

2007-1029-CD
Richard Novak et al vs Recreation Land Co

07-1029-CD
Richard Novak vs Recreation Land

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

RICHARD NOVAK and, :
LINDA NOVAK, :
Plaintiffs :
vs. :
:

RECREATION LAND CORP., and its
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,

Defendant :

No. 07-1029-C

ACTION TO QUIET TITLE

Filed on behalf of: Richard Novak
and Linda Novak, Plaintiffs

Counsel of Record for this party:

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

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

pd \$95.00 ATTY,
FILED ICC ATTY
012.552m JUN 28 2007 ICC Shft
LM

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD NOVAK and, :
LINDA NOVAK, :
Plaintiffs :
:
vs. : No.
:
:
RECREATION LAND CORP., and its :
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, :
Defendant :
:

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

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

RICHARD NOVAK and,	:	
LINDA NOVAK,	:	
Plaintiffs	:	
vs.	:	No.
	:	
RECREATION LAND CORP., and its	:	
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,	:	
Defendant	:	

COMPLAINT

NOW COMES, Plaintiffs, Richard Novak and Linda Novak, husband and wife, by and through their attorneys, Hopkins Heltzel LLP and avers as follows:

1. Plaintiffs, Richard Novak and Linda Novak, are husband and wife who reside together at 132 Elm Drive, Trafford, Pennsylvania 15085.

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

All that certain parcel of land designated as Section 15, Lot 395A in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania.

3. Defendant is Recreation Land Corp., whose registered agent is CT Corporation Systems, whose address is 1515 Market Street, Suite 1210, Philadelphia, Pennsylvania 19103.

4. By Deed dated June 11, 2007 and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument 2007-10380, Cathleen T. Elias (formerly known as Cathleen T. Whelan) and John Elias conveyed the property at issue unto the Plaintiffs.

5. By Deed dated November 19, 1996 and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed Book 1805, at page 118, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustees, conveyed the property at issue unto Cathleen T. Whelan and John Elias, wife and husband.

6. The Tax Claim Bureau of Clearfield County, Pennsylvania, acquired the property as Trustee under the provisions of the Act of July 7, 1947, P.L. 1368 and the amendments thereto for unpaid real estate taxes assessed against the property of Defendant, Recreation Land Corp.

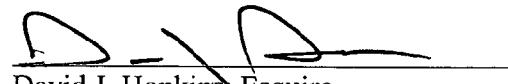
7. Recreation Land Corp. acquired the property as the successor to Treasure Lake of Pennsylvania, Inc.

8. The purpose of this quiet title action is to remove any and all claims against the property that may be held by Recreation Land Corp., its successors and assigns resulting from the tax sale.

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, Richard Novak and Linda Novak, in fee simple absolute; and that the Defendant Recreation Land Corp., its successors 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 395A 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

DOCKET # 102955
NO: 07-1029-CD
SERVICE # 1 OF 1
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: RICHARD NOVAK and LINDA NOVAK
VS.
DEFENDANT: RECREATION LAND CORP. and its successors al

SHERIFF RETURN

NOW, June 29, 2007, SHERIFF OF PHILADELPHIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON RECREATION LAND CORP., registered agent, CT Corpation Systems.

NOW, July 12, 2007 AT 9:00 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON RECREATION LAND CORP., registered agent, CT Corpation Systems, DEFENDANT. THE RETURN OF PHILADELPHIA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
AUG 9 2007
NOV 15 2007
WAM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102955
NO: 07-1029-CD
SERVICES 1
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: RICHARD NOVAK and LINDA NOVAK

vs.

DEFENDANT: RECREATION LAND CORP. and its successors al

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HOPKINS	17694	10.00
SHERIFF HAWKINS	HOPKINS	17694	21.00
PHILADELPHIA CO.	HOPKINS	17697	116.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2007


Chester A. Hawkins
Sheriff

Sheriff's # 58269

AFFIDAVIT OF SERVICE

Plaintiff Novak
vs.

Defendant Recreation Land Corp

Court Name CP
County Name Garfield
State Pa

Case # 07-1029-CD

COMMONWEALTH OF PENNSYLVANIA: SS: COUNTY OF PHILADELPHIA

That on 7-12-07 at 9:00 am pm service of (document) _____ was made upon (defendant) Recreation Land Corp by serving to and leaving with (name of defendant or person served, and relationship/title) Sandy Solomon at (address) 1515 market - ET Corp in the City and County of Philadelphia, Commonwealth of Pennsylvania.

NOT FOUND:

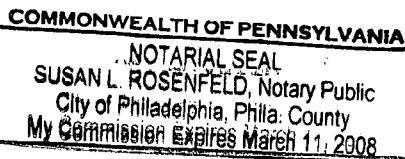
That on _____ at _____ am/pm service was not made because:
_____ moved _____ no answer _____ expired _____ unknown _____ vacant
other: _____

Zachary Code
Process Server Zachary Code

Sworn to and Subscribed to before me this
10 day of July, 2007

Notary Public

John Green
Sheriff John D. Green



CUSTOMER'S COPY

CASH RECEIPT APPEARANCE DOCKET		OFFICE OF THE SHERIFF CITY AND COUNTY OF PHILADELPHIA			BOOK 58269
					SERIAL NO.
No. F72747	COURT CP	TERM C7-1024-CD	PROTH. NO.		
Novak vs Recreation Land					
IN PAYMENT OF THE FOLLOWING ITEMS					
FEES	CODE	AMOUNT	DEPOSITS AND COSTS	CODE	AMOUNT
Sheriff's Fee	311	100 -	Advertising	331	
Registered Mail	311		Deputized Service	332	
			State Fee	335	
Mileage	312	16 -	Affidavit	339	
			Other Costs	340	
			TOTAL	301	1116 -
ATTORNEY Hopkins	APPEARANCE CLERK C2				

CK# 17697

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

RICHARD NOVAK and,
LINDA NOVAK,
Plaintiffs

vs.

No. 07-1029 C.D.

RECREATION LAND CORP., and its
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,

Defendant

TO: Recreation Land Corp
CT Corporation Systems
1515 Market Street, Suite 1210
Philadelphia, PA 19103

DATE OF NOTICE: November 14, 2007

FILED
9/9/07
DEC 03 2007
NO CC
GK

William A. Shaw
Prothonotary/Clerk of Courts

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
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
Clearfield, Pennsylvania 16830
(814) 765-2641

DAVID J. HOPKINS, ESQUIRE
100 Meadow Lane, Suite 5
DuBois, PA 15801
(814) 375-0300

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

RICHARD NOVAK and, :
LINDA NOVAK, :
Plaintiffs :
vs. : No. 07-1029 C.D.
:
:
RECREATION LAND CORP., and its :
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, :
Defendant :

AFFIDAVIT

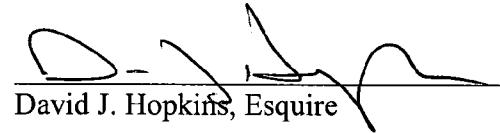
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for Plaintiffs, Richard Novak and Linda Novak, 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 Defendant, Recreation Land Corp., and its successors and assigns,

FILED ^{cc}
010-79154 Atty Hopkins
DEC 03 2007
(6A)

William A. Shaw
Prothonotary/Clerk of Courts

by personal service, and more than twenty (20) days elapsed without an answer being filed. Plaintiff sent Defendant a "10 day Notice" and more than ten (10) days have elapsed since the mailing of said notice and that the said Defendant has not filed an appearance or any answer to the Complaint, although the time in which to do so has expired.

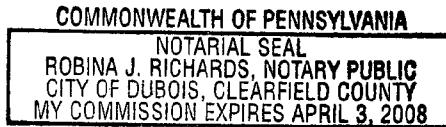


David J. Hopkins, Esquire

Sworn to and subscribed before me this
29th day of Nov, 2007.

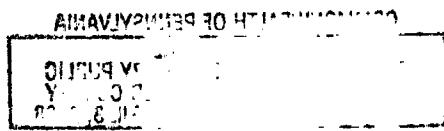


Robina J. Richards
Notary Public



FILED
DEC 03 2007

William A. Shaw
Prothonotary/Clerk of Courts



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

RICHARD NOVAK and,
LINDA NOVAK,

Plaintiffs

vs.

RECREATION LAND CORP., and its
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,

Defendant

No. 07-1029 C.D.

ACTION TO QUIET TITLE

Type of Pleading: Motion for Judgment

Filed on behalf of: Richard Novak
and Linda Novak, Plaintiffs

Counsel of Record for this party:

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

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED
09/4/2007 Atty Hopkins
DEC 03 2007
6K

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD NOVAK and, :
LINDA NOVAK, :
Plaintiffs :
vs. :
No. 07-1029 C.D
:
:
RECREATION LAND CORP., and its :
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, :
Defendant :
:

MOTION FOR JUDGMENT

AND NOW, this 30th day of November, 2007, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiffs, Richard Novak and Linda Novak, that the Complaint with Notice to Plead was served on Defendant. Defendant was served by personal service pursuant to the Rules of Civil Procedure. The Plaintiff sent a "10 day Notice" required by Pa.R.C.P. 237.1 and Defendant has 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 Defendant 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,



David J. Hopkins, Esquire

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

RICHARD NOVAK and, :
LINDA NOVAK, :
Plaintiffs :
: :
vs. : No. 07-1029 C.D
: :
: :
RECREATION LAND CORP., and its :
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, :
Defendant :
:

FILED
DEC 05 2007
0/9-4014
William A. Shaw
Prothonotary/Clerk of Courts
1 CLEANT TO ATT (60)

ORDER

AND NOW, this 4 day of December, 2007 appearing that service of the
Complaint to Quiet Title in the above stated action was served upon Defendant, Recreation Land,
its successors and assigns, and all other person, persons, firms, partnerships or corporate entities
in interest by Sheriff and by Affidavit of David J. Hopkins, Attorney for Plaintiffs, 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:

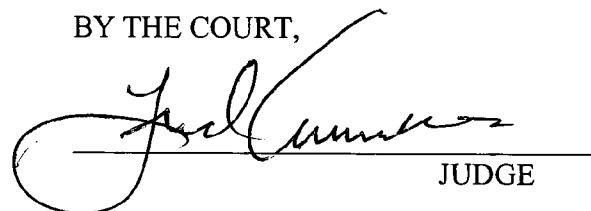
1. That the Defendant, Recreation Land Corp, its successors and assigns, or any person,
persons or corporate entities in interest, are forever barred from asserting any right, title, lien or
interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in
and to:

All that certain parcel of land designated as Section 15, Lot 395A in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania.

2. That title to said property is now vested in Richard Novak and Linda Novak as prayed.
3. That the rights of the Plaintiffs are superior to the rights of the Defendant, Recreation Land Corp., its successors or assigns, and any other person, persons firms, partnerships, or corporate entities who might claim title to the premises herein described.
4. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendant, Recreation Land Corp., and its successors and assigns.
5. That the Defendant, Recreation Land Corp. and its successors and assigns 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.
6. 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.
7. That these proceedings or any authenticated copy thereof, shall at all times hereinafter be taken as evidence of the facts declared and established thereby.

8. 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 "Jack L. Munroe". The signature is fluid and cursive, with a large, stylized "J" at the beginning.

JUDGE

FILED
DEC 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: _____
You are responsible for serving all appropriate parties.
____ The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) Attorney _____ Other
____ Plaintiff(s) _____ Defendant(s) Attorney
____ Defendant(s) _____
____ Special Instructions: _____