

07-1577-CD
Gary Owens al vs Chester Husted

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER; *
GAIL WILKS; SUSAN NEIL; TERESA *
HAYDEN; LAURIE VALDISERRI; *
PATRICK E. COUTURIAUX; RONALD *
N. COUTURIAUX; SANDRA BORDAS; *
DENNIS J. COUTURIAUX; EUGENE *
V. EATON; SHANE T. EATON; *
MILDRED A. STEPHENS; CAROLYN *
J. YARGER; ROGER R. BAUMAN; *
PHYLLIS BAUMAN; KATHY *
FREEMAN; KENNETH BAUMAN III; *
KELLY LUZIER; KARA FINNEY; *
BERNICE BAUMAN; ROBERT *
BAUMAN; LYNETTE BAUMAN; *
LORRAINE Y. BAUMAN; *
ELIZABETH BAUMAN; BRYAN *
BAUMAN; JENNIFER WALK; ROSE *
M. BAUMAN; ELIZABETH STRAW; *
DONNA MAE HARRIS; PATRICK *
DEAN DICKSON; GAYLON DICKSON; *
DEBRA SHIMMEL; TINA MCQUILLEN; *
BRENDA CLINTON; GARY E. MARTY; *
LINDA JACKSON; *

Plaintiffs *

vs. *

CHESTER CLAYTON HUSTED; *
WINONA J. ECKLEY individually *
and as Executrix of the Estate *
of ARLENE CATHCART; *

Defendants *

-1577-
No. 07-~~1577~~ CD

FILED

SEP 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

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TYPE OF CASE:
Civil Law - Equity

TYPE OF PLEADING:
Complaint in Partition

FILED ON BEHALF OF:
Defendant PLAINTIFFS

COUNSEL OF RECORD FOR THIS
PARTY:

David R. Thompson, Esquire
PO Box 587
308 Walton Street
Philipsburg PA 16866
(814) 342-4100
Supreme Court ID 73053

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DEBRA SHIMMEL; TINA MCQUILLEN;	*	
BRENDA CLINTON; GARY E. MARTY;	*	
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Defendant	*	

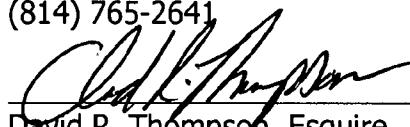
NOTICE

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 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
Clearfield, PA 16830
(814) 765-2641



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

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BRENDA CLINTON; GARY E. MARTY;	*	
LINDA JACKSON;	*	
Plaintiffs	*	
vs.	*	
CHESTER CLAYTON HUSTED;	*	
WINONA J. ECKLEY individually	*	
and as Executrix of the Estate	*	
of ARLENE CATHCART;	*	
Defendant	*	

COMPLAINT

AND NOW, comes the Plaintiffs, by and through their attorney David R. Thompson, Esquire, who file the following Complaint in Partition:

1. Plaintiff Gary K. Owens is an individual, who resides at P.O. Box 472, Earlysville, Virginia 22936.
2. Plaintiff Glenda Guyer is an individual, who resides in Philipsburg, Pennsylvania.
3. Plaintiff Gail Wilks is an individual, who resides in Philipsburg, Pennsylvania.
4. Plaintiff Susan Neil is an individual, who resides in Homestead, Florida.
5. Plaintiff Teresa Hayden is an individual, who resides in Brownsville, Pennsylvania.
6. Plaintiff Laurie Valdiserri is an individual, who resides in Belle Vernon, Pennsylvania.
7. Patrick E. Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
8. Plaintiff Ronald N. Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
9. Plaintiff Sandra Bordas is an individual, who resides in Philipsburg, Pennsylvania.
10. Plaintiff Dennis Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
11. Plaintiff Eugene V. Eaton, Jr. is an individual, who resides in Philipsburg, Pennsylvania.
12. Plaintiff Shane T. Eaton is an individual, who resides in Brisbin, Pennsylvania.
13. Plaintiff Mildred A. Stephens is an individual, who resides in Philipsburg, Pennsylvania.

14. Plaintiff Rose M. Bauman is an individual, who resides in Leola, Pennsylvania.
15. Plaintiff Carolyn J. Yarger is an individual, who resides in Philipsburg, Pennsylvania.
16. Plaintiff Roger R. Bauman is an individual, who resides in Morrisdale, Pennsylvania.
17. Plaintiff Phyllis Bauman is an individual, who resides in Clearfield, Pennsylvania.
18. Plaintiff Kathy Freeman is an individual, who resides in Ramey, Pennsylvania.
19. Plaintiff Kenneth Bauman III. is an individual, who resides in Houtzdale, Pennsylvania.
20. Plaintiff Kelly Luzier is an individual, who resides in Clearfield, Pennsylvania.
21. Plaintiff Kara Finney is an individual, who resides in Elizabethtown, Pennsylvania.
22. Plaintiff Bernice Bauman is an individual, who resides in Houtzdale, Pennsylvania.
23. Plaintiff Robert Bauman is an individual, who resides in Clearfield, Pennsylvania.
24. Plaintiff Lynette Bauman is an individual, who resides in Osceola Mills, Pennsylvania.
25. Plaintiff Lorraine Y. Bauman is an individual, who resides in Houtzdale, Pennsylvania.
26. Plaintiff Elizabeth Bauman is an individual, who resides in Morrisdale, Pennsylvania.
27. Plaintiff Bryan Bauman is an individual, who resides in Philipsburg,

Pennsylvania.

28. Plaintiff Jennifer Walk is an individual, who resides in Morrisdale, Pennsylvania.

29. Plaintiff Elizabeth Ann Straw is an individual, who resides in West Decatur, Pennsylvania.

30. Plaintiff Donna Mae Harris is an individual, who resides 808 Kennebec Avenue, Akron, Ohio.

31. Plaintiff Patrick Dean Dickson is an individual, who resides in Plymouth, Michigan.

32. Plaintiff Gaylon Edward Dickson is an individual, who resides in Philipsburg, Pennsylvania.

33. Plaintiff Debra Shimmel is an individual, who resides in Philipsburg, Pennsylvania.

34. Plaintiff Tina McQuillen is an individual, who resides at 175 Marcoline Road, Indiana, Pennsylvania.

35. Plaintiff Brenda Clinton is an individual, who resides in Lecanto, Florida.

36. Plaintiff Gary E. Marty, Sr. is an individual, who resides in Houtzdale, Pennsylvania.

37. Plaintiff Linda K. Jackson is an individual, who resides in Philipsburg, Pennsylvania.

38. Defendant Chester Clayton Husted is an individual, who resides in West Decatur, Pennsylvania.

39. Defendant Winona J. Eckley is an individual, who resides in Philipsburg,

Pennsylvania. By way of further pleading, Winona J. Eckley is the Executrix of the Estate of Arlene Cathcart, by virtue of her Estate duly probated in Clearfield County in Estate # 77-136.

40. The Plaintiffs and Defendants are collectively, the joint owners of real property subject of this action located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

ALL those certain pieces or parcels of land located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a post on the Erie Turnpike on line of land of Richard Mossop (now or formerly of Hartman & Co.); thence North fifty nine and one fourth (59 1/4) degrees West twenty-three and four tenth (23.4) perches to a post on said Turnpike; thence West sixty-eight (68) perches to a post; thence by land formerly owned by Isiah W. Smith (now or formerly of David Mease) South ninety-four (94) perches to a stone corner; thence by same East eighty eight (88) perches to a post corner; thence by land formerly owned by Richard Mossop (now or formerly by Hartman & Co.) Eighty two (82) perches to a post on said Erie Turnpike and place of beginning. CONTAINING (50) acres neat measure.

EXCEPTING AND RESERVING out of and from said premises all the minerals in and upon the said premises, except the minerals under the following described part of the above premises, described as follows:

BEGINNING at a post on Erie Turnpike; thence by said Turnpike North fifty-seven and one fourth (57 1/4) degrees West eighteen and six tenths (18.6) perches to stone on said turnpike; thence by the land in which the minerals are reserved South twenty-two and one half (22 1/2) degrees West forty eight (48) perches to a stone corner; thence by the land in which the minerals are reserved South thirty-seven (37) degrees East twenty (20) perches to a stone corner; thence by same South fifty one and one fourth (51 1/4) degrees West twenty six (26) perches to stone on line of Hartman & Co.'s land; thence by land of Hartman & Co., North three and three fourth (3 3/4) degrees East twenty six (26) perches to post on said pike and place of beginning. CONTAINING seven (7) acres and one hundred and twenty three (123) perches, said reservation being in accordance with the exception and reservation contained in the deed of George W. Hummel, et al to George Mease, dated October 11, 1884 and recorded in Clearfield County, PA in Deed Book 33 Page 330.

EXCEPTING AND RESERVING also out of the aforesaid premises one acre of land

on the West side of the aforesaid premises where John Mease has a house erected, which said one acre of land was devised to the said John Mease by the said George W. Mease.

THIS parcel being described in Deed Book 122 at Page 326.

THE SECOND THEREOF: BEGINNING at a chestnut corner; thence east along township road one hundred and ninety six feet to a post; thence northwest one hundred and fifty feet to a post; thence West two hundred and six feet to a post; thence South two hundred and fifty six feet to a post and place of beginning. CONTAINING one acre.

THIS parcel being described in Deed Book 228 at Page 200.

THE THIRD THEREOF: BEGINNING at a post on old road, at the common corner of this lot and lands of the Grantee herein; thence South 4° West a distance of eighty-two and one tenth (82.1) perches; thence South 56 1/2° East along line of lands of Grantee herein a distance of thirty nine and three tenths (39.3) to a post on line of S. C. Hamer Estate; thence South 75° 14' East twenty seven and two tenths (27.2) perches to a post; thence South 76° East thirty six (36) feet to a post; thence North 30° 3' East forty-two and four tenths (42.4) perches to a post on old road at corner of this land and land of S. E. Hamer Estate; thence along the said old road also known as old pike, by its several courses and distances to post and other lands of the Grantee herein and place of beginning.

SAVING, EXCEPTING AND RESERVING, nevertheless, therefrom and out of the same all coal, ores, fire clay, gas, oil and other minerals and ores of whatsoever kind and description the same may be and wheresoever found, together with the right to mine, dig, carry away and remove the same with the right to enter upon the premises hereby conveyed for such purposes, with the right of ingress, egress and regress together with the right to build such roads, railroads, tipples, chutes, buildings and other improvements as are usual and necessary for mining, shipping, and transporting coals and other miners and other commodities, as well as the right to move, carry and transport by railroad or otherwise any coals taken from this or other lands and any other commodities over, across, through and beyond the lands above named and without being in any way liable for any damages done to the surface or any part thereof, or any buildings thereon erected, or any water supply supplying the same either by himself or his assigns, tenants, employees, or agents, as fully as they might or could do if this conveyance had not been made.

THIS parcel being described in Deed Book 239 at Page 200.

Better described as follows in accordance with a survey completed:

ALL that certain interest in and to a piece or parcel of land consisting of eighty-seven (87) acres, located in Boggs Township, Clearfield County, PA, known by Map No. 105-N10-17, more particularly bounded and described as follows:

BEGINNING at a corner point located in the sixty foot right-of-way known as the Old Erie Pike, S.R. 2024; thence along property now or formerly of William C. And Mary C. Dickson South $01^{\circ} 13' 00''$ East a distance of 620.53 feet to an iron pin; thence along property now or formerly of Clayton C. Husted, et al., North $67^{\circ} 15' 27''$ West a distance of 1258.42 feet to an iron pin; thence along property now or formerly of Clayton C. Husted, et al., South $01^{\circ} 39' 02''$ East a distance of 402.73 feet to an iron rail; thence along property now or formerly of Cen-Clear Child Services, Inc., North $88^{\circ} 54' 03''$ West a distance of 591.53 feet to an iron pin; thence continuing along property now or formerly of Cen-Clear Child Services, Inc., North $89^{\circ} 09' 55''$ West a distance of 1528.54 feet to an iron pin; thence along tax parcel #105-N10-25 North $00^{\circ} 00' 00''$ West a distance of 1526.45 feet to a computed point on the centerline of Hartman Road also known as T-668; along said centerline of Hartman Road also known as T-668 South $89^{\circ} 02' 27''$ East a distance of 1040.97 feet to a computed point along centerline; thence continuing along Hartman Road also known as T-668 South $85^{\circ} 58' 55''$ East a distance of 142.91 feet to a computed point on the centerline of Old Erie Turnpike also known as S.R. 2024; thence along the centerline of Old Erie Pike also known as S.R. 2024 South $57^{\circ} 05' 57''$ East a distance of 52.33 feet to a computed point; thence South $62^{\circ} 51' 06''$ East a distance of 142.74 feet to a computed point; thence continuing South $64^{\circ} 01' 25''$ East a distance of 277.11 feet to a computed point; continuing South $64^{\circ} 35' 36''$ East a distance of 160.83 feet to a computed point; thence continuing South $63^{\circ} 59' 22''$ East a distance of 205.03 feet to a computed point; thence continuing South $62^{\circ} 30' 18''$ East a distance of 177.10 feet to a computed point; thence continuing South $58^{\circ} 47' 43''$ East a distance of 187.10 feet to a computed point; thence continuing South $56^{\circ} 38' 20''$ East a distance of 387.92 feet to a computed point; thence continuing South $57^{\circ} 41' 06''$ East a distance of 60.12 feet to a computed point; thence continuing South $59^{\circ} 44' 43''$ East a distance of 62.08 feet to a computed point; thence continuing South $61^{\circ} 34' 33''$ East a distance of 60.29 feet to a computed point; thence continuing South $63^{\circ} 52' 57''$ East a distance of 131.09 feet to a computed point; thence continuing South $67^{\circ} 13' 24''$ East a distance of 188.24 feet to a computed point; thence continuing South $70^{\circ} 23' 47''$ East a distance of 63.39 feet to a computed point; thence continuing South $73^{\circ} 43' 09''$ East a distance of 64.57 feet to a computed point; thence continuing South $78^{\circ} 09' 54''$ East a distance of 47.33 feet to a computed point; thence continuing South $80^{\circ} 57' 01''$ East a distance of 33.84 feet to a computed point; thence continuing South $82^{\circ} 32' 20''$ East a distance of 31.48 feet to a computed point and place of beginning. **CONTAINING** 84.893 acres net, more or less.

41. The aforesaid real property is known as Clearfield County Tax Parcel Number 105-N10-17, and is described in a deed vesting title to the premises unto E. A. Dickson, dated March 8, 1902 and recorded in Clearfield County in Deed Book Volume 122 at Page 366; further by deed vesting title to the premises unto E. A. Dixon dated October 3, 1919

and recorded in Clearfield County in Deed Book Volume 228 at Page 200; further by deed vesting title to the premises unto E. A. Dixon dated June 8, 1918 and recorded in Clearfield County Deed Book Volume 239 Page 200.

42. The said Edward A. Dixon died the 10th day of June, 1929, survived by his wife Anna Mease Dixon and their nine children to wit: Arlene Cathcart; Elsie Stone; David Dixon; Glenna Bauman; Leona Husted; Maude Thompson; Catherine Couturiaux; Mildred Marty and Mac Dixon.

43. The said Anna Mease Dixon died the 4th day of July, 1958. By her Last Will and Testament, duly probated in Clearfield County to Estate #23496, she devised her interest in the real property unto her aforesaid nine children.

44. Plaintiff Gary K. Owens is a One-ninth (1/9th) interest holder in the said premises by virtue of deed of Dupont D. Stone, et al., dated April 19, 1994 and recorded in Clearfield County in Deed Book Volume 1607 at Page 53. By way of further pleading, Grantors Dupont D. Stone, et. al. are the heirs at law of Elsie Stone.

45. Plaintiffs Glenda Guyer; Gail Wilks; Susan Neil; Teresa Hayden; and Laurie Valdiserri are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Maude Thompson.

46. Maude Thompson died the 26th day of July, 1991, intestate, leaving to survive her, her children, to wit: Gail Wilks; Glenda Guyer; and Barbara Clark. The said Barbara Clark died the 18th day of May, 1999, intestate, leaving to survive her, her children, to wit: Susan Neil; Teresa Hayden; and Laurie Valdiserri.

47. Plaintiffs Patrick E. Couturiaux; Ronald N. Couturiaux; Sandra Bordas; Dennis

Couturiaux; Eugene V. Eaton, Jr.; and Shane T. Eaton are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Catherine Couturiaux.

48. Catherine Couturiaux a/k/a Catherine A. Couturiaux died the 26th day of October, 1999. By her Last Will and Testament, duly probated in Centre County, Pennsylvania, to Estate #14-99-043, she devised her One-ninth (1/9th) interest in the said premises unto her children, to wit: Patrick E. Couturiaux; Ronald N. Couturiaux; Sandra Bordas; Manuel L. Couturiaux; and to the children of her deceased child Roseanna A. Adamson, to wit: Dennis J. Couturiaux; Eugene V. Eaton, Jr.; and Shane T. Eaton.

49. The said Manuel L. Couturiaux died the 4th day of September, 2004. By his Last Will and Testament, filed in Clearfield County to Estate #17-07-0408, he devised his interest in the said premises unto his daughter Gretchen A. Carman. By deed, to be recorded, the said Gretchen A. Carman conveyed her interest in the said premises unto Plaintiff Dennis J. Couturiaux.

50. Plaintiffs Mildred A. Stephens; Rose M. Bauman; Carolyn J. Yarger; Roger R. Bauman; Phyllis Bauman; Kathy Freeman; Kenneth Bauman, III.; Kelly Luzier; Kara Finney; Bernice Bauman; Robert Bauman; Lynette Bauman; Lorraine Y. Bauman; Elizabeth Bauman; Bryan Bauman; and Jennifer Walk are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Glenna Bauman a/k/a Glenna Dickson Bauman.

51. The said Glenna Bauman a/k/a Glenna Dickson Bauman died the 24th day of March, 1984. By her Last Will and Testament, duly probated in Clearfield County to Estate

#84-123, she devised her interest in the said premises unto her children, to wit: Mildred Stephens; Roger Bauman; Rose Bauman; Carolyn Yarger; Kenneth Bauman, Jr.; Harvey Bauman; and Leslie Wayne Bauman.

52. The said Kenneth Bauman, Jr. died the 25th day of October, 1995, intestate, leaving to survive him, his heirs at law, to wit: his spouse Phyllis Bauman; and children Kathy Freeman; Kenneth Bauman, III.; Kelly Luzier; and Kara Finney.

53. The said Harvey Bauman died the 21st day of June, 1999, intestate, leaving to survive him, his heirs at law, to wit: his spouse Bernice Bauman; and children Robert Bauman; Lynette Bauman; and Lorraine Bauman.

54. The said Leslie Wayne Bauman died the 25th day of October, 2004, intestate, leaving to survive him, his heirs at law, to wit: his spouse Elizabeth Bauman; and children Bryan Bauman; and Jennifer Walk.

55. Plaintiffs Elizabeth Ann Straw; Donna Mae Harris; Patrick Dean Dickson; Gaylon Edward Dickson; Debra Shimmel; and Tina McQuillen are collectively a Two-ninths (2/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Mac Dixon a/k/a Mac R. Dickson, Sr.

56. Mac Dixon a/k/a Mac R. Dickson, Sr. received a One-ninth (1/9th) interest by virtue of the Estate of Anna Mease Dixon. He received the One-ninth (1/9th) interest of David Dixon by deed of Belle E. Dixon dated September 17, 1980 and recorded in Clearfield County in Deed Book Volume 815 at Page 525. The said David Dixon died the 6th day of December, 1976. By his Last Will and Testament, duly probated in Clearfield County to Estate #79-8, he devised his interest in the said premises unto his wife Belle E. Dixon.

57. The said Mac Dixon a/k/a Mac R. Dickson, Sr. died the 24th day of February, 1996. By his Last Will and Testament, duly probated in Clearfield County to Estate #96-398, he devised his interest in the said premises unto his wife Violet E. Dickson. The said Violet E. Dickson died the 17th day of August, 1999. By her Last Will and Testament, duly probated in Clearfield County to Estate #99-494, she devised her interest in the said premises unto her children, to wit: Elizabeth Ann Straw; Donna Mae Harris; Patrick Dean Dickson; Gaylon Edward Dickson; and the children of her deceased son Mac Revelle Dickson, Jr., to wit: Debra Shimmel and Tina McQuillen.

58. Plaintiffs Brenda Clinton; Gary E. Marty a/k/a Gary E. Marty, Sr.; and Linda Jackson are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Mildred Marty.

59. The said Mildred Marty died the 27th day of December, 1989. By her Last Will and Testament, duly probated in Centre County, Pennsylvania, to Estate #14-89-20, she devised her interest in the real property unto her children, to wit: Linda Jackson; Gary E. Marty; and Brenda Clinton.

60. Defendant Chester Clayton Husted is a One-Ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiff is the heir at law of Leona Husted.

61. The said Chester Clayton Husted purports to own a Two-Ninths (2/9ths interest in the said real property. By way of further pleading, Defendant purports to own the interest of Arlene Cathcart.

62. The said Arlene Cathcart died the 10th day of December, 1976. By her Last Will

and Testament, duly probated in Clearfield County to Estate #77-136, she devised all of her property unto her niece Winona J. Eckley. The said Winona J. Eckley was also appointed Executrix of the Estate of Arlene Cathcart.

63. The said Leona Husted died the 29th day of November, 1985. By her Last Will and Testament, duly probated in Clearfield County to Estate #86-19, she devised her property unto her children, to wit: Winona J. Eckley; Brinton R. Dickson; Clayton C. Husted a/k/a Chester Clayton Husted; Dorcas M. Husted; Nelson C. Husted; and Spencer L. Husted. In the said Estate, it was purported that Leona Husted was vested with a Two-Ninths (2/9th) interest in said premises, by virtue of an unrecorded deed from her sister Arlene Cathcart. By virtue of a Family Agreement approved in the Estate, the interest of Leona Husted was conveyed to Chester Clayton Husted by deed dated July 28, 1986, and recorded in Clearfield County in Deed Book Volume 1098 at Page 435.

64. The said real property is currently owned by the following parties, in the referenced interests, as Tenants in Common:

- a. One-ninth (1/9th) interest in Plaintiff Gary K. Owens.
- b. One-ninth (1/9th interest in Defendant Chester Clayton Husted, by the record in Clearfield County.
- c. One-ninth (1/9th interest in Defendant Winona J. Eckley, individually and as Executrix of the Estate of Arlene Cathcart, by the record in Clearfield County.
- d. One-Twenty-seventh (1/27th) interest in Plaintiff Glenda Guyer.
- e. One-Twenty-seventh (1/27th) interest in Plaintiff Gail Wilks.
- f. One-Eighty-first (1/81st) interest in Plaintiff Susan Neil.

- g. One-Eighty-first (1/81st) interest in Plaintiff Teresa Hayden.
- h. One-Eighty-first (1/81st) interest in Plaintiff Teresa Hayden.
- I. One-Forty-fifth (1/45th) interest in Plaintiff Patrick E. Couturiaux.
- j. One-Forty-fifth (1/45th) interest in Plaintiff Ronald N. Couturiaux.
- k. One-Forty-fifth (1/45th) interest in Plaintiff Sandra Bordas.
- l. Four-One hundred thirty-fifth (4/135th) interest in Plaintiff Dennis J. Couturiaux.
- m. One-One hundred thirty-fifth (1/135th) interest in Plaintiff Eugene V. Eaton, Jr.
- n. One-One hundred thirty-fifth (1/135th) interest in Plaintiff Shane T. Eaton.
- o. One-Sixty-third (1/63rd) interest in Plaintiff Mildred Stephens.
- p. One-Sixty-third (1/63rd) interest in Plaintiff Carolyn J. Yarger.
- q. One-Sixty-third (1/63rd) interest in Plaintiff Roger R. Bauman.
- r. One-Sixty-third (1/63rd) interest in Plaintiff Rose M. Bauman.
- s. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Phyllis Bauman.
- t. One-Five hundred and fourth (1/504th) interest in Plaintiff Kathy Freeman.
- u. One-Five hundred and fourth (1/504th) interest in Plaintiff Kenneth Bauman, III.
- v. One-Five hundred and fourth (1/504th) interest in Plaintiff Kelly Luzier.
- w. One-Five hundred and fourth (1/504th) interest in Plaintiff Kara Finney.
- x. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Bernice

Bauman.

y. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff Robert Bauman.

z. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff Lynette Bauman.

aa. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff Lorraine Bauman.

bb. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Elizabeth Bauman.

cc. One-Two hundred fifty-second (1/252nd) interest in Plaintiff Bryan Bauman.

dd. One-Two hundred fifty-second (1/252nd) interest in Plaintiff Jennifer Walk.

ee. Two-Forty-fifths (2/45th) interest in Plaintiff Elizabeth Ann Straw.

ff. Two-Forty-fifths (2/45th) interest in Plaintiff Donna Mae Harris.

gg. Two-Forty-fifths (2/45th) interest in Plaintiff Patrick Dean Dickson.

hh. Two-Forty-fifths (2/45th) interest in Plaintiff Gaylon Edward Dickson.

ii. One-Forty-fifth (1/45th) interest in Plaintiff Debra Shimmel.

jj. One-Forty-fifth (1/45th) interest in Plaintiff Tina McQuillen.

kk. One-Twenty-seventh (1/27th) interest in Plaintiff Brenda Clinton.

ll. One-Twenty-seventh (1/27th) interest in Plaintiff Gary E. Marty, Sr.

mm. One-Twenty-seventh (1/27th) interest in Plaintiff Linda Jackson.

65. The real property subject of this action is 84.893 acres, more or less. Each party is responsible for their respective taxes on the property. No one resides on the said real property.

66. The parties had previously entered into an Agreement for the sale of the real property to bona fide buyers for the sales price of \$175,000.00.

67. As various title issues were raised by Buyers' counsel which had to be corrected by Plaintiffs' counsel, the sale did not close within the time period listed in the Agreement of Sale.

68. The Buyers remain willing to purchase the said real property for the sum of \$175,000.00.

69. The Plaintiffs herein all agree to the sale of the said real property, and in fact, have signed deeds for the said sale in accordance with the Agreement of Sale.

70. Defendants are the only real property interest holders who have not signed the necessary deeds to convey the real property unto Buyers in accordance to the prior Agreement.

71. As such, the parties are unable to agree as to the disposition of the real property.

72. No partition or division of the real property subject of this action has ever been made, and the parties have not been able to agree on a sale or partition of the property.

73. It was the proposed Buyers who had the survey referenced herein performed in anticipation of the said purchase.

WHEREFORE, the Plaintiffs pray:

- a. That Your Honorable Court enter an Order directing partition of the real property subject of this action;
- b. Direct that the real property is incapable of division without prejudice to or the spoiling of the said property;
- c. Direct that the real property be sold to the ready, willing and able Buyers or that the same be sold for at least the sum of \$175,000.00;
- d. That all property and necessary deeds, conveyances and documents be executed to carry out any partition in such manner as Your Honorable Court may direct;
- e. That the Court assess the costs of said partition equally among the joint tenants;
- f. That Your Honorable Court issue any other Order or further relief that the Court deems just and proper.

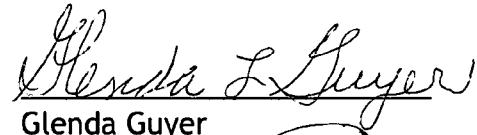
Respectfully submitted,

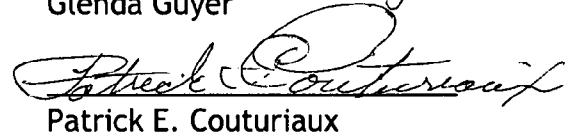


David R. Thompson, Esquire

VERIFICATION

Plaintiff, by and through his attorney, David R. Thompson, verifies that the statements made in this **COMPLAINT IN PARTITION** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


Glenda Guyer


Patrick E. Couturiaux


Elizabeth Straw


Linda Jackson


Carolyn J. Yarger

VERIFICATION

Plaintiff, by and through his attorney, David R. Thompson, verifies that the statements made in this **COMPLAINT IN PARTITION** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink that reads "Gary K. Owens". The signature is cursive and fluid, with "Gary" on the top line and "K. Owens" on the bottom line.

Gary K. Owens

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER; *
GAIL WILKS; SUSAN NEIL; TERESA *
HAYDEN; LAURIE VALDISERRI; *
PATRICK E. COUTURIAUX; RONALD *
N. COUTURIAUX; SANDRA BORDAS; *
DENNIS J. COUTURIAUX; EUGENE *
V. EATON; SHANE T. EATON; *
MILDRED A. STEPHENS; CAROLYN *
J. YARGER; ROGER R. BAUMAN; *
PHYLLIS BAUMAN; KATHY *
FREEMAN; KENNETH BAUMAN III; *
KELLY LUZIER; KARA FINNEY; *
BERNICE BAUMAN; ROBERT *
BAUMAN; LYNETTE BAUMAN; *
LORRAINE Y. BAUMAN; *
ELIZABETH BAUMAN; BRYAN *
BAUMAN; JENNIFER WALK; ROSE *
M. BAUMAN; ELIZABETH STRAW; *
DONNA MAE HARRIS; PATRICK *
DEAN DICKSON; GAYLON DICKSON; *
DEBRA SHIMMEL; TINA MCQUILLEN; *
BRENDA CLINTON; GARY E. MARTY; *
LINDA JACKSON; *
Plaintiffs *
vs. *
DANIEL CLAYTON HUSTED, an *
individual, *
Defendant *

NO.-07-1577-CD

TYPE OF CASE:
Civil Action-Equity

TYPE OF PLEADING:
Amended Complaint in
Partition

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.
Supreme Court ID 73053
PO Box 587
Philipsburg PA 16866
814-342-4100

FILED
02:23pm 6K
NOV 05 2007 BCC to Amy
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER;	*
GAIL WILKS; SUSAN NEIL; TERESA	*
HAYDEN; LAURIE VALDISERRI;	*
PATRICK E. COUTURIAUX; RONALD	*
N. COUTURIAUX; SANDRA BORDAS;	*
DENNIS J. COUTURIAUX; EUGENE	*
V. EATON; SHANE T. EATON;	*
MILDRED A. STEPHENS; CAROLYN	*
J. YARGER; ROGER R. BAUMAN;	*
PHYLLIS BAUMAN; KATHY	*
FREEMAN; KENNETH BAUMAN III;	*
KELLY LUZIER; KARA FINNEY;	*
BERNICE BAUMAN; ROBERT	*
BAUMAN; LYNETTE BAUMAN;	*
LORRAINE Y. BAUMAN;	*
ELIZABETH BAUMAN; BRYAN	*
BAUMAN; JENNIFER WALK; ROSE	*
M. BAUMAN; ELIZABETH STRAW;	*
DONNA MAE HARRIS; PATRICK	*
DEAN DICKSON; GAYLON DICKSON;	*
DEBRA SHIMMEL; TINA MCQUILLEN;	*
BRENDA CLINTON; GARY E. MARTY;	*
LINDA JACKSON;	*
Plaintiffs	*
vs.	*
DANIEL CLAYTON HUSTED, an	*
individual,	*
Defendant	*

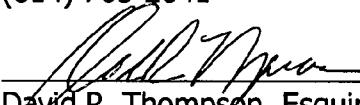
NOTICE

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 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
Clearfield, PA 16830
(814) 765-2641



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER;	*
GAIL WILKS; SUSAN NEIL; TERESA	*
HAYDEN; LAURIE VALDISERRI;	*
PATRICK E. COUTURIAUX; RONALD	*
N. COUTURIAUX; SANDRA BORDAS;	*
DENNIS J. COUTURIAUX; EUGENE	*
V. EATON; SHANE T. EATON;	*
MILDRED A. STEPHENS; CAROLYN	*
J. YARGER; ROGER R. BAUMAN;	*
PHYLLIS BAUMAN; KATHY	*
FREEMAN; KENNETH BAUMAN III;	*
KELLY LUZIER; KARA FINNEY;	*
BERNICE BAUMAN; ROBERT	*
BAUMAN; LYNETTE BAUMAN;	*
LORRAINE Y. BAUMAN;	*
ELIZABETH BAUMAN; BRYAN	*
BAUMAN; JENNIFER WALK; ROSE	*
M. BAUMAN; ELIZABETH STRAW;	*
DONNA MAE HARRIS; PATRICK	*
DEAN DICKSON; GAYLON DICKSON;	*
DEBRA SHIMMEL; TINA MCQUILLEN;	*
BRENDA CLINTON; GARY E. MARTY;	*
LINDA JACKSON;	*
Plaintiffs	*
vs.	*
DANIEL CLAYTON HUSTED, an	*
individual,	*
Defendant	*

AMENDED COMPLAINT

AND NOW, comes the Plaintiffs, by and through their attorney David R. Thompson,

Esquire, who file the following Amended Complaint in Partition:

1. Plaintiff Gary K. Owens is an individual, who resides at P.O. Box 472, Earlysville, Virginia 22936.
2. Plaintiff Glenda Guyer is an individual, who resides in Philipsburg, Pennsylvania.
3. Plaintiff Gail Wilks is an individual, who resides in Philipsburg, Pennsylvania.
4. Plaintiff Susan Neil is an individual, who resides in Homestead, Florida.
5. Plaintiff Teresa Hayden is an individual, who resides in Brownsville, Pennsylvania.
6. Plaintiff Laurie Valdiserri is an individual, who resides in Belle Vernon, Pennsylvania.
7. Patrick E. Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
8. Plaintiff Ronald N. Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
9. Plaintiff Sandra Bordas is an individual, who resides in Philipsburg, Pennsylvania.
10. Plaintiff Dennis Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
11. Plaintiff Eugene V. Eaton, Jr. is an individual, who resides in Philipsburg, Pennsylvania.
12. Plaintiff Shane T. Eaton is an individual, who resides in Brisbin, Pennsylvania.
13. Plaintiff Mildred A. Stephens is an individual, who resides in Philipsburg, Pennsylvania.
14. Plaintiff Rose M. Bauman is an individual, who resides in Leola, Pennsylvania.
15. Plaintiff Carolyn J. Yarger is an individual, who resides in Philipsburg,

Pennsylvania.

16. Plaintiff Roger R. Bauman is an individual, who resides in Morrisdale, Pennsylvania.

17. Plaintiff Phyllis Bauman is an individual, who resides in Clearfield, Pennsylvania.

18. Plaintiff Kathy Freeman is an individual, who resides in Ramey, Pennsylvania.

19. Plaintiff Kenneth Bauman III. is an individual, who resides in Houtzdale, Pennsylvania.

20. Plaintiff Kelly Luzier is an individual, who resides in Clearfield, Pennsylvania.

21. Plaintiff Kara Finney is an individual, who resides in Elizabethtown, Pennsylvania.

22. Plaintiff Bernice Bauman is an individual, who resides in Houtzdale, Pennsylvania.

23. Plaintiff Robert Bauman is an individual, who resides in Clearfield, Pennsylvania.

24. Plaintiff Lynette Bauman is an individual, who resides in Osceola Mills, Pennsylvania.

25. Plaintiff Lorraine Y. Bauman is an individual, who resides in Houtzdale, Pennsylvania.

26. Plaintiff Elizabeth Bauman is an individual, who resides in Morrisdale, Pennsylvania.

27. Plaintiff Bryan Bauman is an individual, who resides in Philipsburg, Pennsylvania.

28. Plaintiff Jennifer Walk is an individual, who resides in Morrisdale, Pennsylvania.

29. Plaintiff Elizabeth Ann Straw is an individual, who resides in West Decatur, Pennsylvania.

30. Plaintiff Donna Mae Harris is an individual, who resides 808 Kennebec Avenue, Akron, Ohio.

31. Plaintiff Patrick Dean Dickson is an individual, who resides in Plymouth, Michigan.

32. Plaintiff Gaylon Edward Dickson is an individual, who resides in Philipsburg, Pennsylvania.

33. Plaintiff Debra Shimmel is an individual, who resides in Philipsburg, Pennsylvania.

34. Plaintiff Tina McQuillen is an individual, who resides at 175 Marcoline Road, Indiana, Pennsylvania.

35. Plaintiff Brenda Clinton is an individual, who resides in Lecanto, Florida.

36. Plaintiff Gary E. Marty, Sr. is an individual, who resides in Houtzdale, Pennsylvania.

37. Plaintiff Linda K. Jackson is an individual, who resides in Philipsburg, Pennsylvania.

38. Defendant Daniel Clayton Husted is an individual who resides at 660 Boas Street, Apartment 1812, Harrisburg, Pennsylvania, 17102.

39. The Plaintiffs and Defendant are collectively, the joint owners of real property subject of this action located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

ALL those certain pieces or parcels of land located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a post on the Erie Turnpike on line of land of Richard Mossop (now or formerly of Hartman & Co.); thence North fifty nine and one fourth (59 1/4) degrees West twenty-three and four tenth (23.4) perches to a post on said Turnpike; thence West sixty-eight (68) perches to a post; thence by land formerly owned by Isiah W. Smith (now or formerly of David Mease) South ninety-four (94) perches to a stone corner; thence by same East eighty eight (88) perches to a post corner; thence by land formerly owned by Richard Mossop (now or formerly by Hartman & Co.) Eighty two (82) perches to a post on said Erie Turnpike and place of beginning. CONTAINING (50) acres neat measure.

EXCEPTING AND RESERVING out of and from said premises all the minerals in and upon the said premises, except the minerals under the following described part of the above premises, described as follows:

BEGINNING at a post on Erie Turnpike; thence by said Turnpike North fifty-seven and one fourth (57 1/4) degrees West eighteen and six tenths (18.6) perches to stone on said turnpike; thence by the land in which the minerals are reserved South twenty-two and one half (22 1/2) degrees West forty eight (48) perches to a stone corner; thence by the land in which the minerals are reserved South thirty-seven (37) degrees East twenty (20) perches to a stone corner; thence by same South fifty one and one fourth (51 1/4) degrees West twenty six (26) perches to stone on line of Hartman & Co.'s land; thence by land of Hartman & Co., North three and three fourth (3 3/4) degrees East twenty six (26) perches to post on said pike and place of beginning. CONTAINING seven (7) acres and one hundred and twenty three (123) perches, said reservation being in accordance with the exception and reservation contained in the deed of George W. Hummel, et al to George Mease, dated October 11, 1884 and recorded in Clearfield County, PA in Deed Book 33 Page 330.

EXCEPTING AND RESERVING also out of the aforesaid premises one acre of land on the West side of the aforesaid premises where John Mease has a house erected, which said one acre of land was devised to the said John Mease by the said George W. Mease.

THIS parcel being described in Deed Book 122 at Page 326.

THE SECOND THEREOF: BEGINNING at a chestnut corner; thence east along township road one hundred and ninety six feet to a post; thence northwest one hundred and fifty feet to a post; thence West two hundred and six feet to a post; thence South two hundred and fifty six feet to a post and place of beginning. CONTAINING one acre.

THIS parcel being described in Deed Book 228 at Page 200.

THE THIRD THEREOF: BEGINNING at a post on old road, at the common corner of this lot and lands of the Grantee herein; thence South 4° West a distance of eighty-two and one tenth (82.1) perches; thence South 56 1/2° East along line of lands of Grantee herein a distance of thirty nine and three tenths (39.3) to a post on line of S. C. Hamer Estate; thence South 75° 14' East twenty seven and two tenths (27.2) perches to a post; thence South 76° East thirty six (36) feet to a post; thence North 30° 3' East forty-two and four tenths (42.4) perches to a post on old road at corner of this land and land of S. E. Hamer Estate; thence along the said old road also known as old pike, by its several courses and distances to post and other lands of the Grantee herein and place of beginning.

SAVING, EXCEPTING AND RESERVING, nevertheless, therefrom and out of the same all coal, ores, fire clay, gas, oil and other minerals and ores of whatsoever kind and description the same may be and wheresoever found, together with the right to mine, dig, carry away and remove the same with the right to enter upon the premises hereby conveyed for such purposes, with the right of ingress, egress and regress together with the right to build such roads, railroads, tipples, chutes, buildings and other improvements as are usual and necessary for mining, shipping, and transporting coals and other miners and other commodities, as well as the right to move, carry and transport by railroad or otherwise any coals taken from this or other lands and any other commodities over, across, through and beyond the lands above named and without being in any way liable for any damages done to the surface or any part thereof, or any buildings thereon erected, or any water supply supplying the same either by himself or his assigns, tenants, employees, or agents, as fully as they might or could do if this conveyance had not been made.

THIS parcel being described in Deed Book 239 at Page 200.

Better described as follows in accordance with a survey completed:

ALL that certain interest in and to a piece or parcel of land consisting of eighty-seven (87) acres, located in Boggs Township, Clearfield County, PA, known by Map No. 105-N10-17, more particularly bounded and described as follows:

BEGINNING at a corner point located in the sixty foot right-of-way known as the Old Erie Pike, S.R. 2024; thence along property now or formerly of William C. And Mary C. Dickson South 01° 13' 00" East a distance of 620.53 feet to an iron pin; thence along property now or formerly of Clayton C. Husted, et al., North 67° 15' 27" West a distance of 1258.42 feet to an iron pin; thence along property now or formerly of Clayton C. Husted, et al., South 01° 39' 02" East a distance of 402.73 feet to an iron rail; thence along property now or formerly of Cen-Clear Child Services, Inc., North 88° 54' 03" West a distance of 591.53 feet to an iron pin; thence continuing along property now or formerly of Cen-Clear Child Services, Inc., North 89° 09' 55" West a distance of 1528.54 feet to an iron pin; thence along tax parcel #105-N10-25 North 00° 00' 00" West a distance of 1526.45 feet to a computed point on the centerline of Hartman Road also known as T-668; along said centerline of Hartman Road also known as T-668 South 89° 02' 27" East a

distance of 1040.97 feet to a computed point along centerline; thence continuing along Hartman Road also known as T-668 South 85° 58' 55" East a distance of 142.91 feet to a computed point on the centerline of Old Erie Turnpike also known as S.R. 2024; thence along the centerline of Old Erie Pike also known as S.R. 2024 South 57° 05' 57" East a distance of 52.33 feet to a computed point; thence South 62° 51' 06" East a distance of 142.74 feet to a computed point; thence continuing South 64° 01' 25" East a distance of 277.11 feet to a computed point; continuing South 64° 35' 36" East a distance of 160.83 feet to a computed point; thence continuing South 63° 59' 22" East a distance of 205.03 feet to a computed point; thence continuing South 62° 30' 18" East a distance of 177.10 feet to a computed point; thence continuing South 58° 47' 43" East a distance of 187.10 feet to a computed point; thence continuing South 56° 38' 20" East a distance of 387.92 feet to a computed point; thence continuing South 57° 41' 06" East a distance of 60.12 feet to a computed point; thence continuing South 59° 44' 43" East a distance of 62.08 feet to a computed point; thence continuing South 61° 34' 33" East a distance of 60.29 feet to a computed point; thence continuing South 63° 52' 57" East a distance of 131.09 feet to a computed point; thence continuing South 67° 13' 24" East a distance of 188.24 feet to a computed point; thence continuing South 70° 23' 47" East a distance of 63.39 feet to a computed point; thence continuing South 73° 43' 09" East a distance of 64.57 feet to a computed point; thence continuing South 78° 09' 54" East a distance of 47.33 feet to a computed point; thence continuing South 80° 57' 01" East a distance of 33.84 feet to a computed point; thence continuing South 82° 32' 20" East a distance of 31.48 feet to a computed point and place of beginning. **CONTAINING** 84.893 acres net, more or less.

40. The aforesaid real property is known as Clearfield County Tax Parcel Number 105-N10-17, and is described in a deed vesting title to the premises unto E. A. Dickson, dated March 8, 1902 and recorded in Clearfield County in Deed Book Volume 122 at Page 366; further by deed vesting title to the premises unto E. A. Dixon dated October 3, 1919 and recorded in Clearfield County in Deed Book Volume 228 at Page 200; further by deed vesting title to the premises unto E. A. Dixon dated June 8, 1918 and recorded in Clearfield County Deed Book Volume 239 Page 200.

41. The said Edward A. Dixon died the 10th day of June, 1929, survived by his wife Anna Mease Dixon and their nine children to wit: Arlene Cathcart; Elsie Stone; David Dixon; Glenna Bauman; Leona Husted; Maude Thompson; Catherine Couturiaux; Mildred Marty

and Mac Dixon.

42. The said Anna Mease Dixon died the 4th day of July, 1958. By her Last Will and Testament, duly probated in Clearfield County to Estate #23496, she devised her interest in the real property unto her aforesaid nine children.

43. Plaintiff Gary K. Owens is a One-ninth (1/9th) interest holder in the said premises by virtue of deed of Dupont D. Stone, et al., dated April 19, 1994 and recorded in Clearfield County in Deed Book Volume 1607 at Page 53. By way of further pleading, Grantors Dupont D. Stone, et. al. are the heirs at law of Elsie Stone.

44. Plaintiffs Glenda Guyer; Gail Wilks; Susan Neil; Teresa Hayden; and Laurie Valdiserri are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Maude Thompson.

45. Maude Thompson died the 26th day of July, 1991, intestate, leaving to survive her, her children, to wit: Gail Wilks; Glenda Guyer; and Barbara Clark. The said Barbara Clark died the 18th day of May, 1999, intestate, leaving to survive her, her children, to wit: Susan Neil; Teresa Hayden; and Laurie Valdiserri.

46. Plaintiffs Patrick E. Couturiaux; Ronald N. Couturiaux; Sandra Bordas; Dennis Couturiaux; Eugene V. Eaton, Jr.; and Shane T. Eaton are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Catherine Couturiaux.

47. Catherine Couturiaux a/k/a Catherine A. Couturiaux died the 26th day of October, 1999. By her Last Will and Testament, duly probated in Centre County, Pennsylvania, to Estate #14-99-043, she devised her One-ninth (1/9th) interest in the said

premises unto her children, to wit: Patrick E. Couturiaux; Ronald N. Couturiaux; Sandra Bordas; Manuel L. Couturiaux; and to the children of her deceased child Roseanna A. Adamson, to wit: Dennis J. Couturiaux; Eugene V. Eaton, Jr.; and Shane T. Eaton.

48. The said Manuel L. Couturiaux died the 4th day of September, 2004. By his Last Will and Testament, filed in Clearfield County to Estate #17-07-0408, he devised his interest in the said premises unto his daughter Gretchen A. Carman. By deed, to be recorded, the said Gretchen A. Carman conveyed her interest in the said premises unto Plaintiff Dennis J. Couturiaux.

49. Plaintiffs Mildred A. Stephens; Rose M. Bauman; Carolyn J. Yarger; Roger R. Bauman; Phyllis Bauman; Kathy Freeman; Kenneth Bauman, III.; Kelly Luzier; Kara Finney; Bernice Bauman; Robert Bauman; Lynette Bauman; Lorraine Y. Bauman; Elizabeth Bauman; Bryan Bauman; and Jennifer Walk are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Glenna Bauman a/k/a Glenna Dickson Bauman.

50. The said Glenna Bauman a/k/a Glenna Dickson Bauman died the 24th day of March, 1984. By her Last Will and Testament, duly probated in Clearfield County to Estate #84-123, she devised her interest in the said premises unto her children, to wit: Mildred Stephens; Roger Bauman; Rose Bauman; Carolyn Yarger; Kenneth Bauman, Jr.; Harvey Bauman; and Leslie Wayne Bauman.

51. The said Kenneth Bauman, Jr. died the 25th day of October, 1995, intestate, leaving to survive him, his heirs at law, to wit: his spouse Phyllis Bauman; and children Kathy Freeman; Kenneth Bauman, III.; Kelly Luzier; and Kara Finney.

52. The said Harvey Bauman died the 21st day of June, 1999, intestate, leaving to survive him, his heirs at law, to wit: his spouse Bernice Bauman; and children Robert Bauman; Lynette Bauman; and Lorraine Bauman.

53. The said Leslie Wayne Bauman died the 25th day of October, 2004, intestate, leaving to survive him, his heirs at law, to wit: his spouse Elizabeth Bauman; and children Bryan Bauman; and Jennifer Walk.

54. Plaintiffs Elizabeth Ann Straw; Donna Mae Harris; Patrick Dean Dickson; Gaylon Edward Dickson; Debra Shimmel; and Tina McQuillen are collectively a Two-ninths (2/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Mac Dixon a/k/a Mac R. Dickson, Sr.

55. Mac Dixon a/k/a Mac R. Dickson, Sr. received a One-ninth (1/9th) interest by virtue of the Estate of Anna Mease Dixon. He received the One-ninth (1/9th) interest of David Dixon by deed of Belle E. Dixon dated September 17, 1980 and recorded in Clearfield County in Deed Book Volume 815 at Page 525. The said David Dixon died the 6th day of December, 1976. By his Last Will and Testament, duly probated in Clearfield County to Estate #79-8, he devised his interest in the said premises unto his wife Belle E. Dixon.

56. The said Mac Dixon a/k/a Mac R. Dickson, Sr. died the 24th day of February, 1996. By his Last Will and Testament, duly probated in Clearfield County to Estate #96-398, he devised his interest in the said premises unto his wife Violet E. Dickson. The said Violet E. Dickson died the 17th day of August, 1999. By her Last Will and Testament, duly probated in Clearfield County to Estate #99-494, she devised her interest in the said premises unto her children, to wit: Elizabeth Ann Straw; Donna Mae Harris; Patrick Dean

Dickson; Gaylon Edward Dickson; and the children of her deceased son Mac Revelle Dickson, Jr., to wit: Debra Shimmel and Tina McQuillen.

57. Plaintiffs Brenda Clinton; Gary E. Marty a/k/a Gary E. Marty, Sr.; and Linda Jackson are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Mildred Marty.

58. The said Mildred Marty died the 27th day of December, 1989. By her Last Will and Testament, duly probated in Centre County, Pennsylvania, to Estate #14-89-20, she devised her interest in the real property unto her children, to wit: Linda Jackson; Gary E. Marty; and Brenda Clinton.

59. Defendant Daniel Clayton Husted is a Two-Ninths (2/9) interest holder in the said premises by virtue of deed of Chester Clayton Husted dated September 7, 2007 and recorded in Clearfield County at Instrument #200715732.

60. The said real property is currently owned by the following parties, in the referenced interests, as Tenants in Common:

- a. One-ninth (1/9th) interest in Plaintiff Gary K. Owens.
- b. Two-ninths interest in Defendant Daniel Clayton.
- c. One-Twenty-seventh (1/27th) interest in Plaintiff Glenda Guyer.
- d. One-Twenty-seventh (1/27th) interest in Plaintiff Gail Wilks.
- e. One-Eighty-first (1/81st) interest in Plaintiff Susan Neil.
- f. One-Eighty-first (1/81st) interest in Plaintiff Teresa Hayden.
- g. One-Eighty-first (1/81st) interest in Plaintiff Teresa Hayden.
- h. One-Forty-fifth (1/45th) interest in Plaintiff Patrick E. Couturiaux.

- i. One-Forty-fifth (1/45th) interest in Plaintiff Ronald N. Couturiaux.
- j. One-Forty-fifth (1/45th) interest in Plaintiff Sandra Bordas.
- k. Four-One hundred thirty-fifth (4/135th) interest in Plaintiff Dennis J. Couturiaux.
- l. One-One hundred thirty-fifth (1/135th) interest in Plaintiff Eugene V. Eaton, Jr.
- m. One-One hundred thirty-fifth (1/135th) interest in Plaintiff Shane T. Eaton.
- n. One-Sixty-third (1/63rd) interest in Plaintiff Mildred Stephens.
- o. One-Sixty-third (1/63rd) interest in Plaintiff Carolyn J. Yarger.
- p. One-Sixty-third (1/63rd) interest in Plaintiff Roger R. Bauman.
- r. One-Sixty-third (1/63rd) interest in Plaintiff Rose M. Bauman.
- q. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Phyllis Bauman.
- r. One-Five hundred and fourth (1/504th) interest in Plaintiff Kathy Freeman.
- s. One-Five hundred and fourth (1/504th) interest in Plaintiff Kenneth Bauman, III.
- t. One-Five hundred and fourth (1/504th) interest in Plaintiff Kelly Luzier.
- u. One-Five hundred and fourth (1/504th) interest in Plaintiff Kara Finney.
- v. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Bernice Bauman.
- w. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff

Robert Bauman.

x. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff

Lynette Bauman.

y. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff

Lorraine Bauman.

z. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Elizabeth

Bauman.

aa. One-Two hundred fifty-second (1/252nd) interest in Plaintiff Bryan

Bauman.

bb. One-Two hundred fifty-second (1/252nd) interest in Plaintiff Jennifer

Walk.

cc. Two-Forty-fifths (2/45th) interest in Plaintiff Elizabeth Ann Straw.

dd. Two-Forty-fifths (2/45th) interest in Plaintiff Donna Mae Harris.

ee. Two-Forty-fifths (2/45th) interest in Plaintiff Patrick Dean Dickson.

ff. Two-Forty-fifths (2/45th) interest in Plaintiff Gaylon Edward Dickson.

gg. One-Forty-fifth (1/45th) interest in Plaintiff Debra Shimmel.

hh. One-Forty-fifth (1/45th) interest in Plaintiff Tina McQuillen.

ii. One-Twenty-seventh (1/27th) interest in Plaintiff Brenda Clinton.

jj. One-Twenty-seventh (1/27th) interest in Plaintiff Gary E. Marty, Sr.

kk. One-Twenty-seventh (1/27th) interest in Plaintiff Linda Jackson.

61. The real property subject of this action is 84.893 acres, more or less. Each party is responsible for their respective taxes on the property. No one resides on the said

real property.

62. The parties had previously entered into an Agreement for the sale of the real property to bona fide buyers for the sales price of \$175,000.00.

63. As various title issues were raised by Buyers' counsel which had to be corrected by Plaintiffs' counsel, the sale did not close within the time period listed in the Agreement of Sale.

64. The Buyers remain willing to purchase the said real property for the sum of \$175,000.00.

65. The Plaintiffs herein all agree to the sale of the said real property, and in fact, have signed deeds for the said sale in accordance with the Agreement of Sale.

66. Defendant is the only real property interest holder who have not signed the necessary deeds to convey the real property unto Buyers in accordance to the prior Agreement.

67. As such, the parties are unable to agree as to the disposition of the real property.

68. No partition or division of the real property subject of this action has ever been made, and the parties have not been able to agree on a sale or partition of the property.

69. It was the proposed Buyers who had the survey referenced herein performed in anticipation of the said purchase.

WHEREFORE, the Plaintiffs pray:

a. That Your Honorable Court enter an Order directing partition of the real property subject of this action;

- b. Direct that the real property is incapable of division without prejudice to or the spoiling of the said property;
- c. Direct that the real property be sold to the ready, willing and able Buyers or that the same be sold for at least the sum of \$175,000.00;
- d. That all property and necessary deeds, conveyances and documents be executed to carry out any partition in such manner as Your Honorable Court may direct;
- e. That the Court assess the costs of said partition equally among the joint tenants;
- f. That Your Honorable Court issue any other Order or further relief that the Court deems just and proper.

Respectfully submitted,



David R. Thompson, Esquire

VERIFICATION

Plaintiffs, by and through their attorney, David R. Thompson, verifies that the statements made in this **AMENDED COMPLAINT IN PARTITION** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Gail Wilks

Gail Wilks

Ronald N. Couturiaux

Ronald N. Couturiaux

Elizabeth Straw

Elizabeth Straw

Linda K. Jackson

Linda Jackson

Carolyn J. Yarger

Carolyn J. Yarger

VERIFICATION

Plaintiff, by and through his attorney, David R. Thompson, verifies that the statements made in this **AMENDED COMPLAINT IN PARTITION** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Gary K. Owens

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

GARY K. OWENS; GLENDA GUYER; GAIL *
WILKS; SUSAN NEIL; TERESA HAYDEN; *
LAURIE VALDISERRI; PATRICK E. *
COUTURIAUX; RONALD N. COUTURIAUX; *
SANDRA BORDAS; DENNIS J. *
COUTURIAUX; EUGENE V. EATON; SHANE *
T. EATON; MILDRED A. STEPHENS; *
CAROLYN J. YARGER; ROGER R. *
BAUMAN; PHYLLIS BAUMAN; KATHY *
FREEMAN; KENNETH BAUMAN III; KELLY *
LUZIER; KARA FINNEY; BERNICE *
BAUMAN; ROBERT BAUMAN; LYNETTE *
BAUMAN; LORRAINE Y. BAUMAN; *
ELIZABETH BAUMAN; BRYAN BAUMAN; *
JENNIFER WALK; ROSE M. BAUMAN; *
ELIZABETH STRAW; DONNA MAE HARRIS; *
PATRICK DEAN DICKSON; GAYLON *
DICKSON; DEBRA SHIMMEL; TINA *
MCQUILLEN; BRENDA CLINTON; GARY *
E. MARTY; LINDA JACKSON; *
Plaintiffs, *

vs.

DANIEL CLAYTON HUSTED, an
individual, *
Defendant. *

No. 07 - 1577 - CD

Type of Pleading:

ACCEPTANCE OF SERVICE

Filed on behalf of:
Defendant

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

Naddeo & Lewis, LLC
207 East Market Street
PO Box 552
Clearfield, PA 16830
(814) 765-1601

F.I.L.E.D.
01/23/2011 Attn:Naddeo
NOV 20 2011
WAS
William A. Shaw
Prothonotary/Clerk of Courts

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

GARY K. OWENS; GLENDA GUYER; GAIL
WILKS; SUSAN NEIL; TERESA HAYDEN;
LAURIE VALDISERRI; PATRICK E.
COUTURIAUX; RONALD N. COUTURIAUX;
SANDRA BORDAS; DENNIS J.
COUTURIAUX; EUGENE V. EATON; SHANE
T. EATON; MILDRED A STEPHENS;
CAROLYN J. YARGER; ROGER R.
BAUMAN; PHYLLIS BAUMAN; KATHY
FREEMAN; KENNETH BAUMAN III; KELLY
LUZIER; KARA FINNEY; BERNICE
BAUMAN; ROBERT BAUMAN; LYNETTE
BAUMAN; LORRAINE Y. BAUMAN;
ELIZABETH BAUMAN; BRYAN BAUMAN;
JENNIFER WALK; ROSE M. BAUMAN;
ELIZABETH STRAW; DONNA MAE HARRIS;
PATRICK DEAN DICKSON; GAYLON
DICKSON; DEBRA SHIMMEL; TINA
MCQUILLEN; BRENDA CLINTON; GARY
E. MARTY; LINDA JACKSON;
Plaintiffs,

V.

No. 07 - 1577 - CD

DANIEL CLAYTON HUSTED, an individual,
Defendant.

ACCEPTANCE OF SERVICE

I, James A. Naddeo, Esquire, do hereby accept service of Plaintiff's Complaint on behalf of Defendant, Daniel Clayton Husted.

Naddeo & Lewis, LLC

~~James A. Naddeo, Esquire
Attorney for Defendant~~

Date: 11/20/07

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

GARY K. OWENS; GLENDA GUYER; GAIL *
WILKS; SUSAN NEIL; TERESA HAYDEN; *
LAURIE VALDISERRI; PATRICK E. *
COUTURIAUX; RONALD N. COUTURIAUX; *
SANDRA BORDAS; DENNIS J. *
COUTURIAUX; EUGENE V. EATON; SHANE *
T. EATON; MILDRED A STEPHENS; *
CAROLYN J. YARGER; ROGER R. *
BAUMAN; PHYLLIS BAUMAN; KATHY *
FREEMAN; KENNETH BAUMAN III; KELLY *
LUZIER; KARA FINNEY; BERNICE *
BAUMAN; ROBERT BAUMAN; LYNETTE *
BAUMAN; LORRAINE Y. BAUMAN; *
ELIZABETH BAUMAN; BRYAN BAUMAN; *
JENNIFER WALK; ROSE M. BAUMAN; *
ELIZABETH STRAW; DONNA MAE HARRIS; *
PATRICK DEAN DICKSON; GAYLON *
DICKSON; DEBRA SHIMMEL; TINA *
MCQUILLEN; BRENDA CLINTON; GARY *
E. MARTY; LINDA JACKSON; *
Plaintiffs, *
*
v. * No. 07 - 1577 - CD

DANIEL CLAYTON HUSTED, an *
individual, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Acceptance of Service was served on the following and in the following manner on the 20th day of November, 2007:

First-Class Mail, Postage Prepaid

David R. Thompson, Esquire
PO Box 587
Philipsburg, PA 16866

NADDEO & LEWIS, LLC

By James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

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

DOCKET # 103237
NO: 07-1577-CD
SERVICE # 1 OF 2
COMPLAINT IN PARTITION

PLAINTIFF: GARY K. OWENS; GLENDA GUYER; GAIL WILKS a1
vs.

DEFENDANT: CHESTER CLAYTON HUSTED; WINONA J. ECKLEY, ind & as Executrix of the Estate of ARLENE CATHCART

SHERIFF RETURN

NOW, October 15, 2007 AT 8:50 AM SERVED THE WITHIN COMPLAINT IN PARTITION ON CHESTER CLAYTON HUSTED DEFENDANT AT 56 VICTORY LANE, WEST DECATUR, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CHESTER CLAYTON HUSTED, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN PARTITION AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

FILED
03:45pm
JAN 31 2008


William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103237
NO: 07-1577-CD
SERVICE # 2 OF 2
COMPLAINT IN PARTITION

PLAINTIFF: GARY K. OWENS; GLENDA GUYER; GAIL WILKS al
vs.

DEFENDANT: CHESTER CLAYTON HUSTED; WINONA J. ECKLEY, ind & as Executrix of the Estate of ARLENE
CATHCART

SHERIFF RETURN

NOW, October 02, 2007, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF
OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN PARTITION ON WYNONNA ECKLEY.

NOW, October 09, 2007 AT 4:30 PM SERVED THE WITHIN COMPLAINT IN PARTITION ON WYNONNA ECKLEY,
DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103237
NO: 07-1577-CD
SERVICES 2
COMPLAINT IN PARTITION

PLAINTIFF: GARY K. OWENS; GLENDA GUYER; GAIL WILKS al

vs.

DEFENDANT: CHESTER CLAYTON HUSTED; WINONA J. ECKLEY, ind & as Executrix of the Estate of ARLENE CATHCART

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	THOMPSON	16514	20.00
SHERIFF HAWKINS	THOMPSON	16514	40.67
CENTRE CO.	THOMPSON	16513	44.50

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



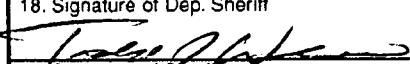
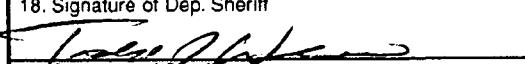
Chester A. Hawkins
Sheriff

SHERIFF'S OFFICE

CENTRE COUNTY

DAVID R. THOMPSON, ESQ.

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN		INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do Not detach any copies.								
1. Plaintiff(s) Gary K Owens et al		2. Case Number 07-1577-CD								
3. Defendant(s) Wynonna Eckley		4. Type of Writ or Complaint: Complaint 103559								
SERVE → AT		5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levyed, Attached or Sold. Wynonna Eckley								
		6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) 323 10th Street, Philipsburg, PA 16866								
7. Indicate unusual service: <input type="checkbox"/> Reg Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Deputize <input type="checkbox"/> Post <input type="checkbox"/> Other										
Now, 20 I SHERIFF OF CENTRE COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This depoition being made at the request and risk of the plaintiff. Sheriff of Centre County										
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE										
NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.										
9. Print/Type Name and Address of Attorney/Originator DAVID R. THOMPSON, ESQ. 308 WALTON ST., P.O. BOX 587 SUITE 4 PHILIPSBURG, PA 16866		10. Telephone Number (814) 342-4100	11. Date							
		12. Signature								
SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE										
13. I acknowledge receipt of the writ or complaint as indicated above.		SIGNATURE of Authorized CCSD Deputy of Clerk and Title	14. Date Filed							
TO BE COMPLETED BY SHERIFF										
16. Served and made known to Wynonna Eckley, on the 9 day of October 20 2007, at 4:30 PM o'clock, m., at 323 10th Street, Philipsburg, PA 16866, County of Centre										
Commonwealth of Pennsylvania, in the manner described below:										
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) resides(s). Relationship is defendant <input type="checkbox"/> Adult in charge of Defendant's residence. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) resides(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. and officer of said Defendant company. Other _____										
On the _____ day of _____, 20_____, at _____ o'clock, M.										
Defendant not found because:										
<input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____										
Remarks:										
Advance Costs 75.00	Docket 9.00	Service 9.00	Sur Charge 0.00	Affidavit 2.50	Mileage 24.00	Postage	Misc.	Total Costs 44.50	Costs Due or Refund (30.50)	
17. AFFIRMED and subscribed to before me this 12				So Answer.		18. Signature of Dep. Sheriff				19. Date
20. day of Oct. 20 07 21. Notary Public										10/9/07
22. Date				SHERIFF OF CENTRE COUNTY						
23. COMMONWEALTH OF PENNSYLVANIA				Amount Pd.		Page				
My Commission Expires Sept. 5, 2009										
24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORITY TO SIGN THIS CENTRE COUNTY My Commission Expires Sept. 5, 2009								25. Date Received		



CHESTER A. HAWKINS
SHERIFF

**Sheriff's Office
Clearfield County**

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 [REDACTED]
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103237

TERM & NO. 07-1577-CD

GARY K. OWENS; GLENDA GUYER; GAIL WILKS al
vs.

COMPLAINT IN PARTITION

CHESTER CLAYTON HUSTED; WINONA J. ECKLEY, ind & as Executrix of the Estate of ARLENE CATHCART

SERVE BY: 10/26/07

HEARING:

MAKE REFUND PAYABLE TO DAVID R. THOMPSON, ESQ.

SERVE: WYNONNA ECKLEY

ADDRESS: 323 10th ST, PHILIPSBURG, PA 16866

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, October 02, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER;
GAIL WILKS; SUSAN NEIL; TERESA
HAYDEN; LAURIE VALDISERRI;
PATRICK E. COUTURIAUX; RONALD
N. COUTURIAUX; SANDRA BORDAS;
DENNIS J. COUTURIAUX; EUGENE
V. EATON; SHANE T. EATON;
MILDRED A. STEPHENS; CAROLYN
J. YARGER; ROGER R. BAUMAN;
PHYLLIS BAUMAN; KATHY
FREEMAN; KENNETH BAUMAN III;
KELLY LUZIER; KARA FINNEY;
BERNICE BAUMAN; ROBERT
BAUMAN; LYNETTE BAUMAN;
LORRAINE Y. BAUMAN;
ELIZABETH BAUMAN; BRYAN
BAUMAN; JENNIFER WALK; ROSE
M. BAUMAN; ELIZABETH STRAW;
DONNA MAE HARRIS; PATRICK
DEAN DICKSON; GAYLON DICKSON;
DEBRA SHIMMEL; TINA MCQUILLEN;
BRENDA CLINTON; GARY E. MARTY;
LINDA JACKSON;

* * * * *

No. 07-1577 -CD

TYPE OF CASE:
Civil Law - Equity

TYPE OF PLEADING:

FILED ON BEHALF OF:
~~Defendant~~ PLAINTIFFS

COUNSEL OF RECORD FOR THIS
PARTY:

David R. Thompson, Esquire
PO Box 587
308 Walton Street
Philipsburg PA 16866
(814) 342-4100
Supreme Court ID 73053

CHESTER CLAYTON HUSTED;
WINONA J. ECKLEY individually
and as Executrix of the Estate
of ARLENE CATHCART;

Defendants

॥ लक्ष्मीनाथ एवं विष्णु एवं विष्णु ॥
लक्ष्मीनाथ एवं विष्णु एवं विष्णु ॥
लक्ष्मीनाथ एवं विष्णु एवं विष्णु ॥

سی ایکس

四庫全書

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER;	*	
GAIL WILKS; SUSAN NEIL; TERESA	*	
HAYDEN; LAURIE VALDISERRI;	*	
PATRICK E. COUTURIAUX; RONALD	*	
N. COUTURIAUX; SANDRA BORDAS;	*	
DENNIS J. COUTURIAUX; EUGENE	*	
V. EATON; SHANE T. EATON;	*	
MILDRED A. STEPHENS; CAROLYN	*	No. 07- -CD
J. YARGER; ROGER R. BAUMAN;	*	
PHYLLIS BAUMAN; KATHY	*	
FREEMAN; KENNETH BAUMAN III;	*	
KELLY LUZIER; KARA FINNEY;	*	
BERNICE BAUMAN; ROBERT	*	
BAUMAN; LYNETTE BAUMAN;	*	
LORRAINE Y. BAUMAN;	*	
ELIZABETH BAUMAN; BRYAN	*	
BAUMAN; JENNIFER WALK; ROSE	*	
M. BAUMAN; ELIZABETH STRAW;	*	
DONNA MAE HARRIS; PATRICK	*	
DEAN DICKSON; GAYLON DICKSON;	*	
DEBRA SHIMMEL; TINA MCQUILLEN;	*	
BRENDA CLINTON; GARY E. MARTY;	*	
LINDA JACKSON;	*	
Plaintiffs	*	
	*	
vs.	*	
	*	
CHESTER CLAYTON HUSTED;	*	
WINONA J. ECKLEY individually	*	
and as Executrix of the Estate	*	
of ARLENE CATHCART;	*	
Defendant	*	

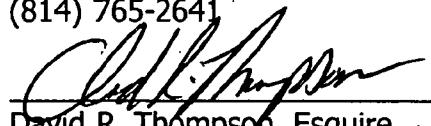
NOTICE

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 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
Clearfield, PA 16830
(814) 765-2641



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER; *
GAIL WILKS; SUSAN NEIL; TERESA *
HAYDEN; LAURIE VALDISERRI; *
PATRICK E. COUTURIAUX; RONALD *
N. COUTURIAUX; SANDRA BORDAS; *
DENNIS J. COUTURIAUX; EUGENE *
V. EATON; SHANE T. EATON; *
MILDRED A. STEPHENS; CAROLYN *
J. YARGER; ROGER R. BAUMAN; *
PHYLLIS BAUMAN; KATHY *
FREEMAN; KENNETH BAUMAN III; *
KELLY LUZIER; KARA FINNEY; *
BERNICE BAUMAN; ROBERT *
BAUMAN; LYNETTE BAUMAN; *
LORRAINE Y. BAUMAN; *
ELIZABETH BAUMAN; BRYAN *
BAUMAN; JENNIFER WALK; ROSE *
M. BAUMAN; ELIZABETH STRAW; *
DONNA MAE HARRIS; PATRICK *
DEAN DICKSON; GAYLON DICKSON; *
DEBRA SHIMMEL; TINA MCQUILLEN; *
BRENDA CLINTON; GARY E. MARTY; *
LINDA JACKSON; *

No. 07- -CD

Plaintiffs *

vs. *

CHESTER CLAYTON HUSTED; *
WINONA J. ECKLEY individually *
and as Executrix of the Estate *
of ARLENE CATHCART; *

Defendant *

COMPLAINT

AND NOW, comes the Plaintiffs, by and through their attorney David R. Thompson, Esquire, who file the following Complaint in Partition:

1. Plaintiff Gary K. Owens is an individual, who resides at P.O. Box 472, Earlysville, Virginia 22936.
2. Plaintiff Glenda Guyer is an individual, who resides in Philipsburg, Pennsylvania.
3. Plaintiff Gail Wilks is an individual, who resides in Philipsburg, Pennsylvania.
4. Plaintiff Susan Neil is an individual, who resides in Homestead, Florida.
5. Plaintiff Teresa Hayden is an individual, who resides in Brownsville, Pennsylvania.
6. Plaintiff Laurie Valdiserri is an individual, who resides in Belle Vernon, Pennsylvania.
7. Patrick E. Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
8. Plaintiff Ronald N. Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
9. Plaintiff Sandra Bordas is an individual, who resides in Philipsburg, Pennsylvania.
10. Plaintiff Dennis Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
11. Plaintiff Eugene V. Eaton, Jr. is an individual, who resides in Philipsburg, Pennsylvania.
12. Plaintiff Shane T. Eaton is an individual, who resides in Brisbin, Pennsylvania.
13. Plaintiff Mildred A. Stephens is an individual, who resides in Philipsburg, Pennsylvania.

14. Plaintiff Rose M. Bauman is an individual, who resides in Leola, Pennsylvania.
15. Plaintiff Carolyn J. Yarger is an individual, who resides in Philipsburg, Pennsylvania.
16. Plaintiff Roger R. Bauman is an individual, who resides in Morrisdale, Pennsylvania.
17. Plaintiff Phyllis Bauman is an individual, who resides in Clearfield, Pennsylvania.
18. Plaintiff Kathy Freeman is an individual, who resides in Ramey, Pennsylvania.
19. Plaintiff Kenneth Bauman III. is an individual, who resides in Houtzdale, Pennsylvania.
20. Plaintiff Kelly Luzier is an individual, who resides in Clearfield, Pennsylvania.
21. Plaintiff Kara Finney is an individual, who resides in Elizabethtown, Pennsylvania.
22. Plaintiff Bernice Bauman is an individual, who resides in Houtzdale, Pennsylvania.
23. Plaintiff Robert Bauman is an individual, who resides in Clearfield, Pennsylvania.
24. Plaintiff Lynette Bauman is an individual, who resides in Osceola Mills, Pennsylvania.
25. Plaintiff Lorraine Y. Bauman is an individual, who resides in Houtzdale, Pennsylvania.
26. Plaintiff Elizabeth Bauman is an individual, who resides in Morrisdale, Pennsylvania.
27. Plaintiff Bryan Bauman is an individual, who resides in Philipsburg,

Pennsylvania.

28. Plaintiff Jennifer Walk is an individual, who resides in Morrisdale, Pennsylvania.

29. Plaintiff Elizabeth Ann Straw is an individual, who resides in West Decatur, Pennsylvania.

30. Plaintiff Donna Mae Harris is an individual, who resides 808 Kennebec Avenue, Akron, Ohio.

31. Plaintiff Patrick Dean Dickson is an individual, who resides in Plymouth, Michigan.

32. Plaintiff Gaylon Edward Dickson is an individual, who resides in Philipsburg, Pennsylvania.

33. Plaintiff Debra Shimmel is an individual, who resides in Philipsburg, Pennsylvania.

34. Plaintiff Tina McQuillen is an individual, who resides at 175 Marcoline Road, Indiana, Pennsylvania.

35. Plaintiff Brenda Clinton is an individual, who resides in Lecanto, Florida.

36. Plaintiff Gary E. Marty, Sr. is an individual, who resides in Houtzdale, Pennsylvania.

37. Plaintiff Linda K. Jackson is an individual, who resides in Philipsburg, Pennsylvania.

38. Defendant Chester Clayton Husted is an individual, who resides in West Decatur, Pennsylvania.

39. Defendant Winona J. Eckley is an individual, who resides in Philipsburg,

Pennsylvania. By way of further pleading, Winona J. Eckley is the Executrix of the Estate of Arlene Cathcart, by virtue of her Estate duly probated in Clearfield County in Estate # 77-136.

40. The Plaintiffs and Defendants are collectively, the joint owners of real property subject of this action located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

ALL those certain pieces or parcels of land located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a post on the Erie Turnpike on line of land of Richard Mossop (now or formerly of Hartman & Co.); thence North fifty nine and one fourth (59 1/4) degrees West twenty-three and four tenth (23.4) perches to a post on said Turnpike; thence West sixty-eight (68) perches to a post; thence by land formerly owned by Isiah W. Smith (now or formerly of David Mease) South ninety-four (94) perches to a stone corner; thence by same East eighty eight (88) perches to a post corner; thence by land formerly owned by Richard Mossop (now or formerly by Hartman & Co.) Eighty two (82) perches to a post on said Erie Turnpike and place of beginning. **CONTAINING** (50) acres neat measure.

EXCEPTING AND RESERVING out of and from said premises all the minerals in and upon the said premises, except the minerals under the following described part of the above premises, described as follows:

BEGINNING at a post on Erie Turnpike; thence by said Turnpike North fifty-seven and one fourth (57 1/4) degrees West eighteen and six tenths (18.6) perches to stone on said turnpike; thence by the land in which the minerals are reserved South twenty-two and one half (22 1/2) degrees West forty eight (48) perches to a stone corner; thence by the land in which the minerals are reserved South thirty-seven (37) degrees East twenty (20) perches to a stone corner; thence by same South fifty one and one fourth (51 1/4) degrees West twenty six (26) perches to stone on line of Hartman & Co.'s land; thence by land of Hartman & Co., North three and three fourth (3 3/4) degrees East twenty six (26) perches to post on said pike and place of beginning. **CONTAINING** seven (7) acres and one hundred and twenty three (123) perches, said reservation being in accordance with the exception and reservation contained in the deed of George W. Hummel, et al to George Mease, dated October 11, 1884 and recorded in Clearfield County, PA in Deed Book 33 Page 330.

EXCEPTING AND RESERVING also out of the aforesaid premises one acre of land

on the West side of the aforesaid premises where John Mease has a house erected, which said one acre of land was devised to the said John Mease by the said George W. Mease.

THIS parcel being described in Deed Book 122 at Page 326.

THE SECOND THEREOF: BEGINNING at a chestnut corner; thence east along township road one hundred and ninety six feet to a post; thence northwest one hundred and fifty feet to a post; thence West two hundred and six feet to a post; thence South two hundred and fifty six feet to a post and place of beginning. **CONTAINING** one acre.

THIS parcel being described in Deed Book 228 at Page 200.

THE THIRD THEREOF: BEGINNING at a post on old road, at the common corner of this lot and lands of the Grantee herein; thence South 4° West a distance of eighty-two and one tenth (82.1) perches; thence South 56 1/2° East along line of lands of Grantee herein a distance of thirty nine and three tenths (39.3) to a post on line of S. C. Hamer Estate; thence South 75° 14' East twenty seven and two tenths (27.2) perches to a post; thence South 76° East thirty six (36) feet to a post; thence North 30° 3' East forty-two and four tenths (42.4) perches to a post on old road at corner of this land and land of S. E. Hamer Estate; thence along the said old road also known as old pike, by its several courses and distances to post and other lands of the Grantee herein and place of beginning.

SAVING, EXCEPTING AND RESERVING, nevertheless, therefrom and out of the same all coal, ores, fire clay, gas, oil and other minerals and ores of whatsoever kind and description the same may be and wheresoever found, together with the right to mine, dig, carry away and remove the same with the right to enter upon the premises hereby conveyed for such purposes, with the right of ingress, egress and regress together with the right to build such roads, railroads, tipples, chutes, buildings and other improvements as are usual and necessary for mining, shipping, and transporting coals and other miners and other commodities, as well as the right to move, carry and transport by railroad or otherwise any coals taken from this or other lands and any other commodities over, across, through and beyond the lands above named and without being in any way liable for any damages done to the surface or any part thereof, or any buildings thereon erected, or any water supply supplying the same either by himself or his assigns, tenants, employees, or agents, as fully as they might or could do if this conveyance had not been made.

THIS parcel being described in Deed Book 239 at Page 200.

Better described as follows in accordance with a survey completed:

ALL that certain interest in and to a piece or parcel of land consisting of eighty-seven (87) acres, located in Boggs Township, Clearfield County, PA, known by Map No. 105-N10-17, more particularly bounded and described as follows:

BEGINNING at a corner point located in the sixty foot right-of-way known as the Old Erie Pike, S.R. 2024; thence along property now or formerly of William C. And Mary C. Dickson South $01^{\circ} 13' 00''$ East a distance of 620.53 feet to an iron pin; thence along property now or formerly of Clayton C. Husted, et al., North $67^{\circ} 15' 27''$ West a distance of 1258.42 feet to an iron pin; thence along property now or formerly of Clayton C. Husted, et al., South $01^{\circ} 39' 02''$ East a distance of 402.73 feet to an iron rail; thence along property now or formerly of Cen-Clear Child Services, Inc., North $88^{\circ} 54' 03''$ West a distance of 591.53 feet to an iron pin; thence continuing along property now or formerly of Cen-Clear Child Services, Inc., North $89^{\circ} 09' 55''$ West a distance of 1528.54 feet to an iron pin; thence along tax parcel #105-N10-25 North $00^{\circ} 00' 00''$ West a distance of 1526.45 feet to a computed point on the centerline of Hartman Road also known as T-668; along said centerline of Hartman Road also known as T-668 South $89^{\circ} 02' 27''$ East a distance of 1040.97 feet to a computed point along centerline; thence continuing along Hartman Road also known as T-668 South $85^{\circ} 58' 55''$ East a distance of 142.91 feet to a computed point on the centerline of Old Erie Turnpike also known as S.R. 2024; thence along the centerline of Old Erie Pike also known as S.R. 2024 South $57^{\circ} 05' 57''$ East a distance of 52.33 feet to a computed point; thence South $62^{\circ} 51' 06''$ East a distance of 142.74 feet to a computed point; thence continuing South $64^{\circ} 01' 25''$ East a distance of 277.11 feet to a computed point; continuing South $64^{\circ} 35' 36''$ East a distance of 160.83 feet to a computed point; thence continuing South $63^{\circ} 59' 22''$ East a distance of 205.03 feet to a computed point; thence continuing South $62^{\circ} 30' 18''$ East a distance of 177.10 feet to a computed point; thence continuing South $58^{\circ} 47' 43''$ East a distance of 187.10 feet to a computed point; thence continuing South $56^{\circ} 38' 20''$ East a distance of 387.92 feet to a computed point; thence continuing South $57^{\circ} 41' 06''$ East a distance of 60.12 feet to a computed point; thence continuing South $59^{\circ} 44' 43''$ East a distance of 62.08 feet to a computed point; thence continuing South $61^{\circ} 34' 33''$ East a distance of 60.29 feet to a computed point; thence continuing South $63^{\circ} 52' 57''$ East a distance of 131.09 feet to a computed point; thence continuing South $67^{\circ} 13' 24''$ East a distance of 188.24 feet to a computed point; thence continuing South $70^{\circ} 23' 47''$ East a distance of 63.39 feet to a computed point; thence continuing South $73^{\circ} 43' 09''$ East a distance of 64.57 feet to a computed point; thence continuing South $78^{\circ} 09' 54''$ East a distance of 47.33 feet to a computed point; thence continuing South $80^{\circ} 57' 01''$ East a distance of 33.84 feet to a computed point; thence continuing South $82^{\circ} 32' 20''$ East a distance of 31.48 feet to a computed point and place of beginning. **CONTAINING** 84.893 acres net, more or less.

41. The aforesaid real property is known as Clearfield County Tax Parcel Number 105-N10-17, and is described in a deed vesting title to the premises unto E. A. Dickson, dated March 8, 1902 and recorded in Clearfield County in Deed Book Volume 122 at Page 366; further by deed vesting title to the premises unto E. A. Dixon dated October 3, 1919

65. The real property subject of this action is 84.893 acres, more or less. Each party is responsible for their respective taxes on the property. No one resides on the said real property.

66. The parties had previously entered into an Agreement for the sale of the real property to bona fide buyers for the sales price of \$175,000.00.

67. As various title issues were raised by Buyers' counsel which had to be corrected by Plaintiffs' counsel, the sale did not close within the time period listed in the Agreement of Sale.

68. The Buyers remain willing to purchase the said real property for the sum of \$175,000.00.

69. The Plaintiffs herein all agree to the sale of the said real property, and in fact, have signed deeds for the said sale in accordance with the Agreement of Sale.

70. Defendants are the only real property interest holders who have not signed the necessary deeds to convey the real property unto Buyers in accordance to the prior Agreement.

71. As such, the parties are unable to agree as to the disposition of the real property.

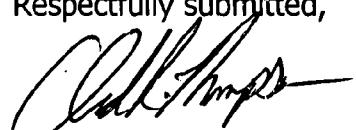
72. No partition or division of the real property subject of this action has ever been made, and the parties have not been able to agree on a sale or partition of the property.

73. It was the proposed Buyers who had the survey referenced herein performed in anticipation of the said purchase.

WHEREFORE, the Plaintiffs pray:

- a. That Your Honorable Court enter an Order directing partition of the real property subject of this action;
- b. Direct that the real property is incapable of division without prejudice to or the spoiling of the said property;
- c. Direct that the real property be sold to the ready, willing and able Buyers or that the same be sold for at least the sum of \$175,000.00;
- d. That all property and necessary deeds, conveyances and documents be executed to carry out any partition in such manner as Your Honorable Court may direct;
- e. That the Court assess the costs of said partition equally among the joint tenants;
- f. That Your Honorable Court issue any other Order or further relief that the Court deems just and proper.

Respectfully submitted,



David R. Thompson, Esquire

VERIFICATION

Plaintiff, by and through his attorney, David R. Thompson, verifies that the statements made in this **COMPLAINT IN PARTITION** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Glenda L Guyer
Glenda Guyer

Patrick E. Couturiaux
Patrick E. Couturiaux

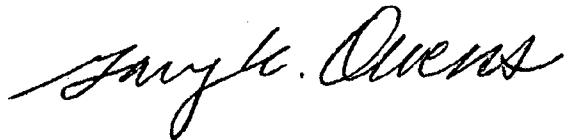
Elizabeth A. Straw
Elizabeth Straw

Linda Jackson
Linda Jackson

Carolyn J. Yarger
Carolyn J. Yarger

VERIFICATION

Plaintiff, by and through his attorney, David R. Thompson, **verifies** that the statements made in this **COMPLAINT IN PARTITION** are true and correct. I **understand** that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Gary K. Owens

4 5 0 0

FILED

JAN 31 2008

William A. Shaw
Prothonotary/Clerk of Courts

and recorded in Clearfield County in Deed Book Volume 228 at Page 200; further by deed vesting title to the premises unto E. A. Dixon dated June 8, 1918 and recorded in Clearfield County Deed Book Volume 239 Page 200.

42. The said Edward A. Dixon died the 10th day of June, 1929, survived by his wife Anna Mease Dixon and their nine children to wit: Arlene Cathcart; Elsie Stone; David Dixon; Glenna Bauman; Leona Husted; Maude Thompson; Catherine Couturiaux; Mildred Marty and Mac Dixon.

43. The said Anna Mease Dixon died the 4th day of July, 1958. By her Last Will and Testament, duly probated in Clearfield County to Estate #23496, she devised her interest in the real property unto her aforesaid nine children.

44. Plaintiff Gary K. Owens is a One-ninth (1/9th) interest holder in the said premises by virtue of deed of Dupont D. Stone, et al., dated April 19, 1994 and recorded in Clearfield County in Deed Book Volume 1607 at Page 53. By way of further pleading, Grantors Dupont D. Stone, et. al. are the heirs at law of Elsie Stone.

45. Plaintiffs Glenda Guyer; Gail Wilks; Susan Neil; Teresa Hayden; and Laurie Valdiserri are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Maude Thompson.

46. Maude Thompson died the 26th day of July, 1991, intestate, leaving to survive her, her children, to wit: Gail Wilks; Glenda Guyer; and Barbara Clark. The said Barbara Clark died the 18th day of May, 1999, intestate, leaving to survive her, her children, to wit: Susan Neil; Teresa Hayden; and Laurie Valdiserri.

47. Plaintiffs Patrick E. Couturiaux; Ronald N. Couturiaux; Sandra Bordas; Dennis

Couturiaux; Eugene V. Eaton, Jr.; and Shane T. Eaton are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Catherine Couturiaux.

48. Catherine Couturiaux a/k/a Catherine A. Couturiaux died the 26th day of October, 1999. By her Last Will and Testament, duly probated in Centre County, Pennsylvania, to Estate #14-99-043, she devised her One-ninth (1/9th) interest in the said premises unto her children, to wit: Patrick E. Couturiaux; Ronald N. Couturiaux; Sandra Bordas; Manuel L. Couturiaux; and to the children of her deceased child Roseanna A. Adamson, to wit: Dennis J. Couturiaux; Eugene V. Eaton, Jr.; and Shane T. Eaton.

49. The said Manuel L. Couturiaux died the 4th day of September, 2004. By his Last Will and Testament, filed in Clearfield County to Estate #17-07-0408, he devised his interest in the said premises unto his daughter Gretchen A. Carman. By deed, to be recorded, the said Gretchen A. Carman conveyed her interest in the said premises unto Plaintiff Dennis J. Couturiaux.

50. Plaintiffs Mildred A. Stephens; Rose M. Bauman; Carolyn J. Yarger; Roger R. Bauman; Phyllis Bauman; Kathy Freeman; Kenneth Bauman, III.; Kelly Luzier; Kara Finney; Bernice Bauman; Robert Bauman; Lynette Bauman; Lorraine Y. Bauman; Elizabeth Bauman; Bryan Bauman; and Jennifer Walk are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Glenna Bauman a/k/a Glenna Dickson Bauman.

51. The said Glenna Bauman a/k/a Glenna Dickson Bauman died the 24th day of March, 1984. By her Last Will and Testament, duly probated in Clearfield County to Estate

#84-123, she devised her interest in the said premises unto her children, to wit: Mildred Stephens; Roger Bauman; Rose Bauman; Carolyn Yarger; Kenneth Bauman, Jr.; Harvey Bauman; and Leslie Wayne Bauman.

52. The said Kenneth Bauman, Jr. died the 25th day of October, 1995, intestate, leaving to survive him, his heirs at law, to wit: his spouse Phyllis Bauman; and children Kathy Freeman; Kenneth Bauman, III.; Kelly Luzier; and Kara Finney.

53. The said Harvey Bauman died the 21st day of June, 1999, intestate, leaving to survive him, his heirs at law, to wit: his spouse Bernice Bauman; and children Robert Bauman; Lynette Bauman; and Lorraine Bauman.

54. The said Leslie Wayne Bauman died the 25th day of October, 2004, intestate, leaving to survive him, his heirs at law, to wit: his spouse Elizabeth Bauman; and children Bryan Bauman; and Jennifer Walk.

55. Plaintiffs Elizabeth Ann Straw; Donna Mae Harris; Patrick Dean Dickson; Gaylon Edward Dickson; Debra Shimmel; and Tina McQuillen are collectively a Two-ninths (2/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Mac Dixon a/k/a Mac R. Dickson, Sr.

56. Mac Dixon a/k/a Mac R. Dickson, Sr. received a One-ninth (1/9th) interest by virtue of the Estate of Anna Mease Dixon. He received the One-ninth (1/9th) interest of David Dixon by deed of Belle E. Dixon dated September 17, 1980 and recorded in Clearfield County in Deed Book Volume 815 at Page 525. The said David Dixon died the 6th day of December, 1976. By his Last Will and Testament, duly probated in Clearfield County to Estate #79-8, he devised his interest in the said premises unto his wife Belle E. Dixon.

57. The said Mac Dixon a/k/a Mac R. Dickson, Sr. died the 24th day of February, 1996. By his Last Will and Testament, duly probated in Clearfield County to Estate #96-398, he devised his interest in the said premises unto his wife Violet E. Dickson. The said Violet E. Dickson died the 17th day of August, 1999. By her Last Will and Testament, duly probated in Clearfield County to Estate #99-494, she devised her interest in the said premises unto her children, to wit: Elizabeth Ann Straw; Donna Mae Harris; Patrick Dean Dickson; Gaylon Edward Dickson; and the children of her deceased son Mac Revelle Dickson, Jr., to wit: Debra Shimmel and Tina McQuillen.

58. Plaintiffs Brenda Clinton; Gary E. Marty a/k/a Gary E. Marty, Sr.; and Linda Jackson are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Mildred Marty.

59. The said Mildred Marty died the 27th day of December, 1989. By her Last Will and Testament, duly probated in Centre County, Pennsylvania, to Estate #14-89-20, she devised her interest in the real property unto her children, to wit: Linda Jackson; Gary E. Marty; and Brenda Clinton.

60. Defendant Chester Clayton Husted is a One-Ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiff is the heir at law of Leona Husted.

61. The said Chester Clayton Husted purports to own a Two-Ninths (2/9ths interest in the said real property. By way of further pleading, Defendant purports to own the interest of Arlene Cathcart.

62. The said Arlene Cathcart died the 10th day of December, 1976. By her Last Will

and Testament, duly probated in Clearfield County to Estate #77-136, she devised all of her property unto her niece Winona J. Eckley. The said Winona J. Eckley was also appointed Executrix of the Estate of Arlene Cathcart.

63. The said Leona Husted died the 29th day of November, 1985. By her Last Will and Testament, duly probated in Clearfield County to Estate #86-19, she devised her property unto her children, to wit: Winona J. Eckley; Brinton R. Dickson; Clayton C. Husted a/k/a Chester Clayton Husted; Dorcas M. Husted; Nelson C. Husted; and Spencer L. Husted. In the said Estate, it was purported that Leona Husted was vested with a Two-Ninths (2/9th) interest in said premises, by virtue of an unrecorded deed from her sister Arlene Cathcart. By virtue of a Family Agreement approved in the Estate, the interest of Leona Husted was conveyed to Chester Clayton Husted by deed dated July 28, 1986, and recorded in Clearfield County in Deed Book Volume 1098 at Page 435.

64. The said real property is currently owned by the following parties, in the referenced interests, as Tenants in Common:

- a. One-ninth (1/9th) interest in Plaintiff Gary K. Owens.
- b. One-ninth (1/9th interest in Defendant Chester Clayton Husted, by the record in Clearfield County.
- c. One-ninth (1/9th interest in Defendant Winona J. Eckley, individually and as Executrix of the Estate of Arlene Cathcart, by the record in Clearfield County.
- d. One-Twenty-seventh (1/27th) interest in Plaintiff Glenda Guyer.
- e. One-Twenty-seventh (1/27th) interest in Plaintiff Gail Wilks.
- f. One-Eighty-first (1/81st) interest in Plaintiff Susan Neil.

- g. One-Eighty-first (1/81st) interest in Plaintiff Teresa Hayden.
- h. One-Eighty-first (1/81st) interest in Plaintiff Teresa Hayden.
- I. One-Forty-fifth (1/45th) interest in Plaintiff Patrick E. Couturiaux.
- j. One-Forty-fifth (1/45th) interest in Plaintiff Ronald N. Couturiaux.
- k. One-Forty-fifth (1/45th) interest in Plaintiff Sandra Bordas.
- l. Four-One hundred thirty-fifth (4/135th) interest in Plaintiff Dennis J.

Couturiaux.

m. One-One hundred thirty-fifth (1/135th) interest in Plaintiff Eugene V.
Eaton, Jr.

n. One-One hundred thirty-fifth (1/135th) interest in Plaintiff Shane T. Eaton.
o. One-Sixty-third (1/63rd) interest in Plaintiff Mildred Stephens.
p. One-Sixty-third (1/63rd) interest in Plaintiff Carolyn J. Yarger.
q. One-Sixty-third (1/63rd) interest in Plaintiff Roger R. Bauman.
r. One-Sixty-third (1/63rd) interest in Plaintiff Rose M. Bauman.
s. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Phyllis

Bauman.

t. One-Five hundred and fourth (1/504th) interest in Plaintiff Kathy Freeman.
u. One-Five hundred and fourth (1/504th) interest in Plaintiff Kenneth
Bauman, III.
v. One-Five hundred and fourth (1/504th) interest in Plaintiff Kelly Luzier.
w. One-Five hundred and fourth (1/504th) interest in Plaintiff Kara Finney.
x. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Bernice

Bauman.

y. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff Robert Bauman.

z. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff Lynette Bauman.

aa. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff Lorraine Bauman.

bb. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Elizabeth Bauman.

cc. One-Two hundred fifty-second (1/252nd) interest in Plaintiff Bryan Bauman.

dd. One-Two hundred fifty-second (1/252nd) interest in Plaintiff Jennifer Walk.

ee. Two-Forty-fifths (2/45th) interest in Plaintiff Elizabeth Ann Straw.

ff. Two-Forty-fifths (2/45th) interest in Plaintiff Donna Mae Harris.

gg. Two-Forty-fifths (2/45th) interest in Plaintiff Patrick Dean Dickson.

hh. Two-Forty-fifths (2/45th) interest in Plaintiff Gaylon Edward Dickson.

ii. One-Forty-fifth (1/45th) interest in Plaintiff Debra Shimmel.

jj. One-Forty-fifth (1/45th) interest in Plaintiff Tina McQuillen.

kk. One-Twenty-seventh (1/27th) interest in Plaintiff Brenda Clinton.

ll. One-Twenty-seventh (1/27th) interest in Plaintiff Gary E. Marty, Sr.

mm. One-Twenty-seventh (1/27th) interest in Plaintiff Linda Jackson.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103388
NO: 07-1577-CD
SERVICE # 1 OF 1
AMENDED COMPLAINT IN PARTITION

PLAINTIFF: GARY K. OWENS; GLENDA GUYER al
vs.
DEFENDANT: DANIEL CLAYTON HUSTED, An Ind.

SHERIFF RETURN

NOW, November 15, 2006, SHERIFF OF DAUPHIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN AMENDED COMPLAINT IN PARTITION ON DANIEL CLAYTON HUSTED.

NOW, November 28, 2007 ATTEMPTED TO SERVE THE WITHIN AMENDED COMPLAINT IN PARTITION ON DANIEL CLAYTON HUSTED, DEFENDANT. THE RETURN OF DAUPHIN COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

FILED
03145cm
JAN 31 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103388
NO: 07-1577-CD
SERVICES 1
AMENDED COMPLAINT IN PARTITION

PLAINTIFF: GARY K. OWENS; GLENDA GUYER al
vs.
DEFENDANT: DANIEL CLAYTON HUSTED, An Ind.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	THOMPSON	16776	10.00
SHERIFF HAWKINS	THOMPSON	16776	21.00
DAUPHIN CO.	THOMPSON	16809	29.25

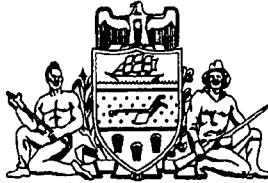
Sworn to Before Me This

So Answers,

____ Day of _____ 2008

Ches A. Hawkins
by Marilyn Hasker

Office of the Sheriff



Mary Jane Snyder
Real Estate Deputy

William T. Tully
Solicitor

Charles E. Sheaffer
Chief Deputy

Michael W. Rinehart
Assistant Chief Deputy

Dauphin County
Harrisburg, Pennsylvania 17101
ph: (717) 780-6590 fax: (717) 255-2889

Jack Lotwick
Sheriff

Commonwealth of Pennsylvania

: GARY K OWENS

County of Dauphin

VS

: DANIEL CLAYTON HUSTED

Sheriff's Return
No. 2007-T-1638
OTHER COUNTY NO. 07-1577-CD

I, Jack Lotwick, Sheriff of the County of Dauphin, State of Pennsylvania, do hereby certify and return, that I made diligent search and inquiry for DANIEL CLAYTON HUSTED the DEFENDANT named in the within AMENDED COMPLAINT and that I am unable to find him/her in the County of Dauphin, and therefore return same **NOT FOUND**, NOVEMBER 28, 2007.

Sworn and subscribed to
before me this 30TH day of November, 2007

Mary Jane Snyder

NOTARIAL SEAL
MARY JANE SNYDER, Notary Public
Highspire, Dauphin County
My Commission Expires Sept 1, 2010

So Answers,

JR Lotwick

Sheriff of Dauphin County, Pa.

By *Thomas Wong*

Deputy Sheriff

Deputy: T WONG

Sheriff's Costs: \$29.25 11/23/2007



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office
Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 [REDACTED]
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103388

TERM & NO. 07-1577-CD

GARY K. OWENS; GLENDA GUYER al

AMENDED COMPLAINT IN PARTITION

vs.

DANIEL CLAYTON HUSTED, An Ind.

SERVE BY: 12/04/07

HEARING:

MAKE REFUND PAYABLE TO DAVID R. THOMPSON, ESQ.

SERVE: DANIEL CLAYTON HUSTED

ADDRESS: 660 BOAS STREET, APT. 1812, HARRISBURG, PA 17102

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF DAUPHIN COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, November 15, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER;	*	
GAIL WILKS; SUSAN NEIL; TERESA	*	
HAYDEN; LAURIE VALDISERRI;	*	
PATRICK E. COUTURIAUX; RONALD	*	
N. COUTURIAUX; SANDRA BORDAS;	*	
DENNIS J. COUTURIAUX; EUGENE	*	
V. EATON; SHANE T. EATON;	*	
MILDRED A. STEPHENS; CAROLYN	*	
J. YARGER; ROGER R. BAUMAN;	*	
PHYLLIS BAUMAN; KATHY	*	
FREEMAN; KENNETH BAUMAN III;	*	
KELLY LUZIER; KARA FINNEY;	*	
BERNICE BAUMAN; ROBERT	*	
BAUMAN; LYNETTE BAUMAN;	*	
LORRAINE Y. BAUMAN;	*	
ELIZABETH BAUMAN; BRYAN	*	
BAUMAN; JENNIFER WALK; ROSE	*	
M. BAUMAN; ELIZABETH STRAW;	*	
DONNA MAE HARRIS; PATRICK	*	
DEAN DICKSON; GAYLON DICKSON;	*	
DEBRA SHIMMEL; TINA MCQUILLEN;	*	
BRENDA CLINTON; GARY E. MARTY;	*	
LINDA JACKSON;	*	
Plaintiffs	*	
vs.	*	
DANIEL CLAYTON HUSTED, an	*	
individual,	*	
Defendant	*	
	*	
	*	
	*	
	*	
	*	
	*	

NO.-07-1577-CD

TYPE OF CASE:
Civil Action-Equity

TYPE OF PLEADING:
Amended Complaint in
Partition

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:
David R. Thompson, Esq.
Supreme Court ID 73053
PO Box 587
Philipsburg PA 16866
814-342-4100

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

NOV 07 2007

Attest.



William L. Brown
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER;	*	
GAIL WILKS; SUSAN NEIL; TERESA	*	
HAYDEN; LAURIE VALDISERRI;	*	
PATRICK E. COUTURIAUX; RONALD	*	
N. COUTURIAUX; SANDRA BORDAS;	*	
DENNIS J. COUTURIAUX; EUGENE	*	
V. EATON; SHANE T. EATON;	*	
MILDRED A. STEPHENS; CAROLYN	*	No. 07-1577-CD
J. YARGER; ROGER R. BAUMAN;	*	
PHYLLIS BAUMAN; KATHY	*	
FREEMAN; KENNETH BAUMAN III;	*	
KELLY LUZIER; KARA FINNEY;	*	
BERNICE BAUMAN; ROBERT	*	
BAUMAN; LYNETTE BAUMAN;	*	
LORRAINE Y. BAUMAN;	*	
ELIZABETH BAUMAN; BRYAN	*	
BAUMAN; JENNIFER WALK; ROSE	*	
M. BAUMAN; ELIZABETH STRAW;	*	
DONNA MAE HARRIS; PATRICK	*	
DEAN DICKSON; GAYLON DICKSON;	*	
DEBRA SHIMMEL; TINA MCQUILLEN;	*	
BRENDA CLINTON; GARY E. MARTY;	*	
LINDA JACKSON;	*	
Plaintiffs	*	
vs.	*	
DANIEL CLAYTON HUSTED, an	*	
individual,	*	
Defendant	*	

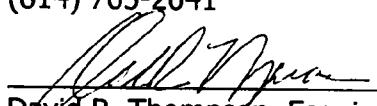
NOTICE

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 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
Clearfield, PA 16830
(814) 765-2641



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER;	*
GAIL WILKS; SUSAN NEIL; TERESA	*
HAYDEN; LAURIE VALDISERRI;	*
PATRICK E. COUTURIAUX; RONALD	*
N. COUTURIAUX; SANDRA BORDAS;	*
DENNIS J. COUTURIAUX; EUGENE	*
V. EATON; SHANE T. EATON;	*
MILDRED A. STEPHENS; CAROLYN	*
J. YARGER; ROGER R. BAUMAN;	*
PHYLLIS BAUMAN; KATHY	*
FREEMAN; KENNETH BAUMAN III;	*
KELLY LUZIER; KARA FINNEY;	*
BERNICE BAUMAN; ROBERT	*
BAUMAN; LYNETTE BAUMAN;	*
LORRAINE Y. BAUMAN;	*
ELIZABETH BAUMAN; BRYAN	*
BAUMAN; JENNIFER WALK; ROSE	*
M. BAUMAN; ELIZABETH STRAW;	*
DONNA MAE HARRIS; PATRICK	*
DEAN DICKSON; GAYLON DICKSON;	*
DEBRA SHIMMEL; TINA MCQUILLEN;	*
BRENDA CLINTON; GARY E. MARTY;	*
LINDA JACKSON;	*
 Plaintiffs	*
 vs.	*
 DANIEL CLAYTON HUSTED, an	*
individual,	*
 Defendant	*

AMENDED COMPLAINT

AND NOW, comes the Plaintiffs, by and through their attorney David R. Thompson,

Esquire, who file the following Amended Complaint in Partition:

1. Plaintiff Gary K. Owens is an individual, who resides at P.O. Box 472, Earlysville, Virginia 22936.
2. Plaintiff Glenda Guyer is an individual, who resides in Philipsburg, Pennsylvania.
3. Plaintiff Gail Wilks is an individual, who resides in Philipsburg, Pennsylvania.
4. Plaintiff Susan Neil is an individual, who resides in Homestead, Florida.
5. Plaintiff Teresa Hayden is an individual, who resides in Brownsville, Pennsylvania.
6. Plaintiff Laurie Valdiserri is an individual, who resides in Belle Vernon, Pennsylvania.
7. Patrick E. Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
8. Plaintiff Ronald N. Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
9. Plaintiff Sandra Bordas is an individual, who resides in Philipsburg, Pennsylvania.
10. Plaintiff Dennis Couturiaux is an individual, who resides in Philipsburg, Pennsylvania.
11. Plaintiff Eugene V. Eaton, Jr. is an individual, who resides in Philipsburg, Pennsylvania.
12. Plaintiff Shane T. Eaton is an individual, who resides in Brisbin, Pennsylvania.
13. Plaintiff Mildred A. Stephens is an individual, who resides in Philipsburg, Pennsylvania.
14. Plaintiff Rose M. Bauman is an individual, who resides in Leola, Pennsylvania.
15. Plaintiff Carolyn J. Yarger is an individual, who resides in Philipsburg,

Pennsylvania.

16. Plaintiff Roger R. Bauman is an individual, who resides in Morrisdale, Pennsylvania.

17. Plaintiff Phyllis Bauman is an individual, who resides in Clearfield, Pennsylvania.

18. Plaintiff Kathy Freeman is an individual, who resides in Ramey, Pennsylvania.

19. Plaintiff Kenneth Bauman III. is an individual, who resides in Houtzdale, Pennsylvania.

20. Plaintiff Kelly Luzier is an individual, who resides in Clearfield, Pennsylvania.

21. Plaintiff Kara Finney is an individual, who resides in Elizabethtown, Pennsylvania.

22. Plaintiff Bernice Bauman is an individual, who resides in Houtzdale, Pennsylvania.

23. Plaintiff Robert Bauman is an individual, who resides in Clearfield, Pennsylvania.

24. Plaintiff Lynette Bauman is an individual, who resides in Osceola Mills, Pennsylvania.

25. Plaintiff Lorraine Y. Bauman is an individual, who resides in Houtzdale, Pennsylvania.

26. Plaintiff Elizabeth Bauman is an individual, who resides in Morrisdale, Pennsylvania.

27. Plaintiff Bryan Bauman is an individual, who resides in Philipsburg, Pennsylvania.

28. Plaintiff Jennifer Walk is an individual, who resides in Morrisdale, Pennsylvania.

29. Plaintiff Elizabeth Ann Straw is an individual, who resides in West Decatur, Pennsylvania.

30. Plaintiff Donna Mae Harris is an individual, who resides 808 Kennebec Avenue, Akron, Ohio.

31. Plaintiff Patrick Dean Dickson is an individual, who resides in Plymouth, Michigan.

32. Plaintiff Gaylon Edward Dickson is an individual, who resides in Philipsburg, Pennsylvania.

33. Plaintiff Debra Shimmel is an individual, who resides in Philipsburg, Pennsylvania.

34. Plaintiff Tina McQuillen is an individual, who resides at 175 Marcoline Road, Indiana, Pennsylvania.

35. Plaintiff Brenda Clinton is an individual, who resides in Lecanto, Florida.

36. Plaintiff Gary E. Marty, Sr. is an individual, who resides in Houtzdale, Pennsylvania.

37. Plaintiff Linda K. Jackson is an individual, who resides in Philipsburg, Pennsylvania.

38. Defendant Daniel Clayton Husted is an individual who resides at 660 Boas Street, Apartment 1812, Harrisburg, Pennsylvania, 17102.

39. The Plaintiffs and Defendant are collectively, the joint owners of real property subject of this action located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

ALL those certain pieces or parcels of land located in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a post on the Erie Turnpike on line of land of Richard Mossop (now or formerly of Hartman & Co.); thence North fifty nine and one fourth (59 1/4) degrees West twenty-three and four tenth (23.4) perches to a post on said Turnpike; thence West sixty-eight (68) perches to a post; thence by land formerly owned by Isiah W. Smith (now or formerly of David Mease) South ninety-four (94) perches to a stone corner; thence by same East eighty eight (88) perches to a post corner; thence by land formerly owned by Richard Mossop (now or formerly by Hartman & Co.) Eighty two (82) perches to a post on said Erie Turnpike and place of beginning. CONTAINING (50) acres neat measure.

EXCEPTING AND RESERVING out of and from said premises all the minerals in and upon the said premises, except the minerals under the following described part of the above premises, described as follows:

BEGINNING at a post on Erie Turnpike; thence by said Turnpike North fifty-seven and one fourth (57 1/4) degrees West eighteen and six tenths (18.6) perches to stone on said turnpike; thence by the land in which the minerals are reserved South twenty-two and one half (22 1/2) degrees West forty eight (48) perches to a stone corner; thence by the land in which the minerals are reserved South thirty-seven (37) degrees East twenty (20) perches to a stone corner; thence by same South fifty one and one fourth (51 1/4) degrees West twenty six (26) perches to stone on line of Hartman & Co.'s land; thence by land of Hartman & Co., North three and three fourth (3 3/4) degrees East twenty six (26) perches to post on said pike and place of beginning. CONTAINING seven (7) acres and one hundred and twenty three (123) perches, said reservation being in accordance with the exception and reservation contained in the deed of George W. Hummel, et al to George Mease, dated October 11, 1884 and recorded in Clearfield County, PA in Deed Book 33 Page 330.

EXCEPTING AND RESERVING also out of the aforesaid premises one acre of land on the West side of the aforesaid premises where John Mease has a house erected, which said one acre of land was devised to the said John Mease by the said George W. Mease.

THIS parcel being described in Deed Book 122 at Page 326.

THE SECOND THEREOF: BEGINNING at a chestnut corner; thence east along township road one hundred and ninety six feet to a post; thence northwest one hundred and fifty feet to a post; thence West two hundred and six feet to a post; thence South two hundred and fifty six feet to a post and place of beginning. CONTAINING one acre.

THIS parcel being described in Deed Book 228 at Page 200.

THE THIRD THEREOF: BEGINNING at a post on old road, at the common corner of this lot and lands of the Grantee herein; thence South 4° West a distance of eighty-two and one tenth (82.1) perches; thence South 56 1/2° East along line of lands of Grantee herein a distance of thirty nine and three tenths (39.3) to a post on line of S. C. Hamer Estate; thence South 75° 14' East twenty seven and two tenths (27.2) perches to a post; thence South 76° East thirty six (36) feet to a post; thence North 30° 3' East forty-two and four tenths (42.4) perches to a post on old road at corner of this land and land of S. E. Hamer Estate; thence along the said old road also known as old pike, by its several courses and distances to post and other lands of the Grantee herein and place of beginning.

SAVING, EXCEPTING AND RESERVING, nevertheless, therefrom and out of the same all coal, ores, fire clay, gas, oil and other minerals and ores of whatsoever kind and description the same may be and wheresoever found, together with the right to mine, dig, carry away and remove the same with the right to enter upon the premises hereby conveyed for such purposes, with the right of ingress, egress and regress together with the right to build such roads, railroads, tipples, chutes, buildings and other improvements as are usual and necessary for mining, shipping, and transporting coals and other miners and other commodities, as well as the right to move, carry and transport by railroad or otherwise any coals taken from this or other lands and any other commodities over, across, through and beyond the lands above named and without being in any way liable for any damages done to the surface or any part thereof, or any buildings thereon erected, or any water supply supplying the same either by himself or his assigns, tenants, employees, or agents, as fully as they might or could do if this conveyance had not been made.

THIS parcel being described in Deed Book 239 at Page 200.

Better described as follows in accordance with a survey completed:

ALL that certain interest in and to a piece or parcel of land consisting of eighty-seven (87) acres, located in Boggs Township, Clearfield County, PA, known by Map No. 105-N10-17, more particularly bounded and described as follows:

BEGINNING at a corner point located in the sixty foot right-of-way known as the Old Erie Pike, S.R. 2024; thence along property now or formerly of William C. And Mary C. Dickson South 01° 13' 00" East a distance of 620.53 feet to an iron pin; thence along property now or formerly of Clayton C. Husted, et al., North 67° 15' 27" West a distance of 1258.42 feet to an iron pin; thence along property now or formerly of Clayton C. Husted, et al., South 01° 39' 02" East a distance of 402.73 feet to an iron rail; thence along property now or formerly of Cen-Clear Child Services, Inc., North 88° 54' 03" West a distance of 591.53 feet to an iron pin; thence continuing along property now or formerly of Cen-Clear Child Services, Inc., North 89° 09' 55" West a distance of 1528.54 feet to an iron pin; thence along tax parcel #105-N10-25 North 00° 00' 00" West a distance of 1526.45 feet to a computed point on the centerline of Hartman Road also known as T-668; along said centerline of Hartman Road also known as T-668 South 89° 02' 27" East a

distance of 1040.97 feet to a computed point along centerline; thence continuing along Hartman Road also known as T-668 South 85° 58' 55" East a distance of 142.91 feet to a computed point on the centerline of Old Erie Turnpike also known as S.R. 2024; thence along the centerline of Old Erie Pike also known as S.R. 2024 South 57° 05' 57" East a distance of 52.33 feet to a computed point; thence South 62° 51' 06" East a distance of 142.74 feet to a computed point; thence continuing South 64° 01' 25" East a distance of 277.11 feet to a computed point; continuing South 64° 35' 36" East a distance of 160.83 feet to a computed point; thence continuing South 63° 59' 22" East a distance of 205.03 feet to a computed point; thence continuing South 62° 30' 18" East a distance of 177.10 feet to a computed point; thence continuing South 58° 47' 43" East a distance of 187.10 feet to a computed point; thence continuing South 56° 38' 20" East a distance of 387.92 feet to a computed point; thence continuing South 57° 41' 06" East a distance of 60.12 feet to a computed point; thence continuing South 59° 44' 43" East a distance of 62.08 feet to a computed point; thence continuing South 61° 34' 33" East a distance of 60.29 feet to a computed point; thence continuing South 63° 52' 57" East a distance of 131.09 feet to a computed point; thence continuing South 67° 13' 24" East a distance of 188.24 feet to a computed point; thence continuing South 70° 23' 47" East a distance of 63.39 feet to a computed point; thence continuing South 73° 43' 09" East a distance of 64.57 feet to a computed point; thence continuing South 78° 09' 54" East a distance of 47.33 feet to a computed point; thence continuing South 80° 57' 01" East a distance of 33.84 feet to a computed point; thence continuing South 82° 32' 20" East a distance of 31.48 feet to a computed point and place of beginning. **CONTAINING** 84.893 acres net, more or less.

40. The aforesaid real property is known as Clearfield County Tax Parcel Number 105-N10-17, and is described in a deed vesting title to the premises unto E. A. Dickson, dated March 8, 1902 and recorded in Clearfield County in Deed Book Volume 122 at Page 366; further by deed vesting title to the premises unto E. A. Dixon dated October 3, 1919 and recorded in Clearfield County in Deed Book Volume 228 at Page 200; further by deed vesting title to the premises unto E. A. Dixon dated June 8, 1918 and recorded in Clearfield County Deed Book Volume 239 Page 200.

41. The said Edward A. Dixon died the 10th day of June, 1929, survived by his wife Anna Mease Dixon and their nine children to wit: Arlene Cathcart; Elsie Stone; David Dixon; Glenna Bauman; Leona Husted; Maude Thompson; Catherine Couturiaux; Mildred Marty

and Mac Dixon.

42. The said Anna Mease Dixon died the 4th day of July, 1958. By her Last Will and Testament, duly probated in Clearfield County to Estate #23496, she devised her interest in the real property unto her aforesaid nine children.

43. Plaintiff Gary K. Owens is a One-ninth (1/9th) interest holder in the said premises by virtue of deed of Dupont D. Stone, et al., dated April 19, 1994 and recorded in Clearfield County in Deed Book Volume 1607 at Page 53. By way of further pleading, Grantors Dupont D. Stone, et. al. are the heirs at law of Elsie Stone.

44. Plaintiffs Glenda Guyer; Gail Wilks; Susan Neil; Teresa Hayden; and Laurie Valdiserri are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Maude Thompson.

45. Maude Thompson died the 26th day of July, 1991, intestate, leaving to survive her, her children, to wit: Gail Wilks; Glenda Guyer; and Barbara Clark. The said Barbara Clark died the 18th day of May, 1999, intestate, leaving to survive her, her children, to wit: Susan Neil; Teresa Hayden; and Laurie Valdiserri.

46. Plaintiffs Patrick E. Couturiaux; Ronald N. Couturiaux; Sandra Bordas; Dennis Couturiaux; Eugene V. Eaton, Jr.; and Shane T. Eaton are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Catherine Couturiaux.

47. Catherine Couturiaux a/k/a Catherine A. Couturiaux died the 26th day of October, 1999. By her Last Will and Testament, duly probated in Centre County, Pennsylvania, to Estate #14-99-043, she devised her One-ninth (1/9th) interest in the said

premises unto her children, to wit: Patrick E. Couturiaux; Ronald N. Couturiaux; Sandra Bordas; Manuel L. Couturiaux; and to the children of her deceased child Roseanna A. Adamson, to wit: Dennis J. Couturiaux; Eugene V. Eaton, Jr.; and Shane T. Eaton.

48. The said Manuel L. Couturiaux died the 4th day of September, 2004. By his Last Will and Testament, filed in Clearfield County to Estate #17-07-0408, he devised his interest in the said premises unto his daughter Gretchen A. Carman. By deed, to be recorded, the said Gretchen A. Carman conveyed her interest in the said premises unto Plaintiff Dennis J. Couturiaux.

49. Plaintiffs Mildred A. Stephens; Rose M. Bauman; Carolyn J. Yarger; Roger R. Bauman; Phyllis Bauman; Kathy Freeman; Kenneth Bauman, III.; Kelly Luzier; Kara Finney; Bernice Bauman; Robert Bauman; Lynette Bauman; Lorraine Y. Bauman; Elizabeth Bauman; Bryan Bauman; and Jennifer Walk are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Glenna Bauman a/k/a Glenna Dickson Bauman.

50. The said Glenna Bauman a/k/a Glenna Dickson Bauman died the 24th day of March, 1984. By her Last Will and Testament, duly probated in Clearfield County to Estate #84-123, she devised her interest in the said premises unto her children, to wit: Mildred Stephens; Roger Bauman; Rose Bauman; Carolyn Yarger; Kenneth Bauman, Jr.; Harvey Bauman; and Leslie Wayne Bauman.

51. The said Kenneth Bauman, Jr. died the 25th day of October, 1995, intestate, leaving to survive him, his heirs at law, to wit: his spouse Phyllis Bauman; and children Kathy Freeman; Kenneth Bauman, III.; Kelly Luzier; and Kara Finney.

52. The said Harvey Bauman died the 21st day of June, 1999, intestate, leaving to survive him, his heirs at law, to wit: his spouse Bernice Bauman; and children Robert Bauman; Lynette Bauman; and Lorraine Bauman.

53. The said Leslie Wayne Bauman died the 25th day of October, 2004, intestate, leaving to survive him, his heirs at law, to wit: his spouse Elizabeth Bauman; and children Bryan Bauman; and Jennifer Walk.

54. Plaintiffs Elizabeth Ann Straw; Donna Mae Harris; Patrick Dean Dickson; Gaylon Edward Dickson; Debra Shimmel; and Tina McQuillen are collectively a Two-ninths (2/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Mac Dixon a/k/a Mac R. Dickson, Sr.

55. Mac Dixon a/k/a Mac R. Dickson, Sr. received a One-ninth (1/9th) interest by virtue of the Estate of Anna Mease Dixon. He received the One-ninth (1/9th) interest of David Dixon by deed of Belle E. Dixon dated September 17, 1980 and recorded in Clearfield County in Deed Book Volume 815 at Page 525. The said David Dixon died the 6th day of December, 1976. By his Last Will and Testament, duly probated in Clearfield County to Estate #79-8, he devised his interest in the said premises unto his wife Belle E. Dixon.

56. The said Mac Dixon a/k/a Mac R. Dickson, Sr. died the 24th day of February, 1996. By his Last Will and Testament, duly probated in Clearfield County to Estate #96-398, he devised his interest in the said premises unto his wife Violet E. Dickson. The said Violet E. Dickson died the 17th day of August, 1999. By her Last Will and Testament, duly probated in Clearfield County to Estate #99-494, she devised her interest in the said premises unto her children, to wit: Elizabeth Ann Straw; Donna Mae Harris; Patrick Dean

Dickson; Gaylon Edward Dickson; and the children of her deceased son Mac Revelle Dickson, Jr., to wit: Debra Shimmel and Tina McQuillen.

57. Plaintiffs Brenda Clinton; Gary E. Marty a/k/a Gary E. Marty, Sr.; and Linda Jackson are collectively a One-ninth (1/9th) interest holder in the said premises. By way of further pleading, the said Plaintiffs are the heirs at law of Mildred Marty.

58. The said Mildred Marty died the 27th day of December, 1989. By her Last Will and Testament, duly probated in Centre County, Pennsylvania, to Estate #14-89-20, she devised her interest in the real property unto her children, to wit: Linda Jackson; Gary E. Marty; and Brenda Clinton.

59. Defendant Daniel Clayton Husted is a Two-Ninths (2/9) interest holder in the said premises by virtue of deed of Chester Clayton Husted dated September 7, 2007 and recorded in Clearfield County at Instrument #200715732.

60. The said real property is currently owned by the following parties, in the referenced interests, as Tenants in Common:

- a. One-ninth (1/9th) interest in Plaintiff Gary K. Owens.
- b. Two-ninths interest in Defendant Daniel Clayton.
- c. One-Twenty-seventh (1/27th) interest in Plaintiff Glenda Guyer.
- d. One-Twenty-seventh (1/27th) interest in Plaintiff Gail Wilks.
- e. One-Eighty-first (1/81st) interest in Plaintiff Susan Neil.
- f. One-Eighty-first (1/81st) interest in Plaintiff Teresa Hayden.
- g. One-Eighty-first (1/81st) interest in Plaintiff Teresa Hayden.
- h. One-Forty-fifth (1/45th) interest in Plaintiff Patrick E. Couturiaux.

- i. One-Forty-fifth (1/45th) interest in Plaintiff Ronald N. Couturiaux.
- j. One-Forty-fifth (1/45th) interest in Plaintiff Sandra Bordas.
- k. Four-One hundred thirty-fifth (4/135th) interest in Plaintiff Dennis J. Couturiaux.
- l. One-One hundred thirty-fifth (1/135th) interest in Plaintiff Eugene V. Eaton, Jr.
- m. One-One hundred thirty-fifth (1/135th) interest in Plaintiff Shane T. Eaton.
- n. One-Sixty-third (1/63rd) interest in Plaintiff Mildred Stephens.
- o. One-Sixty-third (1/63rd) interest in Plaintiff Carolyn J. Yarger.
- p. One-Sixty-third (1/63rd) interest in Plaintiff Roger R. Bauman.
- r. One-Sixty-third (1/63rd) interest in Plaintiff Rose M. Bauman.
- q. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Phyllis Bauman.
- r. One-Five hundred and fourth (1/504th) interest in Plaintiff Kathy Freeman.
- s. One-Five hundred and fourth (1/504th) interest in Plaintiff Kenneth Bauman, III.
- t. One-Five hundred and fourth (1/504th) interest in Plaintiff Kelly Luzier.
- u. One-Five hundred and fourth (1/504th) interest in Plaintiff Kara Finney.
- v. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Bernice Bauman.
- w. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff

Robert Bauman.

x. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff Lynette Bauman.

y. One-Three hundred and seventy-eighth (1/378th) interest in Plaintiff Lorraine Bauman.

z. One-One hundred twenty-sixth (1/126th) interest in Plaintiff Elizabeth Bauman.

aa. One-Two hundred fifty-second (1/252nd) interest in Plaintiff Bryan Bauman.

bb. One-Two hundred fifty-second (1/252nd) interest in Plaintiff Jennifer Walk.

cc. Two-Forty-fifths (2/45th) interest in Plaintiff Elizabeth Ann Straw.

dd. Two-Forty-fifths (2/45th) interest in Plaintiff Donna Mae Harris.

ee. Two-Forty-fifths (2/45th) interest in Plaintiff Patrick Dean Dickson.

ff. Two-Forty-fifths (2/45th) interest in Plaintiff Gaylon Edward Dickson.

gg. One-Forty-fifth (1/45th) interest in Plaintiff Debra Shimmel.

hh. One-Forty-fifth (1/45th) interest in Plaintiff Tina McQuillen.

ii. One-Twenty-seventh (1/27th) interest in Plaintiff Brenda Clinton.

jj. One-Twenty-seventh (1/27th) interest in Plaintiff Gary E. Marty, Sr.

kk. One-Twenty-seventh (1/27th) interest in Plaintiff Linda Jackson.

61. The real property subject of this action is 84.893 acres, more or less. Each party is responsible for their respective taxes on the property. No one resides on the said

real property.

62. The parties had previously entered into an Agreement for the sale of the real property to bona fide buyers for the sales price of \$175,000.00.

63. As various title issues were raised by Buyers' counsel which had to be corrected by Plaintiffs' counsel, the sale did not close within the time period listed in the Agreement of Sale.

64. The Buyers remain willing to purchase the said real property for the sum of \$175,000.00.

65. The Plaintiffs herein all agree to the sale of the said real property, and in fact, have signed deeds for the said sale in accordance with the Agreement of Sale.

66. Defendant is the only real property interest holder who have not signed the necessary deeds to convey the real property unto Buyers in accordance to the prior Agreement.

67. As such, the parties are unable to agree as to the disposition of the real property.

68. No partition or division of the real property subject of this action has ever been made, and the parties have not been able to agree on a sale or partition of the property.

69. It was the proposed Buyers who had the survey referenced herein performed in anticipation of the said purchase.

WHEREFORE, the Plaintiffs pray:

a. That Your Honorable Court enter an Order directing partition of the real property subject of this action;

- b. Direct that the real property is incapable of division without prejudice to or the spoiling of the said property;
- c. Direct that the real property be sold to the ready, willing and able Buyers or that the same be sold for at least the sum of \$175,000.00;
- d. That all property and necessary deeds, conveyances and documents be executed to carry out any partition in such manner as Your Honorable Court may direct;
- e. That the Court assess the costs of said partition equally among the joint tenants;
- f. That Your Honorable Court issue any other Order or further relief that the Court deems just and proper.

Respectfully submitted,



David R. Thompson, Esquire

VERIFICATION

Plaintiffs, by and through their attorney, David R. Thompson, verifies that the statements made in this **AMENDED COMPLAINT IN PARTITION** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Gail Wilks

Gail Wilks

Ronald N. Couturiaux

Ronald N. Couturiaux

Elizabeth Straw

Elizabeth Straw

Linda Jackson

Linda Jackson

Carolyn J. Yarger

Carolyn J. Yarger

VERIFICATION

Plaintiff, by and through his attorney, David R. Thompson, verifies that the statements made in this **AMENDED COMPLAINT IN PARTITION** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Gary K. Owens

DAUPHIN COUNTY
SHERIFF'S OFFICE
DAUPHIN COUNTY COURTS
HARRISBURG, PA 17104

07 NOV 21 AM 8:39

RECEIVED

FILED

JAN 31 2008

William A. Shaw
Prothonotary/Clerk of Courts

~~RECEIVED~~

07 NOV - 9 AM 8:32

DAUPHIN COUNTY
SHERIFF'S OFFICE
DAUPHIN COUNTY COURTS
HARRISBURG, PA 17104

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER;	*	
GAIL WILKS; SUSAN NEIL; TERESA	*	
HAYDEN; LAURIE VALDISERRI;	*	
PATRICK E. COUTURIAUX; RONALD	*	
N. COUTURIAUX; SANDRA BORDAS;	*	
DENNIS J. COUTURIAUX; EUGENE	*	
V. EATON; SHANE T. EATON;	*	
MILDRED A. STEPHENS; CAROLYN	*	No. 07-1577-CD
J. YARGER; ROGER R. BAUMAN;	*	
PHYLLIS BAUMAN; KATHY	*	
FREEMAN; KENNETH BAUMAN III;	*	TYPE OF CASE:
KELLY LUZIER; KARA FINNEY;	*	Civil Action-Equity
BERNICE BAUMAN; ROBERT	*	
BAUMAN; LYNETTE BAUMAN;	*	
LORRAINE Y. BAUMAN;	*	TYPE OF PLEADING:
ELIZABETH BAUMAN; BRYAN	*	Motion For Hearing To
BAUMAN; JENNIFER WALK; ROSE	*	Determine Partition Of
M. BAUMAN; ELIZABETH STRAW;	*	Property Under PA R.C.P. 1557
DONNA MAE HARRIS; PATRICK	*	
DEAN DICKSON; GAYLON DICKSON;	*	
DEBRA SHIMMEL; TINA MCQUILLEN;	*	FILED OF BEHALF OF:
BRENDA CLINTON; GARY E. MARTY;	*	Plaintiffs
LINDA JACKSON;	*	
Plaintiffs	*	COUNSEL OF RECORD FOR
	*	THIS PARTY:
vs.	*	David R. Thompson, Esq.
DANIEL CLAYTON HUSTED,	*	Supreme Court ID 73053
an individual,	*	P.O. Box 587
	*	Philipsburg, PA 16866
Defendant	*	814-342-4100
	*	
	*	
	*	
	*	

FILED
O 1:22 p.m. BK
FEB 26 2008 cc to Atty

William A. Shaw
Prothonotary/Clerk of Courts

(6)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER;	*
GAIL WILKS; SUSAN NEIL; TERESA	*
HAYDEN; LAURIE VALDISERRI;	*
PATRICK E. COUTURIAUX; RONALD	*
N. COUTURIAUX; SANDRA BORDAS;	*
DENNIS J. COUTURIAUX; EUGENE	*
V. EATON; SHANE T. EATON;	*
MILDRED A. STEPHENS; CAROLYN	*
J. YARGER; ROGER R. BAUMAN;	*
PHYLLIS BAUMAN; KATHY	*
FREEMAN; KENNETH BAUMAN III;	*
KELLY LUZIER; KARA FINNEY;	*
BERNICE BAUMAN; ROBERT	*
BAUMAN; LYNETTE BAUMAN;	*
LORRAINE Y. BAUMAN;	*
ELIZABETH BAUMAN; BRYAN	*
BAUMAN; JENNIFER WALK; ROSE	*
M. BAUMAN; ELIZABETH STRAW;	*
DONNA MAE HARRIS; PATRICK	*
DEAN DICKSON; GAYLON DICKSON;	*
DEBRA SHIMMEL; TINA MCQUILLEN;	*
BRENDA CLINTON; GARY E. MARTY;	*
LINDA JACKSON;	*
Plaintiffs	*
VS.	*
DANIEL CLAYTON HUSTED, an individual	*
Defendant,	*

**MOTION FOR HEARING TO DETERMINE
PARTITION OF PROPERTY UNDER PA R.C.P. 1557**

AND NOW, comes the Plaintiffs Sandra L. Deandrea and Shannon L. Balter, by and through their Attorney, David R. Thompson, Esquire, who file the following Motion to request a hearing to have an Order directing partition of the real property:

1. Plaintiffs are Gary K. Owens; Glenda Guyer; Gail Wilks; Susan Neil; Teresa Hayden; Laurie Valdiserri; Patrick E. Couturiaux; Ronald N. Couturiaux; Sandra Bordas; Dennis J. Couturiaux; Eugene V. Eaton; Shane T. Eaton; Mildred A. Stephens; Carolyn J. Yarger; Roger R. Bauman; Phyllis Bauman; Kathy Freeman; Kenneth Bauman III; Kelly Luzier; Kara Finney; Bernice Bauman; Robert Bauman; Lynette Bauman; Lorraine Y. Bauman; Elizabeth Bauman; Bryan Bauman; Jennifer Walk; Rose M. Bauman; Elizabeth Straw; Donna Mae Harris; Patrick Dean Dickson; Gaylon Dickson; Debra Shimmel; Tina McQuillen; Brenda Clinton; Gary E. Marty; Linda Jackson. .
2. Defendant is Daniel Clayton Husted an individual, who resides at 660 Boas Street, Apartment 1812, Harrisburg, Pennsylvania.
3. An Amended Complaint in Partition was filed on November 5, 2007
4. James A. Naddeo, Esquire has entered his appearance on behalf of Defendant Daniel Clayton Husted.
5. Daniel Clayton Husted was unable to be found in the County of Dauphin, and therefore the same was returned on November 28, 2007. However, an Acceptance of Service was executed by Attorney James A. Naddeo and filed on record.
6. Plaintiffs allege that an Order for Partition should be issued and that a Master in Partition be appointed.

WHEREFORE, Plaintiffs respectfully request that a hearing be scheduled to determine whether an Order in Partition should be issued pursuant to PA. R.C.P. 1557 and further request that a Master in Partition be appointed.

Respectfully submitted:



David R. Thompson, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENSA GUYER, *
GAIL WILKS; SUSAN NEIL; TERESA *
HAYDEN; LAURIE VALDISERRI; *
PATRICK E. COUTURIAUX; RONALD *
N. COUTURIAUX; SANDRA BORDAS; *
DENNIS J. COUTURIAUX; EUGENE *
V. EATON; SHANE T. EATON *
MILDRED A STEPHENS; CAROLYN *
J. YARGER; ROGER RR. BAUMAN; *
PHYLLIS BAUMAN; KATHY FREEMAN; *
KENNETH BAUMAN III; KELLY LUZIER; *
KARA FINNEY; BERNICE BAUMAN; ROBERT *
BAUMAN; LYNETTE BAUMAN; LORRAINE *
Y. BAUMAN; ELIZABETH BAUMAN; *
BRYANBAUMAN; JENNIFER WALK; *
ROSE M. BAUMAN; ELIZABETH STRAW; *
DONNA MAE HARRIS; PATRICKDEAN DICKSON; *
GAYLON DICKSON; DEBRA SHIMMEL; *
TINA MCQUILLEN; BRENDA CLINTON; *
GARY E. MARTY; LINDA JACKSON; *
Plaintiff's *

Vs.

DANIEL CLAYTON HUSTED, *
an individual, *
*
Defendant *

FILED 01/4/08 2008
FEB 28 2008 *Atty Thompson*
(60)

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

It is hereby ORDERED AND DECREED that a hearing is scheduled the 10th day of April, 2008, at 2:00, a.m./p.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania, to hear argument/ testimony as to why Plaintiffs Motion for a Partition be Issued should not be granted. One half hour has been allotted in this matter.

2-28-08

Jeff Ammer
J.

07-1577-CB

FILED

FEB 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/28/08

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:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER;	*	
GAIL WILKS; SUSAN NEIL; TERESA	*	
HAYDEN; LAURIE VALDISERRI;	*	
PATRICK E. COUTURIAUX; RONALD	*	
N. COUTURIAUX; SANDRA BORDAS;	*	
DENNIS J. COUTURIAUX; EUGENE	*	
V. EATON; SHANE T. EATON;	*	
MILDRED A. STEPHENS; CAROLYN	*	No. 07-1577-CD
J. YARGER; ROGER R. BAUMAN;	*	
PHYLLIS BAUMAN; KATHY	*	
FREEMAN; KENNETH BAUMAN III;	*	TYPE OF CASE:
KELLY LUZIER; KARA FINNEY;	*	Civil Action-Equity
BERNICE BAUMAN; ROBERT	*	
BAUMAN; LYNETTE BAUMAN;	*	
LORRAINE Y. BAUMAN;	*	TYPE OF PLEADING:
ELIZABETH BAUMAN; BRYAN	*	Certificate of Service
BAUMAN; JENNIFER WALK; ROSE	*	
M. BAUMAN; ELIZABETH STRAW;	*	
DONNA MAE HARRIS; PATRICK	*	
DEAN DICKSON; GAYLON DICKSON;	*	
DEBRA SHIMMEL; TINA MCQUILLEN;	*	FILED OF BEHALF OF:
BRENDA CLINTON; GARY E. MARTY;	*	
LINDA JACKSON;	*	Plaintiffs
Plaintiffs	*	
vs.	*	
DANIEL CLAYTON HUSTED,	*	COUNSEL OF RECORD FOR
an individual,	*	THIS PARTY:
Defendant	*	David R. Thompson, Esquire
	*	Supreme Court ID 73053
	*	P.O. Box 587
	*	Philipsburg, PA 16866
	*	814-342-4100

FILED
0705267X
MAR 13 2008
William A. Shaw
Prothonotary/Clerk of Courts
NO CC

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of the **Motion For Hearing To Determine Partition Of Property Under PA R.C.P 1557** in the above captioned matter on the following by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Daniel Clayton Husted
C/o James A. Naddeo, Esquire
NADDEO & LEWIS, LLC
207 East Market Street
P.O. Box 552
Clearfield, PA 16830

DATE: 3-7-08

BY: 

David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER; *
GAIL WILKS; SUSAN NEIL; TERESA *
HAYDEN; LAURIE VALDISERRI; *
PATRICK E. COUTURIAUX; RONALD *
N. COUTURIAUX; SANDRA BORDAS; *
DENNIS J. CCUTURIAUX; EUGENE *
V. EATON; SHANE T. EATON; *
MILDRED A. STEPHENS; CAROLYN *
J. YARGER; ROGER R. BAUMAN; *
PHYLLIS BAUMAN; KATHY *
FREEMAN; KENNETH BAUMAN III; *
KELLY LUZIER; KARA FINNEY; *
BERNICE BAUMAN; ROBERT *
BAUMAN; LYNETTE BAUMAN; *
LORRAINE Y. BAUMAN; *
ELIZABETH BAUMAN; BRYAN *
BAUMAN; JENNIFER WALK; ROSE *
M. BAUMAN; ELIZABETH STRAW; *
DONNA MAE HARRIS; PATRICK *
DEAN DICKSON; GAYLON DICKSON; *
DEBRA SHIMMEL; TINA MCQUILLEN; *
BRENDA CLINTON; GARY E. MARTY; *
LINDA JACKSON; *

No. 07-1577-CD

TYPE OF CASE:
Civil Action-Equity

TYPE OF PLEADING:
Acceptance of Service

FILED OF BEHALF OF:
Defendant

COUNSEL OF RECORD FOR
THIS PARTY:

James A. Naddeo, Esquire
NADDEO & LEWIS, LLC
207 East Market Street
Clearfield, PA 16830
814-765-1601

DANIEL CLAYTON HUSTED,
an individual,

Defendant

FILED
04/05/2008
MAR 1 2008
WM

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 13 2008

William A Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

GARY K. OWENS; GLENDA GUYER;	*	
GAIL WILKS; SUSAN NEIL; TERESA	*	
HAYDEN; LAURIE VALDISERRI;	*	
PATRICK E. COUTURIAUX; RONALD	*	CLEARFIELD COUNTY,
N. COUTURIAUX; SANDRA BORDAS;	*	PENNSYLVANIA
DENNIS J. COUTURIAUX; EUGENE	*	
V. EATON; SHANE T. EATON;	*	
MILDRED A. STEPHENS; CAROLYN	*	No. 07-1577-CD
J. YARGER; ROGER R. BAUMAN;	*	
PHYLLIS BAUMAN; KATHY	*	
FREEMAN; KENNETH BAUMAN III;	*	
KELLY LUZIER; KARA FINNEY;	*	
BERNICE BAUMAN; ROBERT	*	
BAUMAN; LYNETTE BAUMAN;	*	
LORRAINE Y. BAUMAN;	*	
ELIZABETH BAUMAN; BRYAN	*	
BAUMAN; JENNIFER WALK; ROSE	*	
M. BAUMAN; ELIZABETH STRAW;	*	
DONNA MAE HARRIS; PATRICK	*	
DEAN DICKSON; GAYLON DICKSON;	*	
DEBRA SHIMMEL; TINA MCQUILLEN;	*	
BRENDA CLINTON; GARY E. MARTY;	*	
LINDA JACKSON;	*	

Plaintiffs *

VS. *

DANIEL CLAYTON HUSTED,
an individual,

Defendant *

ACCEPTANCE OF SERVICE

ACCEPTANCE OF SERVICE

Amended *against*

I, James A. Naddeo, Esquire, hereby accept service of the Complaint filed by the
Defendant.

DATE: 2/28/08



James A. Naddeo, Esquire

CA

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

GARY K. OWENS, et al, *
Plaintiffs *
vs * NO. 07-1577-CD
DANIEL CLAYTON HUSTED, *
an individual, *
Defendant *

ORDER

NOW, this 10th day of April, 2008, following discussion with counsel on the Plaintiffs' Motion to Determine Partition of Property, it is the ORDER of this Court that the property in question be subject to Partition. Hearing on the same is hereby scheduled beginning at 9:00 a.m. on Monday, July 7, 2008 in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

One half day has been allotted for this proceeding.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

04/18/08
APR 11 2008

ICC Atty: Thompson
Naddeo
William A. Shaw
Prothonotary/Clerk of Courts

ICC Def. Chester Husted
56 Victory Lane
West Decatur, PA
16878

ICC Winona Eckley
323 10th St.
Philipsburg, PA 16870

(GIO)

DATE: 4/11/08

 You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other
 ChtuSted, Esq. Defendant(s) Defendant(s) Attorney

 Special Instructions:

Probationary/Clerk of Courts
William A. Shew

APR 11 2008

FILED

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01233PN
JUL 10 2008

ICC Attnys:

Thompson
Naddeo

UP.

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

GARY K. OWENS, ET AL

}

VS

} NO. 07-1577-CD

DANIEL CLAYTON HUSTED

}

ICC C. Husted
William A. Shaw
Prothonotary/Clerk of Courts
ICC W. Eckley
323 10th St.
Philipsburg, PA 16866

60

ORDER

NOW, this 7th day of July, 2008, this being the date set for hearing relative partition of the property subject to the above-captioned action, counsel for the Plaintiffs and Defendants being present, upon agreement of the parties and counsel, it is the ORDER of this Court as follows:

1. The Court finds that pursuant to Rule 1563 that the property is incapable of proportionate distribution among the parties without prejudice;

2. The parties have arranged to sell the property to a third party being David Abler and Cathy Cassab wherein they will purchase the entire property and convey a certain agreed upon portion back to the Defendants;

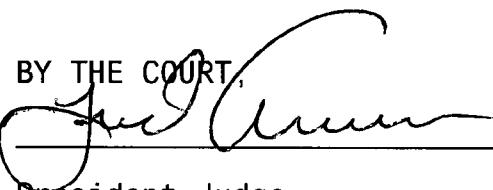
3. That the third parties are represented by Attorney R. Denning Gearhart, Esquire. It is the ORDER of this Court that the closing and sale to David Abler and Cathy Cassab take place within no more than Sixty (60) Days from this date;

4. In the event that the closing does not take place within the said Sixty (60) Days, then any agreements to sell the property to the said third parties shall be canceled

and the parties are to proceed to a private sale pursuant to the Rules;

5. In the event that private sale does not result in resolution of the partition action, the parties may then proceed to a public sale in conformance of the Rules of Civil Procedure.

BY THE COURT,


President Judge

FILED

JUL 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/10/08

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
C
 Defendant(s) Defendant(s) Attorney

Special Instructions: