

07-1089-CD
Philips Prod. Vs William Wagner et al

2007-1089-CD
Philips Prod vs William Wagner et al

PHILLIPS PRODUCTION COMPANY, :

Plaintiff, :

vs. :

WILLIAM H. WAGNER, :
a/k/a WILLIAM H. WAGONER; :
JOHN WAGNER, :
a/k/a JOHN WAGONER; :
E. A. IRVIN; :
CURRY AND SHOOK; :
SHOOK AND CURRY; :
AUSTIN CURRY; :
J. R. K. SHOOK; :
ROSS CURRY; and :
J. SHOOK AND CO., :
their heirs, executors, administrators, :
successors and assigns, and all other :
person, persons, firms, partnerships, :
or corporate entities in interest, :

Defendants. :

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 07-1089-CD

ACTION TO QUIET TITLE

Type of Pleading:

Complaint in Action to Quiet Title

Filed on behalf of:

Phillips Production Company,
Plaintiff

Counsel of Record for this Party:

Michael S. Delaney, Esquire
936 Philadelphia Street
Indiana PA 15701
(724) 349-2255
ID #25537

FILED Atty pd. 95.00

1:40pm
JUL 12 2007

ICC Atty
LM

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

PHILLIPS PRODUCTION COMPANY,	:	IN THE COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY,
Plaintiff,	:	PENNSYLVANIA
	:	
	:	CIVIL ACTION - LAW
vs.	:	
	:	
	:	No. _____
WILLIAM H. WAGNER,	:	
a/k/a WILLIAM H. WAGONER;	:	ACTION TO QUIET TITLE
JOHN WAGNER,	:	
a/k/a JOHN WAGONER;	:	
E. A. IRVIN;	:	
CURRY AND SHOOK;	:	
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	:	
Defendants.	:	

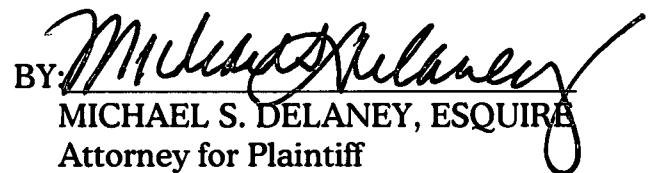
NOTICE

TO THE 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 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's Office
CLEARFIELD COUNTY COURTHOUSE
1 N. 2nd Street
Clearfield, Pennsylvania 16830
TELEPHONE: (814) 765-2641, Ext. 5982

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

PHILLIPS PRODUCTION COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff, : CLEARFIELD COUNTY,
vs. : PENNSYLVANIA
: CIVIL ACTION - LAW
: No. _____
WILLIAM H. WAGNER, : ACTION TO QUIET TITLE
a/k/a WILLIAM H. WAGONER; :
JOHN WAGNER, :
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CURRY AND SHOOK; :
SHOOK AND CURRY; :
AUSTIN CURRY; :
J. R. K. SHOOK; :
ROSS CURRY; and :
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their heirs, executors, administrators, :
successors and assigns, and all other :
person, persons, firms, partnerships, :
or corporate entities in interest, :
Defendants. :

COMPLAINT

Phillips Production Company, by and through its attorney, Michael S. Delaney, Esquire, brings this Action to Quiet Title upon a cause of action of which the following is a concise statement:

1. The Plaintiff, Phillips Production Company, is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal place of business at 502 Keystone Drive, Warrendale, Pennsylvania, 15086.

2. After diligence search, the Plaintiff is unable to discover the whereabouts or identity of any other individuals, except the above-listed Defendants, who should be included in this action as proper party defendants.

3. The property that is subject to this Quiet Title Action is as follows:

ALL the oil and gas leasehold estate in and underlying that certain tract of land situate in Chest Township, Clearfield County, Pennsylvania, bounded and described as follows:

ON the North: now or formerly of The William T. Mahaffey Heirs;
ON the East: now or formerly of Martin Bearer;
ON the South: now or formerly of William Gorman; and
ON the West: now or formerly of P. C. Westover.

CONTAINING 78 acres, more or less.

KNOWN as the oil and gas leasehold estate underlying Clearfield County Assessment Parcel Number 109-E15-000-00038.

4. That an abstract of Plaintiff's leasehold estate to said oil and gas is attached hereto, marked Exhibit "A", and made a part hereof.

5. As set forth at Item Number 12 of the Abstract, by deed dated June 7, 1869, and recorded in Clearfield County in Deed Book Volume 7, page 316, Robert P. McFadden and Angeline McFadden, his wife, granted and conveyed to Henry Pierce the surface and oil and gas underlying the subject tract of land.

6. As set forth at Item Number 13 of the Abstract, the Clearfield County Assessment Records indicate that Henry Pierce was assessed for the subject tract of land for the years 1868, 1869, 1870 and 1871.

7. As indicated at Item Number 11 of the Abstract, there is no document of record in Clearfield County showing a conveyance of the subject tract from Henry Pierce to William H. Wagner, however, in accordance with Item Number 13 of the Abstract, Clearfield County assessed the subject tract in the name of William H. Wagner for the year 1874.

8. As indicated at Item Number 10 of the Abstract, there is no document of record in Clearfield County showing a conveyance of the subject tract from William H. Wagoner to John Wagoner, however, as indicated at Item Number 13 of the Abstract, Clearfield County assessed the subject tract in the name of John Wagner for the year 1876.

9. As indicated at Item Number 9 of the Abstract, there is no document of record in Clearfield County showing a conveyance of the subject tract from William Wagner and/or John Wagner to E. A. Irvin, however, as indicated at Item Number 13 of the Abstract, Clearfield County assessed the subject tract in the name of E. A. Irvin for the year 1878.

10. As indicated at Item Number 7 of the Abstract, there is no document of record in Clearfield County showing a conveyance of the subject tract from E. A. Irvin to Curry and Shook, Shook and Curry, Austin Curry or J. R. K. Shook, however, as indicated at Item Number 13 of the Abstract, Clearfield County assessed the subject tract in the names of Curry and Shook, Shook and Curry, Austin Curry or J. R. K. Shook, as indicated in said Assessment Records.

11. As indicated at Item Number 6 of the Abstract, by deed dated June 29, 1900, and recorded in Clearfield County in Deed Book Volume 222, page 157, George Weaver, Treasurer of Clearfield County, granted and conveyed the subject tract of land to Ross Curry for real estate taxes for the year 1898, and as the property of Curry and Shook.

12. As indicated at Item Number 5 of the Abstract, by deed dated July 28, 1902, but not recorded in the Recorder's Office of Clearfield County, A. B. Weaver, Treasurer of Clearfield County, granted and conveyed the subject tract to Clearfield County Commissions, sold for the interest of J. Shook and Co.

13. By deed dated October 24, 1906, and recorded in Clearfield County in Deed Book Volume 325, page 36, the Commissioners of Clearfield County granted and conveyed the subject tract to R. H. Curry, said property sold as the property assessed in the name of J. Shook and Co.

14. As indicated at Item Number 1 of the Abstract, the subject tract of land is now owned by the Heirs of William T. Mahaffey as follows:

Harriet L. Mahaffey - 1/3rd interest
Kathryn Rose Mahaffey - 2/9ths interest
Rebecca Mahaffey Latimer - 2/9ths interest
Deborah Mahaffey Westover - 2/9ths interest

15. That by Oil and Gas Lease dated July 17, 2004, and recorded in Clearfield County at Instrument Number 2004-14948, Harriet L. Mahaffey, Rebecca Mahaffey Latimer, Kathryn R. Mahaffey and Deborah M. Westover granted and conveyed an Oil

and Gas Lease to the Plaintiff, Phillips Production Company, covering 78 acres, for an initial term of three (3) years. Said lease was extended for an additional term of one (1) year by instrument dated March 6, 2007, and recorded at Instrument Number 2007-07360.

16. That by virtue of the chain of title as set forth in the Abstract of Title and by virtue of the Oil and Gas Lease hereinabove stated, the oil and gas leasehold estate underlying the subject tract of land is owned by the Plaintiff, Phillips Production Company.

17. That this action is brought to clear any and all possible clouds on the title to the oil and gas leasehold estate underlying the tract of land described in paragraph 3 above, which the herein named Defendants, their heirs, executors, administrators, successors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest or their legal representatives may possess.

18. That this action is found upon the general powers of the Court to quiet title.

WHEREFORE, the Plaintiff requests the Court to decree that the oil and gas leasehold estate to the said oil and gas is in the name of the Plaintiff, Phillips Production Company, and that the named Defendants, their heirs, executors, administrators, successors and assigns, and all other person, persons, firms, partnerships, or legal representatives be forever barred from asserting any title to the said oil and gas leasehold estate, or for impeaching, denying or in any other way

attacking the Plaintiff's leasehold estate to the said oil and gas underlying said premises.

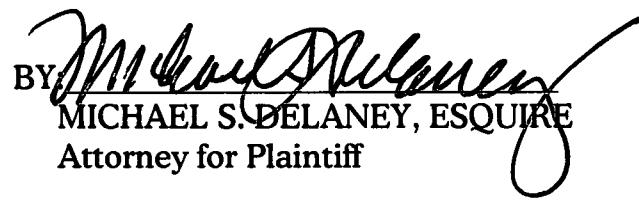
BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

EXHIBIT “A”

ITEM NUMBER 1

William T. Mahaffey
File No. 3090

ESTATE

Died May 5, 1957, intestate

Heirs: widow: Harriet L. Mahaffey (1/3 interest)
children: Kathryn Rose Mahaffey (2/9 interest)
Rebecca Mahaffey Latimer (2/9 interest)
Deborah Mahaffey Westover (2/9 interest)

ITEM NUMBER 2

Lillian E. Curry (no status)

to

Wm. T. Mahaffey (no status)

DEED

Dated: July 19, 1945
Acknowledged: July 19, 1945
Recorded: July 31, 1945
Deed Book Volume 370, Page
Consideration: \$1.00
Special Warranty Deed
Signed, sealed and delivered

CONVEYS: 64 acres, more or less, Chest Township, known as the Henry Pearce Tract.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 325, page 37.

ITEM NUMBER 3

R. H. Curry, Venna, ux
to
Lillian E. Curry (no status)

DEED

Dated: July 1, 1938
Acknowledged: July 1, 1938
Recorded: February 25, 1939
Deed Book Volume 325, Page 37
Consideration: \$1.00
Special Warranty Deed
Signed, sealed and delivered

CONVEYS: 64 acres, more or less, Chest Township.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Deed from Commissioners.

ITEM NUMBER 4

S. R. Hamilton, C.P. Rowles, and
B. F. Wilhelm, Commissioners of the
County of Clearfield
to
R. H. Curry (no status)

DEED

Dated: October 24, 1906
Acknowledged: November 17, 1906
Recorded: February 25, 1939
Deed Book Volume 325, Page 36
Consideration: \$1.00
Commissioner's Deed
Signed, sealed and delivered

CONVEYS: 64 acres, more or less, Chest Township.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Sold as the property of J. Shook and Co.

ITEM NUMBER 5

A. B. Weaver, Treasurer of
Clearfield County

Dated: July 28, 1902

to

Clearfield County Commissioners

CONVEYS: Interest of J. Shook and Co. in a tract in Chest Township.

EXCEPTIONS AND RESERVATIONS: Unknown.

UNDER AND SUBJECT: Unknown.

RECITAL: Not provided.

NOTE: This deed is recited in DBV 325, page 27. There is no record of this conveyance on record in the Register and Recorder's Office of Clearfield County. It is also not mentioned in the "Lands Sold to County Docket" in the assessment office.

ITEM NUMBER 6

DEED

George Weaver, Treasurer of
Clearfield County

Dated: June 29, 1900

to

Acknowledged: September 21, 1900

Ross Curry (no status)

Recorded: August 6, 1917

Deed Book Volume 222, Page 157

Consideration: \$12.81

Treasurer's Deed

Signed, sealed and delivered

CONVEYS: 78 acres, more or less, Chest Township.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Sold as the property of Curry and Shook. Sold for taxes for the year 1898.

NOTE: No estate was found for Ross Curry.

ITEM NUMBER 7

There is not a document of record in Clearfield County Register and Recorder's Office showing a conveyance of our property from E. A. Irvin to Curry and Shook, Shook and Curry, Austin Curry or J. R. K. Shook as indicated in assessment records.

ITEM NUMBER 8

H. C. Pierce, Lucy Jane, ux
to
Col. E. A. Irvin (no status)

DEED

Dated: November 8, 1881
Acknowledged: November 8, 1881
Recorded: November 30, 1885
Deed Book Volume 37, Page 562
Consideration: \$449.50
Quit-Claim Deed
Signed, sealed and delivered

CONVEYS: 79 acres, more or less, Chest Township.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 7, page 316.

ITEM NUMBER 9

There is not a document of record in Clearfield County Register and Recorder's Office showing a conveyance of our property from William and/or John Wagner to E. A. Irvin as indicated in assessment records.

Please note, however, that there is a deed of record from Henry Pierce to E. A. Irvin. (See Item No. 8 of the Abstract).

ITEM NUMBER 10

There is not a document of record in Clearfield County Register and Recorder's Office showing a conveyance of our property from William H. Wagoner to John Wagoner as indicated in Assessment Records.

ITEM NUMBER 11

There is not a document of record in Clearfield County Register and Recorder's Office showing a conveyance of our property from Henry Pierce to William H. Wagner as indicated in Assessment Records.

ITEM NUMBER 12

Robert P. McFadden, Angeline, ux

to

Henry Pierce (no status)

DEED

Dated: June 7, 1869

Acknowledged: June 7, 1869

Recorded: January 2, 1875

Deed Book Volume 7, Page 316

Consideration: \$850.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 79 acres, more or less, Chest Township.

EXCEPTIONS AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Deed dated December 2, 1865.

<u>ITEM NUMBER 13</u>		<u>ASSESSMENT RECORDS</u>	
1868	Henry Pierce	75 acres	(First assessment)
1869	Henry Pierce	75 acres	
1870	Henry Pierce	75 acres	
1871	Henry Pierce	80 acres	
1874	Henry Pierce/Pearce	80 acres	to William H. Wagner
1876	John Wagoner		from Wm. H. Wagoner
1878	E. A. Irvin		"from W. H. Wagner"
		Neff	47 acres
		Pierce	80 acres
		Robison	50 acres
1881-1885	E. A. Irvin	80 acres	
1886-1890	E. A. Irvin	80 acres	
1891	E. A. Irvin	80 acres	"to Curry and Shook"
1892	Assessed to Curry and Shook as 48 acres and 30 acres (No indication in assessment records who owned the property prior to this.)		
1906	"Sold Co. 04 P100 Sale Record" (see copy)		
1907	Assessed to Ross Curry as 48 acres and 30 acres.		
1940	Assessment was transferred from Ross Curry to Lillian Curry. Assessed as 48 acres and 30 acres.		
1945	Assessed as 78 acres to Lillian Curry.		
1946	Assessment was transferred from Lillian Curry to W. T. Mahaffey. Assessed as 78 acres.		

ITEM NUMBER 14

TAX LIEN RECORD

Tax Lien Record Book

1902	78 acres	Shook and Curry	
1903	78 acres	Curry and Shook	With "To Co. 1904" written in
1904	78 acres	Curry and Shook	With "To Co. 1904" written in
1905	78 acres	Curry and Shook	With "Exonerated" written on top No name listed as to who Exonerated it.

EXHIBIT “B”

AFFIDAVIT RE DEFENDANTS

COMMONWEALTH OF PENNSYLVANIA

:

COUNTY OF Allegheny

: ss.

:

Samuel E. Fragle, Se. V.P. of OPERATIONS of PHILLIPS

PRODUCTION COMPANY, being duly sworn according to law, depose and say that Phillips Production Company make this Affidavit as the Plaintiffs and, being authorized to do so, that the above-named Defendant's whereabouts are unknown, and that his date of death is unknown; that the names and whereabouts of the heirs and devisees of the above-mentioned party is unknown; that the names of any other parties who should be defendants in the above action are unknown; that it is unable to ascertain the names of the persons, other than the foregoing Defendants, who should be the defendants herein; that for the foregoing reasons, the names and addresses of several other defendants are unknown.

PHILLIPS PRODUCTION COMPANY

BY: Samuel E. Fragle

Sworn to and subscribed
before me this 9th day
of July, 2007.

Brace Kerr
NOTARY PUBLIC

My Commission Expires:

Commonwealth of Pennsylvania
NOTARIAL SEAL
BRUCE J. KERR, Notary Public
Butler Township, County of Butler
My Commission Expires April 21, 2010

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Allegheny : ss.
:

Samuel E. Fragale, Se. V.P. of OPERATIONS of PHILLIPS
PRODUCTION COMPANY, being duly sworn according to law, deposes and says that
Phillips Production Company is the Plaintiff named in the foregoing Complaint and
that the matters and facts set forth therein are true and correct to the best of his
knowledge, information and belief.

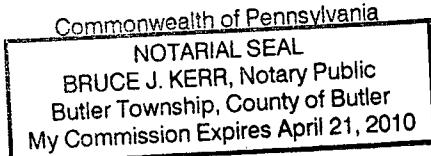
PHILLIPS PRODUCTION COMPANY

BY: Samuel E. Fragale

Sworn to and subscribed

before me this 9th day
of July, 2007.

Br. Kerr
NOTARY PUBLIC



My Commission Expires:

PHILLIPS PRODUCTION COMPANY, :	IN THE COURT OF COMMON PLEAS
Plaintiff, :	CLEARFIELD COUNTY, PENNSYLVANIA
vs. :	CIVIL ACTION - LAW
	No. <u>07-1089-CD</u>
WILLIAM H. WAGNER, a/k/a WILLIAM H. WAGONER; :	ACTION TO QUIET TITLE
JOHN WAGNER, a/k/a JOHN WAGONER; :	
E. A. IRVIN; :	
CURRY AND SHOOK; SHOOK AND CURRY; :	
AUSTIN CURRY; :	
J. R. K. SHOOK; ROSS CURRY; and :	
J. SHOOK AND CO., their heirs, executors, administrators, successors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, :	
Defendants. :	

Defendants.

Type of Pleading:

Motion to Serve Complaint Via Publication

Filed on behalf of:

**Phillips Production Company,
Plaintiff**

Counsel of Record for This Party:

Michael S. Delaney, Esquire
936 Philadelphia Street
Indiana PA 15701
(724) 349-2255
ID #25537

FILED ^{1CC}
M 11 40 AM JUL 12 2004 Atty Delaney
JUL 12 2004 (rm)
William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

PHILLIPS PRODUCTION COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff, : CLEARFIELD COUNTY,
vs. : PENNSYLVANIA
: CIVIL ACTION - LAW
: No. _____
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J. R. K. SHOOK; :
ROSS CURRY; and :
J. SHOOK AND CO., :
their heirs, executors, administrators, :
successors and assigns, and all other :
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: Defendants. :

MOTION TO SERVE COMPLAINT VIA PUBLICATION

AND NOW, comes the Plaintiff, by and through its undersigned counsel, and avers that the whereabouts and identities of the above-mentioned Defendants who might possibly claim an interest in this Quiet Title Action are presently unknown, that the Plaintiff and counsel for Plaintiff have executed affidavits pursuant to Pa. R.C.P. 410 and 430 stating that they have made a good faith effort to ascertain the identities of the above-mentioned Defendants, including a title search and examination and research of available public records, that the identities and/or whereabouts of the Defendants cannot be ascertained, and that service by publication pursuant to Pa. R.C.P. 410 and 430 is the only method that can be utilized to serve notice of this Action on the Defendants.

Accordingly, Plaintiff, through its undersigned counsel, moves this Court for leave to serve the Complaint on the above-mentioned Defendants, their heirs, devisees, administrators, executors, assigns, and all other persons, firms, partnerships,

or corporate entities in interest, or their legal representatives, generally, by publication and in such manner as the Court shall direct and as provided by Pa.R.C.P. 410 and 430.

Respectfully submitted:

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

DATE: July 10, 2007

PHILLIPS PRODUCTION COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff, : CLEARFIELD COUNTY,
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their heirs, executors, administrators, :
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or corporate entities in interest, :
Defendants. :

AFFIDAVIT OF COUNSEL IN SUPPORT OF
MOTION TO SERVE COMPLAINT VIA PUBLICATION

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF INDIANA :
:

Undersigned Counsel for the Plaintiff, being duly sworn according to law, deposes and states that he makes this affidavit pursuant to Pa. R.C.P. 410 and 430, that the whereabouts and identities of the above-mentioned Defendants who might possibly claim an interest in this Quiet Title Action are presently unknown, that Plaintiff and Counsel for Plaintiff, Michael S. Delaney, Esquire, have made a good faith

effort to ascertain the identities of the above-mentioned Defendants, including a title search and examination and research of available public records in conjunction with said title search, that said title abstract is attached to the Complaint, that the identities and/or whereabouts of the Defendants cannot be ascertained based upon said search and examination, and that service by publication pursuant to Pa. R.C.P. 410 and 430 is the only method that can be utilized to serve notice of this action on the Defendants.

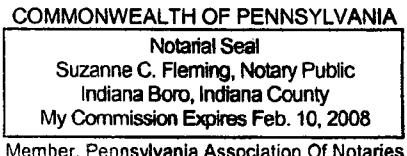
Respectfully submitted:

BY: 
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

Sworn to and subscribed before
me this 10th day of July, 2007.


NOTARY PUBLIC

My Commission Expires:



Member, Pennsylvania Association Of Notaries

PHILLIPS PRODUCTION COMPANY, : IN THE COURT OF COMMON PLEAS
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: Defendants. :
:

FILED

JUL 16 2007

6/3/00 (wm) (CR)
William A. Shaw
Prothonotary/Clerk of Courts
1 CEN to Attn

ORDER FOR PUBLICATION

AND NOW, the 13 day of July, 2007, upon consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on the above-mentioned Defendants, their heirs, executors, administrators, successors and assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, by publication one (1) time in the Clearfield County Legal Journal and one (1) time in the Clearfield Progress. The notice is to contain a notice to the Defendants, their unknown heirs and assigns, to enter their appearance or plead to the Complaint within twenty (20) days of the publication of said notice or a default judgment may be entered against them.

BY THE COURT:



J.

PHILLIPS PRODUCTION COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff, : CLEARFIELD COUNTY,
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FILED
OCT 05 2007
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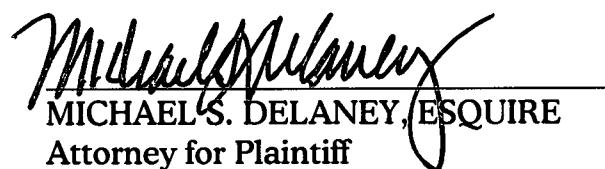
AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF INDIANA :
:

MICHAEL S. DELANEY, ESQUIRE, being duly sworn according to law, deposes and says that he is the attorney of record for the Plaintiff in the above action, and makes this Affidavit on its behalf being authorized to do so, hereby swearing and attesting to the following facts: that a Complaint in Action to Quiet Title, endorsed with Notice to Plead within twenty (20) days from the services thereof, was filed in the

ORIGINAL

Office of the Prothonotary of Clearfield County, Pennsylvania, at No. 07-1089-CD; that on the 13th day of July, 2007, the said Court made an Order that service be made upon the Defendants set forth in above-captioned matter by publication; that said Notice, as ordered by said Court, was published one (1) time in the Clearfield County Legal Journal, of Clearfield, Pennsylvania, on the 3rd day of August, 2007, as shown by the Proof of Publication of the Clearfield County Legal Journal, which is attached hereto and made a part hereof; that said Notice, as ordered by said Court, was published one (1) time in The Progress, of Clearfield, Pennsylvania, on the 26th day of July, 2007, as shown by the Proof of Publication of The Progress, which is attached hereto and made a part hereof; that the Complaint was served on the above-named Defendants by publication and that the Defendants have not filed an answer thereto, or otherwise entered an appearance or plead, although the time in which to do so has elapsed.



MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

Sworn to and subscribed

before me this 4th day

of October, 2007.



Suzanne C. Fleming
NOTARY PUBLIC

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Suzanne C. Fleming, Notary Public
Indiana Boro, Indiana County
My Commission Expires Feb. 10, 2008

Member, Pennsylvania Association Of Notaries

IN THE COURT
OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION-LAW
No. 07-1089-CD
ACTION TO
QUIET TITLE
PHILLIPS PRODUCTION
COMPANY,
Plaintiff,
vs.

WILLIAM H. WAGNER,
a/k/a WILLIAM H. WAGONER;
JOHN WAGNER,
a/k/a JOHN WAGONER;
E. A. IRVIN;

CURRY AND SHOOK;
SHOOK AND CURRY;
AUSTIN CURRY;
J. R. K. SHOOK;
ROSS CURRY; and
J. SHOOK AND CO.;
their heirs, executors,
administrators, successors
and assigns, and all other
persons, persons, firms,
partnerships, or
corporate entities
in interest, Defendants

NOTICE

TO THE DEFENDANTS: WILLIAM H. WAGNER, a/k/a WILLIAM H. WAGONER; JOHN WAGNER, a/k/a JOHN WAGONER; E. A. IRVIN; CURRY AND SHOOK; SHOOK AND CURRY; AUSTIN CURRY; J. R. K. SHOOK; ROSS CURRY; and J. SHOOK AND CO.,

their cumulative heirs, devisees, administrators, executors, assigns, and all other persons, persons, firms, partnerships, or corporate entities in interest.

TAKE NOTICE that at No. 07-1089-CD, in the Court of Common Pleas of Clearfield County, Pennsylvania, Plaintiff, Phillips Production Company, filed this Complaint against you, your heirs, devisees, administrators, executors, assigns, and all other persons, persons, firms, partnerships, or corporate entities in interest, averring that Phillips Production Company is the owner of ALL the oil and gas lea-

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 27th day of July, A.D. 2007, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of July 26, 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

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Cheryl J. Robison, Notary Public
Clearfield Borough, Clearfield County
My Commission Expires Oct. 31, 2007
Member, Pennsylvania Association Of Notaries

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
No. 07-1089-CD

PHILLIPS PRODUCTION COMPANY,
Plaintiff, vs. WILLIAM H. WAGNER, a/k/a
WILLIAM H. WAGONER; JOHN WAGNER,
a/k/a JOHN WAGONER; E. A. IRVIN;
CURRY AND SHOOK; SHOOK AND
CURRY; AUSTIN CURRY; J. R. K. SHOOK;
ROSS CURRY; and J. SHOOK AND CO.,
their heirs, executors, administrators,
successors and assigns, and all other
person, persons, firms, partnerships, or
corporate entities in interest, Defendants.

ACTION TO QUIET TITLE
NOTICE

TO THE DEFENDANTS: WILLIAM H.
WAGNER, a/k/a WILLIAM H. WAGONER;
JOHN WAGNER, a/k/a JOHN WAGONER;
E. A. IRVIN; CURRY AND SHOOK; SHOOK
AND CURRY; AUSTIN CURRY; J. R. K.
SHOOK; ROSS CURRY; and J. SHOOK
AND CO., their cumulative heirs, devisees,
administrators, executors, assigns, and all
other person, persons, firms, partnerships,
~~or corporate entities in interest~~:

Huston Township Sewer Authority vs.
Kelly L. Thompson 2007-1185-CD \$600

REPORT OF JUDGMENTS
July 26, 2007

Citi-Sears, LVNV Funding LLC, Sears,
Sherman Acquisition vs. Scott J. Webster
2007-1190-CD \$2,964.47

Aspire, Midland Credit Management vs.
Jeffrey Zellner 2007-1191-CD \$1,393.76

REPORT OF JUDGMENTS
July 27, 2007

First Commonwealth Bank vs. Richard
E. Grout 2006-1923-CD \$230,881

J A Kohlhepp Sons Inc., Kohlhepp
Custom Counter vs. Black Forest Cabinetry
Inc. 2006-2073-CD \$102,073

Capital One Bank vs. Jonathan L. Heid
2007-276-CD \$2,702.67

Citigroup Mortgage Loan, HSBC Bank of
USA vs. Paul A. Kolesar Jr., Kristine J.
Kolesar 2007-407-CD \$51,014.55

CSB Bank vs. K

TAKE NOTICE that at No. 01-1000

in the Court of Common Pleas of Clearfield County, Pennsylvania, Plaintiff, Phillips Production Company, filed this Complaint against you, your heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, averring that Phillips Production Company is the owner of ALL the oil and gas leasehold estate in and underlying that certain tract of land situate in Chest Township, Clearfield County, Pennsylvania, bounded and described as follows:

ON the North: now or formerly of The William T. Mahaffey Heirs; ON the East: now or formerly of Martin Bearer; ON the South: now or formerly of William German; and ON the West: now or formerly of P. C. Westover. CONTAINING 78 acres, more or less.

KNOWN as the oil and gas leasehold estate underlying Clearfield County Assessment Parcel Number 109-E15-000-00038.

The Plaintiff claims absolute ownership in the said oil and gas leasehold estate; that the Plaintiff has instituted suit in order to have its interest in said oil and gas leasehold estate adjudicated and that the Defendants be forever barred from asserting any rights, lien, title or interest in the said oil and gas leasehold estate inconsistent with the interest of the Plaintiff as set forth in the Complaint.

YOU ARE NOTIFIED TO APPEAR AND ANSWER THE SAID COMPLAINT ON 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.

Michael S. Delaney, Esquire, 936 Philadelphia Street, Indiana, PA 15701, Attorney for Plaintiff.

186, HARRISBURG, PA 17108, 800-692-7375

Full Spectrum Legal Services, 400 Fellowship Rd., Suite 220, Mt. Laurel, NJ 08054.

**SHERIFF'S SALE
OF VALUABLE REAL ESTATE**

BY VIRTUE OF: Writ of Execution issued out of the Court of Common Pleas of Clearfield County, Pennsylvania and to me directed, there will be exposed to public sale in the Sheriff's Office in the Courthouse in the Borough of Clearfield on Friday, September 7, 2007, 10:00 A.M.

THE FOLLOWING DESCRIBED PROPERTY TO WIT: (SEE ATTACHED DESCRIPTION) TERMS OF SALE

The price of sum at which the property shall be struck off must be paid at the time of sale or such other arrangements made as will be approved, otherwise the property will be immediately put up and sold again at the expense and risk of the person to whom it was struck off and who in case of deficiency of such resale shall make good for the same and in no instance will the deed be presented for confirmation unless the money is actually paid to the Sheriff.

TO all parties in interest and claimants: A schedule of distribution will be filed by the Sheriff in his office the first Monday following the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter.

ALL that certain piece or parcel of land, situate, lying and being in Huston Township,

PROOF OF PUBLICATION

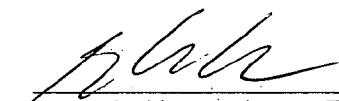
STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

On this 3rdth day of August 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 August 3, 2007, Vol. 19, No. 31. 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.

Sharon J. Pusey
Notary Public
My Commission Expires

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

Michael S. Delaney
936 Philadelphia Street
Indiana PA 15801

UA

PHILLIPS PRODUCTION COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff, : CLEARFIELD COUNTY,
vs. : PENNSYLVANIA
: CIVIL ACTION - LAW
: No. 07-1089-CD
: ACTION TO QUIET TITLE
WILLIAM H. WAGNER, :
a/k/a WILLIAM H. WAGONER; :
JOHN WAGNER, :
a/k/a JOHN WAGONER; :
E. A. IRVIN; :
CURRY AND SHOOK; :
SHOOK AND CURRY; :
AUSTIN CURRY; :
J. R. K. SHOOK; :
ROSS CURRY; and :
J. SHOOK AND CO., :
their heirs, executors, administrators, :
successors and assigns, and all other :
person, persons, firms, partnerships, :
or corporate entities in interest, :
Defendants. :

FILED
m/ji:17501
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Atty Delaney
GK

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR JUDGMENT

AND NOW, this 4th day of October, 2007, an Affidavit having been filed by the Plaintiff, that the Complaint with Notice to Plead was served by publication on the Defendants, that the Plaintiff, by its attorney, Michael S. Delaney, Esquire, moves the Court to enter judgment in favor of the Plaintiff and against the Defendants and to grant the Plaintiff the relief for which it has prayed in accordance with the Pennsylvania Rules of Civil Procedure relating to Quietling of Title, Rule 1066 in particular. The Plaintiff further requests the Honorable Court to modify the thirty (30) day period in which the Defendants have to file an ejectment action to eliminate such thirty (30) day period in accordance with Pennsylvania Rule of Civil Procedure Number 248.


MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

ORIGINAL

PHILLIPS PRODUCTION COMPANY,	:	IN THE COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY,
Plaintiff,	:	PENNSYLVANIA
	:	
	:	CIVIL ACTION - LAW
vs.	:	
	:	
	:	No. 07-1089-CD
	:	
WILLIAM H. WAGNER,	:	
a/k/a WILLIAM H. WAGONER;	:	ACTION TO QUIET TITLE
JOHN WAGNER,	:	
a/k/a JOHN WAGONER;	:	
E. A. IRVIN;	:	
CURRY AND SHOOK;	:	
SHOOK AND CURRY;	:	
AUSTIN CURRY;	:	
J. R. K. SHOOK;	:	
ROSS CURRY; and	:	
J. SHOOK AND CO.,	:	
their heirs, executors, administrators,	:	
successors and assigns, and all other	:	
person, persons, firms, partnerships,	:	
or corporate entities in interest,	:	
	:	
Defendants.	:	

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 01/10/07 4:47 PM Atty
 OCT 09 2007 Delaney
 LK

William A. Shaw
 Prothonotary/Clerk of Courts

ORDER OF COURT

AND NOW, this 8th day of October, 2007, an Affidavit of Service of the Complaint having been filed and no answer or other pleading or appearance having been made by any of the Defendants, the Court, upon Motion of Michael S. Delaney, Esquire, Attorney for the Plaintiff herein, ORDERS AND DECREES:

That the property subject to this Quiet Title Action is ALL the oil and gas leasehold estate in and underlying that certain tract of land situate in Chest Township, Clearfield County, Pennsylvania, bounded and described as follows:

ON the North: now or formerly of The William T. Mahaffey Heirs;
 ON the East: now or formerly of Martin Bearer;

ON the South: now or formerly of William Gorman; and
ON the West: now or formerly of P. C. Westover.

CONTAINING 78 acres, more or less.

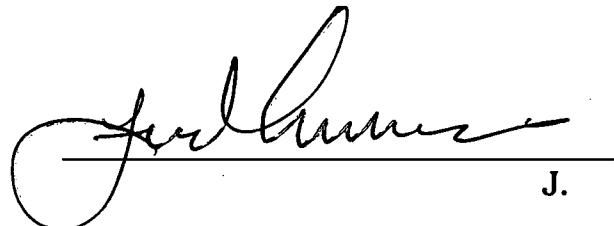
KNOWN as the oil and gas leasehold estate underlying Clearfield County
Assessment Parcel Number 109-E15-000-00038.

That title to said oil and gas leasehold estate is in Phillips Production Company,
Plaintiff herein, as set forth in the Complaint in fee simple and absolutely;

That the Defendants, their administrators, executors, heirs, devisees, assigns,
successors, and all other person, persons, firms, partnerships, or corporate entities in
interest or legal representatives, are forever barred from asserting any right, title, lien,
interest or claim whatsoever in the said oil and gas leasehold estate in question that
is inconsistent with the interest of the said Plaintiff, Phillips Production Company, as
set forth in the Complaint, to the said oil and gas leasehold estate, or impeaching,
denying, or in any other way attacking said Plaintiff's title to the said oil and gas
leasehold estate.

AND that the thirty (30) day provision in Pennsylvania Rule of Civil Procedure
1066(b)(1) is modified so as to eliminate the said thirty (30) day time period in which
the Defendants would otherwise be entitled to take further action. Said modification
is in accordance with authority vested in this Court by virtue of Pennsylvania Rule of
Civil Procedure Number 248.

BY THE COURT:



J. F. Gorman

FILED

OCT 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/9/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions: