

07-1072-CD  
Clair Yeager et al vs Michael Bannon

Clair Yeager et al vs Michael Bannon  
2007-1072-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION - LAW

CLAIR LEE YEAGER, EXECUTOR of the  
ESTATE OF WILMA YEAGER POTTER,  
Deceased

Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other persons  
or entities in interest, known or unknown,  
claiming by and through or under them,

Defendants

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NO. 07-1072-CD

\* **Type of Case: QUIET TITLE ACTION**

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\* **Type of Pleading: COMPLAINT**

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\* **Filed on behalf of: PLAINTIFF,**

\* CLAIR LEE YEAGER, EXECUTOR of the

\* ESTATE OF WILMA YEAGER POTTER,

\* Deceased

\*

\* **Counsel of record for Plaintiff:**

\*

\* **BARBARA J. HUGNEY-SHOPE**

\* **ATTORNEY AT LAW ESQUIRE**

\*

\* Supreme Court I. D. No. 26274

\* 28478 Frenchville-Karthus Hwy.

\* P.O. Box 232

\* Frenchville, PA 16836

\* (814) 263-7357

\*

Sept 28, 2007 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Deputy Prothonotary

FILED 500  
01/10/07 9/28/07  
JUL 10 2007  
Shope  
William A. Shaw  
Prothonotary/Clerk of Courts  
Att'y Jpd.  
95.00

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

CLAIR LEE YEAGER, EXECUTOR  
of the ESTATE OF WILMA YEAGER  
POTTER, Deceased,  
Plaintiff

vs.

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or under them,  
Defendants

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No. 07- -CD


ACTION TO QUIET TITLE

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against these 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 plaintiff. 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  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

  
Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
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CLAIR LEE YEAGER, EXECUTOR  
of the ESTATE OF WILMA YEAGER  
POTTER, Deceased,

Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
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Defendants

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No. 07- -CD

ACTION TO QUIET TITLE

C O M P L A I N T

NOW COMES, the Plaintiff, CLAIR LEE YEAGER, EXECUTOR of the  
ESTATE OF WILMA YEAGER POTTER, Deceased, who by and through his  
attorney, BARBARA J. HUGNEY-SHOPE, ESQUIRE, files this Complaint to  
quiet the title to certain real estate and in support thereof avers as follows:

1. That the Plaintiff, CLAIR LEE YEAGER, who resides at 3017 Vernon  
Avenue, Pittsburgh, Pennsylvania, was granted Letters Testamentary for the Estate  
of Wilma Yeager Potter, by the Register of Wills for Clearfield County,  
Pennsylvania, on March 29, 2005, and as Executor brings this action on behalf of  
the said estate.

2. That Defendants are the heirs at law of Michael Bannon, who died intestate on November 12, 1941, their heirs, executors, administrators, successors and assigns, known or unknown, with the known heirs who have not quit-claimed or released their interest to the premises subject of this action being as follows:

(a) Heirs of Michael Bannon, as to any unknown heirs who have not quit-claimed and released any claim to the "Subject Premises, whose identity and location are unknown.

(b) Heirs of Jeannette Bannon, surviving spouse of Paul Bannon, whose identity and location are unknown.

3. That the Plaintiff is the representative for the owner of two (2) certain pieces or parcels of land located in the Third Ward of Clearfield Borough, Clearfield County, Pennsylvania, having been acquired by virtue of a deed from the Clearfield County Tax Claim Bureau recorded in Clearfield County Deeds and Records Book 1505, page 01, hereinafter referred to as the "Subject Premises", and bounded and described as follows:

**PARCEL NO. 1:** BEING bounded on the South by Clearfield Street; on the East by the eastern half of Lot No. 134; on the North by an alley; and on the West by an alley. Being fifty (50) feet front and one hundred fifty-five (155) feet in depth and known in the Plan of Clearfield Borough as Lot No. 135.

**BEING** the same premises conveyed to Annie Bannon by deed of William D. Bigler and Annie, his wife, by their deed dated May 21, 1884, and

recorded in Clearfield County Deed Book 32, page 162.

**PARCEL NO. 2:**

BEING bounded on the South by Clearfield Street; on the East by the eastern half of Lot No. 134; on the North by an alley; and on the West by Lot No. 135. Being twenty-five (25) feet front on Clearfield Street and extending in depth one hundred fifty-five (155) feet to an alley and known in the Plan of Clearfield Borough as the western one-half of Lot No. 134.

**BEING** the same premises conveyed to Michael Bannon by deed of William D. Bigler and Alice, his wife, by their deed dated April 13, 1887, and recorded in Clearfield County Deed Book 69, page 157.

4. The "Subject Premises" were conveyed to D. Wallace Potter and Wilma J. Yeager Potter, by the Tax Claim Bureau of Clearfield County, Pennsylvania, by its deed dated December 15, 1992, as the property of SARAH J. BLOOM and the MICHAEL BANNON HEIRS.

5. The said D. Wallace Potter died November 12, 1997, vesting sole title in the "Subject Premises" in his surviving spouse, Wilma Yeager Potter, by operation of law.

6. The said Wilma Yeager Potter having died testate on March 7, 2005, and by her Last Will and Testament appointed her son, Clair Lee Yeager, as Executor who was granted Letters Testamentary on March 29, 2005, and brings this action on behalf of the Estate of Wilma Yeager Potter.

7. Parcel No. 1, known as Lot No. 135 of the "Subject Premises" was acquired by Annie Bannon by deed from William D. Bigler, et ux., dated May 21, 1884, and recorded in Clearfield County Deed Book 32 at page 62.

8. The said Annie Bannon died intestate in 1907 survived by her spouse, Michael Bannon, and seven (7) children; namely, Peter Sheridan Bannon, Michael James Bannon, Francis Patrick Bannon, Thomas Edward Bannon, Paul Bannon, John B. Bannon, and Mary Ellen Bannon.

9. The said Michael Bannon as surviving spouse acquired a life estate in Parcel No. 1 with the remaindermen being Annie Bannon's seven (7) children.

10. The said Francis Patrick Bannon, son of Annie Bannon, died intestate on April 22, 1925, survived by his spouse, Helen Bannon, and three (3) children; namely, Betty Patricia Bannon, Thomas Sheridan Bannon and Francis Patrick Bannon, Jr.

11. The said Helen Bannon, surviving spouse of Francis Patrick Bannon, claimed his one-seventh (1/7) interest in Parcel No. 1 of the "Subject Premises" as part of her widow's exemption which she subsequently conveyed to Mary Ellen Cupples, formerly Mary Ellen Bannon, Peter S. Bannon, also known as Peter Sheridan Bannon, John B. Bannon, and Michael James Bannon by her deed dated September 3, 1937, and recorded in Clearfield County Deed Book 319, page 342.

12. The said Thomas Edward Bannon died intestate on July 16, 1931, without a surviving spouse or any issue, leaving his father, Michael Bannon, as his sole surviving intestate heir for his one-seventh (1/7) interest in Parcel No. 1 of the "Subject Premises."

13. The said Paul Bannon died intestate on November 7, 1935, survived by his spouse but without issue leaving his spouse, Jeannette Bannon, and his father, Michael Bannon, as his sole surviving intestate heirs for his one-seventh (1/7) interest in Parcel No. 1 of the "Subject Premises."

14. Parcel No. 2, known as part of Lot No. 134 of the "Subject Premises" was acquired by Michael Bannon by deed of William D. Bigler, et ux., dated April 13, 1887, and recorded in Clearfield County Deed Book 69 at page 157.

15. Michael Bannon, surviving spouse of Annie Bannon, died testate on June 22, 1936, leaving Parcel No. 2 of the "Subject Premises" to his daughter, Mary Ellen Cupples, and the balance of his estate including his interest in Parcel No. 1 of the "Subject Premises" to his surviving sons, Peter Sheridan Bannon, John B. Bannon and Michael James Bannon.

16. The said Michael James Bannon died intestate on November 12, 1941, without a surviving spouse or any issue, leaving to survive him were his brothers, Peter S. Bannon and John Bannon, his sister, Mary Ellen Cupples, and the issue of



his deceased brother, Francis P. Bannon; specifically, Betty Patricia Bannon Johnston, Thomas Sheridan Bannon and Francis P. Bannon as his sole intestate heirs.

17. The said Mary Ellen Cupples died testate on June 14, 1948, devising her interest in the house and lot known as the Annie Bannon Estate, being Parcel No. 1 of the "Subject Premises" to her brothers, Peter S. Bannon, Michael James Bannon and John B. Bannon and her sister-in-law, Jeanette Bannon, and Parcel No. 2 of the "Subject Premises" to her brother, Peter S. Bannon, by her will dated March 8, 1938, which is filed of record in Clearfield County Will Book X, page 117.

18. The said Michael James Bannon having died November 12, 1941, and Jeanette C. Bannon having died November 2, 1946, both predeceasing Mary Ellen Cupples; therefore, their respective shares of this estate lapsed.

19. The said Peter S. Bannon died testate on August 16, 1952, and by his will he left the residue of his estate to his sister, Mary Ellen Cupples, who predeceased him, then equally to his brothers, John B. Bannon and Michael J. Bannon but since his brother, Michael J. Bannon, had predeceased him this left his brother, John B. Bannon as his sole testate heir.

20. The said John B. Bannon died testate on April 1, 1964, survived by his spouse, Helen McDowell Bannon, leaving his spouse as his sole testate heir as to his interest in Parcels 1 and 2 of the "Subject Premises."

21. Helen McDowell Bannon, widow of John B. Bannon, died testate on October 12, 1987, leaving her estate equally to her granddaughter, Karen McDowell Catalano, and her grandson, Kelly Lynn McDowell.

22. The said Karen McDowell Auman, formerly Karen McDowell Catalano, and Kelly Lynn McDowell by their deed dated April 14, 1994, conveyed their interests in Parcels No. 1 and No. 2 of the "Subject Premises" to D. Wallace Potter and Wilma Yeager Potter, his wife, which is filed in Clearfield County Recorder of Deeds Office in Deed Book 1601, page 22.

23. Thomas Sheridan Bannan, as an heir of Francis P. Bannon, Michael J. Bannon and Peter S. Bannon, released and quit-claimed any interest he had in Parcels 1 and 2 of the "Subject Premises" to Sarah J. Bloom by his deed dated July 29, 1991, and recorded in Clearfield County Deeds and Records Book 1414, page 168.

24. William S. Johnston, brother of Sarah J. Bloom, who are children and sole heirs of Betty Patricia Bannon Johnston; and Francis Patrick Bannan, Jr., and Thomas Sheridan Bannan, as heirs of Francis P. Bannon, Michael J. Bannon and

Peter S. Bannon, released and quit-claimed any interest they had in Parcels 1 and 2 of the "Subject Premises" to Sarah J. Bloom by their deed dated July 12, 1991, and recorded in Clearfield County Deeds and Records Book 1414, page 172.

25. The said Sarah J. Bloom conveyed any interest she may have in the "Subject Premises" to D. Wallace Potter and Wilma Yeager Potter, his wife, by her deed dated July 9, 1993, and recorded in Clearfield County Deeds and Records Book 1601, page 225.

26. That this Quiet Title Action is necessary to remove any cloud on Plaintiff's title to the "Subject Premises" due to any irregularities in the chain of title because of the tax sale, incomplete estate records of deceased persons showing a complete chain of title or lack of estates, and possible adverse interests of unknown heirs of the said Michael Bannon and Jeannette Bannon.

27. Plaintiff believes and avers that all of the intestate and testate heirs of Michael Bannon and Jeanette Bannon, their heirs, executors and administrators, who have not relinquished any interest that they may have inherited in the "subject premises" have been named as Defendants.

28. Plaintiff believes and avers that the tax sale of the "subject premises" on September 15, 1992, to D. Wallace Potter and Wilma J. Yeager Potter was valid and that no objections were filed.

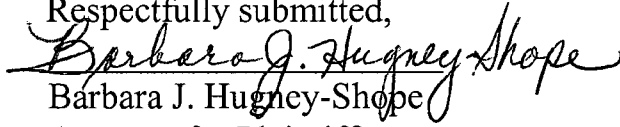
29. That at no time since the tax sale on September 15, 1992, has any person purporting to be an heir of Michael Bannon or Jeanette Bannon attempted to secure possession of the "subject premises", contest the title of the Plaintiff or assist in the maintenance, repair or improvement of the premises hereinbefore described nor have they asserted any interest adverse to the Plaintiff by any legal action.

WHEREFORE, Plaintiff requests:

(a) That the Defendants be forever barred from asserting any right, title, lien or interest in the Plaintiff's land identified as the "subject premises" inconsistent with the ownership of the Plaintiff, unless the Defendants bring an action in ejectment against the Plaintiff for the recovery of the land within thirty (30) days after the entry of judgment of the Court;

(b) That the Plaintiff be decreed as the sole owner and be entitled to exclusive possession of the premises described in the foregoing Complaint; and

(c) That the Court make such further Orders as may be necessary to establish the legal and valid title of the Plaintiff and to grant him all appropriate relief.

Respectfully submitted,  
  
Barbara J. Hugney-Shope  
Attorney for Plaintiff

VERIFICATION

I verify that the statements made in the Complaint are true and correct. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.



Clair Lee Yeager, Executor

Dated: 6-15-07, 2007

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 2 Services

Sheriff Docket # **102987**

**CLAIR LEE YEAGER, Executor of the Estate of Wilma Yeager Potter,  
Deceased**

Case # **07-1072-CD**

vs.

**HEIRS OF MICHAEL BANNON, HEIRS OF JEANETTE BANNON, et al**

TYPE OF SERVICE COMPLAINT ACTION TO QUIET TITLE

**SHERIFF RETURNS**

NOW September 11, 2007 RETURNED THE WITHIN COMPLAINT ACTION TO QUIET TITLE "NOT SERVED, TIME EXPIRED" AS TO HEIRS OF MICHAEL BANNON, THEIR HEIRS, EXECUTORS,, DEFENDANT. NO ADDRESS

SERVED BY: /

**FILED**

9/12/07  
SEP 12 2007

William A. Shaw  
Prothonotary/Clerk of Courts

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 2 of 2 Services

Sheriff Docket # **102987**

**CLAIR LEE YEAGER, Executor of the Estate of Wilma Yeager Potter,  
Deceased**

Case # **07-1072-CD**

vs.

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TYPE OF SERVICE COMPLAINT ACTION TO QUIET TITLE

**SHERIFF RETURNS**

NOW September 11, 2007 RETURNED THE WITHIN COMPLAINT ACTION TO QUIET TITLE "NOT SERVED,  
TIME EXPIRED" AS TO HEIRS OF JEANETTE BANNON, THEIR HEIRS, EXECUTORS,, DEFENDANT. NO  
ADDRESS

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102987  
NO: 07-1072-CD  
SERVICES 2  
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: CLAIR LEE YEAGER, Executor of the Estate of Wilma Yeager Potter, Deceased  
vs.  
DEFENDANT: HEIRS OF MICHAEL BANNON, HEIRS OF JEANETTE BANNON, et al

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HUGNEY-SHOPE	6647	20.00
SHERIFF HAWKINS	HUGNEY-SHOPE	6647	19.41

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff



**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION - LAW**

CLAIR LEE YEAGER, EXECUTOR of the  
ESTATE OF WILMA YEAGER POTTER,  
Deceased

Plaintiff

vs.

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Defendants

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NO. 07-1072 CD

\* **Type of Case: QUIET TITLE ACTION**

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\* **Type of Pleading: COMPLAINT**

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\* **Filed on behalf of: PLAINTIFF,**

\* **CLAIR LEE YEAGER, EXECUTOR of the**

\* **ESTATE OF WILMA YEAGER POTTER,**

\* **Deceased**

\*

\* **Counsel of record for Plaintiff:**

\*

\* **BARBARA J. HUGNEY-SHOPE**

\* **ATTORNEY AT LAW ESQUIRE**

\*

\* Supreme Court I. D. No. 26274

\* 28478 Frenchville-Karthus Hwy.

\* P.O. Box 232

\* Frenchville, PA 16836

\* (814) 263-7357

\*

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

JUL 10 2007

Attest.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

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

CLAIR LEE YEAGER, EXECUTOR  
of the ESTATE OF WILMA YEAGER  
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Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiff

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C O M P L A I N T

NOW COMES, the Plaintiff, CLAIR LEE YEAGER, EXECUTOR of the  
ESTATE OF WILMA YEAGER POTTER, Deceased, who by and through his  
attorney, BARBARA J. HUGNEY-SHOPE, ESQUIRE, files this Complaint to  
quiet the title to certain real estate and in support thereof avers as follows:

1. That the Plaintiff, CLAIR LEE YEAGER, who resides at 3017 Vernon  
Avenue, Pittsburgh, Pennsylvania, was granted Letters Testamentary for the Estate  
of Wilma Yeager Potter, by the Register of Wills for Clearfield County,  
Pennsylvania, on March 29, 2005, and as Executor brings this action on behalf of  
the said estate.

2. That Defendants are the heirs at law of Michael Bannon, who died intestate on November 12, 1941, their heirs, executors, administrators, successors and assigns, known or unknown, with the known heirs who have not quit-claimed or released their interest to the premises subject of this action being as follows:

(a) Heirs of Michael Bannon, as to any unknown heirs who have not quit-claimed and released any claim to the "Subject Premises, whose identity and location are unknown.

(b) Heirs of Jeannette Bannon, surviving spouse of Paul Bannon, whose identity and location are unknown.

3. That the Plaintiff is the representative for the owner of two (2) certain pieces or parcels of land located in the Third Ward of Clearfield Borough, Clearfield County, Pennsylvania, having been acquired by virtue of a deed from the Clearfield County Tax Claim Bureau recorded in Clearfield County Deeds and Records Book 1505, page 01, hereinafter referred to as the "Subject Premises", and bounded and described as follows:

**PARCEL NO. 1:** BEING bounded on the South by Clearfield Street; on the East by the eastern half of Lot No. 134; on the North by an alley; and on the West by an alley. Being fifty (50) feet front and one hundred fifty-five (155) feet in depth and known in the Plan of Clearfield Borough as Lot No. 135.

**BEING** the same premises conveyed to Annie Bannon by deed of William D. Bigler and Annie, his wife, by their deed dated May 21, 1884, and

recorded in Clearfield County Deed Book 32, page 162.

**PARCEL NO. 2:**

BEING bounded on the South by Clearfield Street; on the East by the eastern half of Lot No. 134; on the North by an alley; and on the West by Lot No. 135. Being twenty-five (25) feet front on Clearfield Street and extending in depth one hundred fifty-five (155) feet to an alley and known in the Plan of Clearfield Borough as the western one-half of Lot No. 134.

BEING the same premises conveyed to Michael Bannon by deed of William D. Bigler and Alice, his wife, by their deed dated April 13, 1887, and recorded in Clearfield County Deed Book 69, page 157.

4. The "Subject Premises" were conveyed to D. Wallace Potter and Wilma J. Yeager Potter, by the Tax Claim Bureau of Clearfield County, Pennsylvania, by its deed dated December 15, 1992, as the property of SARAH J. BLOOM and the MICHAEL BANNON HEIRS.

5. The said D. Wallace Potter died November 12, 1997, vesting sole title in the "Subject Premises" in his surviving spouse, Wilma Yeager Potter, by operation of law.

6. The said Wilma Yeager Potter having died testate on March 7, 2005, and by her Last Will and Testament appointed her son, Clair Lee Yeager, as Executor who was granted Letters Testamentary on March 29, 2005, and brings this action on behalf of the Estate of Wilma Yeager Potter.

7. Parcel No. 1, known as Lot No. 135 of the "Subject Premises" was acquired by Annie Bannon by deed from William D. Bigler, et ux., dated May 21, 1884, and recorded in Clearfield County Deed Book 32 at page 62.

8. The said Annie Bannon died intestate in 1907 survived by her spouse, Michael Bannon, and seven (7) children; namely, Peter Sheridan Bannon, Michael James Bannon, Francis Patrick Bannon, Thomas Edward Bannon, Paul Bannon, John B. Bannon, and Mary Ellen Bannon.

9. The said Michael Bannon as surviving spouse acquired a life estate in Parcel No. 1 with the remaindermen being Annie Bannon's seven (7) children.

10. The said Francis Patrick Bannon, son of Annie Bannon, died intestate on April 22, 1925, survived by his spouse, Helen Bannon, and three (3) children; namely, Betty Patricia Bannon, Thomas Sheridan Bannon and Francis Patrick Bannon, Jr.

11. The said Helen Bannon, surviving spouse of Francis Patrick Bannon, claimed his one-seventh ( $1/7$ ) interest in Parcel No. 1 of the "Subject Premises" as part of her widow's exemption which she subsequently conveyed to Mary Ellen Cupples, formerly Mary Ellen Bannon, Peter S. Bannon, also known as Peter Sheridan Bannon, John B. Bannon, and Michael James Bannon by her deed dated September 3, 1937, and recorded in Clearfield County Deed Book 319, page 342.

12. The said Thomas Edward Bannon died intestate on July 16, 1931, without a surviving spouse or any issue, leaving his father, Michael Bannon, as his sole surviving intestate heir for his one-seventh ( $1/7$ ) interest in Parcel No. 1 of the "Subject Premises."

13. The said Paul Bannon died intestate on November 7, 1935, survived by his spouse but without issue leaving his spouse, Jeannette Bannon, and his father, Michael Bannon, as his sole surviving intestate heirs for his one-seventh ( $1/7$ ) interest in Parcel No. 1 of the "Subject Premises."

14. Parcel No. 2, known as part of Lot No. 134 of the "Subject Premises" was acquired by Michael Bannon by deed of William D. Bigler, et ux., dated April 13, 1887, and recorded in Clearfield County Deed Book 69 at page 157.

15. Michael Bannon, surviving spouse of Annie Bannon, died testate on June 22, 1936, leaving Parcel No. 2 of the "Subject Premises" to his daughter, Mary Ellen Cupples, and the balance of his estate including his interest in Parcel No. 1 of the "Subject Premises" to his surviving sons, Peter Sheridan Bannon, John B. Bannon and Michael James Bannon.

16. The said Michael James Bannon died intestate on November 12, 1941, without a surviving spouse or any issue, leaving to survive him were his brothers, Peter S. Bannon and John Bannon, his sister, Mary Ellen Cupples, and the issue of

his deceased brother, Francis P. Bannon; specifically, Betty Patricia Bannon Johnston, Thomas Sheridan Bannon and Francis P. Bannon as his sole intestate heirs.

17. The said Mary Ellen Cupples died testate on June 14, 1948, devising her interest in the house and lot known as the Annie Bannon Estate, being Parcel No. 1 of the "Subject Premises" to her brothers, Peter S. Bannon, Michael James Bannon and John B. Bannon and her sister-in-law, Jeanette Bannon, and Parcel No. 2 of the "Subject Premises" to her brother, Peter S. Bannon, by her will dated March 8, 1938, which is filed of record in Clearfield County Will Book X, page 117.

18. The said Michael James Bannon having died November 12, 1941, and Jeanette C. Bannon having died November 2, 1946, both predeceasing Mary Ellen Cupples; therefore, their respective shares of this estate lapsed.

19. The said Peter S. Bannon died testate on August 16, 1952, and by his will he left the residue of his estate to his sister, Mary Ellen Cupples, who predeceased him, then equally to his brothers, John B. Bannon and Michael J. Bannon but since his brother, Michael J. Bannon, had predeceased him this left his brother, John B. Bannon as his sole testate heir.



20. The said John B. Bannon died testate on April 1, 1964, survived by his spouse, Helen McDowell Bannon, leaving his spouse as his sole testate heir as to his interest in Parcels 1 and 2 of the "Subject Premises."

21. Helen McDowell Bannon, widow of John B. Bannon, died testate on October 12, 1987, leaving her estate equally to her granddaughter, Karen McDowell Catalano, and her grandson, Kelly Lynn McDowell.

22. The said Karen McDowell Auman, formerly Karen McDowell Catalano, and Kelly Lynn McDowell by their deed dated April 14, 1994, conveyed their interests in Parcels No. 1 and No. 2 of the "Subject Premises" to D. Wallace Potter and Wilma Yeager Potter, his wife, which is filed in Clearfield County Recorder of Deeds Office in Deed Book 1601, page 22.

23. Thomas Sheridan Bannan, as an heir of Francis P. Bannon, Michael J. Bannon and Peter S. Bannon, released and quit-claimed any interest he had in Parcels 1 and 2 of the "Subject Premises" to Sarah J. Bloom by his deed dated July 29, 1991, and recorded in Clearfield County Deeds and Records Book 1414, page 168.

24. William S. Johnston, brother of Sarah J. Bloom, who are children and sole heirs of Betty Patricia Bannon Johnston; and Francis Patrick Bannan, Jr., and Thomas Sheridan Bannan, as heirs of Francis P. Bannon, Michael J. Bannon and

Peter S. Bannon, released and quit-claimed any interest they had in Parcels 1 and 2 of the "Subject Premises" to Sarah J. Bloom by their deed dated July 12, 1991, and recorded in Clearfield County Deeds and Records Book 1414, page 172.

25. The said Sarah J. Bloom conveyed any interest she may have in the "Subject Premises" to D. Wallace Potter and Wilma Yeager Potter, his wife, by her deed dated July 9, 1993, and recorded in Clearfield County Deeds and Records Book 1601, page 225.

26. That this Quiet Title Action is necessary to remove any cloud on Plaintiff's title to the "Subject Premises" due to any irregularities in the chain of title because of the tax sale, incomplete estate records of deceased persons showing a complete chain of title or lack of estates, and possible adverse interests of unknown heirs of the said Michael Bannon and Jeannette Bannon.

27. Plaintiff believes and avers that all of the intestate and testate heirs of Michael Bannon and Jeanette Bannon, their heirs, executors and administrators, who have not relinquished any interest that they may have inherited in the "subject premises" have been named as Defendants.

28. Plaintiff believes and avers that the tax sale of the "subject premises" on September 15, 1992, to D. Wallace Potter and Wilma J. Yeager Potter was valid and that no objections were filed.

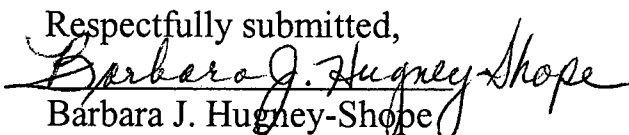
29. That at no time since the tax sale on September 15, 1992, has any person purporting to be an heir of Michael Bannon or Jeanette Bannon attempted to secure possession of the "subject premises", contest the title of the Plaintiff or assist in the maintenance, repair or improvement of the premises hereinbefore described nor have they asserted any interest adverse to the Plaintiff by any legal action.

WHEREFORE, Plaintiff requests:

(a) That the Defendants be forever barred from asserting any right, title, lien or interest in the Plaintiff's land identified as the "subject premises" inconsistent with the ownership of the Plaintiff, unless the Defendants bring an action in ejectment against the Plaintiff for the recovery of the land within thirty (30) days after the entry of judgment of the Court;

(b) That the Plaintiff be decreed as the sole owner and be entitled to exclusive possession of the premises described in the foregoing Complaint; and

(c) That the Court make such further Orders as may be necessary to establish the legal and valid title of the Plaintiff and to grant him all appropriate relief.

Respectfully submitted,  
  
Barbara J. Hugney-Shope  
Attorney for Plaintiff

VERIFICATION

I verify that the statements made in the Complaint are true and correct. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Clair Lee Yeager, Executor

Dated: 6-15-07, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION - LAW

CLAIR LEE YEAGER, EXECUTOR of the  
ESTATE OF WILMA YEAGER POTTER,  
Deceased

Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other persons  
or entities in interest, known or unknown,  
claiming by and through or under them,  
Defendants

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NO. 07-1072CD

\* **Type of Case: QUIET TITLE ACTION**

\*

\* **Type of Pleading: COMPLAINT**

\*

\* **Filed on behalf of: PLAINTIFF,**

\* **CLAIR LEE YEAGER, EXECUTOR of the**

\* **ESTATE OF WILMA YEAGER POTTER,**

\* **Deceased**

\*

\* **Counsel of record for Plaintiff:**

\*

\* **BARBARA J. HUGNEY-SHOPE**

\* **ATTORNEY AT LAW ESQUIRE**

\*

\* Supreme Court I. D. No. 26274

\* 28478 Frenchville-Karthauss Hwy.

\* P.O. Box 232

\* Frenchville, PA 16836

\* (814) 263-7357

\*

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

JUL 10 2007

Attest.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

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

CLAIR LEE YEAGER, EXECUTOR  
of the ESTATE OF WILMA YEAGER  
POTTER, Deceased,  
Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through  
or under them,

Defendants


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\* No. 07- -CD  
\*  
\* ACTION TO QUIET TITLE  
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**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against these 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 plaintiff. 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  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

  
Barbara J. Hughey-Shope, Esquire  
Attorney for Plaintiff

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

CLAIR LEE YEAGER, EXECUTOR  
of the ESTATE OF WILMA YEAGER  
POTTER, Deceased,  
Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through  
or under them,

Defendants

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\* No. 07- -CD  
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\* ACTION TO QUIET TITLE  
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COMPLAINT

NOW COMES, the Plaintiff, CLAIR LEE YEAGER, EXECUTOR of the  
ESTATE OF WILMA YEAGER POTTER, Deceased, who by and through his  
attorney, BARBARA J. HUGNEY-SHOPE, ESQUIRE, files this Complaint to  
quiet the title to certain real estate and in support thereof avers as follows:

1. That the Plaintiff, CLAIR LEE YEAGER, who resides at 3017 Vernon  
Avenue, Pittsburgh, Pennsylvania, was granted Letters Testamentary for the Estate  
of Wilma Yeager Potter, by the Register of Wills for Clearfield County,  
Pennsylvania, on March 29, 2005, and as Executor brings this action on behalf of  
the said estate.

2. That Defendants are the heirs at law of Michael Bannon, who died intestate on November 12, 1941, their heirs, executors, administrators, successors and assigns, known or unknown, with the known heirs who have not quit-claimed or released their interest to the premises subject of this action being as follows:

(a) Heirs of Michael Bannon, as to any unknown heirs who have not quit-claimed and released any claim to the "Subject Premises, whose identity and location are unknown.

(b) Heirs of Jeannette Bannon, surviving spouse of Paul Bannon, whose identity and location are unknown.

3. That the Plaintiff is the representative for the owner of two (2) certain pieces or parcels of land located in the Third Ward of Clearfield Borough, Clearfield County, Pennsylvania, having been acquired by virtue of a deed from the Clearfield County Tax Claim Bureau recorded in Clearfield County Deeds and Records Book 1505, page 01, hereinafter referred to as the "Subject Premises", and bounded and described as follows:

**PARCEL NO. 1:** BEING bounded on the South by Clearfield Street; on the East by the eastern half of Lot No. 134; on the North by an alley; and on the West by an alley. Being fifty (50) feet front and one hundred fifty-five (155) feet in depth and known in the Plan of Clearfield Borough as Lot No. 135.

**BEING** the same premises conveyed to Annie Bannon by deed of William D. Bigler and Annie, his wife, by their deed dated May 21, 1884, and



recorded in Clearfield County Deed Book 32, page 162.

**PARCEL NO. 2:**

BEING bounded on the South by Clearfield Street; on the East by the eastern half of Lot No. 134; on the North by an alley; and on the West by Lot No. 135. Being twenty-five (25) feet front on Clearfield Street and extending in depth one hundred fifty-five (155) feet to an alley and known in the Plan of Clearfield Borough as the western one-half of Lot No. 134.

BEING the same premises conveyed to Michael Bannon by deed of William D. Bigler and Alice, his wife, by their deed dated April 13, 1887, and recorded in Clearfield County Deed Book 69, page 157.

4. The "Subject Premises" were conveyed to D. Wallace Potter and Wilma J. Yeager Potter, by the Tax Claim Bureau of Clearfield County, Pennsylvania, by its deed dated December 15, 1992, as the property of SARAH J. BLOOM and the MICHAEL BANNON HEIRS.

5. The said D. Wallace Potter died November 12, 1997, vesting sole title in the "Subject Premises" in his surviving spouse, Wilma Yeager Potter, by operation of law.

6. The said Wilma Yeager Potter having died testate on March 7, 2005, and by her Last Will and Testament appointed her son, Clair Lee Yeager, as Executor who was granted Letters Testamentary on March 29, 2005, and brings this action on behalf of the Estate of Wilma Yeager Potter.

7. Parcel No. 1, known as Lot No. 135 of the "Subject Premises" was acquired by Annie Bannon by deed from William D. Bigler, et ux., dated May 21, 1884, and recorded in Clearfield County Deed Book 32 at page 62.

8. The said Annie Bannon died intestate in 1907 survived by her spouse, Michael Bannon, and seven (7) children; namely, Peter Sheridan Bannon, Michael James Bannon, Francis Patrick Bannon, Thomas Edward Bannon, Paul Bannon, John B. Bannon, and Mary Ellen Bannon.

9. The said Michael Bannon as surviving spouse acquired a life estate in Parcel No. 1 with the remaindermen being Annie Bannon's seven (7) children.

10. The said Francis Patrick Bannon, son of Annie Bannon, died intestate on April 22, 1925, survived by his spouse, Helen Bannon, and three (3) children; namely, Betty Patricia Bannon, Thomas Sheridan Bannon and Francis Patrick Bannon, Jr.

11. The said Helen Bannon, surviving spouse of Francis Patrick Bannon, claimed his one-seventh ( $1/7$ ) interest in Parcel No. 1 of the "Subject Premises" as part of her widow's exemption which she subsequently conveyed to Mary Ellen Cupples, formerly Mary Ellen Bannon, Peter S. Bannon, also known as Peter Sheridan Bannon, John B. Bannon, and Michael James Bannon by her deed dated September 3, 1937, and recorded in Clearfield County Deed Book 319, page 342.

12. The said Thomas Edward Bannon died intestate on July 16, 1931, without a surviving spouse or any issue, leaving his father, Michael Bannon, as his sole surviving intestate heir for his one-seventh ( $1/7$ ) interest in Parcel No. 1 of the "Subject Premises."

13. The said Paul Bannon died intestate on November 7, 1935, survived by his spouse but without issue leaving his spouse, Jeannette Bannon, and his father, Michael Bannon, as his sole surviving intestate heirs for his one-seventh ( $1/7$ ) interest in Parcel No. 1 of the "Subject Premises."

14. Parcel No. 2, known as part of Lot No. 134 of the "Subject Premises" was acquired by Michael Bannon by deed of William D. Bigler, et ux., dated April 13, 1887, and recorded in Clearfield County Deed Book 69 at page 157.

15. Michael Bannon, surviving spouse of Annie Bannon, died testate on June 22, 1936, leaving Parcel No. 2 of the "Subject Premises" to his daughter, Mary Ellen Cupples, and the balance of his estate including his interest in Parcel No. 1 of the "Subject Premises" to his surviving sons, Peter Sheridan Bannon, John B. Bannon and Michael James Bannon.

16. The said Michael James Bannon died intestate on November 12, 1941, without a surviving spouse or any issue, leaving to survive him were his brothers, Peter S. Bannon and John Bannon, his sister, Mary Ellen Cupples, and the issue of

his deceased brother, Francis P. Bannon; specifically, Betty Patricia Bannon Johnston, Thomas Sheridan Bannon and Francis P. Bannon as his sole intestate heirs.

17. The said Mary Ellen Cupples died testate on June 14, 1948, devising her interest in the house and lot known as the Annie Bannon Estate, being Parcel No. 1 of the "Subject Premises" to her brothers, Peter S. Bannon, Michael James Bannon and John B. Bannon and her sister-in-law, Jeanette Bannon, and Parcel No. 2 of the "Subject Premises" to her brother, Peter S. Bannon, by her will dated March 8, 1938, which is filed of record in Clearfield County Will Book X, page 117.

18. The said Michael James Bannon having died November 12, 1941, and Jeanette C. Bannon having died November 2, 1946, both predeceasing Mary Ellen Cupples; therefore, their respective shares of this estate lapsed.

19. The said Peter S. Bannon died testate on August 16, 1952, and by his will he left the residue of his estate to his sister, Mary Ellen Cupples, who predeceased him, then equally to his brothers, John B. Bannon and Michael J. Bannon but since his brother, Michael J. Bannon, had predeceased him this left his brother, John B. Bannon as his sole testate heir.

20. The said John B. Bannon died testate on April 1, 1964, survived by his spouse, Helen McDowell Bannon, leaving his spouse as his sole testate heir as to his interest in Parcels 1 and 2 of the "Subject Premises."

21. Helen McDowell Bannon, widow of John B. Bannon, died testate on October 12, 1987, leaving her estate equally to her granddaughter, Karen McDowell Catalano, and her grandson, Kelly Lynn McDowell.

22. The said Karen McDowell Auman, formerly Karen McDowell Catalano, and Kelly Lynn McDowell by their deed dated April 14, 1994, conveyed their interests in Parcels No. 1 and No. 2 of the "Subject Premises" to D. Wallace Potter and Wilma Yeager Potter, his wife, which is filed in Clearfield County Recorder of Deeds Office in Deed Book 1601, page 22.

23. Thomas Sheridan Bannan, as an heir of Francis P. Bannon, Michael J. Bannon and Peter S. Bannon, released and quit-claimed any interest he had in Parcels 1 and 2 of the "Subject Premises" to Sarah J. Bloom by his deed dated July 29, 1991, and recorded in Clearfield County Deeds and Records Book 1414, page 168.

24. William S. Johnston, brother of Sarah J. Bloom, who are children and sole heirs of Betty Patricia Bannon Johnston; and Francis Patrick Bannan, Jr., and Thomas Sheridan Bannan, as heirs of Francis P. Bannon, Michael J. Bannon and

Peter S. Bannon, released and quit-claimed any interest they had in Parcels 1 and 2 of the "Subject Premises" to Sarah J. Bloom by their deed dated July 12, 1991, and recorded in Clearfield County Deeds and Records Book 1414, page 172.

25. The said Sarah J. Bloom conveyed any interest she may have in the "Subject Premises" to D. Wallace Potter and Wilma Yeager Potter, his wife, by her deed dated July 9, 1993, and recorded in Clearfield County Deeds and Records Book 1601, page 225.

26. That this Quiet Title Action is necessary to remove any cloud on Plaintiff's title to the "Subject Premises" due to any irregularities in the chain of title because of the tax sale, incomplete estate records of deceased persons showing a complete chain of title or lack of estates, and possible adverse interests of unknown heirs of the said Michael Bannon and Jeannette Bannon.

27. Plaintiff believes and avers that all of the intestate and testate heirs of Michael Bannon and Jeanette Bannon, their heirs, executors and administrators, who have not relinquished any interest that they may have inherited in the "subject premises" have been named as Defendants.

28. Plaintiff believes and avers that the tax sale of the "subject premises" on September 15, 1992, to D. Wallace Potter and Wilma J. Yeager Potter was valid and that no objections were filed.

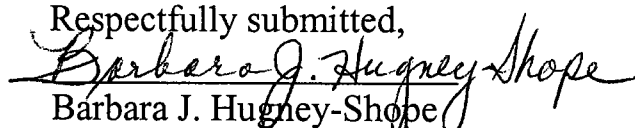
29. That at no time since the tax sale on September 15, 1992, has any person purporting to be an heir of Michael Bannon or Jeanette Bannon attempted to secure possession of the "subject premises", contest the title of the Plaintiff or assist in the maintenance, repair or improvement of the premises hereinbefore described nor have they asserted any interest adverse to the Plaintiff by any legal action.

WHEREFORE, Plaintiff requests:

(a) That the Defendants be forever barred from asserting any right, title, lien or interest in the Plaintiff's land identified as the "subject premises" inconsistent with the ownership of the Plaintiff, unless the Defendants bring an action in ejectment against the Plaintiff for the recovery of the land within thirty (30) days after the entry of judgment of the Court;

(b) That the Plaintiff be decreed as the sole owner and be entitled to exclusive possession of the premises described in the foregoing Complaint; and

(c) That the Court make such further Orders as may be necessary to establish the legal and valid title of the Plaintiff and to grant him all appropriate relief.

Respectfully submitted,  
  
Barbara J. Hugney-Shope  
Attorney for Plaintiff

VERIFICATION

I verify that the statements made in the Complaint are true and correct. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Clair Lee Yeager, Executor

Dated: 6-15-07, 2007



FILED  
10/4/10  
SEP 28 2007  
ICC & / Reinstated  
to Atty Complaint  
Atty pd. 7.00  
William A. Shaw  
Prothonotary/Clerk of Courts  
(64)

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

CLAIR LEE YEAGER, EXECUTOR  
of the ESTATE OF WILMA YEAGER  
POTTER, Deceased,

Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through  
or under them,

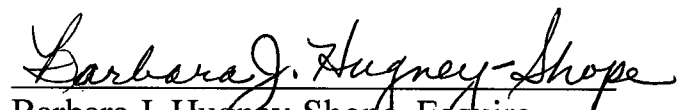
Defendants

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\* No. 07-1072 -CD  
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\* ACTION TO QUIET TITLE  
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**PRAECIPE TO REINSTATE**

TO WILLIAM A. SHAW, PROTHONOTARY:

Kindly reinstate the Complaint in Quiet Title in the above-captioned action.  
It is necessary to reinstate this Complaint because service was unable to be made  
in a timely fashion.

  
Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiff

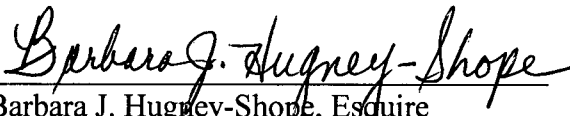
Dated: September 27, 2007

FILED  
SEP 28 2011  
William A. Shaw  
Prothonotary/Clerk of Courts

Before me, the undersigned officer, personally appeared Barbara J. Hugney-Shope, Esquire, attorney for the above-named Plaintiff, Clair Lee Yeager, Executor of the Estate of Wilma Yeager Potter, Deceased, and being authorized to do so, declares that the HEIRS OF MICHAEL BANNON and the HEIRS OF JEANETTE BANNON, their heirs, executors, administrators, successors and assigns, and all other persons or entities in interest, known or unknown, claiming by and through or under them, are either deceased or their present whereabouts are unknown to the Plaintiff.

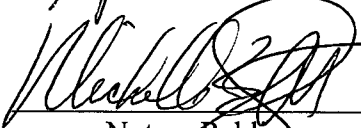
Plaintiff and the undersigned, his attorney, have made an investigation to locate these named Defendants by checking tax records of Clearfield County, review of telephone directories in the area, attempting service by the Sheriff of Clearfield County, and none of these Defendants have been located by the Sheriff and indicated on his return as "Not Found" to be filed in this case.

Respectfully submitted,

  
Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiff

SWORN to and subscribed

before me this 26<sup>th</sup> day  
of September, 2007.

  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Michelle O'Day-Manning, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires May 3, 2009

FILED  
09-1734  
SEP 28 2007  
1cc  
Atty Shope  
©  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CLAIR LEE YEAGER, EXECUTOR  
of the ESTATE OF WILMA YEAGER  
POTTER, Deceased,

Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through  
or under them,

Defendants

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No. 07-1072 -CD

ACTION TO QUIET TITLE

**MOTION FOR LEAVE TO SERVE BY PUBLICATION**

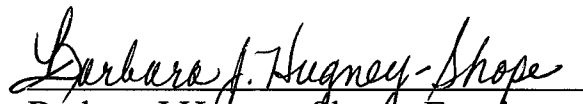
**AND NOW**, comes CLAIR LEE YEAGER, Executor of the ESTATE  
OF WILMA YEAGER POTTER, Deceased, Plaintiff, by and through his attorney,  
BARBARA J. HUGNEY-SHOPE, ESQUIRE, and sets forth the following

Motion:

1. An Affidavit having been executed and filed on behalf of Plaintiff that  
the whereabouts of the HEIRS OF MICHAEL BANNON and the HEIRS OF  
JEANETTE BANNON, their heirs, executors, administrators, successors and  
assigns, and all other persons or entities in interest, known or unknown, claiming  
by and through or under them, are unknown.

2. The Plaintiff, by his attorney, Barbara J. Hugney-Shope, Esquire, moves the Court for leave to serve the Complaint on these Defendants, their heirs, executors, administrators, successors and assigns, and all other persons or entities, known or unknown, claiming by and through or under them, by publication in The Progress of Clearfield, Pennsylvania, a newspaper of general circulation, and in the Clearfield County Legal Journal.

Respectfully submitted,

  
Barbara J. Hugney-Shope, Esquire  
28478 Frenchville-Karthus Hwy.  
P.O. Box 232  
Frenchville, PA 16836  
Attorney for Plaintiff



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION - LAW

CLAIR LEE YEAGER, EXECUTOR of the  
ESTATE OF WILMA YEAGER POTTER,  
Deceased

Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other persons  
or entities in interest, known or unknown,  
claiming by and through or under them,  
Defendants

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\* NO. 07- 1072- CD  
\* **Type of Case: QUIET TITLE ACTION**  
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\* **Type of Pleading: ORDER FOR**  
\* **PUBLICATION**  
\* **Filed on behalf of: PLAINTIFF,**  
\* **CLAIR LEE YEAGER, EXECUTOR of the**  
\* **ESTATE OF WILMA YEAGER POTTER,**  
\* **Deceased**  
\*  
\* **Counsel of record for Plaintiff:**  
\*  
\* **BARBARA J. HUGNEY-SHOPE**  
\* **ATTORNEY AT LAW ESQUIRE**  
\*  
\* Supreme Court I. D. No. 26274  
\* 28478 Frenchville-Karthaus Hwy.  
\* P.O. Box 232  
\* Frenchville, PA 16836  
\* (814) 263-7357  
\*

**FILED** <sup>icc</sup>  
01/01/2007 *Atty Shope*  
OCT 02 2007 *GR*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CLAIR LEE YEAGER, EXECUTOR  
of the ESTATE OF WILMA YEAGER  
POTTER, Deceased,  
Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through  
or under them,

Defendants

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No. 07-1072-CD

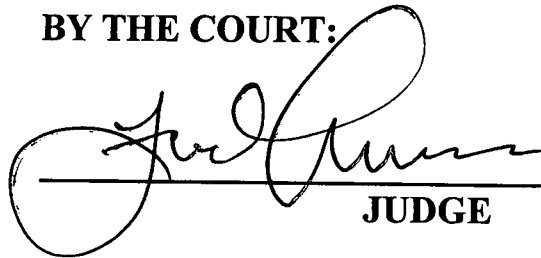
ACTION TO QUIET TITLE

**ORDER FOR PUBLICATION**

AND NOW, to wit, this 28 day of Sept, 2007, upon  
consideration of the foregoing Motion and Affidavit of Barbara J. Hugney-  
Shope, Attorney for Plaintiff, that the current whereabouts of the HEIRS OF  
MICHAEL BANNON and the HEIRS OF JEANETTE BANNON, their heirs,  
executors, administrators, successors, and assigns, and all other persons or  
entities in interest, known or unknown, claiming by and through or under them  
are unknown, and that a good-faith effort has been made pursuant to P.A.R.C.P.  
430 to locate them, their heirs, successors and assigns, and that any heirs,

successors and assigns are unable to be located, Plaintiff is hereby granted leave to make service of the Complaint on all parties in interest in the property who cannot be personally served, and such heirs, executors, successors and assigns of Defendants who are presently not of record and cannot be determined after due investigation, by publication one (1) time in The Progress of Clearfield, Pennsylvania, being a newspaper of general circulation in the County of Clearfield, Pennsylvania, and in the Clearfield County Legal Journal.

BY THE COURT:



A handwritten signature in cursive script, written in black ink, is positioned above a horizontal line. The signature is fluid and stylized, with a large initial 'J' and a long, sweeping underline.

---

JUDGE

William A. Shaw  
Prothonotary/Clerk of Courts

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

CLAIR LEE YEAGER, EXECUTOR  
of the ESTATE OF WILMA YEAGER  
POTTER, Deceased,

Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through  
or under them,

Defendants

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No. 07-1072 -CD

ACTION TO QUIET TITLE

**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA

)

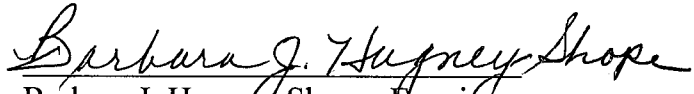
ss.:

COUNTY OF CLEARFIELD

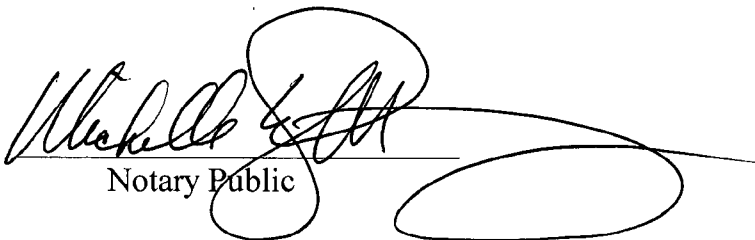
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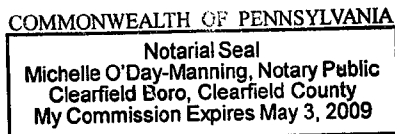
BARBARA J. HUGNEY-SHOPE, ESQUIRE, being duly sworn according to  
law, deposes and says that she is the attorney for the Plaintiff in the above-captioned  
action and makes this affidavit on behalf of Plaintiff, being authorized to do so; that a  
Complaint in Action to Quiet Title, endorsed with a Notice to Defend within twenty (20)  
days from service thereof was served on the Defendants, HEIRS OF MICHAEL  
BANNON, HEIRS OF JEANETTE BANNON, their heirs, executors, administrators,  
successors and assigns, and all other persons or entities in interest, known or unknown,

claiming by and through or under them. Service was attempted through the Sheriff of Clearfield County, and that Defendants were "not found" or unknown, service was by publication in The Progress of Clearfield, Pennsylvania, on October 12, 2007, proof of which is attached hereto marked Exhibit "A," and the Clearfield County Legal Journal during the week of October 26, 2007, proof of which is attached hereto, marked Exhibit "B,". None of the Defendants have filed an Answer thereto although the time in which to do so has expired.

  
Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiff

SWORN to and subscribed  
before me this 10<sup>th</sup> day  
of December, 2007.

  
Notary Public



IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION-LAW  
No. 07-1072-CD

CLAIR LEE YEAGER,  
EXECUTOR of the  
ESTATE OF  
WILMA YEAGER POTTER,  
Deceased,  
Plaintiff

VS.  
HEIRS OF  
MICHAEL BANNON,  
HEIRS OF  
JEANETTE BANNON,  
their heirs, executors,  
administrators, successor  
and assigns,  
and all other persons  
or entities in interest,  
known or unknown,  
claiming by and through  
or under them,  
Defendants

ACTION TO  
QUIET TITLE  
NOTICE

TO: HEIRS OF MICHAEL BAN-  
NON, HEIRS OF JEANETTE BAN-  
NON, their heirs, executors, admini-  
strators, successors and assigns,  
and all other persons or entities in  
interest, known or unknown, claim-  
ing by and through or under them,  
Defendants.

TAKE NOTICE that at No. 07-1072-CD, in the Court of Com-  
mon Pleas of Clearfield County,  
Pennsylvania, Plaintiffs, Clair Lee  
Yeager, Executor of the Estate of  
Wilma Yeager Potter, Deceased,  
filed this Complaint against you,  
your heirs, executors, administra-  
tors, successors and assigns, and  
all other persons or entities in inter-  
est, known or unknown, claiming by  
and through or under you, averring  
that the Plaintiffs are the owners of  
PARCEL NO. 1: BEING bounded  
on the South by Clearfield Street;  
on the East by the eastern half of  
Lot No. 134; on the North by an al-  
ley; and on the West by an alley.  
Being fifty (50) feet front and one  
hundred fifty-five (155) feet in  
depth and known in the Plan of  
Clearfield Borough as Lot No. 135.  
BEING the same premises con-  
veyed to Annie Bannon by deed of  
William D. Bigler and Alice, his wife,  
by their deed dated May 21, 1884,  
and recorded in Clearfield County  
Deed Book 32, page 62.

PARCEL NO. 2: BEING bounded  
on the South by Clearfield Street;  
on the East by Lot No. 134; on the  
North by an alley; and on the West  
by Lot No. 135. Being twenty-five  
(25) feet front on Clearfield Street  
and extending in depth one hun-  
dred fifty-five (155) feet to an alley  
and known in the Plan of Clearfield  
Borough as the western one-half of  
Lot No. 134.

BEING the same premises con-  
veyed to Michael Bannon by deed  
of William D. Bigler and Alice, his  
wife, by their deed dated April 13,  
1887, and recorded in Clearfield  
County Deed Book 69, page 157.

AND FURTHER BEING those two  
(2) certain pieces or parcels of land  
conveyed to D. Wallace Potter and  
Wilma J. Yeager Potter by deed of  
the Tax Claim Bureau of Clearfield  
County dated December 15,  
1992, and recorded in the Office of  
the Recorder of Deeds of Clearfield  
County at Deeds and Records  
Book 1505, page 1.

The Plaintiffs claim absolute own-  
ership of the above-described lots;  
that the Plaintiffs have instituted suit  
in order to have their interest in said  
land adjudicated and that the De-  
fendants be forever barred from as-  
serting any rights, lien, title or inter-  
est in the said land inconsistent with

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 17th day of October, 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 October 12, 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*  
Notary Public Clearfield, Pa.

My Commission Expires  
October 31, 2007

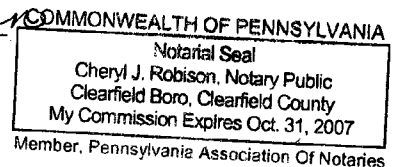


Exhibit "A"

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

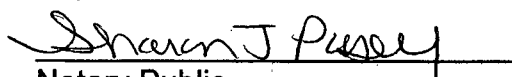
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COUNTY OF CLEARFIELD :

On this 26th day of October 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 October 26, 2007, Vol. 19, No. 43. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

  
Gary A. Knaresboro, Esquire  
Editor

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

  
Notary Public  
My Commission Expires

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

Barbara J Hugney-Shope  
PO Box 232  
Frenchville PA 16836



**IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION - LAW  
No. 07-1072-CD**

CLAIR LEE YEAGER, EXECUTOR of  
the ESTATE OF WILMA YEAGER  
POTTER, Deceased, Plaintiff VS. HEIRS  
OF MICHAEL BANNON, HEIRS OF  
JEANETTE BANNON, their heirs,  
executors, administrators, successors and  
assigns, and all other persons or entities in  
interest, known or unknown, claiming by and  
through or under them, Defendants

**ACTION TO QUIET TITLE NOTICE**

TO: HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON, their  
heirs, executors, administrators, successors  
and assigns, and all other persons or entities  
in interest, known or unknown, claiming by  
and through or under them, Defendants

TAKE NOTICE that at No. 07-1072-CD,  
in the Court of Common Pleas of Clearfield  
County, Pennsylvania, Plaintiffs, Clair Lee  
Yeager, Executor of the Estate of Wilma  
Yeager Potter, Deceased, filed this  
Complaint against you, your heirs,  
executors, administrators, successors and  
assigns, and all other persons or entities in  
interest, known or unknown, claiming by and  
through or under you, averring that the  
Plaintiffs are the owners of:

PARCEL NO. 1; BEING bounded on the  
South by Clearfield Street; on the East by

the East half of Lot No. 134; on the North by  
an alley; and on the West by an alley. Being  
fifty (50) feet front and one hundred fifty-five  
(155) feet in depth and known in the Plan of  
Clearfield Borough as Lot No. 135.

BEING the same premises conveyed to  
Annie Bannon by deed of William D. Bigler  
and Annie, his wife, by their deed dated May  
21, 1884, and recorded in Clearfield County  
Deed Book 32, page 62.

**PARCEL NO. 2;**

BEING bounded on the South by  
Clearfield Street; on the East by the eastern  
the eastern half of Lot No. 134; on the North  
by an alley; and on the East by Lot No. 135.  
Being twenty-five (25) feet front on Clearfield  
Street and extending in depth one hundred  
fifty-five (155) feet to an alley and known in  
the Plan of Clearfield Borough as the  
western one-half of Lot No. 134.

BEING the same premises conveyed to  
Michael Bannon by deed of William D. Bigler  
and Anne, his wife, by their deed dated April  
13, 1887, and recorded in Clearfield County  
Deed Book 69, page 157.

AND FURTHER BEING those two (2)  
certain pieces or parcels of land conveyed to  
D. Wallace Potter and Wilma J. Yeager  
Potter by deed of the Tax Claim Bureau of  
Clearfield County dated December 15, 1992,  
and recorded in the Office of the Recorder of  
Deeds of Clearfield County at Deeds and  
Records Book 1505, page 1.

The Plaintiffs claim absolute ownership  
of the above-described lots; that the  
Plaintiffs have instituted suit in order to have  
their interest in said land adjudicated and  
that the Defendants be forever barred from  
asserting any rights, lien, title or interest in  
the said land inconsistent with the interest of  
the Plaintiffs as set forth in their Complaint.

YOU ARE NOTIFIED TO APPEAR AND  
ANSWER THE SAID COMPLAINT IN SAID  
ACTION WITHIN TWENTY (20) DAYS OF  
THIS NOTICE; OTHERWISE, JUDGMENT  
WILL BE ENTERED AGAINST YOU  
BARRING YOU FROM ANY CLAIMS,  
RIGHTS OR INTEREST INCONSISTENT  
THEREWITH.

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, Pennsyl-  
vania 16830. Telephone: (814) 765-2641,  
Ext. 5982.

Barbara J. Hugney-Shope, Esquire,  
28478 Frenchville-Karhaus Hwy. (P.O. Box  
232), Frenchville, Pennsylvania 16836;  
(814) 263-7357, Attorney for Plaintiffs.

FILED 300  
 01/20/08  
 JAN 02 2008  
 Atty Shupe  
 (GK)  
 William A. Shaw  
 Prothonotary/Clerk of Courts

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

CLAIR LEE YEAGER, EXECUTOR  
of the ESTATE OF WILMA YEAGER POTTER,  
Deceased,

Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through  
or under them,

Defendants

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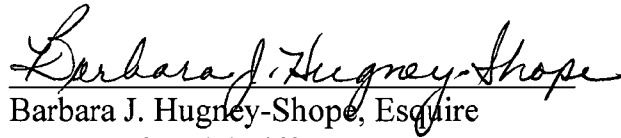
No. 07-1072 -CD

ACTION TO QUIET TITLE

MOTION FOR JUDGMENT

NOW, this 31<sup>st</sup> day of December 2007, Affidavits having been filed by the Plaintiff, Clair Lee Yeager, Executor, of the Estate of Wilma Yeager Potter, Deceased, through his attorney, Barbara J. Hugney-Shope, Esquire, that the Complaint with Notice to Defend was served on the Defendants, the Heirs of Michael Bannon and the Heirs of Jeanette Bannon, by publication in The Clearfield Progress on October 12, 2007, and publication in The Clearfield County Legal Journal on October 26, 2007, and these Defendants have failed to answer or enter an appearance. More than twenty (20) days have elapsed since publication to the Defendants whose whereabouts are unknown. Based on the foregoing, the Plaintiff moves the Court to enter judgment in favor of the Plaintiff and against the Defendants in the above-captioned case, and to grant the Plaintiff the relief prayed for in accordance with the Pennsylvania Rules of Civil Procedure 1066. Plaintiff

further requests that the Honorable Court, in accordance with the Pennsylvania Rules of Civil Procedure, Rule 248, require the Defendants within thirty(30) days to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiff sets forth in his Complaint.

A handwritten signature in cursive script, reading "Barbara J. Hugney-Shope".

Barbara J. Hugney-Shope, Esquire

Attorney for Plaintiff

28478 Frenchville-Karthus Hwy.

P.O. Box 232

Frenchville, PA 16836

(814) 263-7357

CNA

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

CLAIR LEE YEAGER, EXECUTOR of the  
ESTATE OF WILMA YEAGER POTTER,  
Deceased,

Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through  
or under them,

Defendants

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No. 07-1072 -CD

ACTION TO QUIET TITLE

ORDER

NOW, this 8 day of Jan., <sup>2008</sup>~~2007~~, it appearing that service of the Complaint in the above-captioned matter, with Notice to Plead, was made by publication in The Clearfield Progress, Clearfield, Pennsylvania, on October 12, 2007, and in The Clearfield County Legal Journal on October 26, 2007, 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 appeared 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 publication 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 Plaintiff as set forth in his Complaint in and for all that certain pieces or parcels of land situate in the Third Ward of Clearfield Borough, Clearfield County, Commonwealth of Pennsylvania, having Tax Map No. 4.3-K8-208-4 and more specifically described as follows:

**PARCEL NO. 1:** BEING bounded on the South by Clearfield Street; on the East by the eastern half of Lot No. 134; on the North by an alley; and on the West by an alley. Being fifty (50) feet front and one hundred fifty-five (155) feet in depth and known in the Plan of Clearfield Borough as Lot No. 135.

BEING the same premises conveyed to Annie Bannon by deed of William D. Bigler and Annie, his wife, by their deed dated May 21, 1884, and recorded in Clearfield County Deed Book 32, page 162.

**PARCEL NO. 2:** BEING bounded on the South by Clearfield Street; on the East by the eastern the eastern half of Lot No. 134; on the North by an alley; and on the West by Lot No. 135. Being twenty-five (25) feet front on Clearfield Street and extending in depth one hundred fifty-five (155) feet to an alley and known in the Plan of Clearfield Borough as the western one-half of Lot No. 134.

BEING the same premises conveyed to Michael Bannon by deed of William D. Bigler and Alice, his wife, by their deed dated April 13, 1887, and recorded in Clearfield County Deed Book 69, page 157.

AND FURTHER BEING those two (2) certain pieces or parcels of land conveyed to D. Wallace Potter and Wilma J. Yeager Potter by deed of the Tax Claim Bureau of Clearfield County dated December 15, 1992, and recorded in the Office of the Recorder of Deeds of Clearfield County at Deeds and Records Book 1505, page 1.

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 Praecipe of Plaintiff, shall enter final judgment for Plaintiff and against said named Defendants, their heirs, successors and assigns.

3. That the rights of the Plaintiff in said premises are at all times superior to the rights of said named Defendants, their heirs, successors and assigns and that the Plaintiff has 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 Plaintiff described in the Complaint and from impeaching, denying or in any way attacking the title of Plaintiff's to said premises.

5. That these proceedings, or any authenticated copy thereof, shall 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.

  
JUDGE



FILED <sup>1cc</sup>  
01/25/2008 Anyshope  
FEB 14 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
(6K)

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

CLAIR LEE YEAGER, EXECUTOR  
of the ESTATE OF WILMA YEAGER  
POTTER, Deceased,

Plaintiff

vs.

HEIRS OF MICHAEL BANNON,  
HEIRS OF JEANETTE BANNON,  
their heirs, executors, administrators,  
successors and assigns, and all other  
persons or entities in interest, known  
or unknown, claiming by and through  
or under them,

Defendants

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No. 07-1072 -CD

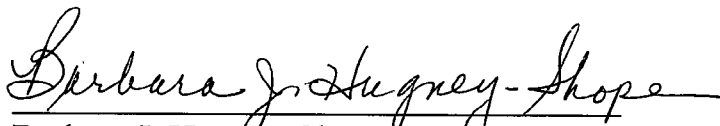
ACTION TO QUIET TITLE

**PRAECIPE**

TO: WILLIAM A. SHAW, PROTHONOTARY

Please enter final judgment in favor of the above-named Plaintiff and against  
the Defendants in accordance with Order of the above-named Court dated January 8,  
2008.

Respectfully submitted,



Barbara J. Hugney-Shope, Esquire  
Attorney for Plaintiff

Date: February 14, 2008