

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

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

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 Deible, Henry H.) Receipt number: 1918161 Dated: 3/22/2007 Amount: \$85.00 (Check) 1CC shff and 1CC Atty.	No Judge
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 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	Paul E. Cherry
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

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:40 AM

ROA Report

Page 2 of 3

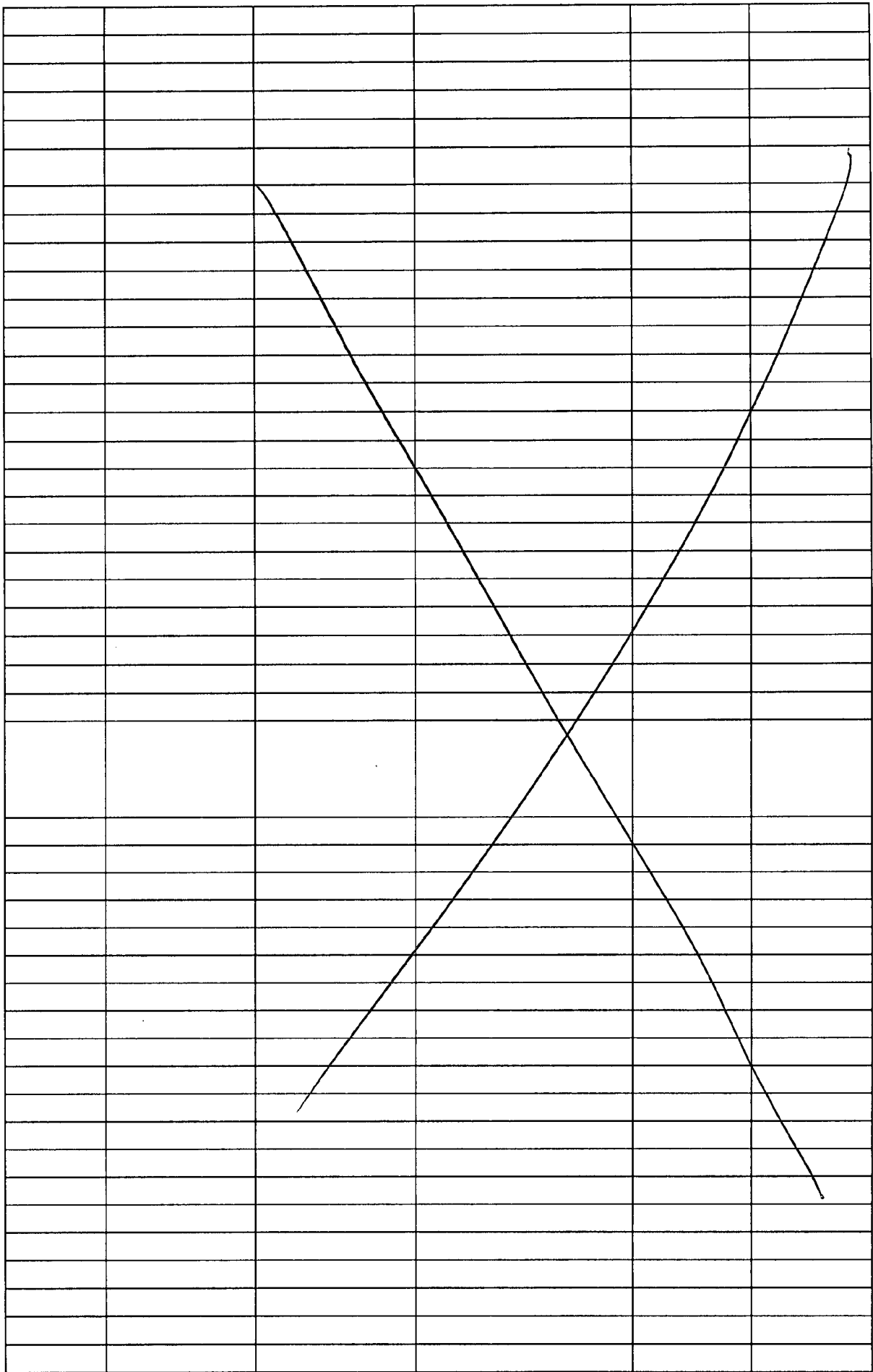
Case: 2007-00445-CD

Current Judge: Paul E. Cherry

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

Civil In Re-COUNT

Date		Judge
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 Praecipe 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	No Judge
	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

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:40 AM

ROA Report

Page 3 of 3

Case: 2007-00445-CD

Current Judge: Paul E. Cherry

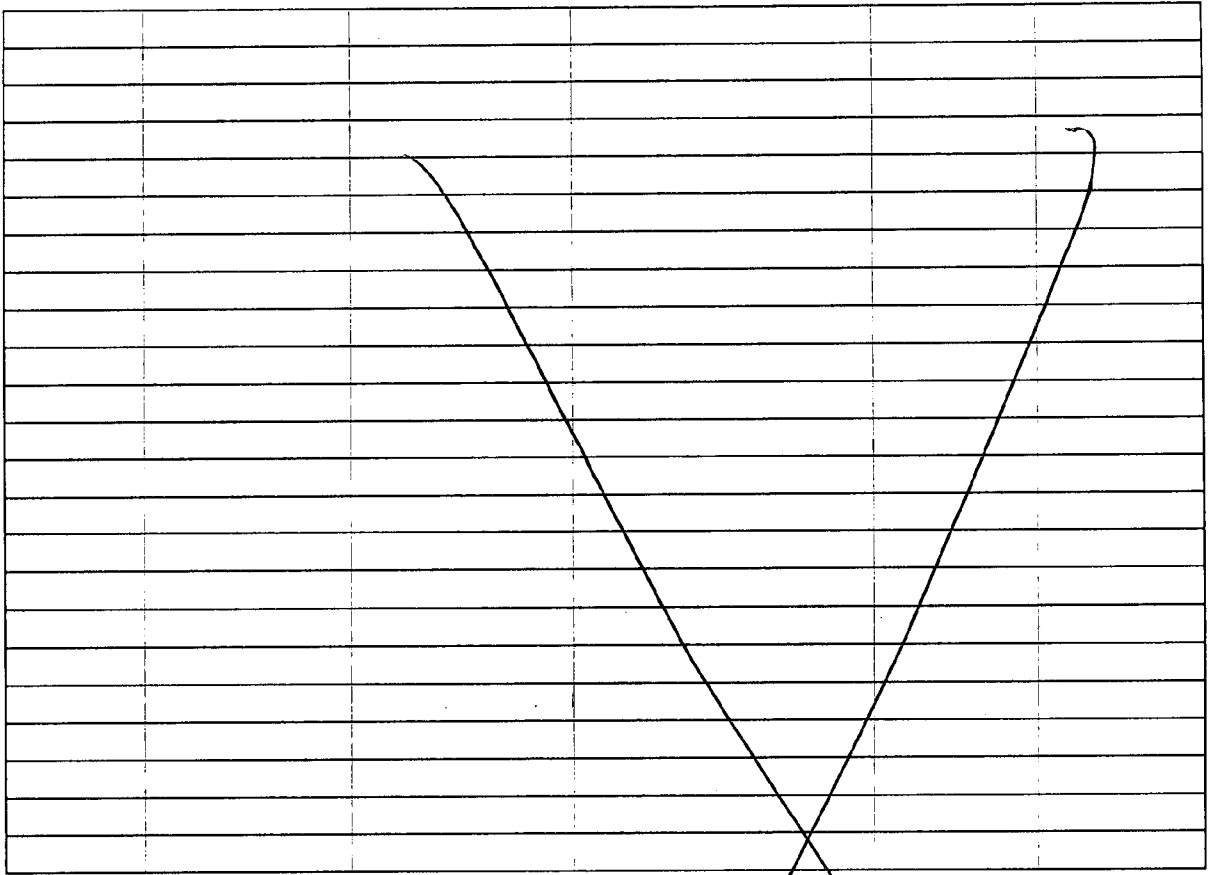
In Re:Laying Out and Opening A Private Road, et al

Civil In Re-COUNT

Date	Judge
6/4/2009	Paul E. Cherry
X Order this 2nd day of June 2009 upon consideration of the foregoing Motion 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	Paul E. Cherry
X Certificate of Service, filed. Served a certified copy of Motion to Dismiss 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 Praecipe 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 per \$85.00 AHJ
m/ji: 50cm 1cc AHJ
MAR 22 2007 1cc SHK
(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

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

FILED pt \$85.00 AK4
m/11:50am KC AK4
MAR 22 2007 10:57 PM
(5M)

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, Keynoldsville, 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.

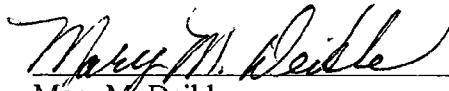
A handwritten signature in black ink, appearing to read 'H. Deible', is written over a horizontal line.

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

17-00000

17-00000
17-00000
17-00000

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

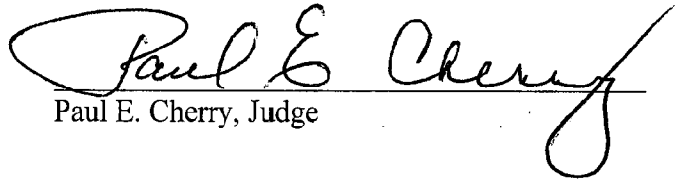
:
: No. 2007-445-CD

RULE TO SHOW CAUSE

AND NOW, to wit, this 2nd 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 1cc Atty Gordon
09:58 AM
APR 03 2007 1cc Sheriff

William A. Shaw
Prothonotary/Clerk of Courts



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

_____ Day of _____ 2007

So Answers,


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 L. 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

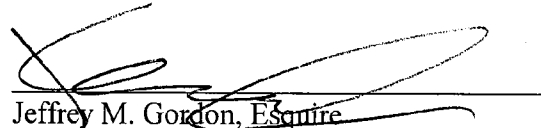
AND NOW, come the Petitioners, pursuant to 36 P.S. §2731 et seq. and respectfully represent that:

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.

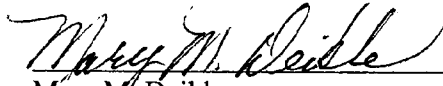
A handwritten signature in dark ink, appearing to read 'H. Deible', is written above a horizontal line.

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-CD

RULE TO SHOW CAUSE

AND NOW, to wit, this 2nd 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 A. 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 ^{ice}
01/15/07
JUN 14 2007
Atty Gordon
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.

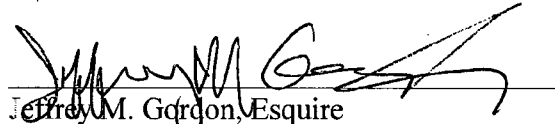
5. A Petition to Appoint Viewers was filed on March 22, 2007, along with a Rule to Show Cause signed by this Honorable Court on April 2, 2007, providing the Respondent with twenty (20) days to object.

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

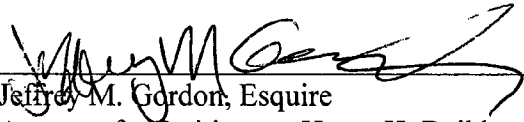
IN RE: LAYING OUT AND :
OPENING A PRIVATE ROAD : No. 2007-445 C.D.

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

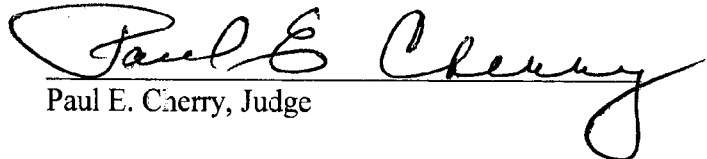
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RULE TO SHOW CAUSE

AND NOW, to wit, this 14th 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 1cc
01:50 PM
JUN 14 2007 Atty Gordon
William A. Shaw
Prothonotary/Clerk of Courts (CR)

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

IN RE: LAYING OUT AND
OPENING A PRIVATE ROAD

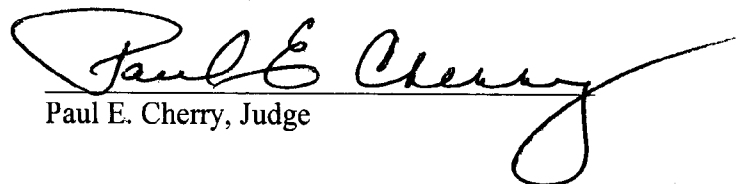
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: No. 2007-445 C.D.

ORDER

AND NOW, this 14th 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 ^{icc}
01150601 ^{Atty}
JUN 14 2007 ^{Gordon}
William A. Shaw
Prothonotary/Clerk of Courts (6K)

LAD

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 :

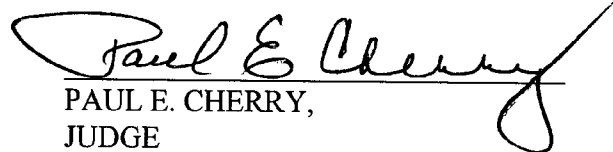
ORDER

AND NOW, this 25th 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

019:28:01
JUL 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

cc:
Atty Gordon
D. Lecorchick
5739 Main St.
LA Jose, PA 15753

Atty Smith
E. Facchine
S. Yost

(EK)

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

IN RE: LAYING OUT AND
OPENING A PRIVATE ROAD

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:
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

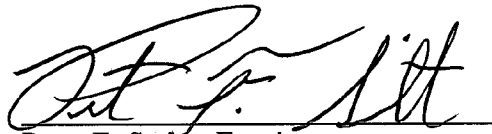
David Lecorchick
Pro Se
5739 Main Street
La Jose, PA 15753

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

Evo Facchine
407 Patterson Avenue
DuBois, PA, 15801

Respectfully submitted,

Date: September 14, 2007



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 *no cc*
010-1768
SEP 17 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

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,

Date: December 3, 2007



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
10/10/2007
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:

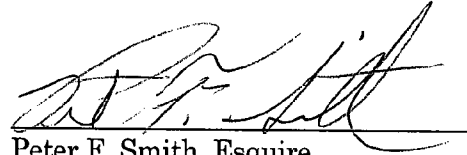
Attorney Peter F. Smith
Chairman of the Board
P.O. Box 130
Clearfield, PA 16830

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

Evo Facchine
407 Patterson Avenue
DuBois, PA, 15801

By the Board,

Date: 12-3-07

A handwritten signature in dark ink, appearing to read 'Peter F. Smith', is written over a horizontal line.

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

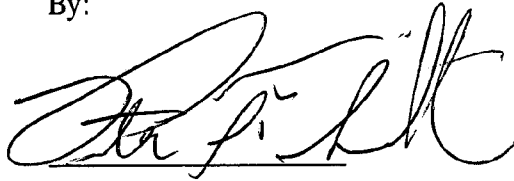
CONTINUANCE

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
01/3:05 PM
JAN 08 2008

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 Gordon, 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

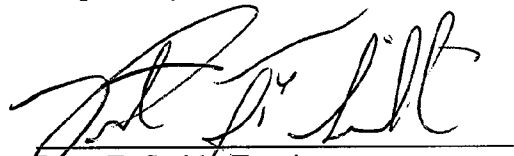
Estate of David Lecorchick,
Respondent
C/O
Dino S. Persio, Esquire
129 South Center Street
P.O.Box 239
Ebensburg, PA 15931-0239

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

Evo Facchine
407 Patterson Avenue
DuBois, PA, 15801

Respectfully submitted,

Date: January 8, 2008



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 NO
013:0561 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

5
FILED No cc
0110:0661
NOV 14 2008
William A. Shaw
Prothonotary/Clerk of Courts

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 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

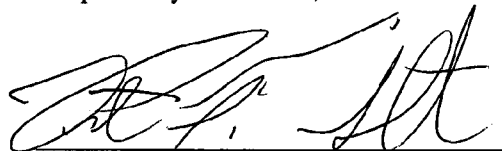
Samuel Yost, Surveyor
Board Member
Yost Surveying
168 Baneyville Road
Clearfield, PA, 16830

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

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

Respectfully submitted,

Date: November 13, 2008



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
:

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

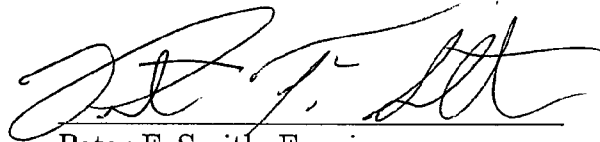
AND NOW this 13th day of November, 2008 the undersigned Chairperson of the Board of View in the above-captioned matter schedules the View and Hearing to be conducted on Thursday, January 22, 2009. The proceeding shall convene at 9:00 a.m. EST. It shall be conducted in Courtroom C on the second floor 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

A handwritten signature in black ink, appearing to read 'P. F. Smith', written over a horizontal line.

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
DEC 18 2008

William A. Shaw
Prothonotary/Clerk of Courts

4cc
01/31/38
Atty Ryan
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.
:

^SFILED

DEC 19 2008

0/215/ (S)

William A. Shaw

Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE ^{no} 96

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 Praeceptum 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 18th 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
0110:4287
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. EK
FEB 17 2009

5
William A. Shaw
Prothonotary/Clerk of Courts *(60)*

IN RE: LAYING OUT AND
OPENING A PRIVATE ROAD

No. 07-445-CD

COMES NOW, Evo 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 Praecipe to Discontinuing this matter by the Petitioners.

Date: 2/16/08

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. F. Smith", written over a horizontal line.

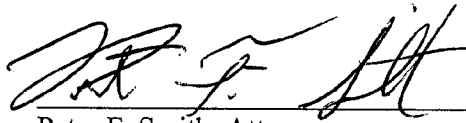
Attorney Peter F. Smith
Chairman of the Board
P.O. Box 130
Clearfield, PA, 16830

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

A handwritten signature in black ink, appearing to read 'Peter F. Smith', written over a horizontal line.

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


EXHIBIT "A"

\emptyset

No. 07-445-CD

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•

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


Peter E. Smith, Uxbridge

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. GK NOCC
FEB 17 2009 2 cc Atty
William A. Shaw
Prothonotary/Clerk of Courts

6A

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

012:10/1w
William A. Shaw
Prothonotary/Clerk of Courts (Cll)

2 cents to Att

ORDER

NOW, this 17th 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:

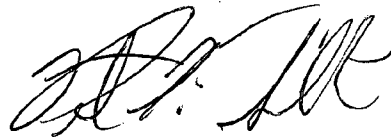
Jeffrey M. Gordon, Esquire
Attorney for Petitioners
152 Jefferson Street
Brookville, PA 15825

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. CK
FEB 19 2009

William A. Shaw
Prothonotary/Clerk of Courts

610

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

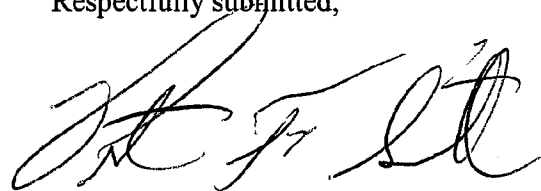
I Peter F. Smith, Chairman of the Board of View appointed in the above caption matter, certify that I received the Plaintiff's check in the amount of \$825.00 in payment of the Board's fees on May 18, 2008. I then deposited that check in my attorney escrow account and disbursed it as follows:

- 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.
012:28um
MAY 19 2009
William 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 402
0110:5084
MAY 27 2009
5
William A. Shaw
Prothonotary/Clerk of Courts
(GW)
Att Ryan

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 :

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.

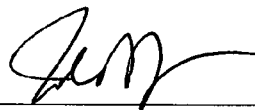
14. Further, it is clear that Deible has failed and refused to follow through with the agreement reached by the parties, which has resulted in Movant having to incur unnecessary counsel fees as described herein above.

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,

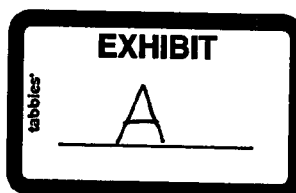
BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

Enclosures

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



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

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.

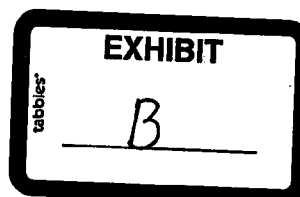
Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

cc: Benjamin J. Lecorchick, Jr.



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

EXHIBIT

C

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

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.

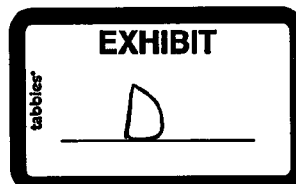
Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

cc: Benjamin J. Lecorchick, Jr.



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

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,

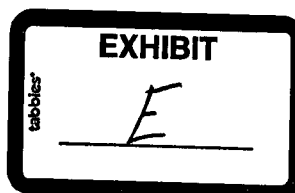
BELIN, KUBISTA & RYAN LLP



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.*

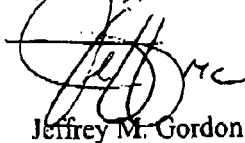
Dear John:

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.

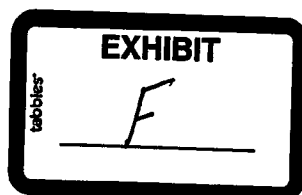
Sincerely,



Jeffrey M. Gordon

JMG/mac

Enclosure



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

80-827/433
1022858

8531

5.8.09

STATE OF PAID A. LEONCHAK \$5,000.00

FIVE THOUSAND DOLLARS & 00/100 - 211111 A

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

IN RE: LAYING OUT AND
OPENING A PRIVATE ROAD

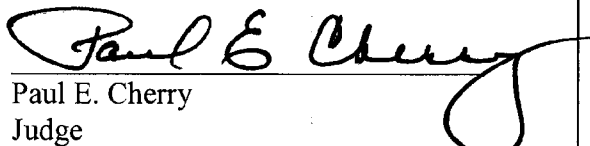
: NO. 07 - 445 - C.D.
:

ORDER

AND NOW, this 2nd 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 26th 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

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JUN 04 2009
Any Ryan
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUN 04 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/4/09

☒ 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
OPENING A PRIVATE ROAD

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

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*
07/10/44/81
JUN 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 : NO. 07 – 445 – C.D.
OPENING A PRIVATE ROAD :

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 5th 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 AH
0/2:43cm Ryan
JUN 24 2009 (614)

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
OPENING A PRIVATE ROAD

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

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}
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JUN 25 2008
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

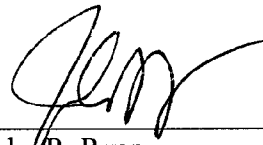
: NO. 07 – 445 – C.D.
:

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of the Praecipe to Withdraw Motion to Dismiss Action in the above-captioned matter by facsimile and regular mail on the 24th 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 20th 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

0111:35cm
MAR 21 2013

4

William A. Shaw
Prothonotary/Clerk of Courts

2 Attys:

J. Gordon

Ryan

612

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:

FILED

MAR 21 2013

**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

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

FILED

m/ 11:14 am
MAR 28 2013

3CC Atty
Copy to CIA
GL
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.

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

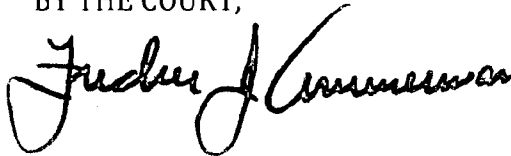
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

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

ORDER

NOW, this 28th 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

019:53

APR 01 2013

William A. Shaw
Prothonotary/Clerk of Courts

ICC AHJ
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