

07-809-CD  
D. McDonald vs 1<sup>st</sup> Comm. Found.

2007-809-CD  
Daniel McDonald et al vs First Community

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

DANIEL J. McDONALD and PENNY N.  
McDONALD, Husband and Wife,  
Plaintiffs

No. 2007-809-CD

VS.

ACTION TO QUIET TITLE

FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly WILLIAMSPORT-  
LYCOMING FOUNDATION, its successors,  
heirs and assigns; M & T INVESTMENT  
GROUP, Successor Trustee of the ESTATE  
OF JAMES B. GRAHAM, Deceased;  
JAMES B. GRAHAM, Deceased, his heirs,  
executors, administrators and assigns;  
E. A. IRVIN, Deceased, his heirs, executors,  
administrators and assigns;  
Defendants

CASE NUMBER: No. 2007- -CD

TYPE OF CASE: Quiet Title Action

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. No. 26540  
207 East Market Street  
Clearfield, PA 16830  
(814)765-1581

FILED Atty pd 95.00  
01/10/39/01  
MAY 24 2007  
6 CC  
Atty  
William A. Shaw  
Prothonotary/Clerk of Courts

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Defendants

ACTION TO QUIET TITLE

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you.

You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR'S OFFICE  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

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Vs. : No. 2007- -CD  
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Defendants

C O M P L A I N T

AND NOW, comes the Plaintiffs, Daniel J. McDonald and Penny N. McDonald, Husband and Wife, by and through their attorney, R. Denning Gearhart, Esquire, who sets forth the following:

1. That the Plaintiffs are Daniel J. McDonald and Penny N. McDonald, Husband and Wife, who reside at 830 Bloomington Avenue, Curwensville, Pennsylvania 16833.
2. Defendant, First Community Foundation of Pennsylvania, formerly known as Williamsport-Lycoming Foundation, is a non-profit corporation, with its office at 330 Pine Street, Suite 401, Williamsport, Pennsylvania 17701.
3. Defendant, M & T Investment Group, is Successor Trustee under Codicils to the Last Will and Testament of James B. Graham, deceased, with an office located at 101 West Third Street, Williamsport, Pennsylvania 17701.

4. Defendant, James B. Graham, deceased, late of Curwensville, Pennsylvania, died on July 6, 1949, leaving a Last Will and Testament and Codicils thereto. That M & T Investment Group became Successor Trustee of the estate, and their address is listed in Item 3 above.

5. Defendant, E.A. Irvin, is believed to be deceased, and his heirs are unknown. By way of further explanation, E. A. Irvin is named as a Defendant in the following case: County National Bank, Trustee of the Warren G. Hartman Trust vs. William Doney, his heirs, executors, administrators and assigns, ..... E. A. Irvin, his heirs, executors, administrators and assigns, et. al., filed to No. 93-1673-CD, by Carl A. Belin, Jr., Esquire. In further explanation, E. A. Irvin obtained this title over one hundred and three years ago.

6. That the Plaintiff is the owner of a parcel of land located in Pike Township, Clearfield County, Pennsylvania, and more particularly described as that found in Clearfield County Instrument No. 200613552, and having Clearfield County Tax Map No. 126-H10--000-00127, and described as follows:

ALL those certain parcels of land, situate in the Township of Pike, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

**NO. 1 - BEGINNING** at a post, which is on the line of the Township Road, known as Bridgeport Road, and at a stone monument; thence North twenty-six (26) degrees west two hundred fifty-five (255) feet to a post; thence north fifty-nine (59) degrees thirty-two (32) minutes west one hundred fifteen (115) feet to a point of curve; thence by a line curving with radius of four hundred sixty-eight and seven-tenths (468.7) feet, a distance of eighty and five-tenths (80.5) feet to point of tangent; thence north eighty-seven (87) degrees twenty (20) minutes west three hundred (300) feet to a point of curve; thence by a line curving with radius of three hundred eighty three and one-tenth (383.1) feet, a distance of five hundred five (505) feet to a stone monument, which is on the line of John Stricek;

thence south three (3) degrees west two thousand three hundred twenty (2,320) feet to a Township Road, known as Bridgeport Road, to the place of beginning. CONTAINING Fourteen acres, more or less.

**NO 2 - BEGINNING** at a stone monument, which was formerly on the line of the Right-of-Way of the Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly; thence by a line curving with radius of one hundred thirty (130) feet, a distance of four hundred and seventy (470) feet to a point of tangent; thence north fifty-nine (59) degrees thirty-two (32) minutes west three hundred sixty-two (362) feet to a stone monument, which is on the line of Curwensville Borough; thence south twelve (12) degrees thirty (30) minutes west five hundred fifty-eight (558) feet to line of the Right-of-Way of the former Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly; thence along the said Right-of-Way of the former Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly, to the place of beginning. CONTAINING Five and one-half (5 1/2) acres, more or less.

**IDENTIFIED** by Clearfield County Tax Map Number 126-H10-127, and also being referred to as Tract G-85, Pike Township, Clearfield County.

7. That the Plaintiffs acquired title to the premises by Deed of Bell Run Properties, LLC, dated August 11, 2006, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, at Instrument No. 200613552. A clause in that Deed reads as follows:

"AND BELIEVED TO BE the same premises conveyed to James B. Graham and subsequently to Williamsport-Lycoming Foundation as successor trustee to James B. Graham Estate as reference to which will more fully appear. Williamsport-Lycoming Foundation formally changed its name to First Community Foundation of Pennsylvania pursuant to Articles of Amendment filed with the Commonwealth of Pennsylvania, Department of State, Corporation Bureau on September 3, 2004."

8. That by Quit-Claim Deed the subject property passed from First Community Foundation of Pennsylvania, formerly Williamsport-Lycoming Foundation, to Bell Run Properties, LLC, said property being "Parcel TWO " of Deed, said Quit-Claim Deed being titled "Corrective" and being dated June 29, 2006, and recorded in Clearfield County at Instrument No. 200611274. This Deed also contains the exact clause indicated above in Item 7.

9. That by Deed dated May 16, 2002, from M & T Investment Group, Successor Trustee under Codicils to the Last Will and Testament of James B. Graham, deceased, the property purportedly passed to Williamsport-Lycoming Foundation, a non-profit corporation, said Deed being recorded in Clearfield County at Instrument No. 200209354. However, on review of said Deed, the subject property does not appear to be listed or included in this Deed. There are various parcels listed on Page 28 of said Deed which are located in Pike Township, Clearfield County. However, information provided does not confirm that the subject property was ever part of those parcels.

10. That by Deed dated May 12, 1944, from D. D. Miller, et. al., Committee of Creditors of Hugh M. Irvin, and recorded in Clearfield County Deed Book Vol. 360, Page 472, various properties located in Penn, Bloom, Brady and Greenwood Townships were sold to James B. Graham.

11. That by Deed dated October 18, 1904, the subject property is specifically described as No. 1 in that Deed, and containing 14 acres, more or less; and No. 2 in that Deed, and containing five and one-half acres, more or less. This Deed is a transfer from Roaring Run Stone Company, a corporation, to E. A. Irvin, and is recorded in Clearfield County Deed Book Vol. 147, Page 14.

12. The Deed described in Item 10 above does not specifically list the properties situate in Pike Township, Clearfield County, which were owned by the Grantors. However, it is believed that it was the intention of the Grantors to also include those properties in the sale. This belief is based on the Assessment Records found in the Assessment Office of the Clearfield County Courthouse, Clearfield, Pennsylvania.

13. These Assessment records reveal that in 1907, after purchasing this property in 1904, E. A. Irvin began being assessed with the property. A copy of said Assessment record from 1907 is attached as Exhibit "1".

14. That Assessment records also indicate that the Assessment records for "E.A.Irvin" for the year 1936 shows the following notation: "Sold to County 1936" With a further notation of "Redeemed by owner - \$140.95 – November 5, 1940". However, in checking Assessment records for the year 1940 through 1948, the subject property is not assessed under E.A. Irvin, or his heirs, or any other individual.

15. In the year 1948, the subject property again appears on the Assessment records for the first time, and it is assessed under the name of "James B. Graham – 19 ½ Acres". A copy of the Assessment records for the years 1948 for both James B. Graham and Creditors Committee for Hugh M. Irvin Estate are attached hereto as Exhibits "2" and "3", respectively. The property continued to be assessed to James B. Graham, or his successor trustee, until it was transferred to Williamsport-Lycoming Foundation in 2004, and then to Bell Run Properties in 2006. The property is currently assessed to the Plaintiffs herein.

16. The Plaintiffs, or their predecessors in title, have exercised adverse, continuous, visible, notorious, exclusive and hostile possession over the premises and have continued such possession in excess of twenty-one (21) years.

17. That the purpose of this action to quiet title is to clear the title to the subject premises from:

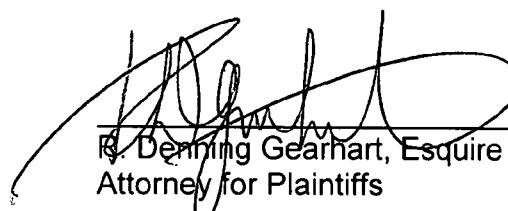
(a) any defect resulting from the Tax Sale by the County as stated herein;

- (b) any defect resulting from the incomplete records of the Clearfield County Assessment office;
- (c) any defect resulting from the omission of the transfer of the subject properties in various Deeds as recited in the herein Complaint.

WHEREFORE, Plaintiffs request:

- (a) That by Decree of your Honorable Court, it may be declared that title to the premises set forth in Paragraph 6 hereof is in the Plaintiffs and that they shall be allowed to enjoy such property in peace; and
- (b) That the Defendants, their heirs, successors and assigns, within thirty (30) days from the receipt of this Complaint, institute an action of ejectment against the Plaintiffs and that otherwise the Defendants, their heirs, successors and assigns be perpetually enjoined from setting up any title to said property from impeaching, denying or in any way attaching the Plaintiffs' title to said property, from issuing or maintaining an ejectment from said premises and from encumbering, mortgaging or conveying the said premises or any party thereof.
- (c) Such other relief as the Court determines to be equitable and just.

Respectfully submitted,



R. Denning Gearhart, Esquire  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

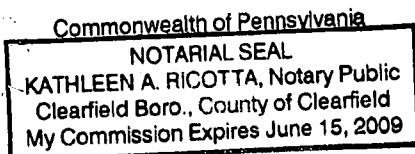
SS.

Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared DANIEL J. McDONALD and PENNY N. McDONALD, who being duly sworn according to law depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Daniel J. McDonald  
DANIEL J. McDONALD  
Penny N. McDonald  
PENNY N. McDONALD

Sworn to and subscribed  
before me, this 23  
day of May, 2007.

Kathleen A. Ricotta  
Notary Public



1907  
200 1600  
320 3000  
40 700  
25 min 200  
7 1/2 600  
19 1/2 248  
14 10 300  
for Ed Winterbottom

60. Irvine & Bottom

117 40 Irvine Same 8 800  
2 lines 30

Irvine 11/19 8<sup>th</sup>  
OC Sabine 100

140 Cet. Irvine Jan 2 9.11 1400

000057

Name	<u>Spedding Reinhardt</u>	Bldg.		N	E
Address	<u>Curwensville P.D.</u>	\$		S	W
	<u>Spouse</u>	Land		Deed Reference	Lot No.
		\$		Deed Book	Plan, Etc.
		TOTAL		Other	
		\$		Data	

000056

Abbreviations  
 A — Acres; P — Purchas; Surf. — Surface; Coal Rt. — Coal Rights;  
 Min. Rts. — Mineral Rights; L — Lot;  
 Bldg. — Building; Bld. — Building; St. — Story; Dw. — Dwelling; H — House;  
 Bldg. — Building; Apt. — Apartment; G — Garage.

NAME	ADDRESS	VALUATION		REAL ESTATE DETAIL			
		OCCUPATION	PERSONAL PROPERTY	REAL ESTATE BUILDING AND LAND	ACREAGE OR LOT SIZE	CHARACTER OF BUILDING OR OTHER STRUCTURES	DESCRIPT.
Mr. Gisewhite, Mount R.				Bldg. \$ Land \$ 25 TOTAL \$ 25	10a-416P Coal Rt.		N S Deed Reference Deed Book Other Data
Same as Item 1				Bldg. \$ Land \$ 50 TOTAL \$ 50	23a-416P Coal Rt.		N S Deed Reference Deed Book Other Data
Mr. Graham, James B.	4105 - 49th St., N.W. Washington, 16, D.C.			Bldg. \$ Land \$ 250 TOTAL \$ 250	25a.		N S Deed Reference Deed Book Other Data
Same as Item 3				Bldg. \$ Land \$ 60 TOTAL \$ 60	12a.		N S Deed Reference Deed Book Other Data
Same as Item 3.				Bldg. \$ Land \$ 195 TOTAL \$ 195	19 1/2a. 00		N S Deed Reference Deed Book Other Data
Mr. Griffin, Maurice	Curwensville P.D.			Bldg. \$ 150 Land \$ 50 TOTAL \$ 200	L 72. 20	X	N S Deed Reference Deed Book Other Data
Mr. Griffin, Cecil J.	Curwensville P.D.			Bldg. \$ Land \$ TOTAL \$ 20			N S Deed Reference Deed Book Other Data
Mr. Grimes, George Jr.	Curwensville P.D.			Bldg. \$ Land \$ TOTAL \$ 100			N S Deed Reference Deed Book Other Data

RETURNED MAY 2, 1949

Abbreviations  
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000057

EXHIBIT "2"

## SEATED LAND

1948

ADDRESS	VALUATION			CHARACTER OF BUILDINGS OR OTHER STRUCTURES	REAL ESTATE DET		
	OCCUPATION	PERSONAL PROPERTY	REAL ESTATE BUILDING AND LAND		DESCRIPTIVE	Page	Plan, Etc.
Bailey C. C. & J. D. Bailey Est. Bearfield				Bldg. \$ 8 Land \$ 250 TOTAL \$ 258	740-450		
estate last statement to Bailey & J. D. Bailey Est.							
Bloom Harrison Future Bloom Curwensville				Bldg. \$ 105 Land \$ 105 TOTAL \$ 105	365 Int. inv 70.580		
Leffler J. M. L. P. trustee Bearfield				Bldg. \$ 675 Land \$ 675 TOTAL \$ 675	12 Int. inv 4500		
General Committee of Standard Miners vs. Quaker & Steam Coal Co. & Company of Pitt Street Curwensville				Bldg. \$ 35 Land \$ 35 TOTAL \$ 35	1/2 Int. inv 78.76.300 1/2 except 1/2 curv. 1/2		
Curwensville							
Curwensville				Bldg. \$ 75 Land \$ 75 TOTAL \$ 75	310 a. coal 2 fire brick 275 stone 2 min.		
Curwensville							
Curwensville				Bldg. \$ 65 Land \$ 65 TOTAL \$ 65	except 1/2 275 - 1/2 coal 275 - 1/2 coal		
Curwensville							
Curwensville Mining Co. ith American Co. Curwensville				Bldg. \$ 30 Land \$ 30 TOTAL \$ 30	130 a		
Curwensville							
J. Daie (John G. Jr.) W. Daie				Bldg. \$ 890 Land \$ 890 TOTAL \$ 890	440 a Surf & 840 exshd		
J. Daie (John G. Jr.) W. Daie							

**FILED**

**MAY 24 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION ACTION TO QUIET  
TITLE

DANIEL J. McDONALD and PENNY M.  
McDONALD, Husband and Wife,  
Plaintiffs

**vs.**

FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly  
WILLIAMSPORT-LYCOMING FOUNDATION  
et. al., Defendants

COMPLAINT-ACTION TO QUIET  
TITLE

R. DENNING GEARHART  
ATTORNEY AT LAW  
CLEARFIELD, PA. 16830

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Defendants

CASE NUMBER: No. 2007- 809 -CD

TYPE OF CASE: Quiet Title Action

TYPE OF PLEADING: AFFIDAVIT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. No. 26540  
207 East Market Street  
Clearfield, PA 16830  
(814)765-1581

FILED  
MAY 24 2007  
cc  
R. DENNING GEARHART  
William A. Shaw  
Prothonotary/Clerk of Courts

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COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

SS.

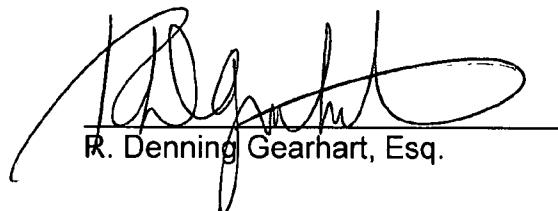
R. DENNING GEARHART, who being duly sworn according to law, deposes and  
says that in support of his Motion For Publication, the following:

1. A search of the Courthouse records as found in Clearfield County have  
provided no further information as to the above named Defendant, E.  
A. Irvin, his heirs, executors, administrators and assigns. In fact, upon  
search of the Clearfield County records, numerous Action to Quiet Title  
actions were found against E. A. Irvin, his heirs, executors,  
administrators and assigns, the most recent being an Action to Quiet  
Title filed by Carl A. Belin, Jr., Esquire, in the following case: County  
National Bank, Trustee of the Warren G. Hartman Trust vs. William

Doney, his heirs, executors, administrators and assigns, ..... E. A. Irvin, his heirs, executors, administrators and assigns, et. al.", filed to No. 93-1673-CD, in which the whereabouts of the Defendant stated herein was also indicated as unknown.

2. That I have made a good faith effort to find the whereabouts of the Defendant, E. A. Irvin, and his heirs, executors, administrators and assigns.

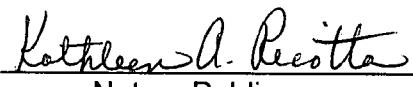
Further, the deponent sayeth not.



R. Denning Gearhart, Esq.

Sworn to and subscribed

before me this 24  
day of May,  
2007.



Kathleen A. Ricotta

Notary Public

Commonwealth of Pennsylvania

NOTARIAL SEAL

KATHLEEN A. RICOTTA, Notary Public  
Clearfield Boro., County of Clearfield  
My Commission Expires June 15, 2009

**FILED**

**MAY 24 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

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Defendants

AFFIDAVIT

R. DENNING GEARHART  
ATTORNEY AT LAW  
CLEARFIELD, PA. 16830

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

LAST OVER MARGIN

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TYPE OF PLEADING: MOTION FOR PUBLICATION & ORDER

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. No. 26540  
207 East Market Street  
Clearfield, PA 16830  
(814)765-1581

FILED 2cc  
013-35701 Atty Gearhart  
MAY 24 2007  
GX

William A. Shaw  
Prothonotary/Clerk of Courts

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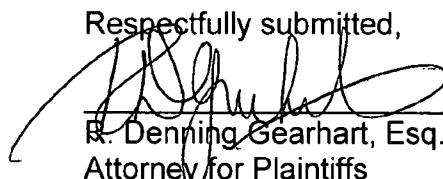
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Defendants

MOTION FOR PUBLICATION

AND NOW, to wit: an Affidavit having been filed by R Denning Gearhart, Esq., attorney for the Plaintiffs, a copy of which is attached hereto as Exhibit "A", and stating that the whereabouts of the above named Defendant, E. A. Irvin, his heirs, executors, administrators and assigns, are unknown, the said R. Denning Gearhart, Esq., hereby requests Your Honorable Court to order service on them by publication in The Progress one (1) time, and in the Clearfield County Legal Journal one (1) time.

Respectfully submitted,

  
R. Denning Gearhart, Esq.  
Attorney for Plaintiffs

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No. 2007- 809 -CD

FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly WILLIAMSPORT-  
LYCOMING FOUNDATION, its successors,  
heirs and assigns; M & T INVESTMENT  
GROUP, Successor Trustee of the ESTATE  
OF JAMES B. GRAHAM, Deceased;  
JAMES B. GRAHAM, Deceased, his heirs,  
executors, administrators and assigns;  
E. A. IRVIN, Deceased, his heirs, executors,  
administrators and assigns;  
Defendants

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

SS.

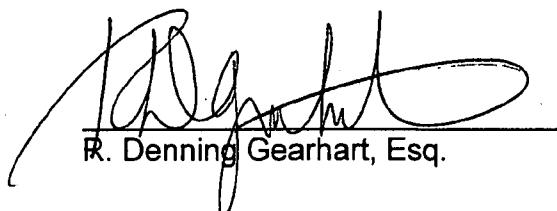
R. DENNING GEARHART, who being duly sworn according to law, deposes and  
says that in support of his Motion For Publication, the following:

1. A search of the Courthouse records as found in Clearfield County have provided no further information as to the above named Defendant, E. A. Irvin, his heirs, executors, administrators and assigns. In fact, upon search of the Clearfield County records, numerous Action to Quiet Title actions were found against E. A. Irvin, his heirs, executors, administrators and assigns, the most recent being an Action to Quiet Title filed by Carl A. Belin, Jr., Esquire, in the following case: County National Bank, Trustee of the Warren G. Hartman Trust vs. William

Doney, his heirs, executors, administrators and assigns, ..... E. A. Irvin, his heirs, executors, administrators and assigns, et. al.", filed to No. 93-1673-CD, in which the whereabouts of the Defendant stated herein was also indicated as unknown.

2. That I have made a good faith effort to find the whereabouts of the Defendant, E. A. Irvin, and his heirs, executors, administrators and assigns.

Further, the deponent sayeth not.



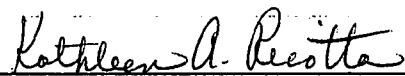
R. Denning Gearhart, Esq.

Sworn to and subscribed

before me this 24

day of May

2007.



Kathleen A. Ricotta

Notary Public

Commonwealth of Pennsylvania

NOTARIAL SEAL

KATHLEEN A. RICOTTA, Notary Public  
Clearfield Boro., County of Clearfield  
My Commission Expires June 15, 2009

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

DANIEL J. McDONALD and PENNY N.  
McDONALD, Husband and Wife,  
Plaintiffs

vs.

No. 2007- 809 -CD

FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly WILLIAMSPORT-  
LYCOMING FOUNDATION, its successors,  
heirs and assigns; M & T INVESTMENT  
GROUP, Successor Trustee of the ESTATE  
OF JAMES B. GRAHAM, Deceased;  
JAMES B. GRAHAM, Deceased, his heirs,  
executors, administrators and assigns;  
E. A. IRVIN, Deceased, his heirs, executors,  
administrators and assigns;  
Defendants

## ORDER FOR PUBLICATION

AND NOW, to wit:, this 29 day of May, 2007, upon consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on the Defendants, E. A. Irvin, his heirs, executors, administrators and assigns, by publication once in The Progress, Clearfield, Pennsylvania, and the Clearfield County Legal Journal, Clearfield, Pennsylvania.

BY THE COURT

JUDGE

FILED 2cc  
D 11/18/01 Atty Gearhart  
MAY 30 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION -ACTION TO QUIET  
TITLE No. 2007-809-CD

DANIEL J. McDONALD and PENNY N.  
McDONALD, Plaintiffs  
vs.  
FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, et. al.,  
Defendants

**FILED**

**MAY 24 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

MOTION FOR PUBLICATION & ORDER

R. DENNING GEARHART  
ATTORNEY AT LAW  
CLEARFIELD, PA. 16830

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

DANIEL J. McDONALD and PENNY N.  
McDONALD, Husband and Wife,  
Plaintiff : No. 2007- 809-CD  
  
VS. : ACTION TO QUIET TITLE  
  
FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly WILLIAMSPORT-  
LYCOMING FOUNDATION, its successors,  
heirs and assigns; M & T INVESTMENT  
GROUP, Successor Trustee of the ESTATE  
OF JAMES B. GRAHAM, Deceased;  
JAMES B. GRAHAM, Deceased, his heirs,  
executors, administrators and assigns;  
E. A. IRVIN, Deceased, his heirs, executors,  
administrators and assigns;  
Defendants

CASE NUMBER: No. 2007- 809 -CD

TYPE OF CASE: Quiet Title Action

TYPE OF PLEADING: AFFIDAVIT OF PUBLICATION

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. No. 26540  
207 East Market Street  
Clearfield, PA 16830  
(814)765-1581

FILED  
0104831 NOCC  
JUN 28 2007  
US

William A. Shaw  
Prothonotary/Clerk of Courts

## PROOF OF PUBLICATION

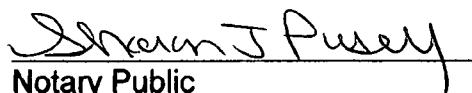
STATE OF PENNSYLVANIA :  
:  
COUNTY OF CLEARFIELD :

On this 8th day of June 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 June 8, 2007, Vol. 19 No. 23. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

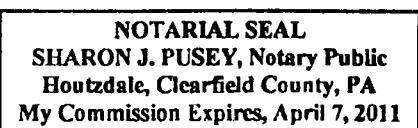


Gary A. Knaresboro, Esquire  
Editor

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



Notary Public  
My Commission Expires



R. Denning Gearhart  
215 E Locust St  
Clearfield PA 16830

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

DANIEL J. McDONALD and PENNY N. McDONALD, Husband and Wife, Plaintiffs vs. FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, formerly WILLIAMS-PORT-LYCOMING FOUNDATION, its successors, heirs and assigns; M & T INVESTMENT GROUP, Successor Trustee of the ESTATE OF JAMES B. GRAHAM, Deceased; JAMES B. GRAHAM, Deceased, his heirs, executors, administrators and assigns; E. A. IRVIN, Deceased, his heirs, executors, administrators and assigns; Defendants.

No. 2007-809-CD  
NOTICE

ACTION TO QUIET TITLE

TO: E. A. IRVIN, Deceased, his heirs, executors, administrators and assigns.

NOTICE - If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or obligations in writing with the Court. You are wanted that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. Court Administrator, Clearfield County Courthouse, Clearfield, Pennsylvania, 814-765-2641

You are hereby notified that an Action to Quiet Title to the following parcel of land situate in Pike Township, County of Clearfield, Commonwealth of Pennsylvania, has been filed against you. Said parcel being more particularly bounded and described as follows:

ALL those certain parcels of land, situate in the Township of Pike, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

NO. 1 - BEGINNING at a post, which is on the line of the Township Road, known as Bridgeport Road, and at a stone monument; thence North twenty-six (26) degrees west two hundred fifty-five (255) feet to a post; thence north fifty-nine (59) degrees thirty-two (32) minutes west one hundred fifteen (115) feet to a point of curve; thence by a line curving with radius of four hundred sixty-eight and seven-tenths (468.7) feet, a distance of eighty and five-tenths (80.5) feet to point of tangent; thence north eighty-seven (87) degrees twenty (20) minutes west three hundred (300) feet to a point of curve; thence by a line curving with radius of three hundred eighty three and one-tenth (383.1) feet, a distance of five hundred five (505) feet to a stone monument, which is on the line of John Stricek; thence south three (3) degrees west two thousand three hundred twenty (2,320) feet to a Township Road, known as Bridgeport Road, to the place of beginning. CONTAINING Fourteen acres, more or less.

NO 2 - BEGINNING at a stone monument, which was formerly on the line of the Right-of-Way of the Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly; thence by a line curving with radius of one hundred thirty (130) feet, a distance of four hundred and seventy (470) feet to a point of tangent; thence north fifty-nine (59) degrees thirty-two (32) minutes west three hundred sixty-two (362) feet to a stone monument, which is on the line of Curwensville Borough; thence south twelve (12) degrees thirty (30) minutes west five hundred fifty-eight (558) feet to line of the Right-of-Way of the former Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly; thence along the said Right-of-Way of the former Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly, to the place of beginning. CONTAINING Five and one-half (5 1/2) acres, more or less.

IDENTIFIED by Clearfield County Tax Map Number 126-H10-127, and also being referred to as Tract G-85, Pike Township, Clearfield County.

That the purpose of this Quiet Title Action is to extinguish any equity which the Defendant above named, E. A. Irvin, Deceased, his heirs, executors, administrators and assigns may have in the property which is set forth in this action; and to clear the title to the subject premises from:

(a) any defect resulting from the Tax Sale by the County as stated herein;

(b) any defect resulting from the incomplete records of the Clearfield County Assessment office;

(c) any defect resulting from the omission of the transfer of the subject properties in various Deeds as recited in the herein Complaint.

WHEREUPON said Court ordered that notice of the said action and the facts thereto be served on the Defendant, E. A. Irvin, Deceased, his heirs, executors, administrators and assigns by the Plaintiff by advertisement requiring Defendant above named and his heirs, executors, administrators and assigns to answer the said Complaint within twenty (20) days from the date of this publication.

R. Denning Gearhart, Esquire, Attorney for Plaintiffs, 207 East Market Street, Clearfield, PA 16830, 814-765-1581.

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

DANIEL J. McDONALD and PENNY N.  
McDONALD, Husband and Wife,  
Plaintiff

No. 2007- 809-CD

VS.

ACTION TO QUIET TITLE

FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly WILLIAMSPORT-  
LYCOMING FOUNDATION, its successors,  
heirs and assigns; M & T INVESTMENT  
GROUP, Successor Trustee of the ESTATE  
OF JAMES B. GRAHAM, Deceased;  
JAMES B. GRAHAM, Deceased, his heirs,  
executors, administrators and assigns;  
E. A. IRVIN, Deceased, his heirs, executors,  
administrators and assigns;  
Defendants

CASE NUMBER: No. 2007- 809 -CD

TYPE OF CASE: Quiet Title Action

TYPE OF PLEADING: AFFIDAVIT OF PUBLICATION

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. No. 26540  
207 East Market Street  
Clearfield, PA 16830  
(814)765-1581

FILED No CC.  
9/10/2007  
JUL 23 2007  
WMS

William A. Shaw  
Prothonotary/Clerk of Courts

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

DANIEL J. McDONALD and PENNY N.  
McDONALD, Husband and Wife,  
Plaintiffs

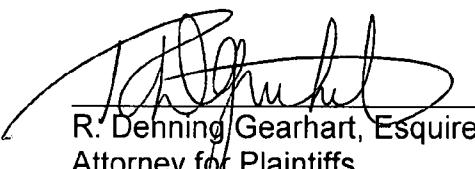
vs,

: No. 2007-809-CD

FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly WILLIAMSPORT-  
LYCOMING FOUNDATION, its successors,  
heirs and assigns; M & T INVESTMENT  
GROUP, Successor Trustee of the ESTATE  
OF JAMES B. GRAHAM, Deceased;  
JAMES B. GRAHAM, Deceased, his heirs,  
executors, administrators and assigns;  
E. A. IRVIN, Deceased, his heirs, executors,  
administrators and assigns;  
Defendants

A F F I D A V I T

The undersigned hereby certified that he did cause to have published in The Progress the Notice for the Complaint with regard to the Quiet Title Action filed to the above on the Defendant, E.A. Irvin, deceased, his heirs, executors, administrators and assigns, as evidenced by Exhibit "A" attached hereto.

  
R. Dehning Gearhart, Esquire  
Attorney for Plaintiffs

Sworn to and subscribed  
Before me this 19 day  
of July, 2007.

Kathleen A. Ricotta  
Notary Public

Commonwealth of Pennsylvania

NOTARIAL SEAL

KATHLEEN A. RICOTTA, Notary Public  
Clearfield Boro., County of Clearfield  
My Commission Expires June 15, 2009

on the line of John Stricek; thence south three (3) degrees west two thousand three hundred twenty (2,320) feet to a Township Road, known as Bridgeport Road, to the place of beginning. CONTAINING Fourteen acres, more or less.

NO. 2 - BEGINNING at a stone monument, which was formerly on the line of the Right-of-Way of the Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly; thence by a line curving with radius of one hundred thirty (130) feet, a distance of four hundred and seventy (470) feet to a point of tangent; thence north fifty-nine (59) degrees thirty-two (32) minutes west three hundred sixty-two (362) feet to a stone monument, which is on the line of Curwensville Borough; thence south twelve (12) degrees thirty (30) minutes west five hundred fifty-eight (558) feet to line of the Right-of-Way of the former Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly; thence along the said Right-of-Way of the former Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly, to the place of beginning. CONTAINING Five and one-half (5½) acres, more or less.

IDENTIFIED by Clearfield County Tax Map Number 126-H10-127, and also being referred to as Tract G-85, Pike Township, Clearfield County.

The purpose of this Quiet Title Action is to extinguish any equity which the Defendant above named, E. A. Irvin, Deceased, his heirs, executors, administrators and assigns may have in the property which is set forth in this action; and to clear the title to the subject premises from:

- (a) any defect resulting from the Tax Sale by the County as stated herein;
- (b) any defect resulting from the incomplete records of the Clearfield County Assessment office;
- (c) any defect resulting from the omission of the transfer of the subject properties in various Deeds as recited in the herein Complaint.

WHEREUPON said Court ordered that notice of the said action and the facts thereto be served on the Defendant, E. A. Irvin, Deceased, his heirs, executors, administrators and assigns by the Plaintiff by advertisement requiring Defendant above named and his heirs, executors, administrators and assigns to answer the said Complaint within twenty (20) days from the date of this publication.

R. Denning Gearhart, Esquire  
Attorney for Plaintiffs  
207 East Market Street  
Clearfield, PA 16830  
814-765-1581

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 5th day of July, 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 June 2, 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.

*Margaret E. Krebs*

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

*Cheryl J. Robison* COMMONWEALTH OF PENNSYLVANIA  
Notary Public Clearfield, Pa. Notarial Seal

My Commission Expires  
October 31, 2007

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

Member, Pennsylvania Association Of Notaries

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

DANIEL J. McDONALD and PENNY N.  
McDONALD, Husband and Wife,  
Plaintiffs

vs,

No. 2007-809-CD

FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly WILLIAMSPORT-  
LYCOMING FOUNDATION, its successors,  
heirs and assigns; M & T INVESTMENT  
GROUP, Successor Trustee of the ESTATE  
OF JAMES B. GRAHAM, Deceased;  
JAMES B. GRAHAM, Deceased, his heirs,  
executors, administrators and assigns;  
E. A. IRVIN, Deceased, his heirs, executors,  
administrators and assigns;  
Defendants

FILED  
0/23/07 300  
JUL 24 2007 Atty  
Gearhart  
William A. Shaw  
Prothonotary/Clerk of Courts  
GK

O R D E R

AND NOW, this 24 day of July, 2007, it appearing that service  
of the Complaint in the above captioned case, with notice to plead, was served in The  
Progress, Clearfield, Pennsylvania, and the Clearfield County Legal Journal, Clearfield,  
Pennsylvania, and an Affidavit having been filed with the Prothonotary as to attempts  
made to obtain information and the whereabouts of the Defendants, and it further  
appearing that no answer has been filed nor appearance entered by any of the said  
Defendants or their duly authorized representatives and more than twenty (20) days  
having elapsed since the advertisement thereof, it is hereby ORDERED as follows:

1. That the above named Defendants, their heirs, successors and assigns, are  
forever barred from asserting any right, title, lien or interest inconsistent with the interest  
or claim of the Plaintiffs as set forth in their Complaint in and for all that certain piece or

parcel of land situate in the Township of Pike, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

**ALL** those certain parcels of land, situate in the Township of Pike, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

**NO. 1 - BEGINNING** at a post, which is on the line of the Township Road, known as Bridgeport Road, and at a stone monument; thence North twenty-six (26) degrees west two hundred fifty-five (255) feet to a post; thence north fifty-nine (59) degrees thirty-two (32) minutes west one hundred fifteen (115) feet to a point of curve; thence by a line curving with radius of four hundred sixty-eight and seven-tenths (468.7) feet, a distance of eighty and five-tenths (80.5) feet to point of tangent; thence north eighty-seven (87) degrees twenty (20) minutes west three hundred (300) feet to a point of curve; thence by a line curving with radius of three hundred eighty three and one-tenth (383.1) feet, a distance of five hundred five (505) feet to a stone monument, which is on the line of John Stricek; thence south three (3) degrees west two thousand three hundred twenty (2,320) feet to a Township Road, known as Bridgeport Road, to the place of beginning. **CONTAINING** Fourteen acres, more or less.

**NO 2 - BEGINNING** at a stone monument, which was formerly on the line of the Right-of-Way of the Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly; thence by a line curving with radius of one hundred thirty (130) feet, a distance of four hundred and seventy (470) feet to a point of tangent; thence north fifty-nine (59) degrees thirty-two (32) minutes west three hundred sixty-two (362) feet to a stone monument, which is on the line of Curwensville Borough; thence south twelve (12) degrees thirty (30) minutes west five hundred fifty-eight (558) feet to line of the Right-of-Way of the former Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly; thence along the said Right-of-Way of the former Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly, to the place of beginning. **CONTAINING** Five and one-half (5 1/2) acres, more or less.

**IDENTIFIED** by Clearfield County Tax Map Number 126-H10-127, and also being referred to as Tract G-85, Pike Township, Clearfield County.

Said Order to be final and absolute unless the aforesaid Defendants, their heirs, successors and assigns, shall file exceptions to this Order within thirty (30) days of the date hereof.

2. That if said above named Defendants, their heirs, successors and assigns, shall not have filed said exceptions within thirty (30) days, the Prothonotary, upon Praecept of Plaintiffs, shall enter final judgment for Plaintiffs and against said named Defendants, their heirs, successors and assigns.

3. That the rights of Plaintiffs in said premises are at all times superior to the rights of said named Defendants, their heirs, successors and assigns and that the

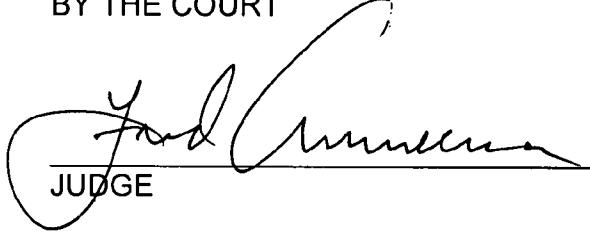
Plaintiffs have title in fee simple to said premises described in the Complaint as against said Defendants, their heirs, successors and assigns.

4. That the Defendants, their heirs, successors and assigns or any person claiming under them shall be forever enjoined from setting up any title to the premises of Plaintiffs described in the Complaint and from impeaching, denying or in any way attacking the title of Plaintiffs to said premises.

5. That these proceedings, or any authenticated copy thereof, shall at all times hereafter be taken as evidence of the facts declared and established thereby.

6. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT

  
JUDGE

**FILED**

**JUL 24 2007**

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

**R. DENNING GEARHART  
ATTORNEY AT LAW  
CLEARFIELD, PA. 16830**

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

DANIEL J. McDONALD and PENNY N.  
McDONALD, Husband and Wife,  
Plaintiff

No. 2007- 809-CD

VS.

FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly WILLIAMSPORT-  
LYCOMING FOUNDATION, its successors,  
heirs and assigns; M & T INVESTMENT  
GROUP, Successor Trustee of the ESTATE  
OF JAMES B. GRAHAM, Deceased;  
JAMES B. GRAHAM, Deceased, his heirs,  
executors, administrators and assigns;  
E. A. IRVIN, Deceased, his heirs, executors,  
administrators and assigns;  
Defendants

ACTION TO QUIET TITLE

CASE NUMBER: No. 2007- 809 -CD

TYPE OF CASE: Quiet Title Action

TYPE OF PLEADING: PRAECIPE TO ENTER FINAL JUDGMENT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. No. 26540  
207 East Market Street  
Clearfield, PA 16830  
(814)765-1581

FILED 100  
01/24/07 AUG 30 2007 Amy Gearhart  
(6K)

William A. Shaw  
Prothonotary/Clerk of Courts

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

DANIEL J. McDONALD and PENNY N. :  
McDONALD, Husband and Wife, :  
Plaintiffs :  
: :  
vs, : No. 2007-809-CD  
: :  
FIRST COMMUNITY FOUNDATION OF :  
PENNSYLVANIA, formerly WILLIAMSPORT- :  
LYCOMING FOUNDATION, its successors, :  
heirs and assigns; M & T INVESTMENT :  
GROUP, Successor Trustee of the ESTATE :  
OF JAMES B. GRAHAM, Deceased; :  
JAMES B. GRAHAM, Deceased, his heirs, :  
executors, administrators and assigns; :  
E. A. IRVIN, Deceased, his heirs, executors, :  
administrators and assigns; :  
Defendants :  
:

PRAECIPE TO ENTER FINAL JUDGMENT

TO THE PROTHONOTARY:

Please enter a final judgment against the above named Defendants, their  
heirs, successors and assigns, and on behalf of the above named Plaintiffs for such  
relief as requested in an Order dated the 24<sup>th</sup> day of July, 2007.

Respectfully submitted,



R. Denning Gearhart, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION ACTION TO QUIET  
TITLE No. 2007-809-CD

DANIEL J. McDONALD and  
PENNY N. McDONALD, Husband and  
Wife, Plaintiffs

vs.

FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, et. al.,  
Defendants

**FILED**

**AUG 30 2007**

*William A. Shaw*  
Prothonotary/Clerk of Courts

PRAECIPE TO ENTER FINAL JUDGMENT

R. DENNING GEARHART  
ATTORNEY AT LAW  
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102837  
NO: 07-809-CD  
SERVICE # 1 OF 3  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: DANIEL J. MCDONALD and PENNY N. MCDONALD

vs.

DEFENDANT: FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, formerly WILLIAMS-  
LYCOMING FOUNDATION, its successors ET AL

**SHERIFF RETURN**

---

NOW, May 29, 2007, SHERIFF OF LYCOMING COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, formerly Williamsport-Lycoming Foundation.

NOW, June 04, 2007 AT 11:36 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, formerly Williamsport-Lycoming Foundation, DEFENDANT. THE RETURN OF LYCOMING COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

**FILED**  
9/21/30cm  
OCT 10 2007  
IS

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102837  
NO: 07-809-CD  
SERVICE # 2 OF 3  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: DANIEL J. MCDONALD and PENNY N. MCDONALD

vs.

DEFENDANT: FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, formerly WILLIAMSPORT-LYCOMING FOUNDATION, its successors ET AL

**SHERIFF RETURN**

---

NOW, May 29, 2007, SHERIFF OF LYCOMING COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON M&T INVESTMENT GROUP. Successor Trustee of the Estate of James B. Graham, Deceased.

NOW, June 04, 2007 AT 11:50 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON M&T INVESTMENT GROUP. Successor Trustee of the Estate of James B. Graham, Deceased, DEFENDANT. THE RETURN OF LYCOMING COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102837  
NO: 07-809-CD  
SERVICE # 3 OF 3  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: DANIEL J. MCDONALD and PENNY N. MCDONALD

vs.

DEFENDANT: FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, formerly WILLIAMSPORT-LYCOMING FOUNDATION, its successors ET AL

**SHERIFF RETURN**

---

NOW, May 29, 2007, SHERIFF OF LYCOMING COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON JAMES B. GRAHAM, Deceased, his heirs, executors, administrators & assigns c/o M&T INVESTMENET GROUP.

NOW, June 04, 2007 AT 11:50 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON JAMES B. GRAHAM, Deceased, his heirs, executors, administrators & assigns c/o M&T INVESTMENET GROUP, DEFENDANT. THE RETURN OF LYCOMING COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102837  
NO: 07-809-CD  
SERVICES 3  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: DANIEL J. MCDONALD and PENNY N. MCDONALD

vs.

DEFENDANT: FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, formerly WILLIAMS-  
LYCOMING FOUNDATION, its successors ET AL

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GEARHART	6191	30.00
SHERIFF HAWKINS	GEARHART	6191	21.00
LYCOMING CO.	GEARHART	6192	34.50

Sworn to Before Me This

So Answers,

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

  
Chester A. Hawkins  
Sheriff

Case No 2007-00809 T  
DANIEL J. MCDONALD, ET AL (VS) FIRST COMMUNITY FDATION OF PA.

Date Filed

5/24/07 COMPLAINT IN ACTION TO QUIET TITLE, FILED. TIME STAMPED.  
(FROM CLEARFIELD COUNTY). 75.00 DEPOSIT.

6/04/07 AT 11:36 A.M., SERVED THE WITHIN COMPLAINT IN ACTION TO QUIET TITLE UPON THE WITHIN NAMED DEFENDANT, FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, FORMERLY WILLIAMSPORT LYCOMING FOUNDATION, BY HANDING A TRUE AND ATTESTED COPY OF SAME TO SHERYL HOFF, C.F.O., AT 330 PINE STREET, STE. 401, WILLIAMSPORT, PA., AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF. SO ANSWERS, CHARLES T. BREWER, SHERIFF OF LYCOMING COUNTY; BY: MARK FORWOOD, DEPUTY,

6/04/07 AT 11:50 A.M., SERVED THE WITHIN COMPLAINT IN ACTION TO QUIET TITLE UPON THE WITHIN NAMED DEFENDANT, M&amp;T INVESTMENT GROUP, SUCCESSOR TRUSTEE OF ESTATE OF JAMES B. GRAHAM, DECEASED, BY HANDING A TRUE AND ATTESTED COPY OF SAME TO TOM O'CONNELL, VICE PRESIDENT, AT 101 WEST THIRD STREET, WILLIAMSPORT, PA., AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF. SO ANSWERS, CHARLES T. BREWER, SHERIFF OF LYCOMING COUNTY; BY: MARK FORWOOD.

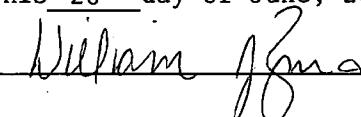
6/04/07 AT 11:50 A.M., SERVED THE WITHIN COMPLAINT IN ACTION TO QUIET TITLE UPON THE WITHIN NAMED DEFENDANT, JAMES B. GRAHAM, DECEASED, HIS HEIRS, EXECUTORS, ADMINISTRATORS &amp; ASSIGNS C/O M&amp;T INVESTMENT GROUP, BY HANDING A TRUE AND ATTESTED COPY OF SAME TO TOM O'CONNELL, VICE PRESIDENT, AT 101 WEST THIRD STREET, WILLIAMSPORT, PA., AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF. SO ANSWERS, CHARLES T. BREWER, SHERIFF OF LYCOMING COUNTY; BY: MARK FORWOOD, DEPUTY.

So Answers,

  
Charles T. Brewer,  
SHERIFF OF LYCOMING COUNTY, PENNA.BY: Mark Forwood,  
Deputy

SHERIFF'S COSTS: \$34.50

PAID 6/8/07

Sworn and Subscribed before me  
this 26 day of June, 2007.  
William J. Burd

WILLIAM J. BURD Prothonotary & Clerk of Courts Williamsport, Lycoming County My Commission Expires Jan. 4, 2008
--



CHESTER A. HAWKINS  
SHERIFF

Sheriff's Office  
Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

KAREN BAUGHMAN  
CLERK TYPIST

PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

PAGE 102837

TERM & NO. 07-809-CD

DANIEL J. MCDONALD and PENNY N. MCDONALD

COMPLAINT ACTION TO QUIET TITLE

VS.

FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, formerly WILLIAMSPORT-LYCOMING FOUNDATION, its successors ET AL

**SERVE BY: 06/23/07**

**HEARING:**

**MAKE REFUND PAYABLE TO R. DENNING GEARHART, ESQ.**

**SERVE:** FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, formerly Williamsport-Lycoming Foundation

**ADDRESS:** 330 PINE ST., SUITE 401, WILLIAMSPORT, PA 17701

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF LYCOMING COUNTY, Pennsylvania to execute this writ. This Depetation being made at the request and risk of the Plaintiff this day, May 29, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



CHESTER A. HAWKINS  
SHERIFF

Sheriff's Office  
Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986

FAX (814) 765-5915

ROBERT SNYDER

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MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

KAREN BAUGHMAN  
CLERK TYPIST

PETER F. SMITH  
SOLICITOR

**DEPUTATION**

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

PAGE 102837

TERM & NO. 07-809-CD

DANIEL J. MCDONALD and PENNY N. MCDONALD

COMPLAINT ACTION TO QUIET TITLE

VS.

FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, formerly WILLIAMSPORT-LYCOMING FOUNDATION, its successors ET AL

**SERVE BY: 06/23/07**

**HEARING:**

**MAKE REFUND PAYABLE TO R. DENNING GEARHART, ESQ.**

**SERVE:** M&T INVESTMENT GROUP. Successor Trustee of the Estate of James B. Graham, Deceased

**ADDRESS:** 101 W. THIRD ST., WILLIAMSPORT, PA 17701

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF LYCOMING COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, May 29, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986  
FAX (814) 765-5915  
ROBERT SNYDER  
CHIEF DEPUTY  
MARILYN HAMM  
DEPT. CLERK  
CYNTHIA AUGHENBAUGH  
OFFICE MANAGER  
KAREN BAUGHMAN  
CLERK TYPIST  
PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

PAGE 102837

TERM & NO. 07-809-CD

DANIEL J. MCDONALD and PENNY.N. MCDONALD

COMPLAINT ACTION TO QUIET TITLE

VS.

FIRST COMMUNITY FOUNDATION OF PENNSYLVANIA, formerly WILLIAMSPORT-LYCOMING FOUNDATION, its successors ET AL

**SERVE BY: 06/23/07**

**HEARING:**

**MAKE REFUND PAYABLE TO R. DENNING GEARHART, ESQ.**

**SERVE:** JAMES B. GRAHAM, Deceased, his heirs, executors, administrators & assigns c/o M&T INVESTMENET GROUP

**ADDRESS:** 101 W. THIRD ST., WILLIAMSPORT, PA 17701

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF LYCOMING COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, May 29, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

DANIEL J. McDONALD and PENNY N.  
McDONALD, Husband and Wife,  
Plaintiffs

No. 2007-809 -CD

VS.

ACTION TO QUIET TITLE

FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly WILLIAMSPORT-  
LYCOMING FOUNDATION, its successors,  
heirs and assigns; M & T INVESTMENT  
GROUP, Successor Trustee of the ESTATE  
OF JAMES B. GRAHAM, Deceased;  
JAMES B. GRAHAM, Deceased, his heirs,  
executors, administrators and assigns;  
E. A. IRVIN, Deceased, his heirs, executors,  
administrators and assigns;

Defendants

CASE NUMBER: No. 2007- -CD

TYPE OF CASE: Quiet Title Action

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. No. 26540  
207 East Market Street  
Clearfield, PA 16830  
(814)765-1581

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

MAY 24 2007

Attest,

William L. Green  
Prothonotary/  
Clerk of Courts

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

DANIEL J. McDONALD and PENNY N.  
McDONALD, Husband and Wife,  
Plaintiffs  
vs.  
FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly WILLIAMS-  
LYCOMING FOUNDATION, its successors,  
Heirs and assigns; M & T INVESTMENT  
GROUP, Successor Trustee of the ESTATE  
OF JAMES B. GRAHAM, Deceased;  
JAMES B. GRAHAM, Deceased, his heirs,  
executors, administrators and assigns;  
E. A. IRVIN, Deceased, his heirs, executors,  
administrators and assigns;  
Defendants

No. 2007- -CD

ACTION TO QUIET TITLE

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you.

You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR'S OFFICE  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

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

DANIEL J. McDONALD and PENNY N.  
McDONALD, Husband and Wife,  
Plaintiffs  
Vs.  
FIRST COMMUNITY FOUNDATION OF  
PENNSYLVANIA, formerly WILLIAMS-  
LYCOMING FOUNDATION, its successors,  
heirs and assigns; M & T INVESTMENT  
GROUP, Successor Trustee of the ESTATE  
OF JAMES B. GRAHAM, Deceased;  
JAMES B. GRAHAM, Deceased, his heirs,  
Executors, administrators and assigns;  
E. A. IRVIN, Deceased, his heirs, executors,  
administrators and assigns;  
Defendants

No. 2007- -CD  
ACTION TO QUIET TITLE

C O M P L A I N T

AND NOW, comes the Plaintiffs, Daniel J. McDonald and Penny N.  
McDonald, Husband and Wife, by and through their attorney, R. Denning Gearhart,  
Esquire, who sets forth the following:

1. That the Plaintiffs are Daniel J. McDonald and Penny N. McDonald,  
Husband and Wife, who reside at 830 Bloomington Avenue, Curwensville, Pennsylvania  
16833.
2. Defendant, First Community Foundation of Pennsylvania, formerly known  
as Williamsport-Lycoming Foundation, is a non-profit corporation, with its office at 330 Pine  
Street, Suite 401, Williamsport, Pennsylvania 17701.
3. Defendant, M & T Investment Group, is Successor Trustee under Codicils  
to the Last Will and Testament of James B. Graham, deceased, with an office located at  
101 West Third Street, Williamsport, Pennsylvania 17701.

4. Defendant, James B. Graham, deceased, late of Curwensville, Pennsylvania, died on July 6, 1949, leaving a Last Will and Testament and Codicils thereto. That M & T Investment Group became Successor Trustee of the estate, and their address is listed in Item 3 above.

5. Defendant, E.A. Irvin, is believed to be deceased, and his heirs are unknown. By way of further explanation, E. A. Irvin is named as a Defendant in the following case: County National Bank, Trustee of the Warren G. Hartman Trust vs. William Doney, his heirs, executors, administrators and assigns, ..... E. A. Irvin, his heirs, executors, administrators and assigns, et. al., filed to No. 93-1673-CD, by Carl A. Belin, Jr., Esquire. In further explanation, E. A. Irvin obtained this title over one hundred and three years ago.

6. That the Plaintiff is the owner of a parcel of land located in Pike Township, Clearfield County, Pennsylvania, and more particularly described as that found in Clearfield County Instrument No. 200613552, and having Clearfield County Tax Map No. 126-H10-000-00127, and described as follows:

**ALL** those certain parcels of land, situate in the Township of Pike, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

**NO. 1 - BEGINNING** at a post, which is on the line of the Township Road, known as Bridgeport Road, and at a stone monument; thence North twenty-six (26) degrees west two hundred fifty-five (255) feet to a post; thence north fifty-nine (59) degrees thirty-two (32) minutes west one hundred fifteen (115) feet to a point of curve; thence by a line curving with radius of four hundred sixty-eight and seven-tenths (468.7) feet, a distance of eighty and five-tenths (80.5) feet to point of tangent; thence north eighty-seven (87) degrees twenty (20) minutes west three hundred (300) feet to a point of curve; thence by a line curving with radius of three hundred eighty three and one-tenth (383.1) feet, a distance of five hundred five (505) feet to a stone monument, which is on the line of John Stricek;

thence south three (3) degrees west two thousand three hundred twenty (2,320) feet to a Township Road, known as Bridgeport Road, to the place of beginning. CONTAINING Fourteen acres, more or less.

**NO 2 - BEGINNING** at a stone monument, which was formerly on the line of the Right-of-Way of the Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly; thence by a line curving with radius of one hundred thirty (130) feet, a distance of four hundred and seventy (470) feet to a point of tangent; thence north fifty-nine (59) degrees thirty-two (32) minutes west three hundred sixty-two (362) feet to a stone monument, which is on the line of Curwensville Borough; thence south twelve (12) degrees thirty (30) minutes west five hundred fifty-eight (558) feet to line of the Right-of-Way of the former Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly; thence along the said Right-of-Way of the former Tyrone Division of the Cambria & Clearfield Railway Company, now owned by William B. Reilly, to the place of beginning. CONTAINING Five and one-half (5 1/2) acres, more or less.

**IDENTIFIED** by Clearfield County Tax Map Number 126-H10-127, and also being referred to as Tract G-85, Pike Township, Clearfield County.

7. That the Plaintiffs acquired title to the premises by Deed of Bell Run Properties, LLC, dated August 11, 2006, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, at Instrument No. 200613552. A clause in that Deed reads as follows:

"AND BELIEVED TO BE the same premises conveyed to James B. Graham and subsequently to Williamsport-Lycoming Foundation as successor trustee to James B. Graham Estate as reference to which will more fully appear. Williamsport-Lycoming Foundation formally changed its name to First Community Foundation of Pennsylvania pursuant to Articles of Amendment filed with the Commonwealth of Pennsylvania, Department of State, Corporation Bureau on September 3, 2004."

8. That by Quit-Claim Deed the subject property passed from First Community Foundation of Pennsylvania, formerly Williamsport-Lycoming Foundation, to Bell Run Properties, LLC, said property being "Parcel TWO " of Deed, said Quit-Claim Deed being titled "Corrective" and being dated June 29, 2006, and recorded in Clearfield County at Instrument No. 200611274. This Deed also contains the exact clause indicated above in Item 7.

9. That by Deed dated May 16, 2002, from M & T Investment Group, Successor Trustee under Codicils to the Last Will and Testament of James B. Graham, deceased, the property purportedly passed to Williamsport-Lycoming Foundation, a non-profit corporation, said Deed being recorded in Clearfield County at Instrument No. 200209354. However, on review of said Deed, the subject property does not appear to be listed or included in this Deed. There are various parcels listed on Page 28 of said Deed which are located in Pike Township, Clearfield County. However, information provided does not confirm that the subject property was ever part of those parcels.

10. That by Deed dated May 12, 1944, from D. D. Miller, et. al., Committee of Creditors of Hugh M. Irvin, and recorded in Clearfield County Deed Book Vol. 360, Page 472, various properties located in Penn, Bloom, Brady and Greenwood Townships were sold to James B. Graham.

11. That by Deed dated October 18, 1904, the subject property is specifically described as No. 1 in that Deed, and containing 14 acres, more or less; and No. 2 in that Deed, and containing five and one-half acres, more or less. This Deed is a transfer from Roaring Run Stone Company, a corporation, to E. A. Irvin, and is recorded in Clearfield County Deed Book Vol. 147, Page 14.

12. The Deed described in Item 10 above does not specifically list the properties situate in Pike Township, Clearfield County, which were owned by the Grantors. However, it is believed that it was the intention of the Grantors to also include those properties in the sale. This belief is based on the Assessment Records found in the Assessment Office of the Clearfield County Courthouse, Clearfield, Pennsylvania.

13. These Assessment records reveal that in 1907, after purchasing this property in 1904, E. A. Irvin began being assessed with the property. A copy of said Assessment record from 1907 is attached as Exhibit "1".

14. That Assessment records also indicate that the Assessment records for "E.A.Irvin" for the year 1936 shows the following notation: "Sold to County 1936" With a further notation of "Redeemed by owner - \$140.95 – November 5, 1940". However, in checking Assessment records for the year 1940 through 1948, the subject property is not assessed under E.A. Irvin, or his heirs, or any other individual.

15. In the year 1948, the subject property again appears on the Assessment records for the first time, and it is assessed under the name of "James B. Graham – 19 ½ Acres". A copy of the Assessment records for the years 1948 for both James B. Graham and Creditors Committee for Hugh M. Irvin Estate are attached hereto as Exhibits "2" and "3", respectively. The property continued to be assessed to James B. Graham, or his successor trustee, until it was transferred to Williamsport-Lycoming Foundation in 2004, and then to Bell Run Properties in 2006. The property is currently assessed to the Plaintiffs herein.

16. The Plaintiffs, or their predecessors in title, have exercised adverse, continuous, visible, notorious, exclusive and hostile possession over the premises and have continued such possession in excess of twenty-one (21) years.

17. That the purpose of this action to quiet title is to clear the title to the subject premises from:

(a) any defect resulting from the Tax Sale by the County as stated herein;

(b) any defect resulting from the incomplete records of the Clearfield County Assessment office;

(c) any defect resulting from the omission of the transfer of the subject properties in various Deeds as recited in the herein Complaint.

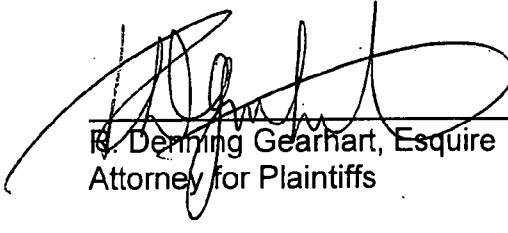
WHEREFORE, Plaintiffs request:

(a) That by Decree of your Honorable Court, it may be declared that title to the premises set forth in Paragraph 6 hereof is in the Plaintiffs and that they shall be allowed to enjoy such property in peace; and

(b) That the Defendants, their heirs, successors and assigns, within thirty (30) days from the receipt of this Complaint, institute an action of ejectment against the Plaintiffs and that otherwise the Defendants, their heirs, successors and assigns be perpetually enjoined from setting up any title to said property from impeaching, denying or in any way attaching the Plaintiffs' title to said property, from issuing or maintaining an ejectment from said premises and from encumbering, mortgaging or conveying the said premises or any party thereof.

(c) Such other relief as the Court determines to be equitable and just.

Respectfully submitted,



R. Demming Gearhart, Esquire  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA

SS.

COUNTY OF CLEARFIELD

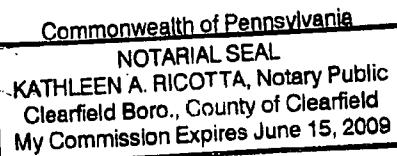
Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared DANIEL J. McDONALD and PENNY N. McDONALD, who being duly sworn according to law depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Daniel J. McDonald  
DANIEL J. McDONALD  
Penny N. McDonald  
PENNY N. McDONALD

Sworn to and subscribed

before me, this 23  
day of May, 2007.

Kathleen A. Ricotta  
Notary Public



200

320

40

25 min

7 1/2 4 1/2

9 1/2

14 10

1/20/69  
Irvine Co. A

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for Ed Winterbottom

for Irvine & Porton

1/20/69

117 40 Irvine same 4  
2 core

800

30

Irvine 11/14 Jr  
OC Sabine

100

140 Cut Irvine Jr & J.F.

1400

000057

NAME Address	Bldg. \$	Land \$	Other Data	N S E W Deed References Deed Book Page Lot No. Plan, Etc.
Geiswhite, Mount P. Curwensville P.D. spouse	\$	\$	\$	

000056

A — Acres; P — Parcher; Surf. — Surface; Coal Rt. — Coal Rights;  
Min. Rts. — Mineral Rights; L — Lot; S — Surface; Bldg. — Building; Apts. — Apartments; G — Garage.

## ABBREVIATIONS

Br. — Brick; F — Frame; St. — Story; Dw. — Dwelling; H — House;  
Bldg. — Building; Apts. — Apartments; G — Garage.

NAME ADDRESS OCCUPATION	VALUATION		REAL ESTATE DETAIL		
	PERSONAL PROPERTY	REAL ESTATE BUILDING AND LAND	ADDRESS OR LOT SHE.	CHARACTER OF BUILDING OR OTHER STRUCTURE	DESCRIPT.
Geiswhite, Mount P. Curwensville P.D.		Bldg. \$ Land \$ 25 TOTAL \$ 25	10A-4168 Coal Rt.		N S E W Deed References Deed Book Page Lot No. Plan, Etc.
Same as Item 1		Bldg. \$ Land \$ 50 TOTAL \$ 50	23A-4169 Coal Ct.		N S E W Deed References Deed Book Page Lot No. Plan, Etc.
Graham, James B. 4105 - 49th St., N.W. Washington, 16, D.C.		Bldg. \$ Land \$ 250 TOTAL \$ 250	25A.		N S E W Deed References Deed Book Page Lot No. Plan, Etc.
Same as Item 3		Bldg. \$ Land \$ 60 TOTAL \$ 60	12A.		N S E W Deed References Deed Book Page Lot No. Plan, Etc.
Same as Item 3		Bldg. \$ Land \$ 195 TOTAL \$ 195	19 1/2 x 60		N S E W Deed References Deed Book Page Lot No. Plan, Etc.
Griffin, Maurice Curwensville P.D.		Bldg. \$ 150 Land \$ 50 TOTAL \$ 200	L 22. 28	X	N S E W Deed References Deed Book Page Lot No. Plan, Etc.
Griffin, Cecilia Curwensville P.D.		Bldg. \$ Land \$ TOTAL \$			N S E W Deed References Deed Book Page Lot No. Plan, Etc.
Grimes, George, Jr. Curwensville P.D.		Bldg. \$ Land \$ TOTAL \$			N S E W Deed References Deed Book Page Lot No. Plan, Etc.
				RETURNED MAY 2, 1949	

## ABBREVIATIONS

A — Acres; P — Parcher; Surf. — Surface; Coal Rt. — Coal Rights;  
Min. Rts. — Mineral Rights; L — Lot; S — Surface; Bldg. — Building; Apts. — Apartments; G — Garage.

000057

EATED LAND

ADDRESS	VALUATION			REAL ESTATE DET.		
	OCCUPATION	PERSONAL PROPERTY	REAL ESTATE BUILDING AND LAND	ACREAGE OR LOT SIZE	CHARACTER OF BUILDINGS OR OTHER STRUCTURES	DESCR.
Parley C. & J. A. Bailey Esq. Leaffield State Tax Statement to John J. A. Bailey Esq.			Bldg. \$ 700.00 Land \$ 250 TOTAL \$ 250	740 Acre		Copewooddale Water S. Hattahorn Esq. Deed Reference Deed Book Other Data Dala 14a, 453 Transferred to H. 30a Transferred to C.C.
Bloom Garrison Bruce Bloom Curwensville			Bldg. \$ 105 Land \$ 105 TOTAL \$ 105	1/2 Acre in 74.58 P		N S Deed Reference Deed Book Other Data Page
John J. M. L. Jr. Trustee Leaffield			Bldg. \$ 675 Land \$ 675 TOTAL \$ 675	1/2 Acre in 4500		N S Deed Reference Deed Book Other Data Page
Local Committee of Bank Miners to John J. M. L. Jr. Trustee John J. M. L. Jr. Trustee Curwensville			Bldg. \$ 675 Land \$ 675 TOTAL \$ 675	1/2 Acre in 78.76 P 625 Other Mineral TOTAL 1/2 Acre in 625		N S Deed Reference Deed Book Other Data Page
one as item 4			Bldg. \$ 275 Land \$ 275 TOTAL \$ 275	310a Cost 200 Clay 175 Other Mineral TOTAL 455 Acre		N S Deed Reference Deed Book Other Data Page
one as item 4			Bldg. \$ 465 Land \$ 465 TOTAL \$ 465	510d Coal 200 Clay 346.5 Other Mineral TOTAL 856.5 Acre		N S Deed Reference Deed Book Other Data Page
Senierville Mining Co. th American Co. Curwensville			Bldg. \$ 390 Land \$ 390 TOTAL \$ 390	130 a RETURNED MAY 2, 1949		N S Deed Reference Deed Book Other Data Page
John G. Jr. J. G. Jr.			Bldg. \$ 890 Land \$ 890 TOTAL \$ 890	440 a Surf & 890 Timber		N S Deed Reference Deed Book Other Data Page

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