

07-1028-CD
Dean Detweiler vs Frank Cipriani

Dean Detweiler et al vs Frank Cipriani et al
2007-1028-CD

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

DEAN A. DETWEILER and
CANDI DETWEILER,
Plaintiffs

vs.

FRANK CIPRIANI and
EILEEN B. CIPRIANI, and their
successors and assigns, and any person
or entity claiming, or who might claim
title under the aforesaid defendant; and
any other person, persons, firms
partnerships, or corporate entities who
might claim title to the premises herein
described,

Defendants

No. 07-1028-CD

ACTION TO QUIET TITLE

Filed on behalf of: Dean A. Detweiler
and Candi Detweiler, Plaintiffs

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED *pd \$95.00 Att*
0/2:45 Lm 2cc Att
JUN 28 2007

William A. Shaw
Prothonotary/Clerk of Courts

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Defendants

NOTICE

TO DEFENDANTS:

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 judgement may be entered against you by the Court without further notice for relief requested by the Plaintiff. You may lose 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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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COMPLAINT

NOW COMES, Plaintiffs, Dean A. Detweiler and Candi Detweiler, husband and wife,
by and through their attorneys, Hopkins Heltzel LLP and avers as follows:

1. Plaintiffs, Dean A. Detweiler and Candi Detweiler, are husband and wife who
reside together at R.R. #4, Box 4426, Kunkletown, Pennsylvania 18058.

2. The property to be quieted is described as follows:

All that certain land designated as Section 15, Lot 368 in the Treasure Lake Subdivision
of Sandy Township, Clearfield County, Pennsylvania. Said property is further identified as Tax
Parcel No. 128-C02-015-00368-00-21.

3. The Defendants are Frank Cipriani and Eileen B. Cipriani, husband and wife, who
reside at 72 Terrace Drive, Dundas, Ontario, L9H3X2.

4. By Deed dated June 6, 2007 and recorded in the Office of the Recorder of Deeds
of Clearfield County as Instrument No. 2007-09847, Grace A. H. Whitlock, widow, conveyed the
property at issue unto Plaintiffs.

5. By Deed dated April 12, 2006 and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2006-05707, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee, conveyed the property at issue unto Grace A. H. Whitlock.

6. The property was sold as the property of Defendants, Frank Cipriani and Eileen B. Cipriani, who had owned the property and lost same for failure to pay real estate taxes assessed against the property.

7. By Deed dated October 13, 1993 and recorded in the Office of the Recorder of Deed of Clearfield County, in Deed Book 1584, at page 556, John E. Hack and Marian R. Hack conveyed the property at issue to the Defendants, Frank Cipriani and Eileen B. Cipriani.

8. The purpose of this quiet title action is to remove any and all claims against the property that may be held by Frank Cipriani and Eileen B. Cipriani, their successors and assigns, as a result of the tax claim deed.

WHEREFORE, the Plaintiffs respectfully request the Court to decree that the title to the premises described in paragraph 2 of the Complaint be granted unto Plaintiffs, Dean A. Detweiler and Candi Detweiler, in fee simple absolute; and that the Defendants, Frank Cipriani and Eileen B. Cipriani, their heirs, devisees, executors, administrators and assigns, and all other person, persons, partnerships, limited liability companies or corporate entities in interest, or their legal representatives be forever barred from asserting any right, lien or interest inconsistent with the interest or claim of the Plaintiffs as set forth in and to the property known as Section 15, Lot 368 in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Plaintiffs

VERIFICATION

I, David J. Hopkins, to the best of my knowledge, information and belief, I verify that the facts made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.



David J. Hopkins, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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DEAN A. DETWEILER and
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might claim title to the premises herein
described,

TO: Frank Cipriani
Eileen B. Cipriani
72 Terrace Drive
Dundas, Ontario L9H3X2


DATE OF NOTICE: September 19, 2007

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION
REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE
DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A
HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT
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David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801
(814) 375-0300

FILED NO
0/3:4761 CC
OCT 08 2007
GP
William A. Shaw
Prothonotary/Clerk of Courts

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

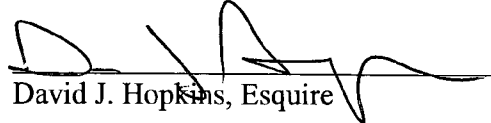
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: SS.
COUNTY OF CLEARFIELD :

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OCT 08 2007 (R)

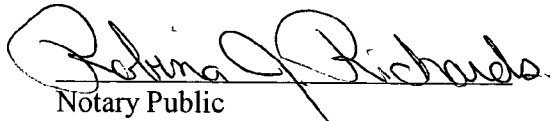
William A. Shaw
Prothonotary/Clerk of Courts

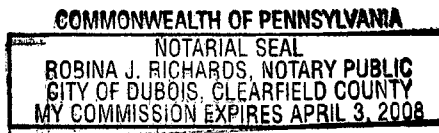
Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for Plaintiffs, Dean A. Detweiler and Candi Detweiler, who, being duly sworn according to law, deposes and says that the service of the foregoing Complaint to Quiet Title, endorsed with Notice to Plead, has been served upon all Defendants, Frank Cipriani and Eileen B. Cipriani, pursuant to the Rules of Civil Procedure, and more than sixty (60) days have elapsed since said

service and Defendants, Frank Cipriani and Eileen B. Cipriani, were served with a "10 Day Notice" as required by Pa.R.C.P. 237.1, and that the said Defendants have not filed an appearance or any answer to the Complaint, although the time in which to do so has expired.


David J. Hopkins, Esquire

Sworn to and subscribed before me this
3rd day of October, 2007.


Notary Public



FILED
OCT 08 2007
William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA
JUL 28 2007
CLERK OF COURT
JUL 28 2007
JUL 28 2007

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03:47:51
OCT 08 2007 *OK*

William A. Shaw
Prothonotary/Clerk of Courts

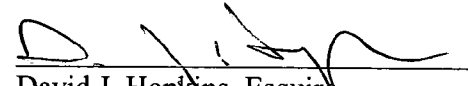
MOTION FOR JUDGMENT

AND NOW, this 3rd day of October, 2007, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiff, Dean A. Detweiler and Candi Detweiler, that the Complaint with Notice to Plead was served on Defendants. Defendants were served by registered mail pursuant to the Rules of Civil Procedure and Defendants have failed to file an answer. The Plaintiffs, by and through their attorney, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants in the above named case and to grant to the Plaintiffs the relief prayed for in accordance with Rules of Civil Procedure 1066. Plaintiffs further request that the Honorable Court modify in accordance with Rules of Civil

Procedure, Rule 248, the thirty (30) day period provided Defendants by Rules of Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiffs set forth in their Complaint.

Respectfully submitted,

HOPKINS HELTZEL


A handwritten signature in black ink, appearing to read "D. J. Hopkins", is written over a horizontal line.

David J. Hopkins, Esquire

Item (A remplir par le bureau d'origine.)		Express Mail International	
<input type="checkbox"/> Insured Parcel (Colis avec valeur déclarée)		N/V	
Office of Mailing (Bureau de dépôt) Du Bois PA 15801		Date of Posting (Date de dépôt) 02-02-07	
Addressee Name or Firm (Nom ou raison sociale du destinataire) Mr + Mrs. FRANK CIPRIANI			
Street and No. (Rue et No.) 72 TERRACE DRIVE			
Place and Country (Localité et pays) DUNDAS ONTARIO CANADA L9H 3X2			
This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination; or, (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail. (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.)		Postmark of the office of destination (Timbre du bureau de destination)	
<input type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)		Date JUL 9/07	
Signature of Addressee (Signature du destinataire) [Signature]		Office of Destination Employee Signature (Signature de l'agent du bureau de destination) [Signature]	

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FILED ^{ICC}
OCT 10 2007
William A. Shaw
Prothonotary/Clerk of Courts
Hopkins

ORDER

AND NOW, this 9th day of October, 2007 appearing that service of the Complaint to Quiet Title in the above stated action was served upon Defendants, Frank Cipriani and Eileen B. Cipriani, by Registered mail and by Affidavit of David J. Hopkins, Attorney for Plaintiff, that no answer or appearance has been filed to said action, and on Motion of David J. Hopkins, Esquire, it is hereby ORDERED and DECREED:

1. That the Defendants, Frank Cipriani and Eileen B. Cipriani, 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 to the premises situate, lying and being in Sandy Township, Clearfield County, Pennsylvania. Said premises are described as follows:

All that certain land designated as Section 15, Lot 368 in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania.

2. The property is further identified on the Clearfield County Tax Map as Tax Parcel No. 128-C02-015-00368-00-21.

3. That title to said property is now vested in Dean A. Detweiler and Candi Detweiler, as prayed.

4. That the rights of the Plaintiffs are superior to the rights of the Defendants, Frank Cipriani and Eileen B. Cipriani.

5. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendants, Frank Cipriani and Eileen B. Cipriani.

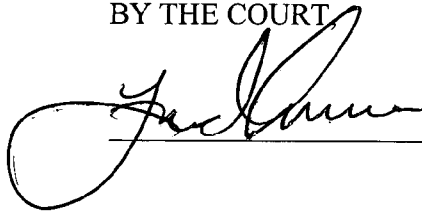
6. That the Defendants, Frank Cipriani and Eileen B. Cipriani, are enjoined and forever barred from asserting any right, title or interest in or to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

7. That the thirty (30) days provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of Pennsylvania Rules of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

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

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

BY THE COURT

A handwritten signature in black ink, appearing to read "J. K. ...", is written over a horizontal line.

JUDGE

FILED

OCT 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/10/07

☒ You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions: