

07-1344-CD

Phillips Prod vs Amanda B. Lloyd et al



PHILLIPS PRODUCTION COMPANY, :
: Plaintiff, :
:

vs. :
:

AMANDA B. LLOYD; :
W. S. LLOYD; :
KENNETH F. LLOYD; :
GWYNNE N. LLOYD; :
DAISEY E. LLOYD; and :
AARON P. LLOYD, :
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. 07-1344-CD

ACTION TO QUIET TITLE

FILED ICC AH
m/10:20 am Delaney
AUG 21 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

ORIGINAL

PHILLIPS PRODUCTION COMPANY, :

Plaintiff, :

vs. :

AMANDA B. LLOYD; :

W. S. LLOYD; :

KENNETH F. LLOYD; :

GWYNNE N. LLOYD; :

DAISEY E. LLOYD; and :

AARON P. LLOYD, :

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. _____

ACTION TO QUIET TITLE


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, :

Plaintiff, :

vs. :

AMANDA B. LLOYD; :

W. S. LLOYD; :

KENNETH F. LLOYD; :

GWYNNE N. LLOYD; :

DAISEY E. LLOYD; and :

AARON P. LLOYD, :

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. _____

ACTION TO QUIET TITLE

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:

BEGINNING at a corner originally a dogwood, but now a stone, on the boundary line of the adjoining property, lately owned by Fred K. Frailey; thence by the same, South 88° East 101 perches to white oak corner (now down), the corner of Anthony McGarvey and others; thence by said McGarvey land, North 47° East 108.8 perches to a post and corner of land conveyed by William Hagy and wife to John Irwin and Bros.; thence by Irwin land, North 62-1/2° West 16-1/2 perches to a white pine; thence North 1° West 35.6 perches to a white pine; thence South 73-1/2° West 42.8 perches to a white pine; thence North 40° West 52 perches to a post; thence North 50° East 11 perches to a chestnut on line of Jacob Breth land; thence by the same, North 80° West 97.3 perches to a post; thence South 2° West 150-1/2 perches to the place of beginning. **CONTAINING** 122 acres, 44 perches, and allowance of 6%, it being a part of the southern half of tract warranted in the name of Henry Bartley and enrolled in Patent Book H, Volume 41, page 109.

KNOWN as the oil and gas leasehold estate underlying Clearfield County Assessment Parcel Number 109-E16-00029.

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 8 of the Abstract, by deed dated September 3, 1900, and recorded in Clearfield County in Deed Book Volume 114, page 136, J. P.

Fry and Sarah E. Fry, his wife, granted and conveyed to Amanda B. Lloyd the surface and oil and gas underlying the subject tract of land.

6. As set forth at Item Number 7 of the Abstract, Amanda Lloyd died intestate on November 1, 1938, leaving to survive her the following named heirs: W. S. Lloyd, Kenneth F. Lloyd, Gwynne N. Lloyd, Daisey E. Lloyd and Aaron P. Lloyd.

7. As indicated at Item Number 6 of the Abstract, by deed dated October 17, 1944, and recorded in Clearfield County in Deed Book Volume 385, page 275, Foster W. Kerr, Treasurer of Clearfield County, granted and conveyed the subject tract of land to Genevieve A. Lloyd for real estate taxes for the year 1942.

8. That by virtue of the chain of title as set forth in the Abstract of Title, the subject tract of land became vested in Geraldine R. Lloyd, single, and Don R. Dimmick, married, as joint tenants with the right of survivorship.

9. That by Oil and Gas Lease dated November 14, 2006, and recorded in Clearfield County at Instrument Number 2007-04863, Geraldine R. Lloyd, widow, and Don Dimmick, married, granted and conveyed an Oil and Gas Lease to the Plaintiff, Phillips Production Company, covering 120 acres, for an initial term of one (1) year.

10. 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.

11. 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.

12. 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

DEED

Geraldine R. Lloyd, single

to

Geraldine R. Lloyd, single and
Don R. Dimmick, married
as j/t/w/r/o/s and not as t/i/c

Dated: June 21, 1996

Acknowledged: June 21, 1996

Recorded: June 21, 1996

Record Book Volume 1767, Page 209

Consideration \$ 1.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 122 acres, 44 perches, Chest Township (see copy for description).

EXCEPTION AND RESERVATIONS: None.

UNDER AND SUBJECT: Prior exceptions and reservations.

RECITAL: RBV 1445, page 100; Wendell W. Lloyd died April 23, 1996, vesting title in grantor as surviving t/b/e.

ITEM NUMBER 2

ESTATE

Wendell W. Lloyd

Estate No. 1996-333

Executrix: Geraldine R. Lloyd

Died April 23, 1996

Upon his death, title to subject premises vested in Geraldine R. Lloyd as surviving t/b/e.

ITEM NUMBER 3

Wendell W. Lloyd, Geraldine R., ux
to

Wendell W. Lloyd, Geraldine R., ux

DEED

Dated: February 27, 1992
Acknowledged: February 27, 1992
Recorded: February 27, 1992
Deed Book Volume 1445, Page 100
Consideration \$ 1.00
Special Warranty Deed
Signed, sealed and delivered

CONVEYS: 122 acres, 44 perches.

EXCEPTION AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 510, page 85.

ITEM NUMBER 4

William S. Lloyd, widower
to

Wendell W. Lloyd

DEED

Dated: May 20, 1964
Acknowledged: July 30, 1964
Recorded: August 27, 1964
Deed Book Volume 510, Page 85
Consideration \$ 1.00
Special Warranty Deed
Signed, sealed and delivered

CONVEYS: 122 acres, 44 perches.

EXCEPTION AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 385, page 276.

ITEM NUMBER 5

DEED

Genevieve A. Lloyd, single

to

William S. Lloyd

Dated: August 8, 1947

Acknowledged: August 8, 1947

Recorded: August 8, 1947

Deed Book Volume 385, Page 276

Consideration \$ 1.00

Special Warranty Deed

Signed, sealed and delivered

CONVEYS: All right, title and interest in 122 acres, 44 perches.

EXCEPTION AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: DBV 114, page 136 to Amanda Lloyd; tax deed dated February 10, 1945 to Genevieve A. Lloyd.

ITEM NUMBER 6

DEED

Foster W. Kerr, Treasurer of Clearfield
County

to

Genevieve A. Lloyd

Dated: October 17, 1944

Acknowledged: January 28, 1946

Recorded: August 8, 1947

Deed Book Volume 385, Page 275

Consideration \$ 49.01

Treasurer's Deed

Signed, sealed and delivered

CONVEYS: 60 acres and 60 acres surface assessed on seated list in the name of the Amanda Lloyd Estate.

EXCEPTION AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Sold for unpaid 1942 taxes.

ITEM NUMBER 7

Amanda Lloyd
Estate No. 18055 (see copy)

ESTATE

Died November 1, 1938, intestate

Administrator: William S. Lloyd

Heirs: Children: W. S. Lloyd
 Kenneth F. Lloyd
 Gwynne N. Lloyd
 Daisey E. Lloyd
 Aaron P. Lloyd

ITEM NUMBER 8

J. P. Fry, Sarah E., ux
to
Amanda B. Lloyd

DEED

Dated: September 3, 1900
Acknowledged: September 3, 1900
Recorded: November 9, 1900
Deed Book Volume 114, Page 136
Consideration \$ 1.00
General Warranty Deed
Signed, sealed and delivered

CONVEYS: 122 acres, 44 perches.

EXCEPTION AND RESERVATIONS: All minerals and rights; certain timber rights and rentals from crops during lifetime of J.P. Fry.

UNDER AND SUBJECT: None.

RECITAL: DBV 60, page 233.

ITEM NUMBER 9

Adam Hagey

to

J. P. Fry

DEED

Dated: May 10, 1890

Acknowledged: May 24, 1890

Recorded: December 8, 1890

Deed Book Volume 60, Page 233

Consideration \$ 4,500.00

General Warranty Deed

Signed, sealed and delivered

CONVEYS: 122 acres, 44 perches.

EXCEPTION AND RESERVATIONS: None.

UNDER AND SUBJECT: None.

RECITAL: Being part of the southern half of a tract warranted in the name of Henry Bartley; DBV L, page 39 to Samuel Harris; by sundry conveyances become vested in Adam Hagey.

NOTE: No. 55 January Term 1861 (unavailable for review) appears to be a Partition Action in the Court of Common Pleas. Title to the subject tract of 122 acres, 44 perches appears to have vested in Adam Hagey through this partition action (see copy of DBV 29, page 62).

EXHIBIT “B”

AFFIDAVIT RE DEFENDANTS

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF Allegheny : ss.


Samuel E. Fragale, Sr. 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 Defendants' whereabouts are unknown, and that their dates of death are unknown; that the names and whereabouts of the heirs and devisees of the above-mentioned parties are 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.

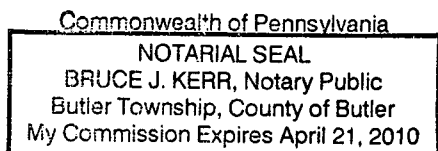
PHILLIPS PRODUCTION COMPANY

BY: 

Sworn to and subscribed
before me this 14th day
of AUGUST, 2007.


NOTARY PUBLIC

My Commission Expires:




COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Allegheny : ss.
:

Samuel E. Fragale, SR.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: 

Sworn to and subscribed
before me this 14th day
of August, 2007.


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

PHILLIPS PRODUCTION COMPANY, :
:
Plaintiff, :

vs. :

AMANDA B. LLOYD; :
W. S. LLOYD; :
KENNETH F. LLOYD; :
GWYNNE N. LLOYD; :
DAISEY E. LLOYD; and :
AARON P. LLOYD, :
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. _____

ACTION TO QUIET TITLE

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 identifies 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: August 16, 2007

PHILLIPS PRODUCTION COMPANY, :
:
Plaintiff, :

vs.

AMANDA B. LLOYD; :
W. S. LLOYD; :
KENNETH F. LLOYD; :
GWYNNE N. LLOYD; :
DAISEY E. LLOYD; and :
AARON P. LLOYD, :
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. _____

ACTION TO QUIET TITLE

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 16th day of August, 2007.


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

PHILLIPS PRODUCTION COMPANY, :
Plaintiff, :

vs. :

AMANDA B. LLOYD; :
W. S. LLOYD; :
KENNETH F. LLOYD; :
GWYNNE N. LLOYD; :
DAISEY E. LLOYD; and :
AARON P. LLOYD, :
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

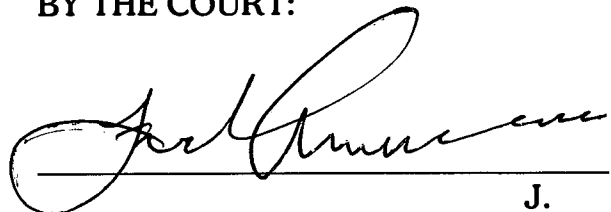
No. 07-1344-CD

ACTION TO QUIET TITLE

ORDER FOR PUBLICATION

AND NOW, the 23 day of August, 2007, upon consideration of the foregoing Motion, the Plaintiff is 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.

FILED¹⁰⁰
013:4761
AUG 23 2007

William A. Shaw
Prothonotary/Clerk of Courts

CR

PHILLIPS PRODUCTION COMPANY, :
Plaintiff, :

vs. :

AMANDA B. LLOYD; :
W. S. LLOYD; :
KENNETH F. LLOYD; :
GWYNNE N. LLOYD; :
DAISEY E. LLOYD; and :
AARON P. LLOYD, :
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. 07-1344-CD

ACTION TO QUIET TITLE

FILED ¹⁰⁰
OCT 10 2007 *Delaney*
William A. Shaw
Prothonotary/Clerk of Courts *GP*

MOTION FOR JUDGMENT

AND NOW, this 8th day of October, 2004, 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 Quieting 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
MICHAEL S. DELANEY, ESQUIRE
Attorney for Plaintiff

ORIGINAL

PHILLIPS PRODUCTION COMPANY, :
Plaintiff, :

vs. :

AMANDA B. LLOYD; :
W. S. LLOYD; :
KENNETH F. LLOYD; :
GWYNNE N. LLOYD; :
DAISEY E. LLOYD; and :
AARON P. LLOYD, :
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. 07-1344-CD

ACTION TO QUIET TITLE

Q
FILED *icc*
03:55/01 Amy
OCT 10 2007
Delaney
William A. Shaw
Prothonotary/Clerk of Courts

ORDER OF COURT

AND NOW, this 10 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:

BEGINNING at a corner originally a dogwood, but now a stone, on the boundary line of the adjoining property, lately owned by Fred K. Frailey; thence by the same, South 88° East 101 perches to white oak corner (now down), the corner of Anthony McGarvey and others; thence by said McGarvey land, North 47° East 108.8 perches to a post and corner of land conveyed by William Hagy and wife to John Irwin and Bros.; thence by Irwin land, North 62-1/2° West

16-1/2 perches to a white pine; thence North 1° West 35.6 perches to a white pine; thence South 73-1/2° West 42.8 perches to a white pine; thence North 40° West 52 perches to a post; thence North 50° East 11 perches to a chestnut on line of Jacob Breth land; thence by the same, North 80° West 97.3 perches to a post; thence South 2° West 150-1/2 perches to the place of beginning. CONTAINING 122 acres, 44 perches, and allowance of 6%, it being a part of the southern half of tract warranted in the name of Henry Bartley and enrolled in Patent Book H, Volume 41, page 109.

KNOWN as the oil and gas leasehold estate underlying Clearfield County Assessment Parcel Number 109-E16-00029.

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.

PHILLIPS PRODUCTION COMPANY, :
Plaintiff, :

vs. :

AMANDA B. LLOYD; :
W. S. LLOYD; :
KENNETH F. LLOYD; :
GWYNNE N. LLOYD; :
DAISEY E. LLOYD; and :
AARON P. LLOYD, :
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Defendants. :

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 07-1344-CD

ACTION TO QUIET TITLE

FILED *ice Any Delaney*
OCT 10 2007
William A. Shaw
Prothonotary/Clerk of Courts

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 Office of the Prothonotary of Clearfield County, Pennsylvania, at No. 07-1344-CD; that on the 23rd day of August, 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 Progress, of Clearfield, Pennsylvania, on the 8th day of September, 2007, as shown by the Proof of Publication of The Progress, which is attached hereto and made a part hereof; that said

ORIGINAL

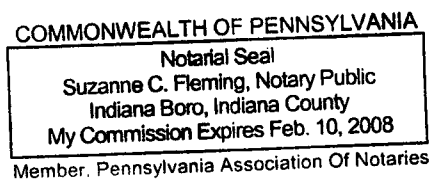
Notice, as ordered by said Court, was published one (1) time in the Clearfield County Legal Journal, of Clearfield, Pennsylvania, on the 14th day of September, 2007, as shown by the Proof of Publication of the Clearfield County Legal Journal, which is attached hereto and made a part hereof; that the 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 8th day
of October, 2007.


NOTARY PUBLIC

My Commission Expires:



PHILLIPS PRODUCTION
COMPANY,
Plaintiff,

vs.

AMANDAB. LLOYD;
W. S. LLOYD;
KENNETH F. LLOYD;
GWYNNE N. LLOYD;
DAISEY E. LLOYD; and
AARON P. LLOYD,
their heirs,
executors, administrators,
successors and assigns,
and all other person,
persons, firms, partnerships,
or corporate entities
in interest,
Defendants

NOTICE

TO THE DEFENDANTS: AMAN-
DAB. LLOYD; W. S. LLOYD; KEN-
NETH F. LLOYD; GWYNNE N.
LLOYD; DAISEY E. LLOYD; and
AARON P. LLOYD, their heirs, exe-
cutors, administrators, successors
and assigns, and all other person,
persons, firms, partnerships, or
corporate entities in interest.

TAKE NOTICE that at No.
07-1344-CD, in the Court of Com-
mon Pleas of Clearfield County,
Pennsylvania, Plaintiff, Phillips Pro-
duction Company, filed this Com-
plaint against you, your heirs, de-
visees, administrators, executors,
assigns, and all other person, per-
sons, firms, partnerships, or cor-
porate entities in interest, averring
that Phillips Production Company is
the owner of ALL the oil and gas lease-
hold estate in and underlying that
certain tract of land situate in Chest
Township, Clearfield County,
Pennsylvania, bounded and de-
scribed as follows:

BEGINNING at a corner originally
a dogwood, but now a stone, on the
boundary line of the adjoining prop-
erty, lately owned by Fred K. Frai-
ley; thence by the same, South 88°
East 101 perches to white oak cor-
ner (now down), the corner of An-
thony McGarvey and others; thence
by said McGarvey land, North 47°
East 108.8 perches to a post and
corner of land conveyed by William
Hagy and his wife to John Irwin and
Bros.; thence by Irwin land, North
62-1/2° West 16-1/2 perches to a white
pine; thence North 1° West 35.6
perches to a white pine; thence South
73-1/2° West 42.8 perches to a white
pine; thence North 40° West 52
perches to a post; thence North
50° East 11 perches to a chestnut
on line of Jacob Breth land; thence
by the same, North 80° West 97.3
perches to a post; thence South 2°
West 150-1/2 perches to the place
of beginning. CONTAINING 122
acres, 44 perches, and allowance
of 6%, it being a part of the southern
half of tract warranted in the name
of Henry Bartley and enrolled in Pa-
tent Book H, Volume 41, page
109.

KNOWN as the oil and gas lease-
hold estate underlying Clearfield
County Assessment Parcel Num-
ber 109-E16-00029.

The Plaintiff claims absolute own-
ership in the said oil and gas lease-
hold estate; that the Plaintiff has in-
stituted suit in order to have its inter-
est in said oil and gas leasehold es-
tate adjudicated and that the Defen-
dants be forever barred from as-
serting any rights, lien, title or inter-
est 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 COM-
PLAINT ON SAID ACTION WITHIN
TWENTY (20) DAYS OF THIS NO-
TICE, 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

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :

SS:

On this 12th day of September, A.D. 20 07,
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 September 8, 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.

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 Boro, Clearfield County
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries



40th Birthda

ohn Ogden

September 10th

Love, Rhonda



30th Birthda

To My Uncle

m McGarrv

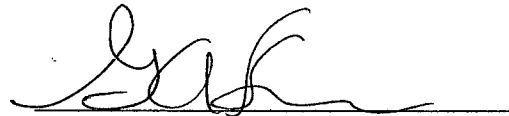
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

On this 14th day of September 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 September 14, 2007, Vol. 19, No. 37. 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
Commission Expires, April 7, 2011

Michael S. Delaney Esquire
936 Philadelphia St
Indiana PA 15701

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE

1. If the Sheriff's Sale is not stopped,

your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO

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:

BEGINNING at a corner originally a dogwood, but now a stone, on the boundary line of the adjoining property, lately owned by Fred K. Frail; thence by the same, South 88° East 101 perches to white oak corner (now down), the corner of Anthony McGarvey and others; thence by said McGarvey land, North 47° East 108.8 perches to a post and corner of land conveyed by William Hagy and wife to John Irwin and Bros.; thence by Irwin land, North 62-1/2° West 16-1/2 perches to a white pine; thence North 1° West 35.6 perches to a white pine; thence South 73-1/2° West 42.8 perches to a white pine; thence North 40° West 52 perches to a post; thence North 50° East 11 perches to a chestnut on line of Jacob Breth land; thence by the same, North 80° West 973 perches to a post; thence South 2° West 150-1/2 perches to the place of beginning. CONTAINING 122 acres, 44 perches, and allowance of 6%, it being a part of the southern half of tract warranted in the name of Henry Bartley and enrolled in Patent Book H, Volume 41, page 109.

KNOWN as the oil and gas leasehold estate underlying Clearfield County Assessment Parcel Number 109-E16-00029.

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, 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.

Late of Maraney
Administrators:

SAMUEL & TAMMI KITCHEN

Attorney: **JONATHAN B. MACK**
57 S. 6th Street
Indiana, PA 15701

TRUELSEN, MARJORIE ALLISON, Dec'd
Executor: **WILLIAM P. WAGGENER**
Attorney:
COLAVECCHI & COLAVECCHI
221 East Market Street
Clearfield, PA 16830

SOLAN, JOHN, Dec'd
Late of Smithmill
Personal Representatives:
JOHN M. SOLAN
DAVID S. SOLAN
DIANE C. EBKEN
MICHAEL E. SOLAN
Attorney: **DAVID C. MASON**
PO Box 28
Philipsburg, PA 16866

WEBER, MELISSA A., Dec'd
Late of Sandy Township
Executor: **RICHARD K. WEBER**
Attorney: **BLAKLEY & JONES**
90 Beaver Drive, Box 6
DuBois, PA 15801

**IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
No. 07-1344-CD**

PHILLIPS PRODUCTION COMPANY,
Plaintiff, vs. AMANDA B. LLOYD; W. S.
LLOYD; KENNETH F. LLOYD; GWYNNE N.
LLOYD; DAISEY E. LLOYD; and AARON P.
LLOYD, their heirs, executors, admin-
istrators, successors and assigns, and all
other person, persons, firms, partnerships,
or corporate entities in interest, Defendants.

ACTION TO QUIET TITLE

NOTICE

TO THE DEFENDANTS: AMANDA B.
LLOYD; W. S. LLOYD; KENNETH F.
LLOYD; GWYNNE N. LLOYD; DAISEY E.
LLOYD; and AARON P. LLOYD, their heirs,
executors, administrators, successors and
assigns, and all other person, persons,
firms, partnerships, or corporate entities in
interest.

TAKE NOTICE that at No. 07-1344-CD,
in the Court of Common Pleas of Clearfield
County, Pennsylvania, Plaintiff, Phillips
Production Company, filed this Complaint