

07-662-CD
In Re: United Electric Cooperative Inc.

United Electric vs Jonathon Emigh Heirs
2007-662-CD

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

**IN RE: Condemnation of Lands of
Jonathon Emigh Heirs, in Graham
Township, Clearfield County,
Pennsylvania**

No: 07-662-CD

By United Electric Cooperative, Inc.

FILED i cc
01:47 PM Any Sloat
APR 26 2007
William A. Shaw
Prothonotary/Clerk of Courts 85.00

DECLARATION OF TAKING

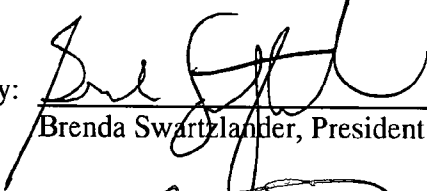
United Electric Cooperative, Inc., an electric cooperative corporation, does hereby declare that:

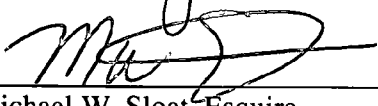
1. The Condemnor is United Electric Cooperative, Inc. an electric cooperative corporation, with its principal office located at 29 United Road, Dubois, Clearfield County, Pennsylvania, with a mailing address of P.O. Box 688, Dubois, PA 15801-0688.
2. Under authority of Act198 of December 21, 1998, P.L. 834, § 102 (15 Pa.C.S.A. § 7321(a)(5)), this condemnation was authorized by resolution of the Board of Directors of Condemnor on the 2nd day of April, 2007 which resolution is on file and may be examined at the office of Condemnor.
3. The purpose of this action is to acquire a right-of-way easement for the construction, operation, and maintenance of an electric transmission or distribution line or system, along with other customary utility attachments on poles of the same.
4. The property condemned is a permanent and uninterrupted right-of-way easement running in a North-South direction generally along the SR 2033, fifty (50') in width and two thousand five hundred seventy (2,570') feet in length, on, over and through real property situated in Graham Township, Clearfield County, Pennsylvania owned by the heirs of Jonathon Emigh and depicted on the tax assessment maps of Clearfield County as parcels ## 116-P10-10 and 116-P10-12 and more particularly described in Clearfield County Prothonotary's Office under docket number J, Page 218 at number E2389.

5. The nature of the title to be acquired is a permanent and uninterrupted right-of-way easement with the terms and conditions specified in the Right-of-Way Easement attached hereto, marked Exhibit "A", and incorporated herein.
6. The plan is attached hereto, marked Exhibit "B", and incorporated herein, which plot plan is also being filed in the office of the Recorder of Deeds for Clearfield County, Pennsylvania, on the date of filing this Declaration of Taking.
7. The Condemnor files with this Declaration of Taking an Open End Bond without surety pursuant to Section 303(a) of the Eminent Domain Code of 2006, (26 Pa.C.S.A. §101 et. seq.), which Bond is attached hereto, marked Exhibit "C", and incorporated herein, and secures just compensation to the owners of the property condemned.

United Electric Cooperative, Inc.

By:


Brenda Swartzlander, President and CEO


Michael W. Sloat, Esquire
Lynn, King & Schreffler, P.C.
PO Box 99
Emlenton, PA 16373
Attorney for Condemnor

Location # _____ Map # _____ Route # _____ Township _____

Right-of-Way Easement

KNOW ALL MEN BY THESE PRESENTS, That _____ the undersigned, _____

(unmarried) (husband and wife) for consideration, the receipt whereof is hereby acknowledged, _____ hereby grant unto United Electric Cooperative, Inc., a corporation, whose post office address is DuBois, Pennsylvania, and to its successors or assigns, the permanent and uninterrupted right to enter upon the lands of the undersigned situated in the County of _____, State of Pennsylvania, and more particularly described as follows:

NORTH -- _____

SOUTH -- _____

EAST -- _____

WEST-- _____

or DEED BOOK # _____

PAGE # _____

and to reconstruct, rephase, repair, operate and maintain on or under the surface of the above-described lands, and/or in or upon or under all streets, roads or highways abutting said lands, an electric transmission or distribution line or system, and to cut and trim trees and vegetation twenty-five feet on both sides of pole line on said property. Also, to cut down dead, weak, leaning or dangerous trees outside this corridor, which in the opinion of United Electric Cooperative, Inc., threatens the Cooperative's electric facilities when falling, and to dig for the installation, removal, repairing or replacement of wires, cable or appurtenances required for the distribution or transmission of electricity, and to license, permit or otherwise agree to the joint use or occupancy of the line or system or excavation by any other person or association or corporation for electrification, telephone, communication or T.V. cable purposes.

The undersigned agrees that all poles, wires and other facilities on, under the surface, or above the above-described lands shall remain the property of the cooperative and removable at the option of the cooperative.

The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this _____ day of _____, 20____.

Signed, Sealed and Delivered

Land Owner's Signature(s)

in the Presence of

[L.S.]

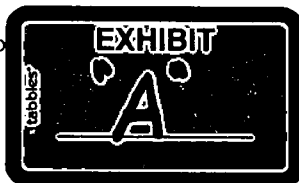
[L.S.]

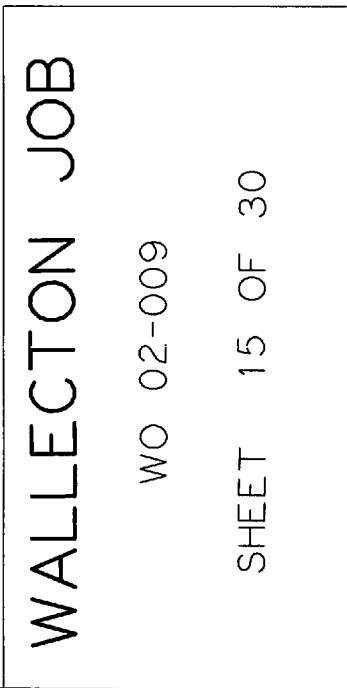
[L.S.]

[L.S.]

Note: No

appears on back of this sheet





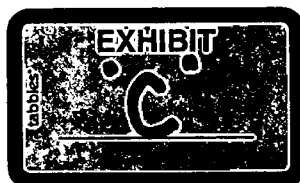
**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**

IN RE: Condemnation of Lands of :
Jonathon Emigh Heirs, in Graham : **No:**
Township, Clearfield County, :
Pennsylvania :
:
By United Electric Cooperative, Inc. :

BOND WITHOUT SURETY

KNOW ALL MEN BY THESE PRESENTS, THAT declaration of taking having been filed the ____ day of _____, 2007, by United Electric Cooperative, Inc., ("Obligor"), an electric cooperative corporation organized and existing under by virtue of the laws of the Commonwealth of Pennsylvania, being held and firmly bound unto the Commonwealth of Pennsylvania for the use and benefit of the owner or owners of the property condemned as hereinafter noted, and other proper parties in interest, for such amount of damage as the owner or owners of the property and other parties in interest shall be entitled to receive after the same shall have been agreed upon or assessed in the manner prescribed by law, by reason of the condemnation by Obligor of certain land and improvements located in Graham Township, Clearfield County, Pennsylvania, and described as follows: a right-of-way easement running in a North-South direction generally along the SR 2033, fifty (50') in width and two thousand five hundred seventy (2,570') feet in length, on, over and through real property of Jonathon Emigh Heirs situated in Graham Township, Clearfield County, Pennsylvania Tax Map Parcels ## 116-P10-10 and 116-P10-12 and as more particularly described in Clearfield County Prothonotary's Office under docket number J, Page 218 at number E2389, to which payment well and truly is made, the Obligor does bind itself and its successors, and assigns, firmly by these presents.

WHEREAS, the Obligor has condemned the said property and cannot agree with the owner or owners of said land and buildings upon the just compensation to be paid for the damages sustained by said owner or owners of the condemnation:



NOW THE CONDITION of this bond is such that if the Obligor shall pay or cause to be paid such amount of damages as the said owner or owners of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full force and effect.

SEALED with the corporate seal and duly executed this 25th, day of April, 2007.

ATTEST:

Arden E. Owens
Secretary
(SEAL)

United Electric Cooperative, Inc.

By Brenda Swartzlander
President and CEO

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA
NO.

IN RE: Condemnation of Lands of
Jonathon Emigh Heirs, in Graham
Township, Clearfield County,
Pennsylvania

DECLARATION OF TAKING

FILED

APR 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

LYNN, KING & SCHREFFLER, P.C.
ATTORNEYS AT LAW
P.O. BOX 99
606 MAIN STREET
EMLENTON, PA 16373

LYNN, KING & SCHREFFLER, P.C.
ATTORNEYS AT LAW
P.O. BOX 99
606 MAIN STREET
EMLENTON, PA 16373

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: Condemnation of Lands of
Jonathon Emigh Heirs, in Graham
Township, Clearfield County,
Pennsylvania

No: 07 - 662 - CD

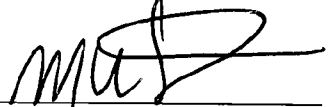
By United Electric Cooperative, Inc.

MEMORANDUM OF FILING OF NOTICE

To the Prothonotary:

Notice of the above-captioned condemnation is recorded in the Department of Records of
Clearfield County in Instrument # 200706909 Book No. , Page No. .

Lynn, King and Schreffler,

By 
Michael W. Sloat, Esquire
Attorney for Condemnor

FILED

02:04 p.m. GK
APR 26 2007 NB CC

William A. Shaw
Prothonotary/Clerk of Courts

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

IN RE: Condemnation of Lands of :
Jonathon Emigh Heirs, in Graham : **No: 07-662-CD**
Township, Clearfield County, :
Pennsylvania :
:
By United Electric Cooperative, Inc. :

FILED
JUL 05 2007
W/2:00 (U)
William A. Shaw
Prothonotary/Clerk of Courts
1000 1000 1000

PETITION FOR POSSESSION

TO: THE HONORABLE JUDGES OF SAID COURT:

The Petition of United Electric Cooperative, Inc., Condemnor, pursuant to Section 307(a) of the Eminent Domain Code [26 Pa.C.S.A. 307(a)], represents:

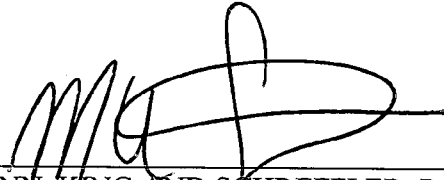
1. A declaration of taking was filed on April 26, 2007, at the above-named court term and number in the Court of Common Pleas of Clearfield County, Pennsylvania.
2. Included in the declaration of taking was property owned by the Jonathon Emigh Heirs in Graham Township, Clearfield County.
3. Except those hereinafter mentioned, the remaining Heirs of Jonathon Emigh are unknown and unlocated.
4. Notice of Condemnation was served upon the Condemnees as follows:
 - a. publication of Notice of Condemnation in the Progress on May 4, 2007, as evidenced by the Proof of Publication attached hereto, marked Exhibit "A", and incorporated herein;
 - b. publication of Notice of Condemnation in the Clearfield County Legal Journal of the Court of Clearfield County in the regular issue of Week of May 11, 2007, Vol. 19, No. 19, as evidenced by the Proof of Publication attached hereto, marked Exhibit "B", and incorporated herein;
 - c. posting a Notice to Condemnees on the real property subject of the condemnation

on May 8, 2007, as evidenced by the Affidavit of Posting, attached hereto, marked Exhibit "C", and incorporated herein; and

- d. serving a Notice of Condemnation on:
 - i. Roy Emigh on May 5, 2007;
 - ii. Wilma Emigh May 2, 2007;
 - iii. Bernard Moslak on May 2, 2007;
 - iv. John Dumbleton on May 7, 2007;
 - v. Richard Dumbleton on May 2, 2007;
 - vi. Betty Hughes on May 8, 2007; and
 - vii. Harold Muir on May 3, 2007, one of the Jonathon Emigh Heirs, listed as paying the taxes on the property subject to this condemnation, as evidenced by copies of the letters, certified mail receipts and return receipts attached hereto, marked Exhibit "D", and incorporated herein.
 - e. Notices were mailed by certified mail upon heirs James Emigh and Alex Hynd to their last known addresses but were returned as "Unable To Forward".
- 5. No Condemnees have filed preliminary objections to the Declaration of Taking within thirty (30) days of service of the same.
 - 6. The Condemnor estimates the amount of just compensation due the Condemnees to be \$1,060.94 for the use and benefit of Condemnees, as their interests may appear.
 - 7. The Eminent Domain Code [26 Pa.C.S.A. §307(a)] permits the Condemnor to take possession upon tendering to the Condemnees the amount of just compensation as estimated by Condemnor.
 - 8. The actual number of Condemnees is unknown and therefore not possible for the Condemnor to determine the share of the just compensation each individual is entitled and to tender to each the same.
 - 9. Therefore Condemnor requests possession conditioned upon payment into the Office of the Prothonotary of \$1,060.94 for the use and benefit of Condemnees as their interests may appear.
 - 10. Service of a rule to show cause why the Writ of Possession should not issue is not possible regarding the Condemnees that are unknown and unlocated and their interests

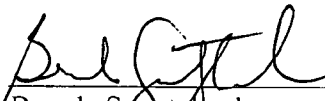
would be protected by the payment of estimated just compensation to the Prothonotary and the open end bond of the Condemnor filed with the Declaration of Taking to assure payment of just compensation to the Condemnees.

WHEREFORE, this Petitioner respectfully prays that Your Honorable Court issue a Writ of Possession conditioned upon payment to the Prothonotary of \$1,060.94 for Condemnees, as their interests may appear.



LYNN, KING AND SCHREFFLER, P.C.
Michael W. Sloat, Esquire
606 Main Street, PO Box 99
Emlenton, PA 16373
(724)867-5921
Attorney for Condemnor

UNITED ELECTRIC COOPERATIVE, INC.:

By: 
Brenda Swartzlander
President & CEO

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

IN RE: Condemnation of Lands of :
Jonathon Emigh Heirs, in Graham : **No: 07-662-CD**
Township, Clearfield County, :
Pennsylvania :
:
By United Electric Cooperative, Inc. :

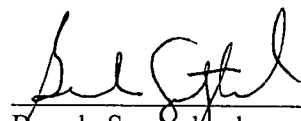
VERIFICATION

I verify that the statements made in this Petition 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.

United Electric Cooperative, Inc.

Date

June 11, 2007



Brenda Swartzlander
President & CEO

IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
No. 07-662-CD

IN RE: Condemnation of Lands
of Jonathan Emigh Heirs,
in Graham Township,
Clearfield County,
Pennsylvania

By United Electric
Cooperative, Inc.

NOTICE OF CONDEMNATION
TO: The Heirs of Jonathan Emigh
AND NOW, pursuant to Section
305 of the Eminent Domain Code
(26 Pa.C.S.A. §101, et seq), you,
as Condemnees, are hereby noti-
fied as follows:

A Declaration of Taking was filed
in the Office of Prothonotary in and
for Clearfield County, Pennsylv-
ania, at the above term and number
on the 26th day of April, 2007,
against yourselves, as Condemn-
ees.

The Condemnor is United Electric
Cooperative, Inc., 29 United Road,
DuBois, Clearfield County, Penn-
sylvania, with a mailing address of
P.O. Box 688, DuBois, PA
15801-0688.

Under authority of Act 198 of De-
cember 21, 1998, P.L. 834, §
102 (15 Pa.C.S.A. § 7321(a)(5)),
this condemnation was authorized
by resolution of the Board of Direc-
tors of the Condemnor on April 2nd,
2007, which may be examined at
the office of the Condemnor.

The purpose of this Condemna-
tion is to acquire right-of-way ease-
ment fifty (50) feet in width for the
construction of an electric distribu-
tion or transmission line or system
and to permit joint use or occu-
pancy thereof for telephone, com-
munication and T.V. cable pur-
poses, which right-of-way ease-
ment runs through real property in
Graham Township, Clearfield
County, Pennsylvania, along SR
2033, being taxed as against the
Emigh Heirs on tax assessment
map parcel numbers 116-P10-10
and 116-P10-12, a plot plan de-
picting the right-of-way easement
being attached to the Declaration of
Taking which may be examined at
the office of the Prothonotary.

Just compensation to the Con-
demnees has been secured by the
Condemnor's Open End Bond filed
with the Declaration of Taking.

IF YOU WISH TO CHALLENGE
THE POWER OR RIGHT OF THE
CONDEMNOR TO APPROPRIATE
THE CONDEMNED PROPERTY,
THE SUFFICIENCY OF THE SE-
CURITY, THE PROCEDURE FOL-
LOWED BY THE CONDEMNOR,
OR THE DECLARATION OF TAK-
ING, YOU MUST FILE PRELIMIN-
ARY OBJECTIONS WITHIN
THIRTY (30) DAYS AFTER SER-
VICE OF THIS NOTICE.

LYNN, KING
& SCHREFFLER, PC
MICHAEL W. SLOAT, ESQUIRE
606 Main Street
P.O. Box 99
Emlenton, PA 16373
(724) 867-5921
Attorney for Condemnor

5:4-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 7th day of May, A.D. 2007,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of May 4, 2007

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

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

Cheyl J. Robison
Notary Public Clearfield, Pa.

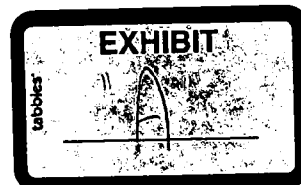
My Commission Expires
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Cheyl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries



RECEIVED JUN - 1 2007


PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

On this 11th day of May AD 2007, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of May 11, 2007, Vol. 19 No. 19. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

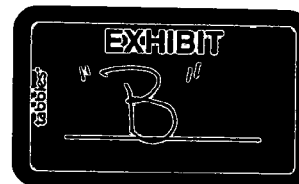
Sworn and subscribed to before me the day and year aforesaid.



Notary Public
My Commission Expires

NOTARIAL SEAL
SHARON J. PUSEY, Notary Public
Houtzdale, Clearfield County, PA
My Commission Expires, April 7, 2011

Michael W. Sloat
606 Main Street
PO Box 99
Emlenton PA 16373



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

No: 07-662-CD

IN RE: Condemnation of Lands of
Jonathon Emigh Heirs, in Graham
Township, Clearfield County, Pennsylvania
By United Electric Cooperative, Inc.

NOTICE OF CONDEMNATION

TO: The Heirs of Jonathan Emigh

AND NOW, pursuant to Section 305 of
the Eminent Domain Code (26 Pa.C.S.A.
§101, et seq), you, as Condemnees, are
hereby notified as follows:

A Declaration of Taking was filed in the
Office of Prothonotary in and for Clearfield
County, Pennsylvania, at the above term
and number on the 26th day of April, 2007,
against yourselves, as Condemnees.

The Condemnor is United Electric
Cooperative, Inc., 29 United Road, DuBois,
Clearfield County, Pennsylvania, with a
mailing address of P.O. Box 688, DuBois,
PA 15801-0688.

Under authority of Act 198 of December
21, 1998, P.L. 834, § 102 (15 Pa.C.S.A. §
7321 (a)(5)), this condemnation was
authorized by resolution of the Board of
Directors of the Condemnor on April 2nd,
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acquire right-of-way easement fifty (50) feet
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system and to permit joint use or occupancy
thereof for telephone, communication and
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easement runs through real property in
Graham Township, Clearfield County,
Pennsylvania, along SR 2033, being taxed
as against the Emigh Heirs on tax
assessment map parcel numbers 116-P10-
10 and 116-P10-12, a plot plan depicting the
right-of-way easement being attached to the

Declaration of Taking which may be
examined at the office of the Prothonotary.

Just compensation to the Condemnees
has been secured by the Condemnor's Open
End Bond filed with the Declaration of
Taking.

IF YOU WISH TO CHALLENGE THE
POWER OR RIGHT OF THE CONDEMNOR
TO APPROPRIATE THE CONDEMNED
PROPERTY, THE SUFFICIENCY OF THE
SECURITY, THE PROCEDURE FOL-
LOWED BY THE CONDEMNOR, OR THE
DECLARATION OF TAKING, YOU MUST
FILE PRELIMINARY OBJECTIONS WITHIN
THIRTY (30) DAYS AFTER SERVICE OF
THIS NOTICE.

LYNN, KING & SCHREFFLER, P.C.,
MICHAEL W. SLOAT, ESQUIRE, 606 Main
Street, PO Box 99, Emlenton, PA 16373
(724)867-5921, Attorney for Condemnor.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: Condemnation of Lands of :
Jonathon Emigh Heirs, in Graham : No: 07-662-CD
Township, Clearfield County, :
Pennsylvania :
By United Electric Cooperative, Inc. :

AFFIDAVIT OF POSTING

I, the undersigned, being duly sworn according to law, do hereby depose and state as follows:

1. My name is DAVID R. McCRACKEN, and I am an employee of United Electric Cooperative, Inc.
2. On the 8TH day of May, 2007, I posted a true and correct copy of the attached Notice of Condemnation to Condemnee on the real property situate in Graham Township, Clearfield County, Pennsylvania, owned by the Heirs of Jonathon Emigh by attaching said Notice to:

TREE NEXT TO GATE ON FRONTAGE OF PROPERTY

IN WITNESS WHEREOF, I have affixed my hand and seal this 8TH day of May 2007.

David R. McCracken (SEAL)

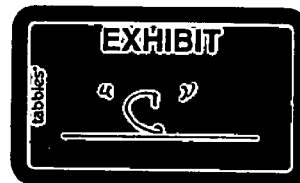
Sworn and subscribed before me
this 8TH day of May, 2007.

Christopher Bryan Shaffer (SEAL)
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Christopher Bryan Shaffer, Notary Public
City Of DuBois, Clearfield County
My Commission Expires May 23, 2009
Member, Pennsylvania Association of Notaries

My commission expires:

May 23, 2009



FILED
JUL 03 2001
William A. Shaver
Prothonotary
County of Cecil

IN THE COURT OF COMMON PLEAS
CLEARFIED COUNTY, PENNSYLVANIA

NO: 07-662-CD

IN RE: CONDEMNATION OF LANDS
OF JONATHON EMIGH HEIRS, in Graham
Township, Clearfield County, Pennsylvania

PETITION FOR POSSESSION

LYNN, KING & SCHREFFLER, P.C.
ATTORNEYS AT LAW
P.O. BOX 99
606 MAIN STREET
EMLENTON, PA 16373

LYNN, KING & SCHREFFLER, P.C.
ATTORNEYS AT LAW
P.O. BOX 99
606 MAIN STREET
EMLENTON, PA 16373

3

LYNN, KING & SCHREFFLER, P.C.
ATTORNEYS AT LAW

606 MAIN STREET, P.O. BOX 99, EMLENTON, PA 16373

TELEPHONE (724) 867-5921

FAX (724) 867-5101

EMAIL: legal@lkslaw.us

J. MICHAEL KING
SCOTT W. SCHREFFLER
MICHAEL W. SLOAT

MILES R. LYNN, JR.
COUNSEL TO THE FIRM

April 30, 2007

Roy L. Emigh
c/o Gregory Emigh
6251 Morgan Run Road
West Decatur, PA 16878

In re: Notice of Condemnation to Heirs of Jonathon Emigh

Dear Mr. Emigh:

Please be advised that I serve as general counsel for United Electric Cooperative, Inc. Through our research, we have learned that you are an heir of Jonathon Emigh, deceased, the last recorded owner of certain vacant real property ("the property") located in Graham Township, Clearfield County, Pennsylvania. The purpose of this letter is to serve notice to you as such heir, of the Cooperative's action of Condemnation on the property.

Enclosed with this letter is a formal notice to you, an Heir of Jonathon Emigh, that United Electric is condemning a part of the property for a right-of-way to construct an electric distribution line. This notice sets forth the rights of the condemnees relative to the condemnation proceeding. The action has been commenced by certain filings in the Prothonotary's Office at File Number 07-662-CD, and recording notice of the same in the Recorder of Deeds Office, in Clearfield County. A copy of Declaration of Taking also enclosed for your review.

The Notice of Condemnation will also be posted on the property and advertised in the *Progress* and *Legal Journal of Clearfield County*. The posting and publication will provide service to all unknown heirs.

Should you have any questions or concerns whatsoever, please feel free to contact this office. Thank you for your attention to this matter.

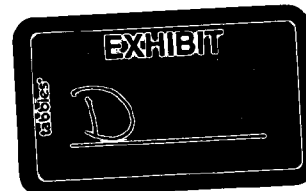
Sincerely,



Michael W. Sloat

Certified mail:

cc: David McCracken, United



7006 0100 0003 6612 0178

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.63
Certified Fee	240
Return Receipt Fee (Endorsement Required)	185
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

Postmark Here
 JUN 30 2007
 WEST DECATUR PA 16878
 USPS

Sent To: Roy Emigh
 Street, Apt. No., or PO Box No.: 6251 Morgan Run Road
 City, State, ZIP+4: West Decatur PA 16878

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Roy Emigh
 6251 Morgan Run Rd
 West Decatur, PA 16878

2. Article Number
 (Transfer from service label) 7006 0100 0003 6612 0178

PS Form 3811, February 2004 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Agnes M Emigh* ☐ Agent ☐ Addressee

B. Received by (Printed Name)
 Agnes M Emigh

C. Date of Delivery
 5-5-07

D. Is delivery address different from item 1? ☒ Yes
 If YES, enter delivery address below: ☐ No
 583 Centre Hill Rd
 Morrisdale, PA 16858

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

102595-02-M-1540

LYNN, KING & SCHREFFLER, P.C.
ATTORNEYS AT LAW

606 MAIN STREET, P.O. BOX 99, EMLENTON, PA 16373

TELEPHONE (724) 867-5921

FAX (724) 867-5101

EMAIL: legal@lkslaw.us

J. MICHAEL KING
SCOTT W. SCHREFFLER
MICHAEL W. SLOAT

MILES R. LYNN, JR.
COUNSEL TO THE FIRM

April 30, 2007

Wilma L. Emigh
315 Mapes Avenue
Clearfield, PA 16830

In re: Notice of Condemnation to Heirs of Jonathon Emigh

Dear Ms. Emigh:

Please be advised that I serve as general counsel for United Electric Cooperative, Inc. Through our research, we have learned that you are an heir of Jonathon Emigh, deceased, the last recorded owner of certain vacant real property ("the property") located in Graham Township, Clearfield County, Pennsylvania. The purpose of this letter is to serve notice to you as such heir, of the Cooperative's action of Condemnation on the property.

Enclosed with this letter is a formal notice to you, an Heir of Jonathon Emigh, that United Electric is condemning a part of the property for a right-of-way to construct an electric distribution line. This notice sets forth the rights of the condemnees relative to the condemnation proceeding. The action has been commenced by certain filings in the Prothonotary's Office at File Number 07-662-CD, and recording notice of the same in the Recorder of Deeds Office, in Clearfield County. A copy of Declaration of Taking also enclosed for your review.

The Notice of Condemnation will also be posted on the property and advertised in the *Progress* and *Legal Journal of Clearfield County*. The posting and publication will provide service to all unknown heirs.

Should you have any questions or concerns whatsoever, please feel free to contact this office. Thank you for your attention to this matter.

Sincerely,



Michael W. Sloat

Certified mail:

cc: David McCracken, United

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.63
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

APR 9 2007
 Postmark Here

Sent To
 Wilma Emigh
 Street, Apt. No.,
 or PO Box No. 315 Mapes Avenue
 City, State, ZIP+4 Clearfield PA 16830

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X Wilma L. Emigh <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Wilma L. Emigh Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to: Wilma Emigh 315 Mapes Avenue Clearfield, PA 16830</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label) 11 117006 101001 0003 6612 0161</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

LYNN, KING & SCHREFFLER, P.C.
ATTORNEYS AT LAW

606 MAIN STREET, P.O. BOX 99, EMLENTON, PA 16373

TELEPHONE (724) 867-5921

FAX (724) 867-5101

EMAIL: legal@lkslaw.us

J. MICHAEL KING
SCOTT W. SCHREFFLER
MICHAEL W. SLOAT

MILES R. LYNN, JR.
COUNSEL TO THE FIRM

April 30, 2007

Bernard Moslak
Glass City
Philipsburg, PA 16866

In re: Notice of Condemnation to Heirs of Jonathon Emigh

Dear Mr. Moslak:

Please be advised that I serve as general counsel for United Electric Cooperative, Inc. Through our research, we have learned that you are an heir of Jonathon Emigh, deceased, the last recorded owner of certain vacant real property ("the property") located in Graham Township, Clearfield County, Pennsylvania. The purpose of this letter is to serve notice to you as such heir, of the Cooperative's action of Condemnation on the property.

Enclosed with this letter is a formal notice to you, an Heir of Jonathon Emigh, that United Electric is condemning a part of the property for a right-of-way to construct an electric distribution line. This notice sets forth the rights of the condemnees relative to the condemnation proceeding. The action has been commenced by certain filings in the Prothonotary's Office at File Number 07-662-CD, and recording notice of the same in the Recorder of Deeds Office, in Clearfield County. A copy of Declaration of Taking also enclosed for your review.

The Notice of Condemnation will also be posted on the property and advertised in the *Progress* and *Legal Journal of Clearfield County*. The posting and publication will provide service to all unknown heirs.

Should you have any questions or concerns whatsoever, please feel free to contact this office. Thank you for your attention to this matter.

Sincerely,



Michael W. Sloat

Certified mail:

cc: David McCracken, United

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
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OFFICIAL USE

Postage \$.63
 Certified Fee 2.45
 Return Receipt Fee (Endorsement Required) 1.85
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$4.88

Sent To *Bernard Moslak*
 Street, Apt. No., or PO Box No. *Glass City*
 City, State, ZIP+4® *Phillipsburg PA 16866*

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Bernard Moslak
Glass City
Phillipsburg PA
16866

2. Article Number (Transfer from service label)
 17006 10100 0003 16612 10154

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Bernard Moslak* ☒ Agent ☐ Addressee

B. Received by (Printed Name) *Beverly Moslak* C. Date of Delivery *5207*

D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

LYNN, KING & SCHREFFLER, P.C.

ATTORNEYS AT LAW

606 MAIN STREET, P.O. BOX 99, EMLENTON, PA 16373

TELEPHONE (724) 867-5921

FAX (724) 867-5101

EMAIL: legal@lkslaw.us

J. MICHAEL KING
SCOTT W. SCHREFFLER
MICHAEL W. SLOAT

April 30, 2007

MILES R. LYNN, JR.
COUNSEL TO THE FIRM

John Paul Dumbleton
R.D. # 5, Box 599
Franklin, PA 16323

In re: Notice of Condemnation to Heirs of Jonathon Emigh

Dear Mr. Dumbleton:


Please be advised that I serve as general counsel for United Electric Cooperative, Inc. Through our research, we have learned that you are an heir of Jonathon Emigh, deceased, the last recorded owner of certain vacant real property ("the property") located in Graham Township, Clearfield County, Pennsylvania. The purpose of this letter is to serve notice to you as such heir, of the Cooperative's action of Condemnation on the property.

Enclosed with this letter is a formal notice to you, an Heir of Jonathon Emigh, that United Electric is condemning a part of the property for a right-of-way to construct an electric distribution line. This notice sets forth the rights of the condemnees relative to the condemnation proceeding. The action has been commenced by certain filings in the Prothonotary's Office at File Number 07-662-CD, and recording notice of the same in the Recorder of Deeds Office, in Clearfield County. A copy of Declaration of Taking also enclosed for your review.

The Notice of Condemnation will also be posted on the property and advertised in the *Progress and Legal Journal of Clearfield County*. The posting and publication will provide service to all unknown heirs.

Should you have any questions or concerns whatsoever, please feel free to contact this office. Thank you for your attention to this matter.

Sincerely,



Michael W. Sloat

Certified mail:

cc: David McCracken, United

7004 2510 0003 0252 6414

U.S. Postal ServiceTM
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 (Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

Postage	\$.63
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

Postmark Here
MAY 04 2007

Sent To *John P. Dumbleton*
 Street, Apt. No.,
 or PO Box No. *1943 Rocky Shore Ave*
 City, State, ZIP+4 *Franklin PA 16323*

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece or on the front if space permits. 	<p>A. Signature <i>John P. Dumbleton</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>John P. Dumbleton</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>E. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>1. Article Addressed to: <i>John P. Dumbleton</i> <i>1943 Rocky Shore Ave</i> <i>Franklin, PA 16323</i></p>	<p>MAY 07 2007 USPS 16323</p>
<p>2. Article Number (Transfer from service label) <u>7004 2510 0003 0252 6414</u></p>	

LYNN, KING & SCHREFFLER, P.C.
ATTORNEYS AT LAW

606 MAIN STREET, P.O. BOX 99, EMLENTON, PA 16373
TELEPHONE (724) 867-5921
FAX (724) 867-5101
EMAIL: legal@lkslaw.us

J. MICHAEL KING
SCOTT W. SCHREFFLER
MICHAEL W. SLOAT

April 30, 2007

MILES R. LYNN, JR.
COUNSEL TO THE FIRM

Richard Dumbleton
16212 Winchester Drive
Northville, MI 48167

In re: Notice of Condemnation to Heirs of Jonathon Emigh

Dear Mr. Dumbleton:

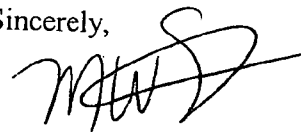
Please be advised that I serve as general counsel for United Electric Cooperative, Inc. Through our research, we have learned that you are an heir of Jonathon Emigh, deceased, the last recorded owner of certain vacant real property ("the property") located in Graham Township, Clearfield County, Pennsylvania. The purpose of this letter is to serve notice to you as such heir, of the Cooperative's action of Condemnation on the property.

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Should you have any questions or concerns whatsoever, please feel free to contact this office. Thank you for your attention to this matter.

Sincerely,



Michael W. Sloat

Certified mail:

cc: David McCracken, United

7006 0100 0003 6612 0215

U.S. Postal Service™
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OFFICIAL USE

Postage	\$.63
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

Postmark Here
 EMLENTON PA 18072
 APR 30 2007

Sent To: *Richard Dumbleton*
 Street, Apt. No., or PO Box No. *16212 Winchester Drive*
 City, State, ZIP+4 *Northville, MI 48167*

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. <i>Enough</i> 	<p>A. Signature <i>X Y. J. Dumbleton</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Y. J. Dumbleton</i> C. Date of Delivery <i>5/27</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to: <i>Richard Dumbleton</i> <i>16212 Winchester Drive</i> <i>Northville, MI</i> <i>48167</i></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7006 0100 0003 6612 0215</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

LYNN, KING & SCHREFFLER, P.C.
ATTORNEYS AT LAW

606 MAIN STREET, P.O. BOX 99, EMLENTON, PA 16373
TELEPHONE (724) 867-5921
FAX (724) 867-5101
EMAIL: legal@lkslaw.us

J. MICHAEL KING
SCOTT W. SCHREFFLER
MICHAEL W. SLOAT

MILES R. LYNN, JR.
COUNSEL TO THE FIRM

May 4, 2007

Betty Hughes
1458 Curtain Street
State College, PA 16801

In re: Notice of Condemnation to Heirs of Jonathon Emigh

Dear Mrs. Hughes:

Please be advised that I serve as general counsel for United Electric Cooperative, Inc. Through our research, we have learned that you are an heir of Jonathon Emigh, deceased, the last recorded owner of certain vacant real property ("the property") located in Graham Township, Clearfield County, Pennsylvania. The purpose of this letter is to serve notice to you as such heir, of the Cooperative's action of Condemnation on the property.

Enclosed with this letter is a formal notice to you, an Heir of Jonathon Emigh, that United Electric is condemning a part of the property for a right-of-way to construct an electric distribution line. This notice sets forth the rights of the condemnees relative to the condemnation proceeding. The action has been commenced by certain filings in the Prothonotary's Office at File Number 07-662-CD, and recording notice of the same in the Recorder of Deeds Office, in Clearfield County. A copy of Declaration of Taking also enclosed for your review.

The Notice of Condemnation will also be posted on the property and advertised in the *Progress and Legal Journal of Clearfield County*. The posting and publication will provide service to all unknown heirs.

Should you have any questions or concerns whatsoever, please feel free to contact this office. Thank you for your attention to this matter.

Sincerely,

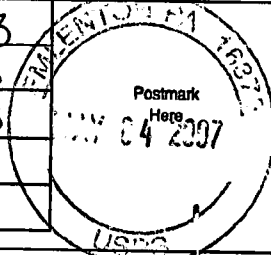


Michael W. Sloat

Certified mail:

cc: David McCracken, United

7004 2510 0003 0252 6094

U.S. Postal Service TM	
CERTIFIED MAILTM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 1.63
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88
	
Sent To: <i>Betty Hughes</i> Street, Apt. No., or PO Box No.: <i>1458 Curtain St</i> City, State, ZIP+4: <i>State College PA 16801</i>	
PS Form 3800, June 2002 See reverse for instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. <i>Enough</i> 	A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to: <i>Betty Hughes</i> <i>1458 Curtain St.</i> <i>State College, PA</i> <i>16801</i>	B. Received by (Printed Name) _____ C. Date of Delivery <i>5-8</i> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label) <i>7004 2510 0003 0252 6094</i>	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
PS Form 3811, February 2004	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes Domestic Return Receipt 102595-02-M-1540

LYNN, KING & SCHREFFLER, P.C.
ATTORNEYS AT LAW

606 MAIN STREET, P.O. BOX 99, EMLENTON, PA 16373

TELEPHONE (724) 867-5921

FAX (724) 867-5101

EMAIL: legal@lkslaw.us

J. MICHAEL KING
SCOTT W. SCHREFFLER
MICHAEL W. SLOAT

April 30, 2007

MILES R. LYNN, JR.
COUNSEL TO THE FIRM

Harold Muir
1073 Tyrone Pike
Philipsburg, PA 16866

In re: Notice of Condemnation to Heirs of Jonathon Emigh

Dear Mr. Muir:

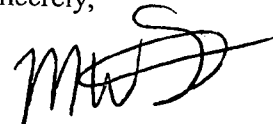
Please be advised that I serve as general counsel for United Electric Cooperative, Inc. Through our research, we have learned that you are an heir of Jonathon Emigh, deceased, the last recorded owner of certain vacant real property ("the property") located in Graham Township, Clearfield County, Pennsylvania. The purpose of this letter is to serve notice to you as such heir, of the Cooperative's action of Condemnation on the property.

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The Notice of Condemnation will also be posted on the property and advertised in the *Progress* and *Legal Journal of Clearfield County*. The posting and publication will provide service to all unknown heirs.

Should you have any questions or concerns whatsoever, please feel free to contact this office. Thank you for your attention to this matter.

Sincerely,



Michael W. Sloat

Certified mail:

cc: David McCracken, United

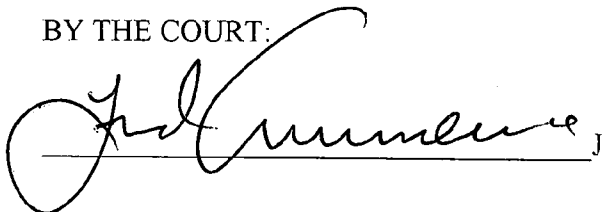
**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**

IN RE: Condemnation of Lands of Jonathon Emigh Heirs, in Graham Township, Clearfield County, Pennsylvania	: : : : : :	No: 07-662-CD
By United Electric Cooperative, Inc.	:	

ORDER OF COURT

AND NOW, this 10th day of July, 2007, upon presentation of the within Petition, a Writ of Possession is issued for the premises subject to the above captioned condemnation proceedings permitting Condemnor the right of entry into the premises for the purpose of utilizing the condemned easement; provided, however, the Prothonotary first receive the sum of \$1,060.94, from United Electric Cooperative, Inc., Condemnor, for the use of the Emigh Heirs, Condemnees, as their interests may appear, without any commissions or fees deductible therefrom.

BY THE COURT:


_____ J.

FILED ^{icc}
09:58 AM ^{Atty Sloat}
JUL 12 2007 _(CK)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/12/07

☒ 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**

IN RE: Condemnation of Lands of :
Jonathon Emigh Heirs, in Graham : **No: 07-662-CD**
Township, Clearfield County, :
Pennsylvania :
:
By United Electric Cooperative, Inc. :

CERTIFICATE OF SERVICE

I, Michael W. Sloat, Esquire, do hereby certify that I have mailed a true and correct copy of the foregoing Petition for Possession and Memorandum in Support thereof, to the following listed individuals at the addresses given, all by United States Mail, first class, postage prepaid, on the 2ND day of July, 2007.

Roy L. Emigh
c/o Gregory Emigh
6251 Morgan Run Road
West Decatur, PA 16878

Wilma L. Emigh
315 Mapes Avenue
Clearfield, PA 16830

Richard Dumbleton
16212 Winchester Drive
Northville, MI 48167


Bernard Moslak
Glass City
Philipsburg, PA 16866

John Paul Dumbleton
1943 Rocky Grove Ave.
Franklin, PA 16323

Harold Muir
1073 Tyrone Pike
Philipsburg, PA 16866

Betty Hughes
1458 Curtain Street
State College, PA 16801

LYNN, KING & SCHREFFLER, P.C.:



Michael W. Sloat
Attorney for Petitioner
I.D. No. 89076
606 Main Street, P.O. Box 99
Emlenton, PA 16373

724-867-5921

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

KAREN A. STINE,

Petitioner/Plaintiff,

vs.

GREGORY A. STINE,

Respondent/Defendant.

*
*
*
*
*
*
*
*
*
*

No. 2007-665-CD


CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, Brian D. Jones, Esquire, attorney for Thompson Law Offices, LLC, and counsel for Plaintiff in the above-action, do hereby certify that I served a true and correct copy of the Praecept to Withdraw Petition for Contempt in the above-captioned matter on the Defendant by depositing the same in U.S. Regular Mail, First Class as follows:

Frederick M. Neiswender, Esquire
Kubista & Neiswender, Attorney's at Law
211 N. Second Street
Clearfield, Pennsylvania 16830

Date: 3-27-2015


Brian D. Jones, Esquire
Attorney for Plaintiff

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

IN RE: Condemnation of Lands of	:	
Jonathon Emigh Heirs, in Graham	:	No: 07-662-CD
Township, Clearfield County,	:	
Pennsylvania	:	
	:	
By United Electric Cooperative, Inc.	:	

MEMORANDUM SUPPORTING PETITION FOR POSSESSION

Following is a brief memorandum clarifying the status of this matter. United Electric Cooperative, Inc., (Condemnor), is exercising its power of eminent domain to acquire an Easement for the construction of an electric distribution line in Graham Township, Clearfield County on property referred to as belonging to Emigh Heirs. The Condemnor previously acquired an easement from one of the Emigh Heirs but later learned he was not the sole owner of the property. After an extensive search the Condemnor was able to identify and locate several of the heirs but not all of them. The Condemnor filed a Declaration of Taking and served it upon the unknown and/or unlocated Condemnees by publication and posting, and served the located Condemnees by certified mail as required by law. A period in excess of thirty (30) days has passed since notification of the Condemnation was given and none of the Condemnees have filed preliminary objections.

Section 307 of the Eminent Domain Code [26 Pa.C.S.A 307(1)(i)] provides that after expiration of the time for filing preliminary objections a Condemnor may obtain possession or right of entry upon payment of or a written offer to Condemnees to pay the amount of just compensation as estimated by the Condemnor.

In this case, the Condemnor has not made payment, nor offer of payment, to Condemnees, since many of the Condemnees are unknown to the Condemnor, and Condemnor is unable to make offer to the known Condemnees. Additionally, since Condemnor is unable to determine the number of potential Condemnees that are unknown, the Condemnor is unable to

calculate the percentage to which each known Condemnee is entitled.

Section 307 of the Eminent Domain Code [26 Pa.C.S.A 307(1)(iii)] provides that if a condemnnee refuses to deliver possession, the Prothonotary upon praecipe of the Condemnor shall issue a rule, returnable in five days, to show cause why a writ of possession should not issue. However, since Condemnor is unable to make offer to the Condemnees, the Condemnees cannot be said to have refused to deliver possession, rendering the rule to show cause as not appropriate. However, Section 307 of the Eminent Domain Code [26 Pa.C.S.A 307(1)(iv)] alternatively provides that the court may issue a writ of possession conditioned upon payment to the court of the estimated just compensation and on any other terms as the court may direct.

In view of the foregoing, the Condemnor is filing the accompanying Petition for Possession, without an accompanying rule to show cause, since it believes that the Condemnees' interest is adequately protected by payment into court of the estimated amount of just compensation and also the open end bond already filed by Condemnor. A copy of this Petition is being served upon the known and located Condemnees as they are identified in the Petition.

Thank you for your consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MCS' or similar, written in a cursive style.

Michael W. Sloat, Esquire

IN THE COURT OF COMMON PLEAS CLEARFIED COUNTY, PENNSYLVANIA	
NO: 07-662-CD	
IN RE: CONDEMNATION OF LANDS OF JONATHON EMIGH HEIRS, in Graham Township, Clearfield County, Pennsylvania	
<u>MEMORANDUM SUPPORTING</u> <u>PETITION FOR POSSESSION</u>	
LYNN, KING & SCHREFFLER, P.C. ATTORNEYS AT LAW P.O. BOX 99 606 MAIN STREET EMLENTON, PA 16373	

LYNN, KING & SCHREFFLER, P.C.
ATTORNEYS AT LAW

P.O. BOX 99
606 MAIN STREET
EMLENTON, PA 16373

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: Condemnation of Lands of
Jonathon Emigh Heirs, in Graham
Township, Clearfield County,
Pennsylvania

No: 07-662-CD

By United Electric Cooperative, Inc.

FILED

JUL 19 2007

W/3:30 (C)
William A. Shaw

Prothonotary/Clerk of Courts

2 CEM TO ATT
ISSUED 7 Writ
TO ATT

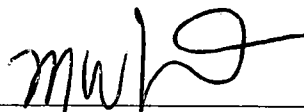
PRAECIPE FOR WRIT OF POSSESSION

To the Prothonotary:

Please issue a writ of possession in accordance with the Court Order filed in this case
which grants possession to the Condemnor upon your receipt of \$1,060.94.

LYNN, KING AND SCHREFFLER, P.C.:

Date: July 17, 2007



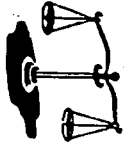
Michael W. Sloat, Esquire
Attorney ID Number: 89076
Attorney for Condemnor
606 Main Street, PO Box 99
Emlenton, PA 16373

Phone: (724)867-5921

FILED

JUL 19 2007

William A. Shaw
Prothonotary/Clerk of Courts



Lynn, King & Schreffler, P.C.
Attorneys at Law
P.O. Box 99, 606 Main Street
Embleton, PA 16373

FARMERS NATL BANK OF EMLENTON
Embleton, PA 16373
60-1013/433

23660

7/17/2007

PAY TO THE ORDER OF Clearfield County Prothonotary

\$**1,060.94

One Thousand Sixty and 94/100*****

DOLLARS

Clearfield County Prothonotary
PO Box 549
Clearfield, PA 16830

MEMO United / Emigh Heirs #07-662-CD

⑈023660⑈ ⑆043310139⑆

⑈0000035⑈

Robert M. Heirs

MP

Date: 7/19/2007
Time: 03:40 PM

Clearfield County Court of Common Pleas
Receipt

NO. 1919863
Page 1 of 1

Received of: United Electric Cooperative, Inc. \$ 1,060.94

P.O. Box 688
DuBois, PA 15801

One Thousand Sixty and 94/100 Dollars

Subject: IN RE: United Electric Cooperative, Inc., etal.

Case	Litigant type	Amount
------	---------------	--------

2007-00662-CD	Subject	
Trust account		1,060.94

Total: 1,060.94

Balance due: 0.00

Check: 23660

Payment Method: Check
Amount Tendered:
Change Returned:
Clerk: BILLSHAW

1,060.94
0.00

William A. Shaw, Prothonotary/Clerk of Cou
By: _____
Deputy Clerk

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

WRIT OF POSSESSION

IN RE: Condematin of Lands of
Jonathon Emigh Heirs, in Graham
Township, Clearfield County, PA

NO.: 2007-00662-CD

By: United Electric Cooperative, Inc.

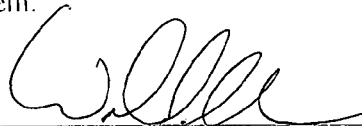
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

To Jonathon Emigh Heirs:

- (1) To satisfy the judgment for possession in the above matter you are directed to deliver possession of the following described property to: Condemnor. United Electric Cooperative, Inc.

Lands of Jonathon Emigh Heirs. in Graham Township. Clearfield County. PA

- (2) To satisfy the costs against Defendant(s) you are directed to levy upon the above listed property of Defendant(s) and sell his/their interests therein.



William A. Shaw. Prothonotary

Received writ this _____ day of
_____ A.D. _____
at _____ a.m./p.m.

Sheriff

REQUESTING PARTY NAME: United Electric Cooperative, Inc.
ATTORNEY FILING: Michael W. Sloat. Esq.

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

IN RE: Condemnation of Lands of
Jonathon Emigh Heirs, in Graham Township,
Clearfield County, Pennsylvania

: No. 2007-00662-CD

FILED

APR 19 2013

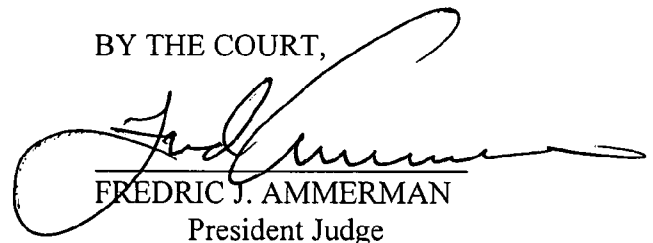
William A. Shaw
Prothonotary/Clerk of Courts
Came to Township
and City

ORDER

NOW, this April 11, 2013, the Court notes on approximately July 20, 2007, Lynn,
King & Schreffler, P.C. deposited \$\$1,060.94 with the Clearfield County Prothonotary pursuant
to the Eminent Domain Code, 26 P.S. § 1-101, *et. seq.*

No Motions or Petitions have been filed relative the deposits by any parties in interest
within the past five (5) years. Therefore, in compliance with 26 P.S. § 1-522, the Court hereby
Orders the Prothonotary to distribute the deposited monies, including any such interest that has
lawfully accrued, to the Commonwealth of Pennsylvania, without escheat.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

VOID VOID VOID

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE SECURITY FEATURES

193847

CLEARFIELD BANK
&
TRUST COMPANY

REMITTER: CLOSE VR CD UNITED ELEC COOP 07662 CD 4/17/13

PAY TO THE ORDER OF CLEARFIELD CO PROTHONOTARY

EXACTLY **1,081 AND 02/100 DOLLARS \$ 1,081.02

CASHIER'S CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED, OR STOLEN.

AUTHORIZED SIGNATURE
Ronnie Eckert

⑈0000193847⑈ ⑆031306294⑆ 19000027⑈

193847

1437

CLEARFIELD COUNTY PROTHONOTARY
WILLIAM A. SHAW, PROTHONOTARY
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

DATE APRIL 19, 2013 60-629-313

PAY TO THE ORDER OF CLEARFIELD COUNTY TREASURER \$ 1,081.02

ONE THOUSAND EIGHTY ONE AND 02/100 DOLLARS

IMMA

Will

MP

FOR ESCHWART 2007-662-CD Pen Co.

Main Office
11 North 2nd Street
Clearfield, PA 16830

CLEARFIELD BANK
&
TRUST COMPANY

⑈001437⑈ ⑆031306294⑆ 1 2 26577 2⑈

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

IN RE: Condemnation of Lands of
Jonathon Emigh Heirs, in Graham Township,
Clearfield County, Pennsylvania

: No. 2007-00662-CD

ORDER

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lawfully accrued, to the Commonwealth of Pennsylvania, without escheat.

BY THE COURT,

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

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

APR 19 2013

Attest.

William A. Linn
Prothonotary/
Clerk of Courts

CLEARFIELD COUNTY PROTHONOTARY

WILLIAM A. SHAW, PROTHONOTARY
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

1437

DATE April 19, 2013

60-629-313

PAY TO THE ORDER OF CLEARFIELD County TREASURER

\$ 1,081.02

ONE THOUSAND EIGHTY ONE AND 02/100

DOLLARS

 Security Features
Included
Details on Back



Main Office
11 North 2nd Street
Clearfield, PA 16830

IMMA

Will

FOR ESCHWENT 2007-662-CD Pen C/O

MP

⑈001437⑈ ⑆031306294⑆ 1 2 26577 2⑈

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES

193847

VOID VOID



REMITTER: CLOSE VR CD UNITED ELEC COOP 07662 CD 4/17/13

VOID VOID VOID
PAY TO THE ORDER OF CLEARFIELD CO PROTHONOTARY

EXACTLY **1,081 AND 02/100 DOLLARS

\$ 1,081.02

CASHIER'S CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY
CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE
EVENT IT IS LOST, MISPLACED, OR STOLEN.



AUTHORIZED SIGNATURE
Ronnie Eckert

⑈0000193847⑈ ⑆031306294⑆ 19000027⑈

193847



REMITTER: CLOSE VR CD UNITED ELEC COOP 07662 DATED 4/17/13

CLEARFIELD CO PROTHONOTARY

EXACTLY **1,081 AND 02/100 DOLLARS

\$ 1,081.02

CUSTOMER - FILE COPY

CASHIER'S CHECK

Be

AUTHORIZED SIGNATURE
NOT NEGOTIABLE

CLEARFIELD COUNTY PROTHONOTARY

WILLIAM A. SHAW, PROTHONOTARY
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

1437

DATE April 19, 2013

60-629-313

PAY
TO THE
ORDER OF

CLEARFIELD County Treasurer

\$ 1,081.02

ONE THOUSAND EIGHTY ONE AND 02/100

DOLLARS



Security Features
Included.
Details on Back.



CLEARFIELD BANK
&
TRUST COMPANY

Main Office
11 North 2nd Street
Clearfield, PA 16830

IMMA

[Signature]

FOR ESCHWENT 2007-662-CD Pen 40

MP

⑈001437⑈⑈031306294⑈1 2 26577 2⑈

193847



REMITTER: CLOSE VR CD UNITED ELEC COOP 07662 ^{DATE}CD 4/17/13

CLEARFIELD CO PROTHONOTARY -----
EXACTLY **1,081 AND 02/100 DOLLARS \$ \$1,081.02

CUSTOMER - FILE COPY

CASHIER'S CHECK

AUTHORIZED SIGNATURE

NOT NEGOTIABLE

Clearfield County Court of Common Pleas
DISBURSEMENT

NO. 0020540
Friday, April 19, 2013
\$1081.02

Paid to: Clearfield County Treasurer

PA 16830

One Thousand Eighty-One and 02/100 Dollars

Case: 2007-00662-CD

Subject: In Re: United Electric Cooperative, Inc., etal.

For: Trust

1081.02 William A. Shaw, Prothonotary/Clerk of Courts

By: _____

Deputy Clerk

Clerk: BILLSHAW

NOT NEGOTIABLE