

DOCKET NO. 175

NUMBER	TERM	YEAR
<u>232</u>	<u>November</u>	<u>1961</u>

Joseph Muccio and Rose Muccio

VERSUS

Emma C. Wilhelm, Administratrix
of the Estate of Alfred J. Wilhelm,
deceased, et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH MUCCIO and :
ROSE MUCCIO, :
Plaintiffs :
-vs- : NO. 232 NOVEMBER TERM, 1961
EMMA C. WILHELM, Adminis- :
tratrix of the Estate of :
ALFRED J. WILHELM, deceased, :
and the heirs, devisees, ad- :
ministrators and assigns of : ACTION TO QUIET TITLE
ALFRED J. WILHELM, deceased,
Defendants :
:

COMPLAINT

And now, come the above named Plaintiffs and bring this action to Quiet Title against the above named Defendants, and against their heirs, devisees, administrators and assigns, upon a cause of action whereof the following is a statement.

1. The Plaintiffs are the owners of premises situate in the Township of Huston, County of Clearfield, State of Pennsylvania, as described in Deed of Elizabeth McKissick to Joseph Muccio and Rose Muccio, dated November 15, 1946 and recorded at Clearfield, Pennsylvania, in Deed Book No. 379, page 461. The said premises are also described in Exhibit "A" attached hereto and made a part hereof.

2. On the 25th day of October, 1913, the predecessor in title to the said lands, to wit, Charles A. Hammond, also known as C. A. Hammond, executed and delivered to Alfred J. Wilhelm a Mortgage on premises which included the said land herein referred to and described, in the sum of Two Hundred Fifty Dollars (\$250.00). The said Mortgage was recorded in the County of Clearfield on the Seventh day of November, 1913, in Mortgage Book No. 45, page 444. On February 15, 1922 a Sci. Fa. Sur Mortgage was issued to fore-

close on the said Mortgage and was entered to No. 40 May Term, 1922. As a result of said Sci. Fa. a verdict was entered in favor of EMMA C. WILHELM, Administratrix of the Estate of ALFRED J. WILHELM and against CHARLES A. HAMMOND, Defendant, and DAVID JOHNSON, Terre Tenant for the sum of Three Hundred Sixteen Dollars and Twenty-Five Cents (\$316.25).

3. The said Plaintiffs believe and understand and do hereby allege that the said Mortgage, its accompanying bond and the verdict entered as a result of said Sci. Fa. Sur Mortgage in the sum of Three Hundred Sixteen Dollars and Twenty-Five Cents (\$316.25) were fully satisfied and paid in full.

4. Thereafter, the said Defendants died, without having entered satisfaction of said Mortgage on the record of the same.

5. The Plaintiffs have made diligent search for the said Defendants and their heirs, devisees, administrators and assigns, and have been unable to ascertain the same; the whereabouts of all of said Defendants and their heirs, devisees, administrators and assigns being unknown.

6. As appears by an official search of the Mortgage records, there has never been any assignment of the said Mortgage.

WHEREFORE, Plaintiffs pray that the Recorder of Deeds of Clearfield County, be ordered and directed to enter Satisfaction of said Mortgage on the record of the said Mortgage Book, upon payment to him of all costs due therefor.

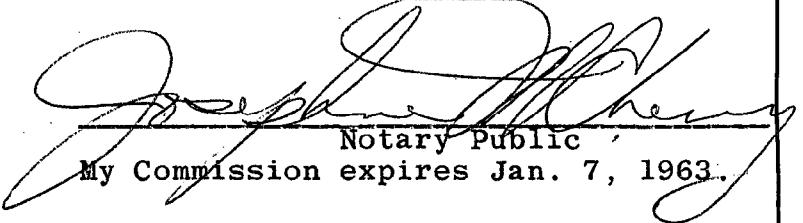
Joseph Muccio
V Rose Muccio
Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

JOSEPH MUCCIO and ROSE MUCCIO, husband and wife, being duly sworn according to law, depose and say that the facts of which they have knowledge are true and correct, and that the facts of which they have no personal knowledge they verily believe to be true and correct to the best of their knowledge and information.

Joseph Muccio
✓ Rose Muccio

Sworn to and subscribed before me this 9th day of December, 1961.


Notary Public
My Commission expires Jan. 7, 1963.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH MUCCIO and :
ROSE MUCCIO,
Plaintiffs :

-vs- : NO. ____ NOVEMBER TERM, 1961

EMMA C. WILHELM, Administratrix of the Estate of :
ALFRED J. WILHELM, deceased, :
and the heirs, devisees, administrators and assigns of : ACTION TO QUIET TITLE
ALFRED J. WILHELM, deceased,
Defendants :

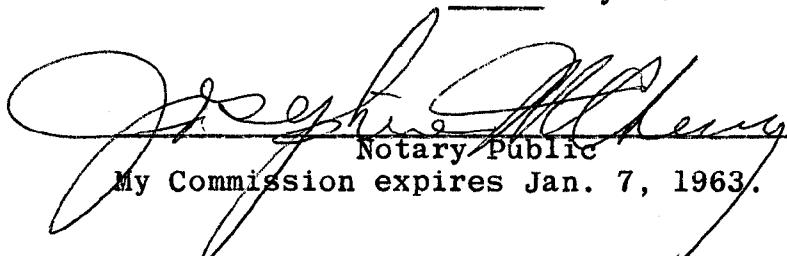
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

Personally appeared before me, a Notary Public in and for said County and State, JOSEPH MUCCIO and ROSE MUCCIO, who, being duly sworn according to law, depose and say that after diligent search Plaintiffs have been unable to find or locate the said Mortgagee, the Administratrix of the said Mortgagee's Estate, or the said assignees, heirs, successors or assigns of the said Mortgagee, and further deponents saith not.

Joseph Muccio
Rose Muccio,

Sworn to and subscribed before me this 9th day of December, 1961.


Notary Public
My Commission expires Jan. 7, 1963.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH MUCCIO and :
ROSE MUCCIO, :
Plaintiffs :

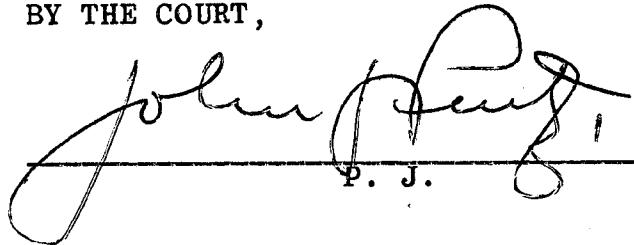
-vs- :

EMMA C. WILHELM, Adminis- :
tratrix of the Estate of :
ALFRED J. WILHELM, deceased, :
and the heirs, devisees, ad- :
ministrators and assigns of :
ALFRED J. WILHELM, deceased, :
Defendants :

O R D E R

NOW, this 11th day of December, 1961, it appearing that an action to Quiet Title has been filed in the above stated case and that the said Defendants, their heirs, devisees, administrators and assigns can not be found after diligent search, on motion of Gleason, Cherry & Cherry, Attorneys for Plaintiffs, service upon said Defendants, their heirs, devisees, administrators and assigns, is hereby ordered to be made by publication of the attached notice, once each week for three weeks, in the DuBois Courier-Express, of DuBois, Pennsylvania.

BY THE COURT,



P. J.

EXHIBIT "A"

ALL that certain piece or parcel of land situate in the Township of Huston, County of Clearfield and State of Pennsylvania, and being bounded and described as follows, to wit:

BEGINNING at a stake at a ten-foot driveway, 34.6 Feet from the center of Clearfield Street; thence North 38° West a distance of 81.4 Feet to the center of bridge over Bennetts Branch; thence North 52° East along Bennetts Branch a distance of 195 Feet to a stake at an alley; thence South 38° East a distance of 81.4 Feet to a stake at a ten-foot driveway; thence along said ten-foot driveway South 52° West a distance of 195 Feet to a stake, the place of beginning. Containing 15,095.5 Square Feet, more or less.

BEING the same premises which were conveyed to Joseph Muccio and Rose Muccio by Mrs. Elizabeth McKissick, by her deed dated November 15th, 1946 and recorded at Clearfield, Pennsylvania, in Deed Book No. 379, page 461.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH MUCCIO and :
ROSE MUCCIO, :
Plaintiffs :
-vs- : NO. _____ NOVEMBER TERM, 1961
EMMA C. WILHELM, Administratrix of the Estate of :
ALFRED J. WILHELM, deceased, :
and the heirs, devisees, administrators and assigns of : ACTION TO QUIET TITLE
ALFRED J. WILHELM, deceased, :
Defendants :

NOTICE

You are hereby notified that an action to Quiet Title to premises formerly of Charles A. Hammond, a/k/a C. A. Hammond, situate in Huston Township, Clearfield County, Pennsylvania, and mortgaged to you, which Mortgage is of record in the Recorder's Office of Clearfield County in Mortgage Book No. 45, page 444, has been entered against you. You are further notified to appear and answer the Complaint in said action within twenty (20) days of this Notice, otherwise judgment will be entered against you barring you from all claims, right and interest inconsistent with the Plaintiffs' claim of title, free and clear of the encumbrance set forth, and as set forth in said Complaint.

GLEASON, CHERRY & CHERRY

By Edward V Cherry

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 32 NOVEMBER TERM, 1961

ACTION TO QUIET TITLE

JOSEPH MUCCIO and ROSE MUCCIO,
Plaintiffs

-vs-

ELMA C. WILHELM, Administratrix of the Estate of
ALFRED J. WILHELM, deceased,
and the heirs, devisees, ad-
ministrators and assigns of
ALFRED J. WILHELM, deceased,
Defendants

COMPLAINT

to witness these defendants:
I hereby respectfully file
to Plaintiff to the Court and
complain within 20 days of
from the service of
Leonor Cherry Chey
Attorneys for Plaintiff
by Edward A. Cherry

115

DEC 13 1961

LAW OFFICES
GLEASON, CHEHAGERY & CHERRY
7-193 BRADY BUILDING
DU BOIS, PENNSYLVANIA

109 N. BRADY STREET

5.00 Atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH MUCCIO and :
ROSE MUCCIO, :
Plaintiffs :
-vs- : NO. 232 NOVEMBER TERM, 1961
EMMA C. WILHELM, Administratrix of the Estate of :
ALFRED J. WILHELM, deceased, :
and the heirs, devisees, administrators and assigns of : ACTION TO QUIET TITLE
ALFRED J. WILHELM, deceased, :
Defendants :

COMPLAINT

And now, come the above named Plaintiffs and bring this action to Quiet Title against the above named Defendants, and against their heirs, devisees, administrators and assigns, upon a cause of action whereof the following is a statement.

1. The Plaintiffs are the owners of premises situate in the Township of Huston, County of Clearfield, State of Pennsylvania, as described in Deed of Elizabeth McKissick to Joseph Muccio and Rose Muccio, dated November 15, 1946 and recorded at Clearfield, Pennsylvania, in Deed Book No. 379, page 461. The said premises are also described in Exhibit "A" attached hereto and made a part hereof.

2. On the 25th day of October, 1913, the predecessor in title to the said lands, to wit, Charles A. Hammond, also known as C. A. Hammond, executed and delivered to Alfred J. Wilhelm a Mortgage on premises which included the said land herein referred to and described, in the sum of Two Hundred Fifty Dollars (\$250.00). The said Mortgage was recorded in the County of Clearfield on the Seventh day of November, 1913, in Mortgage Book No. 45, page 444. On February 15, 1922 a 'Sci. Pa. Sur Mortgage was issued to fore-

close on the said Mortgage and was entered to No. 40 May Term, 1922. As a result of said Sci. Fa. a verdict was entered in favor of EMMA C. WILHELM, Administratrix of the Estate of ALFRED J. WILHELM and against CHARLES A. HAMMOND, Defendant, and DAVID JOHNSON, Terre Tenant for the sum of Three Hundred Sixteen Dollars and Twenty-Five Cents (\$316.25).

3. The said Plaintiffs believe and understand and do hereby allege that the said Mortgage, its accompanying bond and the verdict entered as a result of said Sci. Fa. Sur Mortgage in the sum of Three Hundred Sixteen Dollars and Twenty-Five Cents (\$316.25) were fully satisfied and paid in full.

4. Thereafter, the said Defendants died, without having entered satisfaction of said Mortgage on the record of the same.

5. The Plaintiffs have made diligent search for the said Defendants and their heirs, devisees, administrators and assigns, and have been unable to ascertain the same; the whereabouts of all of said Defendants and their heirs, devisees, administrators and assigns being unknown.

6. As appears by an official search of the Mortgage records, there has never been any assignment of the said Mortgage.

WHEREFORE, Plaintiffs pray that the Recorder of Deeds of Clearfield County, be ordered and directed to enter Satisfaction of said Mortgage on the record of the said Mortgage Book, upon payment to him of all costs due therefor.

Joseph Mucci
✓ Rose Mucci.
Plaintiffs

COMMONWEALTH OF PENNSYLVANIA : : SS.
COUNTY OF CLEARFIELD : :

JOSEPH MUCCIO and ROSE MUCCIO, husband and wife, being duly sworn according to law, depose and say that the facts of which they have knowledge are true and correct, and that the facts of which they have no personal knowledge they verily believe to be true and correct to the best of their knowledge and information.

Joseph Muccio

✓ Rose Muccio

Sworn to and subscribed before me this 9th day of December, 1961.

Joseph H. Harry
Notary Public

My Commission expires Jan. 7, 1963.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH MUCCIO and :
ROSE MUCCIO, :
Plaintiffs :
-vs- : NO. NOVEMBER TERM, 1961
EMMA C. WILHELM, Administratrix of the Estate of :
ALFRED J. WILHELM, deceased, :
and the heirs, devisees, administrators and assigns of : ACTION TO QUIET TITLE
ALFRED J. WILHELM, deceased, :
Defendants :

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

Personally appeared before me, a Notary Public in and for said County and State, JOSEPH MUCCIO and ROSE MUCCIO, who, being duly sworn according to law, depose and say that after diligent search Plaintiffs have been unable to find or locate the said Mortgagee, the Administratrix of the said Mortgagee's Estate, or the said assignees, heirs, successors or assigns of the said Mortgagee, and further deponents saith not.

Joseph Muccio

Rose Muccio

Sworn to and subscribed before me this 9th day of December, 1961.

Joseph J. Henry
Notary Public
My Commission expires Jan. 7, 1963.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH MUCCIO and :
ROSE MUCCIO, :
Plaintiffs :
-vs- :
EMMA C. WILHELM, Administratrix of the Estate of :
ALFRED J. WILHELM, deceased, :
and the heirs, devisees, administrators and assigns of :
ALFRED J. WILHELM, deceased, :
Defendants :

O R D E R

NOW, this 11th day of December, 1961, it appearing that an action to Quiet Title has been filed in the above stated case and that the said Defendants, their heirs, devisees, administrators and assigns can not be found after diligent search, on motion of Gleason, Cherry & Cherry, Attorneys for Plaintiffs, service upon said Defendants, their heirs, devisees, administrators and assigns, is hereby ordered to be made by publication of the attached notice, once each week for three weeks, in the DuBois Courier-Express, of DuBois, Pennsylvania.

BY THE COURT,

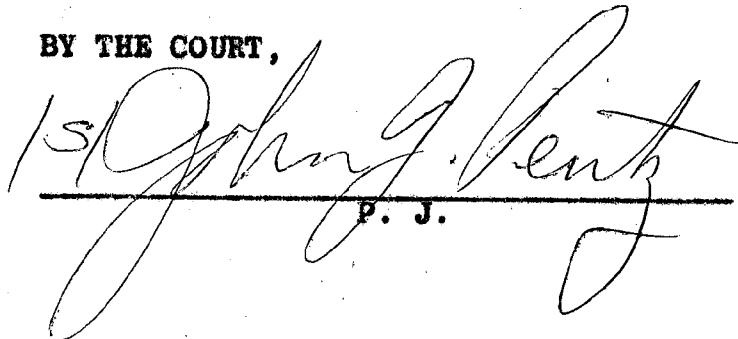

John G. Lent
P. J.

EXHIBIT "A"

ALL that certain piece or parcel of land situate in the Township of Huston, County of Clearfield and State of Pennsylvania, and being bounded and described as follows, to wit:

BEGINNING at a stake at a ten-foot driveway, 34.6 Feet from the center of Clearfield Street; thence North 38° West a distance of 81.4 Feet to the center of bridge over Bennetts Branch; thence North 52° East along Bennetts Branch a distance of 195 Feet to a stake at an alley; thence South 38° East a distance of 81.4 Feet to a stake at a ten-foot driveway; thence along said ten-foot driveway South 52° West a distance of 195 Feet to a stake, the place of beginning. Containing 15,095.5 Square Feet, more or less.

BEING the same premises which were conveyed to Joseph Muccio and Rose Muccio by Mrs. Elizabeth McKissick, by her deed dated November 15th, 1946 and recorded at Clearfield, Pennsylvania, in Deed Book No. 379, page 461.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH MUCCIO and :
ROSE MUCCIO,
Plaintiffs :

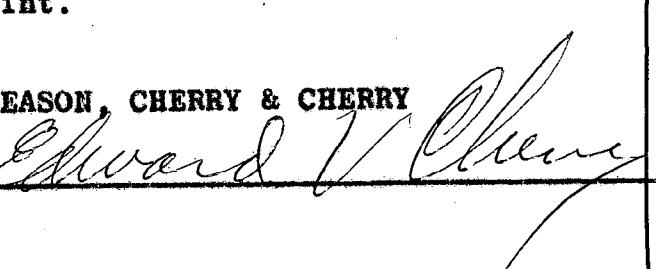
-vs- : NO. ____ NOVEMBER TERM, 1961

EMMA C. WILHELM, Adminis- :
tratrix of the Estate of
ALFRED J. WILHELM, deceased, :
and the heirs, devisees, ad-
ministrators and assigns of : ACTION TO QUIET TITLE
ALFRED J. WILHELM, deceased,
Defendants :

NOTICE

You are hereby notified that an action to Quiet Title to premises formerly of Charles A. Hammond, a/k/a C. A. Hammond, situate in Huston Township, Clearfield County, Pennsylvania, and mortgaged to you, which Mortgage is of record in the Recorder's Office of Clearfield County in Mortgage Book No. 45, page 444, has been entered against you. You are further notified to appear and answer the Complaint in said action within twenty (20) days of this Notice, otherwise judgment will be entered against you barring you from all claims, right and interest inconsistent with the Plaintiffs' claim of title, free and clear of the encumbrance set forth, and as set forth in said Complaint.

GLEASON, CHERRY & CHERRY

By 

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 23 NOVEMBER TERM, 1961
ACTION TO QUIET TITLE

JOSEPH MUCCIO and ROSE MUCCIO
Plaintiffs

-vs-

EMMA C. WILHELM, Administratrix of the Estate of
ALFRED J. WILHELM, deceased,
and the heirs, devisees, ad-
ministrators and assigns of
ALFRED J. WILHELM, deceased,
Defendants

COMPLAINT

To Alfred J. Wilhelm, Plaintiff:
You are hereby notified
to appear at the above-mentioned
Complaint within 5 days
from the service hereof.
Gleason Cherry & Cherry
Attorneys for Plaintiff
Robert Edward Cherry

LAW OFFICES
GLEASON, CHERRY & CHERRY
7-10 DAMUS BUILDING
DU BOIS, PENNSYLVANIA
109 N. BRADY STREET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH MUCCIO and :
ROSE MUCCIO, :
Plaintiffs :

-vs- : NO. 232 NOVEMBER TERM, 1961

EMMA C. WILHELM, Administratrix of the Estate of :
ALFRED J. WILHELM, deceased, :
and the heirs, devisees, administrators and assigns of : ACTION TO QUIET TITLE
ALFRED J. WILHELM, deceased, :
Defendants :

AFFIDAVIT

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public, in and for the County and State aforesaid, EDWARD V. CHERRY, Attorney for JOSEPH MUCCIO and ROSE MUCCIO, who, being duly sworn according to law, deposes and says that the service of the foregoing Complaint to Quiet Title endorsed with a notice to plead was made on EMMA C. WILHELM, Administratrix of the Estate of ALFRED J. WILHELM, deceased, and the heirs, devisees, administrators and assigns of ALFRED J. WILHELM, deceased, Defendants, by publication, proof of the same is hereto attached, in accordance with the Order of Court. The said publication has appeared once a week for three weeks and twenty days has elapsed since the last publication and following which none of the Defendants have filed any appearance nor has there been any Answer to the Complaint.

Edward V Cherry

Sworn to and subscribed before me this 27th day of January, 1962.

Joseph L. Cherry
Notary Public
My Commission Expires Jan. 7, 1963.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH MUCCIO and :
ROSE MUCCIO, :
Plaintiffs :
-vs- : NO. 232 NOVEMBER TERM, 1961
EMMA C. WILHELM, Adminis- :
tratrix of the Estate of :
ALFRED J. WILHELM, deceased, :
and theheirs, devisees, ad- :
ministrators and assigns of : ACTION TO QUIET TITLE
ALFRED J. WILHELM, deceased, :
Defendants :

D E C R E E

AND NOW, this 29st day of January, 1962, it is hereby
ordered that the Recorder of Deeds of Clearfield County be and he
is hereby directed, upon payment to him of his proper costs, to
enter satisfaction on the record of a certain Mortgage given by
CHARLES A. HAMMOND, a/k/a C. A. HAMMOND to ALFRED J. WILHELM,
bearing date the 25th day of October, 1913, recorded in Mortgage
for the sum of \$250.00,
Book No. 45, page 444, with interest and secured upon the prem-
ises described as follows:

ALL that certain piece or parcel of land situate in the
Township of Huston, County of Clearfield and State of Pennsylvania,
and being bounded and described as follows, to wit:

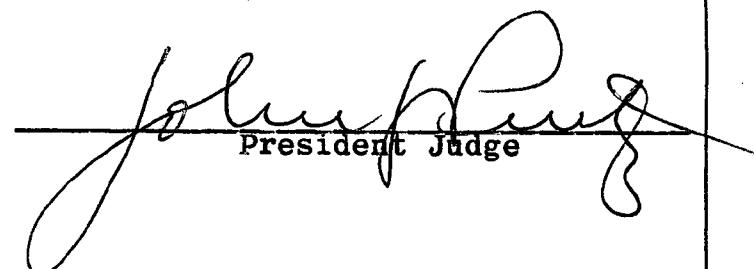
BEGINNING at a stake at a ten-foot driveway, 34.6 feet
from the center of Clearfield Street; thence North 38°
West a distance of 81.4 feet to the center of bridge
Over Bennetts Branch; thence North 52° East along
Bennetts Branch a distance of 195 feet to a stake at
any alley; thence South 38° East a distance of 81.4
feet to a stake at a ten-foot driveway; thence along
said ten-foot driveway South 52° West a distance of
195 feet to a stake, the place of beginning. Contain-
ing 15,095.5 square feet, more or less.

BEING the same premises which were conveyed to Joseph
Muccio and Rose Muccio, Grantors herein, by Mrs. Elizabeth
McKissick, by her deed dated November 15th, 1946 and recorded at

Clearfield, Pennsylvania, in Deed Book No. 379, page 461.

AND it is further adjudged that the entry of satisfaction
as aforesaid shall forever discharge, defeat and release the
said Mortgage.

BY THE COURT,


John H. King
President Judge

**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE DUBOIS-COURIER-EXPRESS
PUBLISHED BY COURIER-EXPRESS PUBLISHING COMPANY**

Under Act No. 587, Approved May 16, 1929, P. L. 1784

STATE OF PENNSYLVANIA }
COUNTY OF CLEARFIELD } SS:
1

ARFIELD
M. L. Bloom, General Negro of The DuBois Courier-Express,
and State aforesaid, being duly sworn, deposes and says that **The DuBois Courier-Express** is a daily
published by Courier-Express Publishing Company at 56-58 West Long Avenue, City of DuBois, County
of Jefferson, which was established in the year 1879, since which date said daily newspaper has been regularly
published, and that a copy of the printed notice of publication is attached hereto exactly as the same was
published in the regular editions of the daily newspaper on the following dates, viz: the *15th, 22 & 29th*

day of December, A.D., 1962

Affiant further deposes that he is an officer duly authorized by **The DuBois Courier-Express**, a daily newspaper, to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

COURIER-EXPRESS PUBLISHING COMPANY

Publisher of

THE DUBOIS COURIER-EXPRESS

M. S. Bloom, Seal, Mo.

Sworn and subscribed to before me this

day of January, 1962

JOSEPHINE M. CHERRY
Notary Public, My Com^{ee}

Notary Public

mission expires Jan. 7, 1963 Statement of Advertising Costs

COURIER-EXPRESS PUBLISHING COMPANY
Publisher of
THE DUBOIS COURIER-EXPRESS
DuBois, Pa.

To Gleason, Cherry & Cherry Dr.
(Mrs. Joseph Nuccio - no. 2302 (Wilhelm))
For publishing the notice or advertisement

attached hereto on the above stated dates \$ 21.48

Probating same \$.....

Total 26,48

sher's Receipt for Advertising Costs

a daily newspaper hereby acknowledges receipt of the aforesaid advertising
ne same have been fully paid.

); Pa.

COURIER-EXPRESS PUBLISHING COMPANY
Publisher of

THE DUBOIS COURIER-EXPRESS

Bv

is the original Proof of Publication and Receipt for the Advertising costs

ATTORNEY FOR

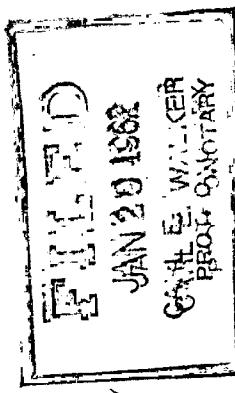
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 232 NOVEMBER TERM, 1961
ACTION TO QUIET TITLE

JOSEPH MUCCIO and ROSE
MUCCIO, Plaintiffs

-vs-

✓ EMMA C. WILHELM, Administratrix of the Estate of
ALFRED J. WILHELM, deceased,
and the heirs, devisees, ad-
ministrators and assigns of
ALFRED J. WILHELM, deceased,
Defendants

AFFIDAVIT AND ORDER



1/29/62, Copy sent to Reg Lee

LAW OFFICES
GLEASON, CHERRY & CHERRY
7-10 DAMUS BUILDING
DU BOIS, PENNSYLVANIA
109 N. BRADY STREET