in the above-captioned matter.

BELIN, KUBISTA & RYAN LLP



---

John R. Ryan, Esquire  
Attorney for Benjamin J. Lechorchick, Jr.,  
Executor of the Estate of David A. Lecorchik,  
Deceased

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

: NO. 07 - 445 - C.D.  
:

FILED

DEC 19 2008

8/2/15/ 2008

William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE *no 9c*

Filed on behalf of:

BENJAMIN J. LECORCHICK, JR.,  
Executor of the Estate of DAVID A.  
LECORCHICK

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

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

IN RE: LAYING OUT AND : NO. 07 – 445 – C.D.  
OPENING A PRIVATE ROAD :  
:

**CERTIFICATE OF SERVICE**

This is to certify that I have served a certified copy of Praecipe for Entry of Appearance filed on behalf of Benjamin J. Lecorchick, Jr., Executor of the Estate of David A. Lecorchick, in the above captioned matter, on the following parties by postage prepaid first-class United States mail, on the 18<sup>th</sup> day of December, 2008:

Peter F. Smith, Esquire  
30 South Second Street  
P.O. Box 130  
Clearfield, PA 16830  
Chairman of the Board of View

Jeffrey M. Gordon, Esquire  
152 Jefferson Street  
Brookville, PA 15825  
Attorney for Petitioners

BELIN, KUBISTA & RYAN LLP



---

John R. Ryan  
Attorney for Benjamin J. Lecorchick, Jr.,  
Executor of the Estate of David A.  
Lecorchick

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

: NO. 07-445-C.D.

**CERTIFICATE OF SERVICE**

Filed on behalf of:  
Respondent, BENJAMIN J.  
LECORCHICK, JR., Executor of  
the Estate of DAVID A. LECORCHICK

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

5  
FILED NO CC  
01/10/4264  
JAN 14 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND : NO. 07 - 445 - C.D.  
OPENING A PRIVATE ROAD :  
:

**CERTIFICATE OF SERVICE**

This is to certify that I have served a certified copy of Pre-Trial Statement of Respondent filed on behalf of Benjamin J. Lecorchick, Jr., Executor of the Estate of David A. Lecorchick, in the above captioned matter, on the following parties by postage prepaid first-class United States mail, on the 13th day of January, 2009:

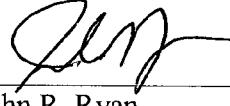
Jeffrey M. Gordon, Esquire  
152 Jefferson Street  
Brookville, PA 15825  
Attorney for Petitioners

Peter F. Smith, Esquire  
30 South Second Street  
P.O. Box 130  
Clearfield, PA 16830  
Chairman of the Board of View

Samuel Yost, Surveyor  
Yost Surveying  
168 Baneyville Road  
Clearfield, PA 16830  
Board Member

Evo Facchine  
407 Patterson Avenue  
Du Bois, PA 15801  
Board Member

BELIN, KUBISTA & RYAN LLP

  
John R. Ryan  
Attorney for Respondent  
Benjamin J. Lecorchick, Jr.,  
Executor of the Estate of David A.  
Lecorchick

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

No. 07-445-CD

TYPE OF PLEADING:  
**REPORT and PROPOSED ORDER**

FILED ON BEHALF OF THE  
BOARD OF VIEW CHAIRPERSON:  
**Peter F. Smith, Esquire**  
PA ID No. 34291  
P.O. Box 130  
Clearfield, PA 16830  
(814) 765-5595

COUNSEL OF RECORD FOR PETITIONERS  
**Jeffrey M. Gordon, Esquire**  
Supreme Court No. 55835  
152 Jefferson Street  
Brookville, PA 15325  
(814) 849-6800

COUNSEL OF RECORD FOR RESPONDENT  
**John R. Ryan, Esquire**  
PA ID. No. 38739  
BELIN KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED**

O 10:30 a.m. 6/6

**FEB 17 2009 2cc Atty**

5  
William A. Shaw  
Prothonotary/Clerk of Courts

(60)

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

IN RE: LAYING OUT AND : No. 07-445-CD  
OPENING A PRIVATE ROAD :  
:

**REPORT**

COMES NOW, Eva Facchine, Samuel Yost and Peter F. Smith, the Board of View appointed in the above-captioned matter, who report to the Court as follows:

1. The Board was appointed by Order entered July 25, 2007.
2. This matter was scheduled and rescheduled several times due to the last illness and death of the original Respondent David A. Lecorchick.
3. Counsel for the parties advised the undersigned that the matter had been settled by letter agreement dated January 19, 2009.
4. The View scheduled for January 22, 2009 was cancelled.
5. The members of the Board did dedicate time to calls, correspondence, scheduling and preparation for the View.
6. Mr. Smith dedicated additional time as Chairperson, Attorney and correspondent for the Board. Attached hereto and incorporated herein by reference as Exhibit "A" is an itemized statement of the time that Mr. Smith dedicated to this matter.
7. The Board suggests that they are entitled to compensation in the following amounts:
  - A. Eva Facchine - \$125.00
  - B. Samuel Yost - \$125.00
  - C. Peter F. Smith, Attorney - \$575.00

WHEREFORE, the undersigned, on behalf of the Board of View, prays this Honorable Court to enter an Order directing the Petitioners, Henry H. Deible and Mary M. Deible to tender a check to Mr. Smith as counsel for the Board in the total amount of the Board's fee of \$825.00 (Eight Hundred Seventy-Five and 00/100) and to terminate the Board's authority upon payment in full and filing of a Praeclipe to Discontinuing this matter by the Petitioners.

Date: 2/16/09

Respectfully submitted,

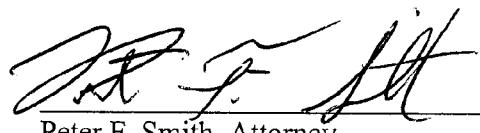


Attorney Peter F. Smith  
Chairman of the Board  
P.O. Box 130  
Clearfield, PA, 16830

## VERIFICATION

I verify that the averments made in the foregoing Report are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Dated: 2/16/09



Peter F. Smith, Attorney

January 21, 2009

Private Road Petition  
Chest Township, Clearfield County

---

PETER F. SMITH  
Attorney  
30 South Second Street  
P.O. Box 130  
Clearfield, PA 16830

---

(814) 765-5595

---

10/17/08	Call to Attys. Gordon and Percio	15 min.
10/21/08	Letters and revisions	30 min.
10/29/08	Call to Atty. Gordon & letter	20 min.
11/03/08	Call to Ben Lecorchick & msg.	05 min.
11/04/08	Call to Ben Lecorchick, letter to Ben and Atty. Percio	30 min.
11/11/08	Scheduling Order, Cert. of Service and calls	45 min.
12/05/08	Scheduled View	30 min.
12/23/08	Letter to Attorney Revised	20 min.
01/14/09	Read Lecorchick's pre-trial	25 min.
01/16/09	Call to Atty. Ryan	N/C
01/20/09	Preparation of Report to Court, calls & correspondence	45 min.
01/21/09	Revised	10 min.

TOTAL TIME: 4.58 Hours

**TOTAL AMOUNT DUE PETER F. SMITH, ATTORNEY - \$575.00**

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

No. 07-445-CD

**CERTIFICATE OF SERVICE**

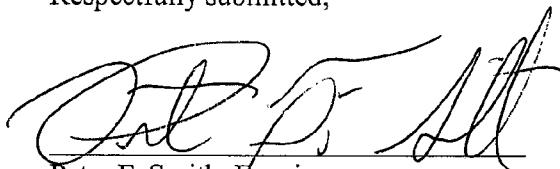
I, Peter F. Smith, Chairman of the Board of View in this matter, hereby certify that a true and correct copies of the **REPORT and PROPOSED ORDER** was sent by U.S. First Class Mail, Postage Prepaid to the Jeffrey M. Gordon Attorney for the Petitioners, John R. Ryan Attorney for Benjamin J. Lecorchick, Executor of the David A. Lecorchick Estate on January 21, 2009 as follows:

Jeffrey M. Gordon, Esquire  
Attorney for Petitioners  
152 Jefferson Street  
Brookville, PA 15825

John R. Ryan, Esquire  
Attorney for Respondent  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

Date: 2/16/09

Respectfully submitted,



Peter F. Smith, Esquire  
Chairman of the Board of View  
P. O. Box 130, 30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

FILED  
C 10:30 A.M. GL NO CC  
FEB 17 2009 2-6-09  
S William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

No. 07-445-CD

FILED

FEB 17 2009

012:10 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
2 Cents To Accts  
S

ORDER

NOW, this 17<sup>th</sup> day of February 2009, in consideration of the Report filed by and on behalf of the Board of View appointed in the above captioned matter is it;

ORDERED, ADJUDGED and DECREED as follows:

1. Petitioners are directed to issue a check payable to Peter F. Smith as Attorney for the Board to compensate the Board members for their services in the total amount of \$825.00.
2. Mr. Smith shall then make disbursement of that compensation from his attorney escrow as follows:

- A. Eva Facchine - \$125.00
- B. Samuel Yost - \$125.00
- C. Peter F. Smith, Attorney -\$575.00

3. Upon payment in full of the Board, the Board's authority shall be concluded upon filing a Discontinuance by counsel for the Petitioners.

By the Court,

Date:

Paul E. Cherry  
Judge

**FILED**

**FEB 17 2009**

William A. Shaw  
Prothonotary/Clerk of Courts

FILED  
FEB 17 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD :  
: No. 07-445-CD  
:

**CERTIFICATE OF SERVICE**

I, Peter F. Smith, Chairman of the Board of View in this matter, hereby certify that a true and correct copy of an ORDER was sent by U.S. First Class Mail, Postage Prepaid to the Attorney for the Petitioners, Jeffrey M. Gordon, and Attorney for the Respondent, John R. Ryan, and the Board of View members as follows:

Jeffrey M. Gordon, Esquire  
Attorney for Petitioners  
152 Jefferson Street  
Brookville, PA 15825

John R. Ryan, Esquire  
Attorney for Respondent  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830

Samuel Yost, Surveyor  
Yost Surveying  
168 Baneyville Road  
Clearfield, PA, 16830

Evo Facchine  
407 Patterson Avenue  
DuBois, PA, 15801

Respectfully submitted,



Peter F. Smith, Esquire  
Chairman of the Board of View  
P. O. Box 130, 30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

Date: February 18, 2009

**FILED**  
O 10/11 a.m. 09  
**FEB 19 2009**

5  
William A. Shaw  
Prothonotary/Clerk of Courts (61)

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD :  
: No. 07-445-CD  
:

**CERTIFICATION**

I Peter F. Smith, Chairman of the Board of View appointed in the above caption matter, certify that I received the Plaintiff's check in the amount of \$825.00 in payment of the Board's fees on May 18, 20089. I then deposited that check in my attorney escrow account and disbursed it as follows:

- A. Evo Facchine - \$125.00
- B. Samuel Yost - \$125.00
- C. Peter F. Smith, Attorney -\$575.00

Thus extinguishing the balance.

S FILED No CC.  
0/2/2009  
MAY 19 2009  
W.A. Shaw  
Prothonotary/Clerk of Courts

Respectfully submitted,



Attorney Peter F. Smith  
Chairman of the Board  
P.O. Box 130  
Clearfield, PA, 16830

Date: May 19, 2009

Cc: Jeffrey M. Gordon, Esquire

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

NO. 07-445-C.D.

**MOTION TO DISMISS ACTION**

Filed on behalf of:

BENJAMIN J. LECORCHICK, JR.,  
Executor of the Estate of DAVID A.  
LECORCHICK

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED** 400  
01/05/2009 MAY 27 2009  
MAY 27 2009 Atty Ryan  
S  
William A. Shaw  
Prothonotary/Clerk of Courts  
GW

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

NO. 07 – 445 – C.D.

**MOTION TO DISMISS ACTION**

NOW COMES, Benjamin J. Lecorchick, Jr., Executor of the Estate of David A. Lecorchick, and by his Attorneys, Belin, Kubista & Ryan, LLP, moves the Honorable Court as follows:

1. The above captioned matter is an action filed by Henry H. Deible and Mary M. Deible for the establishment and opening of a private road through property owned by the Estate of David A. Lecorchick, deceased.
2. A hearing was scheduled before the Board of View appointed by this Court on January 24, 2009.
3. Prior to that date, the parties, through counsel, reached an agreement whereby an easement for a private road would be granted under certain terms and provisions.
4. After discussion between counsel as to the content of the said easement agreement, by letter dated February 25, 2009, counsel for Movant sent copies of the Easement Agreement to counsel for Deibles for signature and return with the required payment. A true and correct copy of the said letter is attached hereto, marked Exhibit "A" and incorporated herein by reference as if set forth at length.
5. No response was received.

6. By letter dated March 13, 2009, counsel for Movant again wrote to counsel for Deible requesting that the signed agreements be returned to him together with payment. A true and correct copy of the said letter is attached hereto, marked Exhibit "B" and incorporated herein by reference as if set forth at length.

7. By letter dated March 20, 2009, counsel for Deible indicated that he had not yet received the signed agreements from his clients but would follow up with his clients. A true and correct copy of the said letter is attached hereto, marked Exhibit "C" and incorporated herein by reference as if set forth at length.

8. Counsel for Movant did not receive the agreements or payment, and by letter dated April 17, 2009, again requested that counsel for Deible forward the same. A true and correct copy of the said letter is attached hereto, marked Exhibit "D" and incorporated herein by reference as if set forth at length.

9. Counsel for Movant did not receive the agreements or payment, and by letter dated April 27, 2009, again requested that counsel for Deible forward the same no later than May 13, 2009, otherwise he would have no alternative but to seek relief from the Court. A true and correct copy of the said letter is attached hereto, marked Exhibit "E" and incorporated herein by reference as if set forth at length.

10. On May 14, 2009, counsel for Movant received a letter from counsel for Deible together with a copy of a check. A true and correct copy of the said letter is attached hereto, marked Exhibit "F" and incorporated herein by reference as if set forth at length.

11. As of the time of the filing of this Motion, counsel has not received the signed easement agreements, nor has he received the check representing payment from Deible.

12. At this point, it has been more than four (4) months since the agreements were sent to counsel for Deible.

13. As Executor of his late brother's estate, Movant has a fiduciary duty to the other beneficiaries to complete the administration of the estate, and cannot do so without this matter being resolved.

14. Further, it is clear that Deible has failed and refused to follow through with the agreement reached by the parties, which has resulted in Movant having to incur unnecessary counsel fees as described herein above.

WHEREFORE, Movant requests that the Court issue an order granting the following relief:

- a. Dismissing the above captioned action, with prejudice;
- b. Directing that Deible pay the attorneys fees incurred by Movant in this matter;
- c. Such other relief as the Court deems appropriate under the circumstances.

Respectfully submitted,

BELIN, KUBISTA & RYAN LLP



---

John R. Ryan  
Attorney for Respondent

**BELIN, KUBISTA & RYAN LLP**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P.O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.  
KIMBERLY M. KUBISTA  
JOHN R. RYAN

CARL A. BELIN  
1901-1997

AREA CODE 814  
TELEPHONE 765-8972  
FAX (814) 765-9893

February 25, 2009

Jeffrey M. Gordon, Esquire  
152 Jefferson Street  
Brookville, PA 15825

**RE: Laying Out and Opening a Private Road  
No. 2007-445-C.D. – Clearfield County, PA**

Dear Jeff:

I am enclosing an original and three (3) copies of an Easement Agreement in the above matter.

Please note that I have made the modifications set forth in my letter of February 4, 2009.

I also wanted to point out that I added some additional language at the middle of the "WHEREAS" clause at the bottom of page 1 and to paragraph 2, which I thought should be added in order to clarify fact that the Grantor has the right to use the easement so long as that use does not interfere with the use of your clients. I thought that should be added to avoid confusion in referring to the easement as exclusive.

I do not believe that affects the impact of the Agreement. Assuming the Agreement in this form is acceptable to you, please have Mr. and Mrs. Deible execute the original and all three (3) copies and forward them to my office for execution by Mr. Lecorchick. I would also ask that you enclose with the executed Agreements a check made payable to the Estate of David A. Lecorchick in the amount of \$5,000.00.

Thank you for your continued cooperation in bringing this matter to an amicable resolution.

Very truly yours,

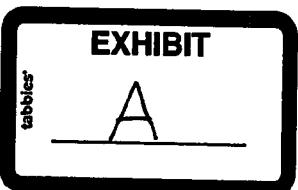
BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

Enclosures

cc: Benjamin J. Lecorchick, Jr. (w/enc.)



**BELIN, KUBISTA & RYAN LLP**  
ATTORNEYS AT LAW  
15 NORTH FRONT STREET

CARL A. BELIN, JR.  
KIMBERLY M. KUBISTA  
JOHN R. RYAN

P. O. BOX 1  
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN  
1901-1997

AREA CODE 814  
TELEPHONE 765-8972  
FAX (814) 765-9893

March 13, 2009

Jeffrey M. Gordon, Esquire  
152 Jefferson Street  
Brookville, PA 15825

**RE: Laying Out and Opening a Private Road  
No. 2007-445-C.D. – Clearfield County, PA**

Dear Jeff:

My file indicates that I had sent you the original and three (3) copies of the Easement Agreement for your clients' signature on February 25, 2009. Please have your clients sign those and return them to my office for signature by Mr. Lecorchick.

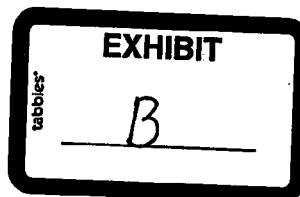
Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

cc: Benjamin J. Lecorchick, Jr.



RECEIVED  
Jeffrey M. Gordon  
Attorney at Law

(814) 849-6800 • Fax (814) 849-6363

MAR 23 2009



152 Jefferson Street, Brookville, PA 15825

March 20, 2009

*Via Facsimile (814-765-9893) & U. S. Regular Mail*

John R. Ryan, Esquire  
BELIN, KUBISTA & RYAN, LLP  
15 North Front Street  
PO Box 1  
Clearfield, PA 16830

*Re: Laying Out and Opening a Private Road  
Clearfield County, No. 2007-445-C. D.*

Dear John:

Thank you for your March 13, 2009, letter regarding the above-referenced matter.

I sent the original Easement and the three copies to my clients for their signatures. I have not yet received them back. If I do not have the documents back by next week, I will contact them.

Thank you for your patience.

Sincerely,

Jeffrey M. Gordon

JMG/mac  
Enclosures

cc: [redacted] (for Attorney Ryan) 13-3009-1773 (for Attorney Ryan) 13-3009-1773 (for Attorney Ryan)

cc: [redacted]

EXHIBIT

tabbies®

C

**BELIN, KUBISTA & RYAN LLP**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

CARL A. BELIN, JR.  
KIMBERLY M. KUBISTA  
JOHN R. RYAN

P. O. BOX 1  
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN  
1901-1997

AREA CODE 814  
TELEPHONE 765-8972  
FAX (814) 765-9893

April 17, 2009

Jeffrey M. Gordon, Esquire  
152 Jefferson Street  
Brookville, PA 15825

**RE: Laying Out and Opening a Private Road  
No. 2007-445-C.D. – Clearfield County, PA**

Dear Jeff:

On March 20, 2009, I had received a letter from you indicating that you were still waiting to receive the signed Easement Agreements from your clients. That was nearly a month ago. We really need to get this wrapped up.

Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

cc: Benjamin J. Lecorchick, Jr.

**EXHIBIT**

tabbed\*

D

**BELIN, KUBISTA & RYAN LLP**  
ATTORNEYS AT LAW  
15 NORTH FRONT STREET

CARLA A. BELIN, JR.  
KIMBERLY M. KUBISTA  
JOHN R. RYAN

P. O. BOX 1  
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN  
1901-1997

AREA CODE 814  
TELEPHONE 765-8972  
FAX (814) 765-9893

April 27, 2009

Jeffrey M. Gordon, Esquire  
152 Jefferson Street  
Brookville, PA 15825

**RE: Laying Out and Opening a Private Road  
No. 2007-445-C.D. – Clearfield County, PA**

Dear Jeff:

I received your phone message of April 22, 2009, indicating that you have written to your clients on at least two occasions concerning the execution of the Easement Agreement and payment of the amount due to my client.

In checking my file, it has been more than two months since I sent the Agreements to you for signature. It has been difficult to justify this delay to my client.

Please advise your clients that if I do not receive the executed Easement Agreements together with a check representing payment in full to my client within the next ten (10) days (by the close of business on May 13, 2009), I will have no alternative but to petition the Court asking the Court to either enforce our Agreement or to dismiss your clients' claim to establish a private road, with prejudice.

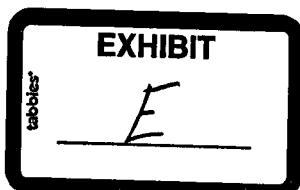
Very truly yours,

BELIN, KUBISTA & RYAN LLP



John R. Ryan

JRR/lgp  
cc: Benjamin J. Lecorchick, Jr.



# Jeffrey M. Gordon

## Attorney at Law

(814) 849-6800 • Fax (814) 849-6363



152 Jefferson Street, Brookville, PA 15825

May 14, 2009

*Via Facsimile (814-765-9893) Only*

John R. Ryan, Esquire  
Belin, Kubista & Ryan, LLP  
15 North Front Street  
PO Box 1  
Clearfield, PA 16820

*Re: Laying Out and Opening a Private Road  
Clearfield County, No. 2007-445 C.D.*

Dear John:

Pursuant to our telephone conversation, I am faxing you a copy of the check Henry Deible recently provided to my office regarding the above-referenced matter.

I had previously sent him the Easement Agreements for his signature which he failed to return with the check. I will forward the original check, along with the executed Easement Agreements, once he provides them to me.

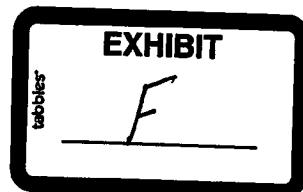
I apologize for this delay. I am hoping to forward the information to you within the next few days.

Sincerely,

Jeffrey M. Gordon

JMG/mac

Enclosure



HENRY H. DEIBLE  
MARY C. DEIBLE  
200 LEWIS STREET  
REYNOLDSVILLE, PA 15851

60-827/433  
1022850

8531

5.8.09

STATE OF PENNSYLVANIA DATED May 8, 2009 A. Leorcheck \$5,000.00  
FIVE THOUSAND DOLLARS or 9.00 — 2011 8531

CHUBB  
U.S. Bank  
www.usbank.com

2011

004330827710 1021265810 8531

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

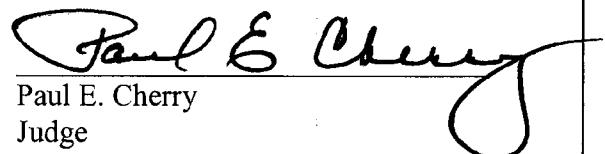
IN RE: LAYING OUT AND : NO. 07-445-C.D.  
OPENING A PRIVATE ROAD :  
:

ORDER

AND NOW, this 2<sup>nd</sup> day of June, 2009, upon consideration of the foregoing Motion, a rule is issued upon HENRY H. DEIBLE and MARY M. DEIBLE, husband and wife, to appear and show cause why the relief requested herein should not be granted. Rule made returnable for hearing the 16<sup>th</sup> day of June, 2009, at 9:00 o'clock A.M. at the Clearfield County Courthouse, Courtroom No. 2.

One half (1/2) hour has been set aside for the hearing of this matter.

BY THE COURT:

  
Paul E. Cherry  
Judge

5 FILED 4CC  
06/04/2009 Atty Ryan  
JUN 04 2009

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

JUN 04 2009

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 10/14/09

You are responsible for serving all appropriate parties.

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

Plaintiff(s) \_\_\_\_\_ Plaintiff(s) Attorney \_\_\_\_\_ Other \_\_\_\_\_

Defendant(s) \_\_\_\_\_ Defendant(s) Attorney \_\_\_\_\_

Special Instructions:

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

IN RE: LAYING OUT AND : NO. 07 - 445 - C.D.  
OPENING A PRIVATE ROAD :  
:

**CERTIFICATE OF SERVICE**

Filed on behalf of:  
BENJAMIN J. LECORCHICK, JR.,  
Executor of the Estate of DAVID A.  
LECORCHICK

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED NO. cc  
01/10/44 B/H  
JAN 08 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

NO. 07-445-C.D.

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Motion to Dismiss Action and Order dated June 2, 2009, in the above-captioned matter by regular mail on the 5<sup>th</sup> day of June, 2009, to the following:

Jeffrey M. Gordon, Esquire  
152 Jefferson Street  
Brookville, PA 15825

BELIN, KUBISTA & RYAN LLP



---

John R. Ryan  
Attorney for Benjamin Lecorchick, Jr.

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

NO. 07 - 445 - C.D.

PRAECIPE TO WITHDRAW MOTION

Filed on behalf of:  
BENJAMIN J. LECORCHICK, JR.,  
Executor of the Estate of DAVID A.  
LECORCHICK

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED 4CC AM  
12:43pm  
JUN 24 2009  
Ryan  
600

5  
William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND : NO. 07-445-C.D.  
OPENING A PRIVATE ROAD :  
:

PRAECIPE TO WITHDRAW MOTION

TO THE PROTHONOTARY:

Please withdraw Benjamin J. Lecorchick, Jr.'s Motion to Dismiss Action filed on May 27, 2009, in the above captioned matter.

BELIN, KUBISTA & RYAN LLP



John R. Ryan, Esquire  
Attorney for Benjamin J. Lecorchick, Jr.

Date: 6/24/09

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

IN RE: LAYING OUT AND : NO. 07 - 445 - C.D.  
OPENING A PRIVATE ROAD :  
:

**CERTIFICATE OF SERVICE**

Filed on behalf of:  
BENJAMIN J. LECORCHICK, JR.,  
Executor of the Estate of DAVID A.  
LECORCHICK

Counsel of Record for  
this Party:

John R. Ryan  
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

FILED NOCC  
01/10/2008  
JUN 25 2008  
LM

William A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

NO. 07-445-C.D.

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of the Praecep to Withdraw Motion to Dismiss Action in the above-captioned matter by facsimile and regular mail on the 24<sup>th</sup> day of June, 2009, to the following:

Jeffrey M. Gordon, Esquire  
152 Jefferson Street  
Brookville, PA 15825  
Facsimile (814) 849-6363

BELIN, KUBISTA & RYAN LLP

  
John R. Ryan  
Attorney for Benjamin Lecorchick, Jr.

CA

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

IN RE: LAYING OUT AND OPENING A PRIVATE ROAD \* NO. 2007-445-CD

**ORDER**

NOW, this 20<sup>th</sup> day of March, 2013, it is the ORDER of this Court that a **status conference** in the above-captioned case be and is hereby scheduled for the **8th day of May, 2013 at 1:30 p.m.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

FILED  
01/11/35cm  
MAR 21 2013  
William A. Shaw  
Prothonotary/Clerk of Courts

2 Attns:  
J. Gordon  
Ryan  
612

**FILED**

**MAR 21 2013**

**William A. Shaw  
Prothonotary/Clerk of Courts**

DATE: 3-21-13

       You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:  
       Plaintiff(s)  Plaintiff(s) Attorney        Other  
       Defendant(s)  Defendant(s) Attorney  
       Special Instructions:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

IN RE: LAYING OUT AND  
OPENING A PRIVATE ROAD

CIVIL ACTION - LAW

No. 2007-445 C.D.

Type of Pleading:  
**Petition to Discontinue**

Filed on Behalf of:  
**Henry H. Deible and**  
**Mary M. Deible,**  
**Petitioners**

Counsel of Record for this Party:  
**Jeffrey M. Gordon, Esquire**  
Supreme Court No. 55835  
152 Jefferson Street  
Brookville, PA 15825  
(814) 849-6800

3CC Atty  
m/11/14cm  
S MAR 28 2013 Copy to c/A  
FILED  
William A. Shaw  
Prothonotary/Clerk of Courts  
GL

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

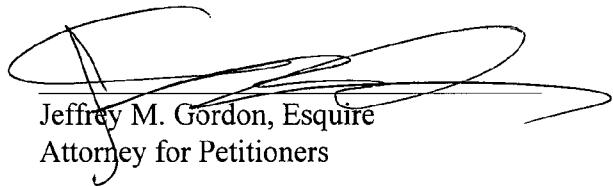
IN RE: LAYING OUT AND :  
OPENING A PRIVATE ROAD : No. 2007-445 C.D.

**PRAECIPE TO DISCONTINUE**

TO THE PROTHONOTARY:

Kindly mark the above-entitled case settled and discontinued.

Respectfully submitted:



Jeffrey M. Gordon, Esquire  
Attorney for Petitioners

CA

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

IN RE: LAYING OUT AND OPENING A PRIVATE ROAD \* NO. 2007-445-CD

**ORDER**

NOW, this 28<sup>th</sup> day of March, 2013, upon receipt and review of the Petition to Discontinuance filed by Jeffrey M. Gordon, Esquire, on March 28, 2013; it is the ORDER of this Court that the **status conference** scheduled for the **8th day of May, 2013 at 1:30 p.m.** be and is hereby CANCELED.

BY THE COURT,



**FREDRIC J. AMMERMAN**  
President Judge

FILED  
O 9:53  
S APR 01 2013  
William A. Shaw  
Prothonotary/Clerk of Courts

1CC A/H  
Gordon  
Ryan  
6K

DATE: 4-1-13

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

**FILED**

**APR 01 2013**

William A. Shaw  
Prothonotary/Clerk of Courts