

207-2020-CD

Samuel Serian vs Ellen Luzier

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

SAMUEL J. SERIAN,

Plaintiff,

vs.

ELLEN LUZIER, her heirs, successors and  
assigns,

Defendant

2007-2020-00  
) Case No.: - 2007 C.D.  
)  
) Type of Case: CIVIL  
)  
) Type of Pleading: COMPLAINT IN ACTION  
) TO QUIET TITLE  
)  
) Filed on behalf of: Plaintiff  
)  
) Counsel of Record for this Party:  
) J. Kipp Lukehart  
) PA I.D. 05865  
) LUKEHART & LUNDY  
) 219 East Union Street  
) PO Box 74  
) Punxsutawney, PA 15767  
) (814) 938-8110  
)  
)  
)

FILED 12/20/07  
m/11/10/07  
William A. Shaw  
Prothonotary/Clerk of Courts  
3 CEN to Att

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

SAMUEL J. SERIAN,

Plaintiff,

vs.

ELLEN LUZIER, her heirs, successors and  
assigns,

Defendant

Case No.: - 2007 C.D.

**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 the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim in the complaint or for any other claim or relief requested by the plaintiff.

**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 OBTAIN LEGAL HELP.**

Clearfield County Prothonotary  
CLEARFIELD COUNTY COURTHOUSE  
One North Second Street  
Clearfield, PA 16830  
814-765-2641

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

SAMUEL J. SERIAN,

Plaintiff,

vs.

ELLEN LUZIER, her heirs, successors and  
assigns,

Defendant

Case No.: - 2007 C.D.

**COMPLAINT IN ACTION TO QUIET TITLE**

AND NOW, comes the Plaintiff, Samuel J. Serian, by and through its attorneys, Lukehart & Lundy, with the following Complaint in Action to Quiet Title, pursuant to Rule 1061 of the Pennsylvania Rules of Civil Procedure:

1. Plaintiff, Samuel J. Serian, is an adult individual who resides at 94 Lower Clinton Street, Rossiter, Indiana County, Pennsylvania 15772.

2. The Defendant, Ellen Luzier, is an individual of full age, sui juris whose last known address was 180 Buchanan Street, New Millport, Pennsylvania 16861.

3. Plaintiff acquired title to parcel number 122-I13-10, consisting of a house and forty-four (44) acres, more or less located in Knox Township, Clearfield County, Pennsylvania, by Deed dated November 6<sup>th</sup>, 2006 from the Tax Claim Bureau of Clearfield County. Said Deed recorded at Instrument Number 2006-19801.

4. By prior deeds of record the property is more particularly described as follows:

All that certain lot or parcel of land situate in Knox Township, Clearfield County, Pennsylvania, bounded as follows:

ON the northwest by land formerly of Central Moshannon Coal Compnay, now of J. Howard Smith; On the southwest of lands formerly of Central Moshannon Coal Company, now of J. Howard Smith; and On the east by Highway Route No. T-436, Being a triangular parcel containing forty-four (44) acres, more or less, according to the

Clearfield County Mapping Records and being part of a tract of 70 acres, more or less, which Diamone "T" Stripmining Corporation by deed dated September 17, 1959, granted and conveyed the same to George Malinky and Beulah Malinky. The said George and Beulah Malinky conveyed, using the same description, to Jerome F. Summerly by Deed dated September 26, 1959 recorded in Deed Book 478, Page 165, reciting 70 acres but by that time the property had been reduced to approximately 44 acres by conveyances out of the parcels. Having no improvements thereon.

5. The subject property was conveyed by Deed dated July 7, 1992 from Howard Luzier, Sr. to Ellen Luzier, an individual, said Deed recorded in the Records' Office of Clearfield County in Volume 1472 at Page 182.

6. The property was thereafter sold at public sale conducted by the Tax Claim Bureau of Clearfield County on September 15<sup>th</sup>, 2006 to the Plaintiff for the unpaid 2004 real estate taxes assessed to the Defendant herein, Ellen Luzier, said sale confirmed by the Court of Common Pleas of Clearfield County, Pennsylvania at Case Number 2006-1566 C.D.

7. Notice of the delinquent status of the Real Estate Taxes and pending sale for non payment of said Real Estate taxes were sent by Registered Mail by the Tax Claim Bureau of Clearfield County to Ellen Luzier at 180 Buchanan Street, New Millport, Pennsylvania 16861 as follows, attached as Exhibit "A":

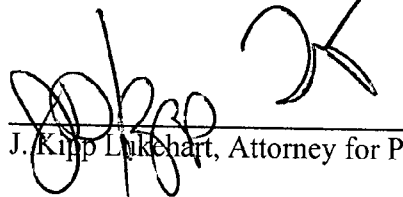
- A. Notice dated June 13, 2005, sent by registered mail and received by one Raymond Shirey on July 12<sup>th</sup>, 2005.
- B. Notice sent April 7<sup>th</sup>, 2006 by registered mail was not served upon Ellen Luzier despite attempted deliveries on April 7, 2006, April 12, 2006 and April 22, 2006.
- C. Registered mailing sent June 7<sup>th</sup>, 2006 was returned by the Postal Office marked "attempted not known".
- D. Registered mailing Notice sent August 28<sup>th</sup>, 2006 was returned "not deliverable as addressed, unable to forward".

8. Tax sales in general create a cloud on title because of questions of sufficient Notice of the pending tax sale which cloud on Title affects the Plaintiff's ownership and furthermore his ability to transfer or sell the property.

WHEREFORE, Plaintiff prays your Honorable Court as follows:

1. That Defendant be compelled under Pennsylvania Rule of Civil Procedure No. 1061 (b)(1) to commence an action of ejectment against the Plaintiff.
2. The Defendant pursuant to Pennsylvania Rule of Civil Procedure 1061(b)(3) admits the validity of the Tax Sale of the premises to the Plaintiff.
3. That an Order be issued barring the Defendant, her successors and assigns or any and all other persons from asserting any right, lien, title or interest inconsistent with the interest of the Plaintiff and from impeaching, denying or in any way attacking the Plaintiff's Title to the property and from issuing or maintaining any action attacking the Plaintiff's Title.

Respectfully submitted,

  
\_\_\_\_\_  
J. Kipp Lukehart, Attorney for Plaintiff

### VERIFICATION

I, Samuel J. Serian, verify that the statements made in the foregoing Complaint in Action to Quiet Title are true and correct to the best of my knowledge of information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

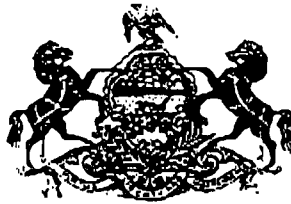
12/7/07  
Date

Samuel J. Serian  
Samuel J. Serian

# Clearfield County Tax Claim Bureau - NOTICE OF RETURN AND CLAIM

\*-FILE COPY-\*

Date: June 13, 2005



4386

Claim # 2004-006440

Control # 122086366

Map# 113-000-00010

Property Description

H & 44 A SURF

Owner Or Reputed Owner

LUZIER, ELLEN

180 BUCHANAN ST

NEW MILLPORT PA 16861

Delinquent 2004 Real Estate Tax

Address all communication in connection with claim and make all checks or money orders payable to:

Clearfield County Tax Claim Bureau

230 East Market Street

Clearfield PA 16830-2425

Business Hours: 8:30 AM to 4:00 PM Monday thru Friday Phone (814) 765-2641

Notice is hereby given that the property above described has been returned to the Tax Claim Bureau of Clearfield County for non-payment of taxes and a claim has been entered under the provisions of Act No. 1947 P.L. 1368, as amended. If payment of these taxes is not made to the Tax Claim Bureau on or before **12/31/2005** and no exception is filed the claim will become absolute.

On **07/01/2005** a one (1) year period for discharge of tax claim shall commence or has commenced to run and if payment of taxes is not made during that period as provided by Act No. 1947, P.L. 1368, as amended, the property shall be advertised and exposed for sale under provisions of said act and there shall be no redemption after the actual sale.

Taxes Returned to Tax Claim Bureau	01/15/2005	County	\$179.52
		Municipal	\$20.06
		School	\$718.08
		Total	\$917.66

TOTAL DELINQUENCY IF PAID BY April 29, 2005

**\$1,073.43**

CALL FOR EXACT AMOUNT DUE.

APPROXIMATE INTEREST ADDED FIRST

DAY OF EACH MONTH = \$6.88

Any check returned unpaid by your bank will be subject to a twenty dollar (\$20.00) returned check fee.

PARTIAL PAYMENTS ARE ACCEPTED.

Eligible property owners may apply for an extension of time for payment of delinquent taxes by entering into an "AGREEMENT TO

2. Article Number *7109 2806 6600 0025 5184* *Article required to begin. Inquire at Tax Claim Bureau for details.*

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

*7-12-05*

C. Signature

*x Raymond Shing*

Agent

Addressed

Yes

No

D. Is delivery address different from item 1? ☒ Yes ☐ No

If YES, enter delivery address below:

THE TAX CLAIM, YOUR PROPERTY  
PARTY MAY BE SOLD FOR A SMALL  
12/31/2005 YOUR PROPERTY  
MORE THE ACTUAL SALE DATE  
SUCH SALE. IF YOU HAVE ANY  
Y OR THE COUNTY LAWYER

IS FOR INFORMATION ONLY.

3. Service Type

**CERTIFIED MAIL**

1. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

5519

LUZIER, ELLEN

180 BUCHANAN ST

NEW MILLPORT PA 16861

Claim # 2004-006440

Form 2014 1.

EXHIBIT

A



# Clearfield County Tax Claim Bureau - NOTICE OF RETURN AND CLAIM

\*-FILE COPY-\*

Date: April 7, 2006

4211



Claim # 2005-006322

Control # 122086366

Map# 113-000-00010

Property Description

X & 14 A SURF

## Owner Or Reputed Owner

LUZIER, ELLEN

180 BUCHANAN ST

NEW MILLPORT PA 16861

## Delinquent 2005 Real Estate Tax

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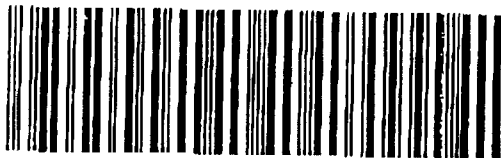
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Taxes Returned to Tax Claim Bureau	01/15/2006	County	\$179.52
		Municipal	\$20.06
		School	\$813.12
		Total	\$1,012.70

TOTAL DELINQUENCY IF PAID BY April 28, 2006

**CERTIFIED MAIL**

CLEARFIELD COUNTY  
TAX CLAIM BUREAU  
230 E. MARKET STREET  
CLEARFIELD, PA 16830-2425



7109 2806 6600 0045 4877

RETURN RECEIPT REQUESTED

FIRST CLASS MAIL  
U.S. POSTAGE-  
FEES PAID  
HYDE, PA  
PERMIT NO. 8

LUZIER, ELLEN  
180 BUCHANAN ST  
NEW MILLPORT PA 16861

5487

4-7  
4-12  
4-22

☐ A ☐ INSUFFICIENT ADDRESS  
☐ C ☐ ATTEMPTED NOT KNOWN ☐ OTHER  
☐ S ☐ NO SUCH NUMBER/ STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
- UNABLE TO FORWARD

**RT**  
RETURN TO SEND

# Clearfield County Tax Claim Bureau - NOTICE OF PUBLIC TAX SALE

Date: June 7, 2006

2464

Owner Or Reputed Owner  
LUZIER, ELLEN  
180 BUCHANAN ST  
NEW MILLPORT PA 16861



Claim # 2004-006440

Control # 122086366

Map# 113-000-00010

Property Description

H & 44 A SURF

Delinquent 2004 Real Estate Tax

**File Copy**

## WARNING

YOUR PROPERTY IS ABOUT TO BE SOLD WITHOUT YOUR CONSENT FOR DELINQUENT TAXES. YOUR PROPERTY MAY BE SOLD FOR A SMALL FRACTION OF ITS FAIR MARKET VALUE. IF YOU HAVE ANY QUESTIONS AS TO WHAT YOU MUST DO IN ORDER TO SAVE YOUR PROPERTY, PLEASE CALL YOUR ATTORNEY, THE TAX CLAIM BUREAU AT THE FOLLOWING TELEPHONE NUMBER: (814)-765-2641 OR THE COUNTY LAWYER REFERRAL SERVICE.

TO: All owners of property described in this notice, and all persons having tax liens and judgements or municipal claims against such properties. Notice is hereby given by the Tax Claim Bureau in and for the County of Clearfield under and by the authority of the provisions of the Act of 1947, P.L. 1368, known as "Real Estate Tax Law", as amended, that the said BUREAU will expose at public sale at the CAST Building, 112 East Locust Street, Clearfield, Pennsylvania, at 10:00 AM on September 15, 2006 or any day to which the sale may be adjourned, re-adjourned or continued, for the purpose of collecting unpaid taxes, municipal

**CERTIFIED MAIL**

CLEARFIELD COUNTY  
TAX CLAIM BUREAU  
230 E MARKET STREET  
CLEARFIELD, PA 16830-2425



7109 2806 6600 0042 4641

**RESTRICTED DELIVERY**

**RETURN RECEIPT REQUESTED**

FIRST CLASS MAIL  
U.S. POSTAGE-FEES PAID  
HYDE, PA  
PERMIT NO 8

LUZIER, ELLEN  
180 BUCHANAN ST  
NEW MILLPORT PA 16861

2464

b/s

☐ A ☐ INSUFFICIENT ADDRESS  
☒ C ☐ ATTEMPTED NOT KNOWN  
☐ NO SUCH NUMBER/ STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
☐ OTHER  
S - UNABLE TO FORWARD

**RTS**  
RETURN TO SENDER

REMOVE FROM MAILING LIST



# Clearfield County Tax Claim Bureau - 10 DAY NOTICE OF PUBLIC TAX SALE

Date: August 28, 2006

## FILE COPY

Owner Or Reputed Owner

LUZIER, ELLEN

180 BUCHANAN ST

NEW MILLPORT PA 16861

Claim # 2004-006440

Control # 122086366

Map# 113-000-00010

Property Description

H & 44 A SURF

Delinquent 2004 Real Estate Tax

## WARNING

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230 EAST MARKET STREET  
CLEARFIELD, PA 16830-2425

U.S. POSTAGE  
PAID 1 OZ.  
HYDE, PA  
PERMIT NO. 8

855

LUZIER, ELLEN  
180 BUCHANAN ST  
NEW MILLPORT PA 16861

☐ A ☐ INSUFFICIENT ADDRESS  
☐ C ☐ ATTEMPTED NOT KNOWN  
☐ S ☐ NO SUCH NUMBER/ STREET  
☒ X ☐ NOT DELIVERABLE AS ADDRESSED  
☐ OTHER  
☐ UNABLE TO FORWARD

**RI**  
RETURN TO SENDER

16861-2448-38 0004  
16861-2448-38 0004



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

Service # 1 of 1 Services

Sheriff Docket # **103562**

SAMUEL J. SERIAN

Case # 07-2020-CD

vs.

ELLEN LUZIER, her heirs, successors & assigns

TYPE OF SERVICE COMPLAINT ACTION TO QUIET TITLE

## SHERIFF RETURNS

013:12/11  
William A. Shaw  
Prothonotary/Clerk of Courts

NOW April 21, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT ACTION TO QUIET TITLE "NOT FOUND" AS TO ELLEN LUZIER, HER HEIRS, SUCCESSORS & ASSIGNS, DEFENDANT. NO SUCH ADDRESS, DEFT. UNKNOWN @ POST OFFICE.

SERVED BY: /

### Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	LUKEHART	22752	10.00
SHERIFF HAWKINS	LUKEHART	22752	27.02

Sworn to Before me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

\_\_\_\_\_

So Answers,

  
Chester A. Hawkins  
Sheriff

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

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

DEC 12 2007

SAMUEL J. SERIAN,

Plaintiff,

vs.

ELLEN LUZIER, her heirs, successors and  
assigns,

Defendant

Attest.

2007-2020-CO

*W. Lukehart*  
Prothonotary/  
Clerk of Courts

) Case No.: - 2007 C.D.  
)  
) Type of Case: CIVIL  
)  
) Type of Pleading: COMPLAINT IN ACTION  
) TO QUIET TITLE  
)  
) Filed on behalf of: Plaintiff  
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) Counsel of Record for this Party:  
) J. Kipp Lukehart  
) PA I.D. 05865  
) LUKEHART & LUNDY  
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Clearfield County Prothonotary  
CLEARFIELD COUNTY COURTHOUSE  
One North Second Street  
Clearfield, PA 16830  
814-765-2641

ON the northwest by land formerly of Central Moshannon Coal Compnay, now of J. Howard Smith; On the southwest of lands formerly of Central Moshannon Coal Company, now of J. Howard Smith; and On the east by Highway Route No. T-436, Being a triangular parcel containing forty-four (44) acres, more or less, according to the

Clearfield County Mapping Records and being part of a tract of 70 acres, more or less, which Diamone "T" Stripmining Corporation by deed dated September 17, 1959, granted and conveyed the same to George Malinky and Beulah Malinky. The said George and Beulah Malinky conveyed, using the same description, to Jerome F. Summerly by Deed dated September 26, 1959 recorded in Deed Book 478, Page 165, reciting 70 acres but by that time the property had been reduced to approximately 44 acres by conveyances out of the parcels. Having no improvements thereon.

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3. That an Order be issued barring the Defendant, her successors and assigns or any and all other persons from asserting any right, lien, title or interest inconsistent with the interest of the Plaintiff and from impeaching, denying or in any way attacking the Plaintiff's Title to the property and from issuing or maintaining any action attacking the Plaintiff's Title.

Respectfully submitted,



---

J. Kipp Lukehart, Attorney for Plaintiff

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I, Samuel J. Serian, verify that the statements made in the foregoing Complaint in Action to Quiet Title are true and correct to the best of my knowledge of information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

12/7/07  
Date

Samuel J. Serian  
Samuel J. Serian

# Clearfield County Tax Claim Bureau - NOTICE OF RETURN AND CLAIM

\*-FILE COPY-\*

Date: June 13, 2005

4386



Claim # 2004-006440

Control # 122086366

Map# I13-000-00010

Property Description

K & 44 N SURF

Owner Or Reputed Owner  
LUZIER, ELLEN  
180 BUCHANAN ST  
NEW MILLPORT PA 16861

Delinquent 2004 Real Estate Tax

Address all communication in connection with claim and make all checks or money orders payable to: Clearfield County Tax Claim Bureau  
230 East Market Street  
Clearfield PA 16830-2425

Business Hours: 8:30 AM to 4:00 PM Monday thru Friday Phone (814) 765-2641

Notice is hereby given that the property above described has been returned to the Tax Claim Bureau of Clearfield County for non-payment of taxes and a claim has been entered under the provisions of Act No. 1947 P.L. 1368, as amended. If payment of these taxes is not made to the Tax Claim Bureau on or before 12/31/2005 and no exception is filed the claim will become absolute.

On 07/01/2005 a one (1) year period for discharge of tax claim shall commence or has commenced to run and if payment of taxes is not made during that period as provided by Act No. 1947, P.L. 1368, as amended, the property shall be advertised and exposed for sale under provisions of said act and there shall be no redemption after the actual sale.

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		Municipal	\$20.06
		School	\$718.08
		Total	\$917.66

TOTAL DELINQUENCY IF PAID BY April 29, 2005

**\$1,073.43**  
CALL FOR EXACT AMOUNT DUE.  
APPROXIMATE INTEREST ADDED FIRST  
DAY OF EACH MONTH = \$6.88

Any check returned unpaid by your bank will be subject to a twenty dollar (\$20.00) returned check fee.  
PARTIAL PAYMENTS ARE ACCEPTED.

Eligible property owners may apply for an extension of time for payment of delinquent taxes by entering into an "AGREEMENT TO

2. Article Number 7109 2806 6600 0025 5184

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

7-12-05

C. Signature

x *Raymond Shing*

D. Is delivery address different from Item 1? If YES, enter delivery address below:

Agent Addressed ☐ Yes ☒ No

THE TAX CLAIM, YOUR PROPERTY  
MAY BE SOLD FOR A SMALL  
12/31/2005 YOUR PROPERTY  
BEFORE THE ACTUAL SALE DATE  
SUCH SALE. IF YOU HAVE ANY  
OR THE COUNTY LAWYER

3. Service Type **CERTIFIED MAIL**

1. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

1. Article Addressed to:

5519

LUZIER, ELLEN  
180 BUCHANAN ST  
NEW MILLPORT PA 16861

THIS IS FOR INFORMATION ONLY.

Claim # 2004-006440

EXHIBIT

A

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**\*-FILE COPY-\***

Date: April 7, 2006

4211



Claim # 2005-006322

Control # 122086366

Map# 113-000-00010

Property Description

H & 44 A SURF

**Owner Or Reputed Owner**

LUZIER, ELLEN

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NEW MILLPORT PA 16861

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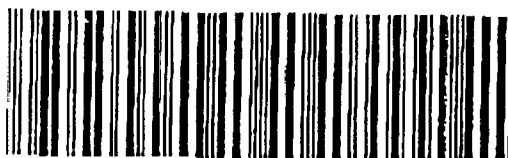
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TOTAL DELINQUENCY IF PAID BY April 28, 2006

**CERTIFIED MAIL**

CLEARFIELD COUNTY  
TAX CLAIM BUREAU  
230 E. MARKET STREET  
CLEARFIELD, PA 16830-2425



7109 2806 6600 0045 4877

**RETURN RECEIPT REQUESTED**

FIRST CLASS MAIL  
U.S. POSTAGE-  
FEES PAID  
HYDE, PA  
PERMIT NO. 8

LUZIER, ELLEN  
180 BUCHANAN ST  
NEW MILLPORT PA 16861

5487

4-7  
4-12  
4-22



☐ INSUFFICIENT ADDRESS  
☐ ATTEMPTED NOT KNOWN  
☐ NO SUCH NUMBER/ STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
☐ UNABLE TO FORWARD

☒ OTHER

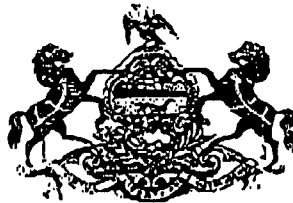
**RT**  
RETURN TO SEND

# Clearfield County Tax Claim Bureau - NOTICE OF PUBLIC TAX SALE

Date: June 7, 2006

2464

Owner Or Reputed Owner  
LUZIER, ELLEN  
180 BUCHANAN ST  
NEW MILLPORT PA 16861



Claim # 2004-006440  
Control # 122086366  
Map# I13-000-00010  
Property Description  
H & 44 A SURF

Delinquent 2004 Real Estate Tax

File Copy

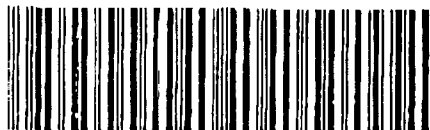
## WARNING

YOUR PROPERTY IS ABOUT TO BE SOLD WITHOUT YOUR CONSENT FOR DELINQUENT TAXES. YOUR PROPERTY MAY BE SOLD FOR A SMALL FRACTION OF IT'S FAIR MARKET VALUE. IF YOU HAVE ANY QUESTIONS AS TO WHAT YOU MUST DO IN ORDER TO SAVE YOUR PROPERTY, PLEASE CALL YOUR ATTORNEY, THE TAX CLAIM BUREAU AT THE FOLLOWING TELEPHONE NUMBER: (814)-765-2641 OR THE COUNTY LAWYER REFERRAL SERVICE.

TO: All owners of property described in this notice, and all persons having tax liens and judgements or municipal claims against such properties. Notice is hereby given by the Tax Claim Bureau in and for the County of Clearfield under and by the authority of the provisions of the Act of 1947, P.L. 1368, known as "Real Estate Tax Law", as amended, that the said BUREAU will expose at public sale at the CAST Building, 112 East Locust Street, Clearfield, Pennsylvania, at 10:00 AM on September 15, 2006 or any day to which the sale may be adjourned, re-adjourned or continued, for the purpose of collecting unpaid taxes, municipal

**CERTIFIED MAIL**

CLEARFIELD COUNTY  
TAX CLAIM BUREAU  
730 E MARKET STREET  
CLEARFIELD, PA 16830-2425



7109 2806 6600 0042 4641

**RESTRICTED DELIVERY**

**RETURN RECEIPT REQUESTED**

FIRST CLASS MAIL  
U.S. POSTAGE-FEES PAID  
HYDE, PA  
PERMIT NO 8

LUZIER, ELLEN  
180 BUCHANAN ST  
NEW MILLPORT PA 16861

2464

6/8

☐ A ☐ INSUFFICIENT ADDRESS  
☒ C ☒ ATTEMPTED NOT KNOWN  
☐ S ☐ NO SUCH NUMBER/ STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
☐ OTHER  
- UNABLE TO FORWARD

**RTS**  
RETURN TO SENDER

REMOVED FROM FILE 2004



**Clearfield County Tax Claim Bureau - 10 DAY NOTICE OF PUBLIC TAX SALE**

Date: August 28, 2006

**FILE COPY**

Owner Or Reputed Owner

LUZIER, ELLEN

180 BUCHANAN ST

NEW MILLPORT PA 16861

Claim # 2004-006440

Control # 122086366

Map# 113-000-00010

Property Description

H & 44 A SURF

Delinquent 2004 Real Estate Tax

**WARNING**

YOUR PROPERTY IS ABOUT TO BE SOLD WITHOUT YOUR CONSENT FOR DELINQUENT TAXES. YOUR PROPERTY MAY BE SOLD FOR A SMALL FRACTION OF ITS FAIR MARKET VALUE. IF YOU HAVE ANY QUESTIONS AS TO WHAT YOU MUST DO IN ORDER TO SAVE YOUR PROPERTY, PLEASE CALL YOUR ATTORNEY, THE TAX CLAIM BUREAU AT THE FOLLOWING TELEPHONE NUMBER: (814)-765-2641 ext. 5998 OR THE COUNTY LAWYER REFERRAL SERVICE.

TO: All owners of property described in this notice, and all persons having tax liens and judgements or municipal claims against such properties. Notice is hereby given by the Tax Claim Bureau in and for the County of Clearfield under and by the authority of the provisions of the Act of 1947, P.L. 1368, known as "Real Estate Tax Law", as amended, that the said BUREAU will expose at public sale at the CAST Building, 112 East Locust Street, Clearfield, Pennsylvania, at 10:00 AM on September 15, 2006 or any day to which the sale may be adjourned, re-adjourned or continued, for the purpose of collecting unpaid taxes, municipal claims and all costs incident thereto, the above described real estate for at least the upset price in the amount herein approximately set forth. The sale of this property may, at the option of the Bureau, be stayed in the owner thereof or any lien creditors of the owner, on or before the sale date, enters into an agreement with the BUREAU to pay the taxes and costs owing on said property in the manner provided by said law.

230 EAST MARKET STREET  
CLEARFIELD, PA 16830-2425

U.S. POSTAGE  
PAID 1 OZ.  
HYDE, PA  
PERMIT NO. 8

855

LUZIER, ELLEN  
180 BUCHANAN ST  
NEW MILLPORT PA 16861

☐ A ☐ INSUFFICIENT ADDRESS  
☐ C ☐ ATTEMPTED NOT KNOWN  
☐ S ☐ NO SUCH NUMBER/ STREET  
☒ ☐ NOT DELIVERABLE AS ADDRESSED  
☐ OTHER  
☒ UNABLE TO FORWARD

**RI**  
RETURN TO SENDER

1686149348-80 ROBT  
1686149348-80 0004



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

SAMUEL J. SERIAN,

Plaintiff,

vs.

ELLEN LUZIER, her heirs, successors and  
assigns,

Defendant

) Case No.: 2007-2020- C.D.

)

) Type of Case: CIVIL

)

) Type of Pleading: MOTION FOR  
PUBLICATION

)

) Filed on behalf of: Plaintiff

)

) Counsel of Record for this Party:

) J. Kipp Lukehart

) PA I.D. 05865

) LUKEHART & LUNDY

) 219 East Union Street

) PO Box 74

) Punxsutawney, PA 15767

) (814) 938-8110

)

)

3cc  
m/11/27/24 Atty Lukehart  
(cc)

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

SAMUEL J. SERIAN,

Plaintiff,

vs.

ELLEN LUZIER, her heirs, successors and  
assigns,

Defendant

Case No.: 2007 -2020- C.D.

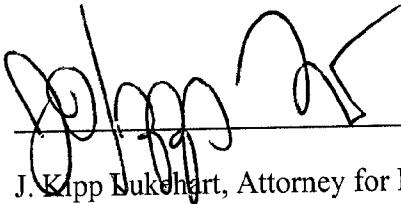
**MOTION FOR SERVICE BY PUBLICATION**

AND NOW comes the Plaintiff, SAMUEL J. SERIAN, by and through its attorney, J. Kipp Lukehart and, pursuant to Rule 430 of the Pennsylvania Rules of Civil Procedure requests your Honorable Court for leave to serve the Complaint on ELLEN LUZIER, her heirs, successors and assigns by publication, in such a manner as the Court shall direct.

Attached to this Motion for Service by Publication is an Affidavit of the Plaintiff relative to its good faith efforts to determine the whereabouts of the named Defendant, her heirs, successors and assigns.

Respectfully Submitted,

Date 4-23-08

  
\_\_\_\_\_  
J. Kipp Lukehart, Attorney for Plaintiff



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

SAMUEL J. SERIAN,

Plaintiff,

vs.

ELLEN LUZIER, her heirs, successors and  
assigns,

Defendant

Case No.: 2007 -2020- C.D.

AFFIDAVIT

I, SAMUEL J. SERIAN, Plaintiff in the above captioned action hereby, being duly sworn according to law depose and say that I have made an investigation to determine the whereabouts of the Defendant, ELLEN LUZIER, her heirs successors and assigns including the following:

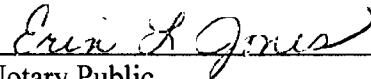
- A. Service by Clearfield County Sheriff, see attached Sheriff's return indicating "Not Found".
- B. Phone books of the vicinity of Clearfield, Pennsylvania.
- C. Internet search Ellen Luzier

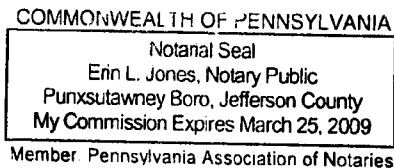
Despite the foregoing, I have not been able to locate the Defendant or her heirs, successors and assigns.

  
SAMUEL J. SERIAN

Sworn to and subscribed before me this

23<sup>rd</sup> day of April, 2008.

  
Notary Public



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

Service # 1 of 1 Services

Sheriff Docket # **103562**

SAMUEL J. SERIAN

Case # 07-2020-CD

vs.

ELLEN LUZIER, her heirs, successors & assigns

COPY

TYPE OF SERVICE COMPLAINT ACTION TO QUIET TITLE

## SHERIFF RETURNS

NOW April 21, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT ACTION TO QUIET TITLE "NOT FOUND" AS TO ELLEN LUZIER, HER HEIRS, SUCCESSORS & ASSIGNS, DEFENDANT. NO SUCH ADDRESS, DEFT. UNKNOWN @ POST OFFICE.

SERVED BY: /

### Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	LUKEHART	22752	10.00
SHERIFF HAWKINS	LUKEHART	22752	27.02

Sworn to Before me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

\_\_\_\_\_

So Answers,



Chester A. Hawkins  
Sheriff

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

SAMUEL J. SERIAN,

Plaintiff,

vs.

ELLEN LUZIER her heirs, successors and  
assigns,

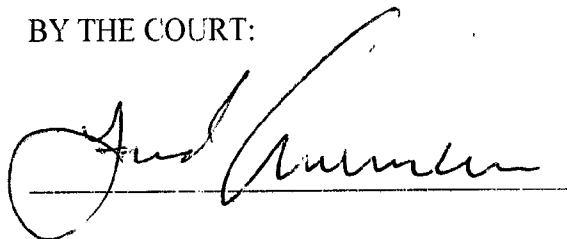
Defendants

) Case No : 2007-2020 C.D.  
)  
) Type of Case: CIVIL  
)  
) Type of Pleading: ORDER FOR  
) PUBLICATION  
)  
) Filed on behalf of: Plaintiff  
)  
) Counsel of Record for this Party:  
) J. Kipp Lukehart  
) PA ID: 05865  
) LUKEHART & LUNDY  
) 219 East Union Street  
) PO Box 74  
) Punxsutawney, PA 15767  
) (814) 938-8110  
)

ORDER FOR PUBLICATION

AND NOW, this 28<sup>th</sup> day of April, 2008 upon consideration of the foregoing Motion for Service by Publication, the Plaintiff is directed to serve the Defendant, ELLEN LUZIER, her heirs, successors and assigns by publication, once in a newspaper of general circulation published in Clearfield County, Pennsylvania and once in the Clearfield County Legal Journal said publication to direct the Defendants to answer the Complaint within twenty (20) days after publication.

BY THE COURT:



2cc  
01/31/2008  
APR 28 2008  
Atty Lukehart  
William A. Shaw  
Prothonotary/Clerk of Courts

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

SAMUEL J. SERIAN,

Plaintiff,

vs.

ELLEN LUZIER, her heirs,  
successors and assigns,

Defendant.

Case No.: 2007-2020-CD

**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA

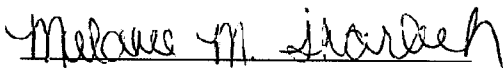
SS:

COUNTY OF JEFFERSON

Before me, the undersigned authority, personally appeared J. Kipp Lukehart, Attorney for the Plaintiff, who, being duly sworn according to law, deposes and says that he, pursuant to the Order of Court dated April 28, 2008, caused publication to be made once in the Clearfield County Legal Journal on May 23, 2008, and once in The Progress, a newspaper of general circulation published in Clearfield County, Pennsylvania, on May 17, 2008, as evidenced by the attached proofs of publication.

  
J. Kipp Lukehart, Esquire

Sworn to and subscribed before me this  
23rd day of JUNE, 2008.

  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Melanie M. Skarbask, Notary Public  
Punxsutawney Bldg. Jefferson County  
My Commission Expires Oct. 19, 2011  
Member, Pennsylvania Association of Notaries

FILED  
in 11:04am GK  
JUN 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

ICC ATTY LUKEHART  
(60)

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

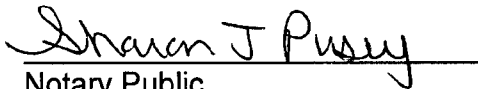
COUNTY OF CLEARFIELD :

On this 23rd day of May AD 2007, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of May 23, 2008, Vol. 20 No. 21. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire  
Editor

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



Notary Public  
My Commission Expires

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

J Kipp Lukehart  
219 E Union St  
PO Box 74  
Punxsutawney PA 15767

**NOTICE OF ACTION  
IN MORTGAGE FORECLOSURE  
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION - LAW  
NO. 07-1141-CD**

THE BANK OF NEW YORK TRUST  
COMPANY NA AS SUCCESSOR TO J P  
MORGAN CHASE BANK NA AS TRUSTEE  
vs. WILLIAM L. RAUCH, CINDY K. RAUCH

NOTICE  
TO: CINDY K. RAUCH  
"NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY"

TAKE NOTICE that the real estate located at 1 HOGBACK ROAD A/K/A 121 SCOOTER LANE, MINERAL SPRINGS, PA 16855 is scheduled to be sold at Sheriff's Sale on Friday, SEPTEMBER 5, 2008 at 10:00 A.M. CLEARFIELD County Court-house, 1 North 2nd Street, Ste. 116, Clearfield, PA 16830, to enforce the court judgment of \$67,908.76, obtained by THE BANK OF NEW YORK TRUST COMPANY NA AS SUCCESSOR TO J P MORGAN CHASE BANK NA AS TRUSTEE (the mortgagee).

ALL that certain piece or parcel of land, including improvements thereon, situate in the Township of Bradford, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a common iron pin corner of land of Gloria V. Rauch, widow of William S. Rauch; Richard A. Rowles and Colleen A. Rowles, husband and wife; and now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife; thence north forty-nine (49) degrees forty-four (44) minutes west along land now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife, one hundred forty and six-tenths (140.6) feet to an iron pin; thence north eight (8) degrees fifty-three (53) minutes east through land of Gloria V. Rauch, widow of William S. Rauch, three hundred twenty-six and four-tenths (326.4) feet to an iron pin; thence south eighty-one (81) degrees seven (7) minutes east still through land of Gloria V. Rauch, widow of William S. Rauch, one hundred twenty (120) feet to an iron pin at land of Richard A. Rowles and Colleen A. Rowles, husband and wife, thence south eight (8) degrees fifty-three (53) minutes west along land of Richard A. Rowles and Colleen A. Rowles, husband and wife, three hundred ninety-nine and six-tenths (399.6) feet to an iron pin and place of beginning CONTAINING one (1) acre.

TITLE TO SAID PREMISES IS VESTED IN William L. Rauch, by Deed from

be immediately put up and sold again at the expense and risk of the person to whom it was struck off and who in case of deficiency of such resale shall make good for the same and in no instance will the deed be presented for confirmation unless the money is actually paid to the Sheriff

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

All that certain lot or parcel of land situate in the Sandy Township, County of Clearfield and Commonwealth of Penn-

---

**NOTICE**  
**IN THE COURT OF COMMON PLEAS OF**  
**CLEARFIELD COUNTY, PENNSYLVANIA**  
CIVIL DIVISION  
Action to Quiet Title  
No. 2007-2020-CD

SAMUEL J. SERIAN, Plaintiff, vs.  
ELLEN LUZIER, her heirs, successors and  
assigns, Defendant To Ellen Luzier, her  
heirs, successors and assigns:

You are hereby notified that the above  
Plaintiff has commenced an Action to Quiet

Title against you, which you are required to  
defend.

You are required to plead to the  
Complaint within twenty (20) days after the  
service has been completed by publication.

This action concerns real property,  
described as follows, to-wit:

All that certain lot or parcel of land  
situate in Knox Township, Clearfield County,  
Pennsylvania, bounded as follows:

ON the northwest by land formerly of  
Central Moshannon Coal Company, now of  
J. Howard Smith; On the southwest of lands  
formerly of Central Moshannon Coal  
Company, now of J. Howard Smith; and On  
the east by Highway Route No. T-436, Being  
a triangular parcel containing forty-four (44)  
acres, more or less, according to the  
Clearfield County Mapping Records and  
being part of a tract of 70 acres, more or  
less, which Diamond "T" Strip Mining  
Corporation by deed dated September 17,  
1959, granted and conveyed the same to  
George Malinky and Beulah Malinky. The  
said George and Beulah Malinky conveyed,  
using the same description, to Jerome F.  
Summerly by Deed dated September 26,  
1959 recorded in Deed Book 478, Page 165,  
reciting 70 acres but by that time the  
property had been reduced to approximately  
44 acres by conveyances out of the parcels.  
Having no improvements thereon.

Further identified as Parcel Number  
122-113-10

AND BEING the same property  
conveyed to Samuel Serian by Tax Claim  
Bureau Deed on November 6, 2006,  
recorded at Instrument Number 2006 19801

If you wish to defend, you must enter a  
written appearance personally or by attorney  
and file your defenses or objections in  
writing with the Court. You are warned that if  
you fail to do so, the case may proceed  
without you and a judgment may be entered  
against you without further notice for the  
relief requested by the Plaintiff. You may  
lose money or other property or other rights  
important to you.

YOU SHOULD TAKE THIS NOTICE 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.

Clearfield County Prothonotary & Clerk  
of Courts, Clearfield County Courthouse,  
One North Second Street, Clearfield, PA  
16830, 814-765-2641.

J. Kipp Lukehart, Esq., LUKEHART &  
LUNDY, 219 East Union Street, P.O. Box  
74, Punxsutawney, PA 15767

NOTICE  
IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION  
Action to  
Quiet Title

No. 2007-2020-CD  
SAMUEL J. SERIAN, Plaintiff,  
vs.  
ELLEN LUZIER, her heirs,  
successors and assigns.  
Defendant  
To Ellen Luzier, her heirs, succes-  
sors and assigns:

You are hereby notified that the  
above Plaintiff has commenced an  
Action to Quiet Title against you,  
which you are required to defend.

You are required to plead to the  
Complaint within twenty (20) days  
after the service has been com-  
pleted by publication.

This action concerns real proper-  
ty, described as follows, to-wit:

All that certain lot or parcel of land  
situate in Knox Township, Clear-  
field County, Pennsylvania,  
bounded as follows:

ON the northwest by land formerly  
of Central Moshannon Coal Com-  
pany, now of J. Howard Smith; On  
the southwest of lands formerly of  
Central Moshannon Coal Com-  
pany, now of J. Howard Smith; and  
On the east by Highway Route No.  
T-436, Being a triangular parcel  
containing forty-four (44) acres,

more or less, according to the  
Clearfield County Mapping Re-  
cords and being part of a tract of 70  
acres, more or less, which Diamond  
"T" Strip Mining Corporation by  
deed dated September 17, 1959,  
granted and conveyed the same to  
George Malinky and Beulah Mal-  
inky. The said George and Beulah  
Malinky conveyed, using the same  
description, to Jerome F. Sum-  
merly by Deed dated September  
26, 1959 recorded in Deed Book  
478, Page 165, reciting 70 acres  
but by that time the property had  
been reduced to approximately 44  
acres by conveyances out of the  
parcels. Having no improvements  
thereon.

Further identified as Parcel Num-  
ber 122-113-10.

AND BEING the same property  
conveyed to Samuel Serian by Tax  
Claim Bureau Deed on November  
6, 2006, recorded at Instrument  
Number 2006-19801.

If you wish to defend, you must  
enter a written appearance person-  
ally or by attorney and file your de-  
fenses or objections in writing with  
the Court. You are warned that if  
you fail to do so, the case may pro-  
ceed without you and a judgment  
may be entered against you without  
further notice for the relief re-  
quested by the Plaintiff. You may  
lose money or other property or  
other rights important to you.

YOU SHOULD TAKE THIS NO-  
TICE 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.

Clearfield County  
Prothonotary & Clerk  
of Courts  
Clearfield County Courthouse  
One North Second Street  
Clearfield, PA 16830  
814-765-2641  
J. Kipp Lukehart, Esq.  
LUKEHART & LUNDY  
219 East Union Street  
P.O. Box 74  
Punxsutawney, PA 15767

5:17-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

On this 3rd day of June, A.D. 20 08,  
before me, the subscriber, a Notary Public in and for said County and  
State, personally appeared Margaret E. Krebs, who being duly sworn  
according to law, deposes and says that she is the President of The  
Progressive Publishing Company, Inc., and Associate Publisher of The  
Progress, a daily newspaper published at Clearfield, in the County of  
Clearfield and State of Pennsylvania, and established April 5, 1913, and  
that the annexed is a true copy of a notice or advertisement published in  
said publication in

the regular issues of May 17, 2008

And that the affiant is not interested in the subject matter of the notice or  
advertising, and that all of the allegations of this statement as to the time,  
place, and character of publication are true.

*Margaret E. Krebs*  
Sworn and subscribed to before me the day and year aforesaid.

*Cheryl J. Robison*  
Notary Public Clearfield, Pa.

My Commission Expires  
October 31, 2011

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Oct. 31, 2011

Member, Pennsylvania Association of Notaries



1A

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

SAMUEL J. SERIAN,

Plaintiff,

vs.

ELLEN LUZIER, her heirs,  
successors and assigns,

Defendant.

) Case No.: 2007-2020-CD  
)  
) Type of Case: CIVIL  
)  
) Type of Pleading: MOTION FOR DEFAULT  
) JUDGMENT and ORDER OF COURT  
)  
) Filed on behalf of: Plaintiff  
)  
) Counsel of Record for this Party:  
) **J. Kipp Lukehart, Esquire**  
) PA ID: 05865  
) LUKEHART & LUNDY  
) 219 East Union Street  
) PO Box 74  
) Punxsutawney, PA 15767  
) (814) 938-8110  
)

2cc Atty  
m/10:33am Lukehart  
JUL 03 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

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

SAMUEL J. SERIAN,  
Plaintiff,

vs.

ELLEN LUZIER, her heirs,  
successors and assigns,  
Defendant.

Case No.: 2007-2020-CD

**MOTION FOR DEFAULT JUDGMENT**

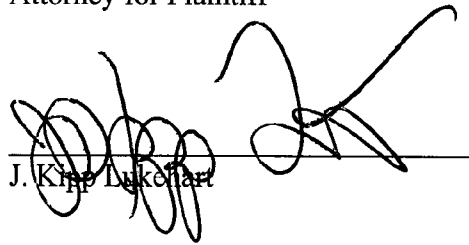
AND NOW, comes J. Kipp Lukehart, Attorney for the Plaintiff, with the following:

1. On December 12, 2007, a Complaint was filed in the above captioned matter.
2. On April 28, 2008, your Honorable Court directed that service of the Complaint be made upon the Defendant by publication once in the Clearfield County Legal Journal and once in The Progress directing the Defendant to answer the Complaint within twenty (20) days from the date of last publication.
3. Affidavit of Service was filed on June 24, 2008, for publication in the Clearfield County Legal Journal and The Progress.
4. More than twenty (20) days have elapsed since service has been made upon the Defendant by publication.
5. No pleadings have been filed by the Defendant to Plaintiff's Complaint.
6. The Plaintiff hereby requests the following:
  - a) Pursuant to the Pennsylvania Rules of Civil Procedure No. 248 to waive the twenty (20) day period prescribed by Rule 1066 (b) (1).

b) To enter the following final Order of Court:

“That the Defendant be forever barred from asserting any right, lien, title or interest in the premises, described in Exhibit “A”, inconsistent with the interest or claim of the Plaintiff as set forth in his Complaint; from impeaching, denying, or in any way attaching the Plaintiff’s title to the property; from issuing or maintaining any ejectment action for the same premises; from encumbering, mortgaging or conveying the same, or any part thereof; and specifically, to admit to the validity of the Plaintiff’s title.”

LUKEHART & LUNDY  
Attorney for Plaintiff



J. Kipp Lukehart

## EXHIBIT A

All that certain lot or parcel of land situate in Knox Township, Clearfield County, Pennsylvania, bounded as follows:

ON the northwest by land formerly of Central Moshannon Coal Company, now of J. Howard Smith; on the southwest of lands formerly of Central Moshannon Coal Company, now of J. Howard Smith; and On the east by Highway Route No. T-436, Being a triangular parcel containing 44 acres, more or less, according to the Clearfield County Mapping Records and being part of a tract of 70 acres, more or less, which Diamond "T" Strip Mining Corporation by Deed dated September 17, 1959, granted and conveyed the same to George Malinky and Beulah Malinky. The said George and Beulah Malinky conveyed, using the same description, to Jerome F. Summerly by Deed dated September 26, 1959, recorded in Deed Book 478, Page 165, reciting 70 acres, but, by that time, the property had been reduced to approximately 44 acres by conveyances out of the parcels. Having no improvements thereon.

Further identified as Parcel Number 122-I13-10.

AND BEING the same property conveyed to Samuel Serian by Tax Claim Bureau Deed on November 6, 2005, recorded at Instrument Number 2006-19801.

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

SAMUEL J. SERIAN,  
  
Plaintiff,

vs.

ELLEN LUZIER, her heirs,  
successors and assigns,  
  
Defendant.

Case No.: 2007-2020-CD

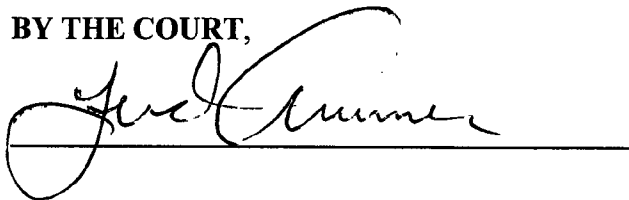
**ORDER OF COURT**

AND NOW, this 7 day of July, 2008, upon motion of J. Kipp Lukehart, Esquire, attorney for the Plaintiff, and upon submission of proofs of publication and service, it is HEREBY ORDERED AND DECREED as follows:

a) Pursuant to the Pennsylvania Rules of Civil Procedure No. 248 the twenty (20) day period prescribed by Rule 1066 (b) (1) is waived.

b) The Defendants are forever barred from asserting any right, lien, title or interest in the premises, described in Exhibit "A", inconsistent with the interest or claim of the Plaintiff as set forth in his Complaint; from impeaching, denying, or in any way attaching the Plaintiff's title to the property; from issuing or maintaining any ejectment action for the same premises; from encumbering, mortgaging or conveying the same, or any part thereof; and specifically, to admit to the validity of the Plaintiff's title.

BY THE COURT,



FILED 2cc  
014:00/BJ Amy  
JUL 07 2008 Lukehart  
William A. Shaw  
Prothonotary/Clerk of Courts (GW)

FILED

JUL 07 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/7/08

X 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

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