

08-27-CD

Wayne Kunes vs J. Gilliland et al

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

WAYNE E. KUNES,

Plaintiff,

vs.

NO. 07-_____-CD

**JOHN GILLILAND, JOSEPH GILLILAND,
GILLILAND, JAMES GILLILAND, JUDITH
(GILLILAND) CHASE, JENNIE (THOMAS)
BUCHER, CONNIE (THOMAS) HAUFE, ELINOR
McCLOSKEY, CLAUDIA McCLOSKEY, TRUSTEE*
of the David and Claudia McCloskey Trust, SUSAN
McCLOSKEY SULLIVAN, LEONA McCLOSKEY,
JACK BRENNAN, FRANK MAURER, JR.,
PIERRE C. MAURER, BASIL G. MAURER, DEAN
A. SEITZ, DEBORAH G. SEITZ, DIANE
SPINELLI KOCHER, Executrix of the Estate of
Martha Spinelli, CHARLES R. IRVIN, JAYNE I.
BROZ, CAROLYN G. IRVIN, JAMES P.
WOODFORD, SANDRA L. WOODFORD,
WILLIAM P. PETERS, MARGERY JEANNE
BASS, MARY E. LAWSON, KATHY PARKER,
ANN DUPREE, and MARY SUE DALTON**

Defendants

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against these claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641, Ext. 5982**


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiff

(b) Joseph Gilliland, an adult individual, whose last known address was 609 Ogden Avenue, Clearfield, Pennsylvania 16836;

(c) James Gilliland, an adult individual, whose last known address was 552 Buell Road, Curwensville, Pennsylvania 16833;

(d) Judith (Gilliland) Chase, an adult individual, whose last known address was Mountainview Farm, Stevensburg, Virginia 22741;

(e) Jennie (Thomas) Bucher, an adult individual, whose last known address was 215 Valley Road, Bloomsburg, Pennsylvania 17815;

(f) Connie (Thomas) Haufe, an adult individual, whose last known address was R.R. 1, Box 1138, Forksville, Pennsylvania 18616;

(g) Elinor McCloskey, an adult individual, whose address was 335 SW Skyline Drive, Pullman, Washington 99163.

(h) Claudia McCloskey, Trustee, of the David and Claudia McCloskey Trust, whose last known address was 421 Olohana Street, #1803, Honolulu, Hawaii 96815;

(i) Susan McCloskey Sullivan, an adult individual, whose last known address was Box 147, Urbana, Virginia 23175.

(j) Leona McCloskey, a widow, whose last known address was 710 Hawthorn, Anderson, Indiana 46011-2120;

(k) Jack Brennan, an adult individual, whose last known address was 33140 - 73rd Street, Burlington, Wisconsin 53105;

(l) Frank Maurer, Jr., an adult individual, whose last known address was 25344 Co. Rd. 95, Davis, California 95616;

(m) Pierre C. Maurer, an adult individual, whose last known address was 25344 Co. Rd. 95, Davis, California 95616;

(n) Basil G. Maurer, an adult individual, whose last known address was 25344 Co. Rd. 95, Davis, California 95616;

(o) Dean A. Seitz and Deborah G. Seitz, husband and wife, whose last known address was 2155 Autumn View Drive, Orlando, Florida 32825;

(p) Diane Spinelli Kocher, Executrix of the Estate of Martha Spinelli, whose last known address was 500 Filbert Street, Clearfield, PA 16830;

(q) Charles R. Irvin, an adult individual, whose last known address was 3 Harvest Green Place, The Woodlands, Texas 77382-1135;

(r) Jayne I. Broz, an adult individual, whose last known address was 49 Orchard Street, Merrimac, Massachusetts 01860;

(s) Carolyn G. Irvin, an adult individual, whose last known address was 8101 Research Forest Drive, Apt. 13106, Spring, Texas 77382;

(t) James P. Woodford, an adult individual, whose last known address was 1150 N. 5th Street, Coos Bay, Oregon 97420;

(u) Sandra L. Woodford, an adult individual, whose last known address was P.O. Box 2021, Pahoa, HI 96778;

(v) William P. Peters, an adult individual, c/o Deborah Peters, his agent, of 1015 E. Mountain View Road, Unit #2010, Scottsdale, AZ 85258.

(w) Margery Jeanne Bass, an adult individual, whose last known address was 301 W. Platt St., #223, Tampa, Florida 33606;

(x) Mary E. Lawson, an adult individual, whose last known address was P.O. Box 171752, Arlington, Texas 76003;

(y) Kathy Parker, an adult individual, whose last known address was 121 Brookside Place, Marina, CA 93933.

(z) Ann Dupree, an adult individual, whose last known address was 263 Lake Flower Avenue, Saranac, NY 12983.

(aa) Mary Sue Dalton, an adult individual, whose last known address was 5819 State Rte 30, Lake Clear, NY 12945.

COUNT - I

Premises: 75 acre parcel of land in Covington Township,
Clearfield County, Pennsylvania

3. Whereas, John Keating by Deed dated May 28, 1838, and recorded May 25, 1859, in Clearfield County in Deed Book "S" at Page 344, conveyed a parcel of land in Covington Township, Clearfield County, Pennsylvania, identified as Tax Map Parcel No. 111-Q4-11 to Sarah Smith, who married William Kunes. Said parcel being more particularly described as follows:

BEGINNING at a white oak corner situate on the south line of Warranty No. 1893 (and distant 100 perches from the south-

west corner of the said Warrant); thence North 212 perches to a white pine corner; thence East 60 perches to a post corner; thence South 212 perches to a post corner on the south line of the Warrant aforesaid; thence West along the south line of said Warrant 60 perches to the place of beginning. Containing 75 acres with the usual allowance of 6% for roads, be the same more or less.

4. The said Sarah Smith Kunes died testate on August 30, 1888, devising her real estate to her five (5) children; namely, Valentine H. Kunes, Hannah M. Peters, Sarah J. Kunes, Aquila Mary Elen Kunes and William E. Kunes, reserving unto her surviving spouse, William Kunes; however, a life estate in the above-described parcel. The said William Kunes, surviving spouse of Sarah Kunes, passed away in 1896 survived by their five (5) children, the said Valentine Hezekiah Kunes, Sarah Jane Kunes, William Edward Kunes, Aquila Mary Elen Kunes and Hannah Mary Kunes.

5. The said Valentine Hezekiah Kunes holding a twenty (20%) percent interest in the said parcel of land died in 1905 survived by his spouse, Mary Elmira (Kratzer) Kunes, and three (3) children; namely, Haskell Gordon Kunes, Mabel Goldie Kunes, and Arthur Valentine Kunes. The said Mary Elmira (Kratzer) Kunes died in 1932, survived by their three (3) children.

5(a). The said Haskell Gordon Kunes, died in 1951, survived by three (3) children; namely, Violet (Kunes) Gilliland, Anita (Kunes) Thomas and Wayne E. Kunes.

5(b). The said Violet (Kunes) Gilliland, a widow, died testate on August 21, 1996, survived by four (4) children; namely, John Gilliland, Joseph Gilliland, James Gilliland, and Judith (Gilliland) Chase, as her sole testate heirs, inheriting their mother's share averred to be 2.222% with their respective interest in the parcel of land to be .556% each, all of whom are named as Defendants herein.

5(c). The said Anita (Kunes) Thomas, a widow, died December 13, 1990, survived by her two (2) children as her sole heirs; namely, Jennie (Thomas) Bucher, and Connie (Thomas) Haufe, inheriting their mother's share averred to be 2.222% with their respective interests to be 1.111% each, both of whom are named as Defendants herein.

5(d). The said Wayne E. Kunes, a widower, Plaintiff herein, claims an interest of 2.222% in the said parcel of land inherited from his father, Haskell Gordon Kunes.

5(e). The said Mabel Goldie (Kunes) McCloskey inheriting one-third (1/3) of her father's interest in this parcel of land or 6.667% of the whole parcel died in 1965 survived by four (4) children; namely, Gordon McCloskey, Byron McCloskey, Richard McCloskey, and Lillian (McCloskey)

Brennan and the issue of her deceased daughter, Marian (McCloskey) Isaac, a widow who died in 1962, survived by a son, Adam Isaac.

5(f). The said Gordon McCloskey, a widower, died intestate in 1988 survived by one (1) daughter; namely, Elinor McCloskey, an adult individual, who as his sole surviving heir, inherited her father's share and one-fourth of her aunt Marian Isaac's share for a total of 1.667% and is named as a Defendant herein.

5(g). The said Byron McCloskey died intestate in 1988 survived by his spouse, Teresa McCloskey, and two (2) children; namely, David McCloskey and Susan McCloskey Sullivan as his sole surviving heirs. The said Teresa McCloskey died in 1991, survived by their two (2) children, who inherited their father's share of the said parcel of land averred to be 1.667%. The said David McCloskey died testate on May 7, 2003, leaving as his sole testate heir the joint living trust that he and his wife, Claudia McCloskey, had established. The said Claudia McCloskey, surviving spouse of David McCloskey, survives and is the personal representative under the Will of her late husband and trustee of the joint living trust established by the McCloskeys in 1998. Claudia McCloskey, Trustee of the David and Claudia McCloskey Trust, averred to own a .833% interest, is named as a Defendant herein. The said Susan (McCloskey) Sullivan, is believed and averred to own a .833% interest, and is named as a Defendant herein.

5(h). The said Richard McCloskey died testate August 21, 1996, in Anderson, Indiana, leaving his surviving spouse, Leona McCloskey, as his sole testate heir, who is averred to hold a 1.667% interest in the above-described parcel and is named as a Defendant herein.

5(i). The said Lillian (McCloskey) Brennan died in 1989, survived by her spouse, Ward Brennan, and one (1) son; namely, Jack Brennan, as her sole intestate heirs. The said Ward Brennan died in 1992, leaving to survive him as his sole intestate heir the said Jack Brennan, who is averred to hold a 1.667% interest in the above-described parcel and is named as a Defendant herein.

5(j). The said Adam Isaac, son of Marian (McCloskey) Isaac, is believed to have died intestate in 1989 in the state of Indiana without a spouse or any issue and his closest identifiable intestate heirs are his surviving maternal aunts and uncles and the issue of any deceased maternal aunts and uncles.

5(k). The said Arthur Valentine Kunes, also known as Arthur V. Kunes, died January 9, 1990, survived by his spouse, Helen J. Kunes, and one (1) child; namely Arthur Lee Kunes. The said Helen J. Kunes, by her agent, Arthur Lee Kunes, and Arthur Lee Kunes, individually, conveyed the interest of Arthur Valentine Kunes averred to be 6.667% in the above-described parcel to Tim Kunes by their

deed dated October 10, 1990, and recorded in Clearfield County Deed Book No. 1368, page 89, and the said Tim Kunes by his deed dated March 17, 1999, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 199904078. conveyed his 6.667% interest to Wayne E. Kunes, Plaintiff herein,

6. The said Sarah Jane (Kunes) Kratzer, a widow, holding a twenty (20%) percent interest in the said parcel of land, died testate October 10, 1938, leaving as her sole testate heirs her five (5) children; namely, Blair R. Kratzer, Olive V. Kratzer, Daisy C. Kratzer, Ida Pearl Kratzer, and Lulu E. Kratzer.

6(a). That Blair R. Kratzer and Ethel Kratzer, his wife, and Olive F. Kratzer, single, conveyed their interest averred to be a total of 8% in the Sarah (Kunes) Kratzer Estate to Daisy (Kratzer) Lambert and Lulu (Kratzer) Seitz by deed dated January 12, 1955, and recorded in Clearfield County Deed Book 441, page 56.

6(b). That Daisy C. (Kratzer) Lambert died July 11, 1977, in Cambria County, Pennsylvania, leaving to survive her one (1) daughter, Virginia (Lambert) Mattern and who, by Decree of the Cambria County Court of Common Pleas, was awarded the interest of her deceased mother in the subject property, averred to be 8%, as set forth in the exemplified copy of said Decree dated May 11, 1978, filed in the Clearfield County Office of Recorder of Deeds on January 16, 1979, in Deed Book 775, page 335. The said Virginia (Lambert) Mattern by her deed dated February 10, 1999, and recorded in the Clearfield County Recorder of Deeds Office as Instrument No. 199902958 conveyed this interest, averred to be 8%, to Frank W. Maurer, Pierre C. Maurer and Basil G. Maurer, as joint tenants with right of survivorship, who are named as Defendants herein.

6(c). The interest of the said Ida Pearl (Kratzer) Maurer, averred to be 4% was conveyed by Dorothy West, as agent of the Pearl Maurer Heirs, by deed dated August 16, 1996, and recorded in Clearfield County Deeds and Records Book 1789, page 281, to Frank W. Maurer, Jr., Pierre C. Maurer, and Basil G. Maurer, as joint tenants with right of survivorship, and named as Defendants herein.

6(d). The said Lulu E. (Kratzer) Seitz, a widow, by her deed dated October 28, 1964, and recorded in Clearfield County Deed Book 511, page 443 conveyed her interest, averred to be 8% to Donald Alan Seitz. The said Donald Alan Seitz, a widower, by his deed dated May 23, 2005, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 200507770 conveyed the

interest that he had acquired from Lulu K. Seitz, averred to be 8% to Dean A. Seitz and Deborah G. Seitz, who are named as Defendants herein.

7. The said William Edward Kunes, holding a twenty (20%) percent interest in the said parcel of land, passed away in 1933 survived by one (1) child; namely, Inez E. (Kunes) Thrasher, who by her deed dated March 24, 1955, recorded March 29, 1955, in Deed Book 441, page 367, conveyed this interest believed and averred to be 20% to Wayne E. Kunes, Plaintiff herein.

8. The said Aquila Mary Elen (Kunes) McNaul, also known as Ella (Kunes) McNaul, a widow, holding a twenty (20%) percent interest in the said parcel of land, passed away in 1941 survived by three (3) children; namely, Wava (McNaul) Johnson, Willard Cornelius McNaul, also known as Willard C. McNaul, and Verryll (McNaul) Reid, also known as Verryll (McNaul) Irvin.

8(a). The said Wava (McNaul) Johnson died testate January 29, 1972, survived by one (1) child; namely, Robert M. Johnson. The said Robert M. Johnson died testate October 8, 1975, leaving his surviving spouse, Selma A. Johnson, as his residuary testate heir which included his interest in the above-described parcel, believed and averred to be 6.667%. The interest of Selma A. Johnson, whose last known address was Bloomfield Hills, Michigan, was sold by the Clearfield County Tax Claim Bureau as the property of Ella McNaul by its deed dated December 1, 1999, and recorded in Clearfield County Recorder's Office as Instrument No. 199919718 to Wayne E. Kunes, Plaintiff herein.

8(b). The said Willard Cornelius McNaul, also known as Willard C. McNaul, died testate May 30, 1968, leaving his surviving spouse, Beatrice McNaul, and their two (2) children, Martha Jane Spinelli and Ai Allen McNaul as his sole testate heirs. The said Beatrice McNaul, widow of Willard C. McNaul, died testate November 27, 1970, leaving their children, Martha Jane Spinelli and Ai Allen McNaul as her sole testate heirs. The said Ai Allen McNaul, also known as Allen A. McNaul and Margaret C. McNaul, his wife, conveyed his interest, averred to be 3.333% in the above-described parcel to Martha Jane Spinelli by their deed dated October 28, 2002, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 200217931. Martha Jane Spinelli died testate on September 4, 2007, with her Will filed for probate in Clearfield County as Estate No. 1707-507, and appointing her daughter, Diane Spinelli Kocher as Executrix. It is believed and averred that the interest of the Estate of Martha Jane Spinelli in the subject parcel of land is 6.667% and as such is named as a Defendant herein.

8(c). The said Verryl (McNaul) Reid, formerly known as Verryl (McNaul) Irvin, died June 13, 1962, leaving her surviving spouse, James R. Reid, and one (1) child; namely, Charles A. Irvin, as her

sole intestate heirs. The said James R. Reid died November 3, 1966, leaving Charles A. Irvin, as the sole heir of his mother's interest, averred to be 6.667%. The said Charles A. Irvin died testate on January 4, 2005, in East Greenwich, Rhode Island, names his three (3) children; namely, Charles R. Irvin, Jayne I. Broz and Carolyn G. Irvin, as his residuary heirs, with an exemplified copy of his Last Will and Testament filed in Clearfield County as Instrument Number 200520624. It is believed and averred that their respective interests are 2.222% each, and all of who are named as Defendants herein.

9. The said Hannah Mary (Kunes) Peters, holding a twenty (20%) percent interest in the said parcel of land, died in January, 1922, survived by five (5) children; namely Agatha Viola Peters, William Harrison Peters, Walter Melanchthon Peters, Gladys Ruth Peters, and Maude Estella Peters.

9(a). The said Agatha Viola Peters, an unmarried individual, died October 20, 1935, intestate and without issue, leaving to survive her were her sisters and the issue of her deceased brothers as her sole intestate heirs.

9(b). The said William Harrison Peters died August 7, 1932, survived by his spouse, Cora Peters, and a son, William H. Woodford. The said Cora Peters died in December 28, 1984, without any issue or known intestate heirs. The said William H. Woodford died in or about 1992, and is survived by his two (2) children, namely, James P. Woodford and Sandra L. Woodford, as his sole intestate heirs, and it is believed and averred that their interest is 2.5% each, and they are named as Defendants herein.

9(c). The said Walter M. Peters died intestate October 30, 1932, survived by his spouse, Marie L. Peters, and a son, William P. Peters, as his sole intestate heirs. The said Marie L. Peters died on January 7, 1976, survived by her son, William P. Peters, as her sole intestate heir. It is believed and averred that the interest of William P. Peters is 5%, and he is named as a Defendant herein.

9(d). The said Gladys Ruth (Peters) Wythe, also known as Ruth Peters Wythe, a widow, died intestate September 11, 1958, survived by her daughter, Agatha Jeanne Wythe Hughston, also known as Jeanne Wythe Hughston, as her sole intestate heir. The said Jeanne Wythe Hughston, a widow, died testate on June 23, 2005, and devised the residue of her estate including her 5.00 % interest in the subject premises as follows: Fifteen (15%) percent to her daughter, Margery Jeanne Bass and the remaining eighty-five (85%) percent to her granddaughter, Mary E. Lawson. An exemplified copy of the Last Will and Testament of Jeanne W. Hughston as filed in Tarrant County, Texas, is recorded in Clearfield County as Instrument Number 200800280. It is believed and averred that the interest of

Margery Jeanne Bass is .75% and the interest of Mary E. Lawson is 4.25%, and they are named as Defendants herein.

9(e). The said Maude Estella (Peters) Peightal, a widow, died July 5, 1961, survived by two (2) children; namely, Walter R. Peightal and Grace Elizabeth (Peightal) Davis, as her sole intestate heirs. The said Walter R. Peightal died intestate on July 23, 1991, without a surviving spouse or issue, leaving as his sole heirs, the issue of his deceased son, John Peightal; namely, Kathy Parker, Ann Dupree, and Mary Sue Dalton, and it is believed and averred that their interest is .8333% each and they are named as Defendants herein. The said Grace Elizabeth (Peightal) Davis, a widow, died intestate on September 11, 1988, survived by her three (3) daughters; namely, Ione R. Hammaker, Nancy Elizabeth Hamil and Arlene Grace Edmundson, as her sole intestate heirs. The said Ione R. Hammaker, Nancy Elizabeth Hamil and Arlene Grace Edmundson conveyed their interest believed and averred to be 2.500% in the above-described parcel of land by their deed dated July 23, 1997, and recorded in Clearfield County Deeds & Records Book 1870 page 335 to Wayne E. Kunes, Plaintiff herein.

10. Plaintiff believes and avers that the title to the above-described tract of land is now vested as follows:

- a. Wayne Kunes - 38.955 % interest
- b. John Gilliland - .556% interest
- c. Joseph Gilliland - .556% interest
- d. James Gilliland - .556% interest
- e. Judith (Gilliland) Chase - .556% interest
- f. Jennie (Thomas) Bucher - 1.111% interest
- g. Connie (Thomas) Haufe - 1.111% interest
- h. Elinor McCloskey - 1.667% interest
- i. Claudia McCloskey - .833% interest
- j. Susan (McCloskey) Sullivan - .833% interest
- k. Leona McCloskey - 1.667% interest
- l. Jack Brennan - 1.667% interest
- m. Frank Maurer, Jr., et al. - 12% interest
- n. Dean A. Seitz, et. ux - 8% interest
- o. Estate of Martha Spinelli - 6.667% interest

- p. Charles R. Irvin - 2.222% interest
- q. Jayne I. Broz - 2.222% interest
- r. Carolyn G. Irvin - 2.222% interest
- s. James P. Woodford - 2.5% interest
- t. Sandra L. Woodford - 2.5% interest
- u. William P. Peters - 5% interest
- v. Margery Jeanne Bass - .75% interest
- w. Mary E. Lawson - 4.25% interest.
- x. Kathy Parker - .833% interest
- y. Ann Dupree - .833% interest
- z. Mary Sue Dalton - .833% interest

11. That after a diligent search of the public records of Clearfield County, Pennsylvania, and contacting all living family members known to Plaintiff for information on heirs of deceased family members, Plaintiff believes and avers that no persons other than the Plaintiff and the Defendants have any interest in the above-described premises.

12. No partition or division of the above-described tract of land has ever been made, although Plaintiff has requested the Defendants to join with him in making one.

COUNT II

Premises: 150 acre parcel of land in Covington Township,
Clearfield County, Pennsylvania

13. Plaintiff, WAYNE E. KUNES, repeats, and incorporates herein by reference thereto, all of the averments of paragraphs 1 and 2 (a) through 2 (s) of this Complaint.

14. Whereas, the Treasurer of Clearfield County, by deed dated June 30, 1870, and recorded in Clearfield County in Deed Book 25, page 386, granted and conveyed to William Kunes a certain tract of unseated land surveyed and returned to the Board of Commissioners of Clearfield County in the name of H. Burgett, identified as Tax Map Parcel No. 111-Q4-6. The said Harvey Burgett and Sarah C. Burgett, his wife, by Quit-Claim Deed dated March 1, 1872, released any interest they may have had in the same premises to William Kunes, described as containing 200 acres. more less, situate in Covington Township, Clearfield County, Pennsylvania, and more particularly described as follows:

ALL that tract or parcel of land situate in the Township of Covington, Clearfield County, Pennsylvania, bounded and described as follows: Bounded on the South by lands, now or

formerly, of John Picard and William Kunes, on the East by lands, now or formerly, of the Keating heirs, on the North by lands, now or formerly, of Shaw and Peter Lamm. Containing 200 acres, more or less, with the usual allowance for roads, etc.

15. William Kunes conveyed a parcel containing 50 acres by his deed dated September 29, 1891, and recorded in Clearfield County Deed Book 65, Page 250 to Hannah Peters.

16. The balance of the said parcel then containing 150 acres was devised by the said William Kunes to his remaining four (4) children; Valentine Kunes, Sarah Jane Kunes, William Kunes and Aquila Mary Ellen Kunes.

17. The said Valentine Hezekiah Kunes holding a twenty-five (25%) percent interest in the said parcel of land passed away in 1905 survived by his spouse, Mary Elmira (Kratzer) Kunes and three (3) children; namely, Haskell Gordon Kunes, Mabel Goldie Kunes, and Arthur Valentine Kunes. The said Mary Elmira (Kratzer) Kunes died in 1932, survived by their three (3) children.

17(a). The said Haskell Gordon Kunes, inheriting a 8.333% interest of his father's interest, died in 1951, survived by three (3) children: namely, Violet (Kunes) Gilliland, Anita (Kunes) Thomas and Wayne E. Kunes.

17(b). The said Violet (Kunes) Gilliland, a widow, died testate on August 21, 1996, survived by four (4) children; namely, John Gilliland, Joseph Gilliland, James Gilliland, and Judith (Gilliland) Chase, as her sole testate heirs, inheriting their mother's share averred to be 2.778% with their respective interest in the parcel of land to be .694% each, all of whom are named as Defendants herein.

17(c). The said Anita (Kunes) Thomas, a widow, died December 13, 1990, survived by her two (2) children as her sole heirs; namely, Jennie (Thomas) Bucher, and Connie (Thomas) Haufe, inheriting their mother's share averred to be 2.778% with their respective interests to be 1.389% each, both of whom are named as Defendants herein.

17(d). Wayne E. Kunes, a widower, Plaintiff herein, claims an interest of 2.778% in the said parcel of land acquired from his father, Haskell Gordon Kunes

17(e). The said Mabel Goldie (Kunes) McCloskey inheriting a 8.333% interest of her father's interest in this parcel of land died in 1965 survived by five (5) children; namely, Marian (McCloskey) Issac, Gordon McCloskey, Byron McCloskey, Richard McCloskey, and Lillian (McCloskey) Brennan.

17(f). The said Marian (McCloskey) Isaac died in 1962 survived by her son, Adam Isaac, as her sole intestate heir. The said Adam Isaac is believed to have died intestate in 1989 in the state of Indiana without a spouse or any issue and his closest identifiable intestate heirs are averred to be his surviving maternal aunts and uncles and the issue of any deceased maternal aunts and uncles.

17(g). The said Gordon McCloskey, a widower, died intestate in 1988 survived by one (1) daughter; namely, Elinor McCloskey, an adult individual, who as his sole surviving heir, inherited her father's share and one-fourth of her aunt Marian Isaac's share for a total averred to be a 2.083% interest and is named as a Defendant herein.

17(h). The said Byron McCloskey died intestate in 1988 survived by his spouse, Teresa McCloskey, and two (2) children; namely, David McCloskey and Susan (McCloskey) Sullivan as his sole surviving heirs. The said Teresa McCloskey died in 1991, survived by their two (2) children, who inherited their father's share of the said parcel of land averred to be 2.083%. The said David McCloskey died testate on May 7, 2003, leaving as his sole testate heir the joint living trust that he and his wife, Claudia McCloskey, had established. The said Claudia McCloskey, surviving spouse of David McCloskey, is the personal representative under the Will of her late husband and the Trustee of the Trust established by the McCloskeys in 1998. Claudia McCloskey, Trustee of the David and Claudia McCloskey Trust, is believed and averred to own a 1.042% interest, is named as a Defendant herein. The said Susan (McCloskey) Sullivan, is believed and averred to own a 1.042% interest, and is named as a Defendant herein.

17(i). The said Richard McCloskey died testate August 21, 1996, in Anderson, Indiana, leaving his surviving spouse, Leona McCloskey, as his sole testate heir, who is believed and averred to hold a 2.083% interest in the above-described parcel and is named as a Defendant herein.

17(j). The said Lillian (McCloskey) Brennan died in 1989, survived by her spouse, Ward Brennan, and one (1) son; namely, Jack Brennan, as her sole intestate heirs. The said Ward Brennan died in 1992, leaving to survive him as his sole intestate heir his son, the said Jack Brennan, who is averred to hold a 2.083% interest in the above-described parcel and is named as a Defendant herein.

17(k). The said Arthur Valentine Kunes, also known as Arthur V. Kunes, died January 9, 1990, survived by his spouse, Helen J. Kunes, and one (1) child; namely Arthur Lee Kunes. The said Helen J. Kunes, by her agent, Arthur Lee Kunes, and Arthur Lee Kunes, individually, conveyed the interest of Arthur Valentine Kunes averred to be 8.334% in the above-described parcel to Tim Kunes by their deed dated October 10, 1990, and recorded in Clearfield County Deed Book No. 1368, page

89. The said Tim Kunes by his deed dated March 17, 1999, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 199904078. conveyed this 8.334% interest to Wayne E. Kunes, Plaintiff herein,

18. The said Sarah Jane (Kunes) Kratzer holding a 25% interest in the said parcel of land, died testate October 10, 1938, leaving as her sole testate heirs her five (5) children; namely, Blair R. Kratzer, Olive V. Kratzer, Daisy C. Kratzer, Ida Pearl Kratzer, and Lulu E. Kratzer.

18(a). The said Blair R. Kratzer, et ux., and Olive F. Kratzer, single, conveyed their respective interests averred to be 5.000% each in the Sarah (Kunes) Kratzer Estate to Daisy (Kratzer) Lambert and Lulu (Kratzer) Seitz by deed dated January 12, 1955, and recorded in Clearfield County Deed Book 441, page 56.

18(b). The said Daisy C. (Kratzer) Lambert died July 11, 1977, in Cambria County, Pennsylvania, leaving to survive her one (1) daughter, Virginia (Lambert) Mattern and by Decree of the Cambria County Court of Common Pleas was awarded the interest of her deceased mother in the subject property, averred to be a 10.000% interest as set forth in the exemplified copy of said Decree dated May 1, 1978, and filed in the Clearfield County Office of Recorder of Deeds on January 16, 1979, in Deed Book 775, page 335. The said Virginia (Lambert) Mattern by her deed dated February 10, 1999, and recorded in the Clearfield County Recorder of Deeds Office as Instrument No. 199902958 conveyed this interest, averred to be 10.000% to Frank W. Maurer, Jr., Pierre Maurer, and Basil G. Maurer, all named Defendants herein.

18(c). That the interest of Ida Pearl (Kratzer) Maurer, averred to be a 5.000% interest, was conveyed by Dorothy West, as agent of the Pearl Maurer Heirs, to Frank W. Maurer, Jr, Pierre Maurer, and Basil G. Maurer named as Defendants herein.

18(d). The said Lulu E. (Kratzer) Seitz, a widow, by her deed dated October 28, 1964, and recorded in Clearfield County Deed Book 511, page 443 conveyed her interest, averred to be a 10.000% interest, to Donald Alan Seitz. The said Donald Alan Seitz, a widower, by his deed dated May 23, 2005, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 200507770 conveyed the interest that he had acquired from Lulu K. Seitz, averred to be 10.000%, to Dean A. Seitz and Deborah G. Seitz, who are named as Defendants herein.

19. The said William Edward Kunes, holding a 25% interest in the said parcel of land, passed away in 1933 survived by one (1) child; namely, Inez E. (Kunes) Thrasher, who by her deed dated

March 24, 1955, recorded March 29, 1955, in Deed Book 441, page 367, conveyed this interest believed and averred to be 25.000% to Wayne E. Kunes, Plaintiff herein.

20. The said Aquila Mary Elen (Kunes) McNaul, also known as Ella (Kunes) McNaul, a widow, passed away in 1941 survived by three (3) children; namely, Wava (McNaul) Johnson, Willard Cornelius McNaul, also known as Willard C. McNaul, and Verryll (McNaul) Reid, also known as Verryll (McNaul) Irvin.

20(a). The said Wava (McNaul) Johnson died testate January 29, 1972, survived by one (1) child; namely, Robert M. Johnson. The said Robert M. Johnson died testate October 8, 1975, leaving his surviving spouse, Selma A. Johnson, as his residuary testate heir which included his interest in the above-described parcel, averred to be 8.334%. The interest of Selma A. Johnson, whose last known address was Bloomfield Hills, Michigan, was sold by the Clearfield County Tax Claim Bureau as the property of Ella McNaul by its deed dated December 1, 1999, and recorded in Clearfield County Recorder's Office as Instrument No. 199919718 to Wayne E. Kunes, Plaintiff herein.

20(b). The said Willard Cornelius McNaul, also known as Willard C. McNaul, died testate May 30, 1968, leaving his surviving spouse, Beatrice McNaul, and their two (2) children, Martha Jane Spinelli and Ai Allen McNaul as his sole testate heirs. The said Beatrice McNaul, widow of Willard C. McNaul, died testate November 27, 1970, leaving their children, Martha Jane Spinelli and Ai Allen McNaul as her sole heirs. The said Ai Allen McNaul, also known as Allen A. McNaul and Margaret C. McNaul, his wife, conveyed his interest, averred to be 4.166%, in the above-described parcel to Martha Jane Spinelli by their deed dated October 28, 2002, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 200217931. Martha Jane Spinelli died testate on September 4, 2007, with her Will filed for probate in Clearfield County as Estate No. 1707-507, and appointing her daughter, Diane Spinelli Kocher, as Executrix. It is believed and averred that the interest of the Estate of Martha Jane Spinelli in the subject parcel of land is 8.333% and as such is named as a Defendant herein.

20(c). That Verryl (McNaul) Reid, formerly known as Verryl (McNaul) Irvin, died June 13, 1962, leaving her surviving spouse, James R. Reid, and one (1) child; namely, Charles A. Irvin, as her sole intestate heirs. The said James R. Reid died November 3, 1966, leaving Charles A. Irvin, as the sole heir of his mother's interest, averred to be 8.333%. The said Charles A. Irvin died testate on January 4, 2005, in East Greenwich, Rhode Island, with an exemplified copy of his Last Will and Testament filed in Clearfield County as Instrument Number 20050624, and was survived by three (3)

children; namely, Charles R. Irvin, Jayne I. Broz and Carolyn G. Irvin, with their interests averred to be 2.778% in the above-referred to parcel and are named as Defendants herein.

21. Plaintiff believes and avers that the title to the above-described tract of land is now vested as follows:

- a. Wayne Kunes - 44.446% interest
- b. John Gilliland - .694% interest
- c. Joseph Gilliland - .694% interest
- d. James Gilliland - .694% interest
- e. Judith (Gilliland) Chase - .694% interest
- f. Jennie (Thomas) Bucher - 1.389% interest
- g. Connie (Thomas) Haufe - 1.389% interest
- h. Elinor McCloskey - 2.083% interest
- i. Claudia McCloskey - 1.042% interest
- j. Susan (McCloskey) Sullivan - 1.042% interest
- k. Leona McCloskey - 2.083% interest
- l. Jack Brennan - 2.083% interest
- m. Frank Maurer, Jr., et al - 15.000% interest
- n. Dean A. Seitz, et. ux - 10.000% interest
- o. Estate of Martha Spinelli - 8.333% interest
- p. Charles R. Irvin - 2.778% interest
- q. Jayne I. Broz - 2.778% interest
- r. Carolyn G. Irvin - 2.778% interest

22. That after a diligent search of the public records of Clearfield County, Pennsylvania, and contacting all living family members who were known to Plaintiff for information on heirs of deceased family members, Plaintiff believes and avers that no persons other than the Plaintiff and the Defendants have any interest in the above described

23. No partition or division of the above-described tract of land has ever been made, although Plaintiff has requested the Defendants to join with him in making one.

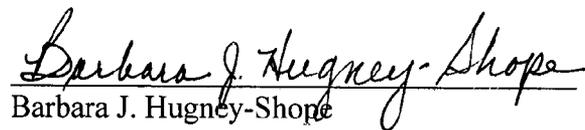
WHEREFORE, Plaintiff needing equitable relief, prays that your Honorable Court may decree and direct:

(a) That the Court decree partition of the said real estate;

(b) That the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the said real estate cannot be divided without prejudice to or spoiling the whole, then to value and appraise the same as whole and in purparts, and to sell the same by a sale confined to the parties, or by a public or private sale not confined to the parties, all as provided by law, and to distribute the proceeds among those found to be severally entitled thereto.

(c) That such other and further relief be granted as the Court decrees just and proper.

Respectfully submitted,


Barbara J. Hugney-Shope

Attorney at Law

PA Sup. Ct. No. 26274

VERIFICATION

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

Wayne E. Kunes
Wayne E. Kunes

Dated: 12-6-07, 2007

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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.11	

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LEONA McCLOSKEY
 710 Hawthorn
 Anderson, Indiana 46011-2120

PS Form 3800, August 2006 See Reverse for Instructions

7006 2150 0002 4571 0529

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1. Article Addressed to:

LEONA McCLOSKEY
 710 Hawthorn
 Anderson, Indiana 46011-2120

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

Paula Martin

B. Received by (Printed Name) C. Date of Delivery

[Signature] 01-18

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)

7006 2150 0002 4571 0529

7006 2150 0002 4571 0574

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Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11



Sent To
JAYNE I. BROZ
 Street, Apt. No., or PO Box No. **49 Orchard Street**
 City, State, ZIP+4 **Merrimac, Massachusetts 01860**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JAYNE I. BROZ
49 Orchard Street
Merrimac, Massachusetts 01860

COMPLETE THIS SECTION ON DELIVERY

A. Signature **X** Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) **7006 2150 0002 4571 0574**

7006 2150 0002 4571 0468

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Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.11



Sent To

DEBORAH G. SEITZ

Street, Apt. No.,
or PO Box No. 2155 Autumn View Drive

City, State, ZIP+4 Orlando, Florida 32825

PS Form 3800, August 2005 See reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DEBORAH G. SEITZ
2155 Autumn View Drive
Orlando, Florida 32825

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

Deborah Seitz 11/19/08

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7006 2150 0002 4571 0468

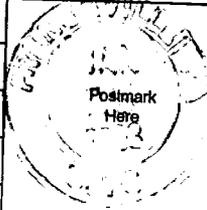
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Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.11



Sent To
JACK BRENNAN
 Street, Apt. No. or PO Box No. **33140 - 73rd Street**
 City, State, ZIP **Burlington, Wisconsin 53105**

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) JACK BRENNAN C. Date of Delivery 1-18-08</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">JACK BRENNAN 33140 - 73rd Street Burlington, Wisconsin 53105</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number <i>(Transfer from service label)</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7006 2150 0002 4571 0666</p>	

PS Form 3811, February 2004

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102595 12-M-1540

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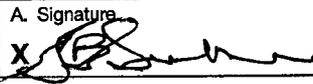
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7006 2150 0002 4571 0604

Postage	\$ 1.31
✓ Certified Fee	2.65
✓ Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11



Send
SUSAN McCLOSKEY SULLIVAN
 Street or P.O. Box 147
 City, Urbana, Virginia 23175
 PS Form 3811, February 2004 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
	<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery 1-22-2008</p>
<p>1. Article Addressed to:</p> <p>SUSAN McCLOSKEY SULLIVAN Box 147 Urbana, Virginia 23175</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number <i>(Transfer from service label)</i></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>7006 2150 0002 4571 0604</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

7006 2150 0002 4571 0512

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Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11



Sent To **DEAN A. SEITZ**
 Street, Apt. No., or PO Box No. **2155 Autumn View Drive**
 City, State, ZIP+4 **Orlando, Florida 32825**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

DEAN A. SEITZ
2155 Autumn View Drive
Orlando, Florida 32825

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
Deborah Seitz

B. Received by (Printed Name) **Deborah Seitz**

C. Date of Delivery **1/19/08**

D. Is delivery address different from Item 1? Yes
 No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number **7006 2150 0002 4571 0512**
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Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
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Sent To
 Street, A or PO Box
 City, State
CAROLYN G. IRVIN
 8101 Research Forest Drive, Apt. 13106
 Spring, Texas 77382

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CAROLYN G. IRVIN
 8101 Research Forest Drive, Apt. 13106
 Spring, Texas 77382

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X C.G. Irvin Agent Addressee

B. Received by (Printed Name)
 C.G. Irvin

C. Date of Delivery
 1-18-08

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

CABMT

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service lat. 7006 2150 0002 4571 0567)

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Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.11



Sent To
 BASIL MAURER
 Street, Apt. No., or PO Box No. 25344 Co. Rd. 95
 City, State, ZIP+4 Davis, California 95616

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BASIL MAURER
 25344 Co. Rd. 95
 Davis, California 95616

2. Article Number
 (Transfer from service label)

7006 2150 0002 4571 0505

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) C. Date of Delivery
 Basil Maurer 1-23-08

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11



Sent To **SANDRA L. WOODFORD**
 Street, Apt. No. or PO Box No. **P.O. Box 2021**
 City, State, ZIP **Pahoa, HI 96778**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SANDRA L. WOODFORD
P.O. Box 2021
Pahoa, HI 96778

COMPLETE THIS SECTION ON DELIVERY

A. Signature *SA [Signature]* Agent Addressee

B. Received by (Printed Name) **SANDRA WOODFORD** C. Date of Delivery **11/23/08**

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) **7006 2150 0002 4571 0550**

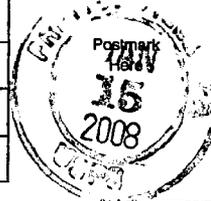
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Certified Fee	3.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.11



Sent To **CHARLES R. IRVIN**
 Street, A or PO Box **3 Harvest Green Place**
 City, State **The Woodlands, Texas 77382-1135**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CHARLES R. IRVIN
3 Harvest Green Place
The Woodlands, Texas 77382-1135

2. Article Number
(Transfer from service label)

7006 2150 0002 4571 0581

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
CR I

B. Received by (Printed Name) **CHARLES R. IRVIN** C. Date of Delivery **1-15-08**

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 2150 0002 4571 0628

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Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.11



Sent To **JAMES P. WOODFORD**
 Street, Apt. No., or PO Box No. **1150 N. 5th Street**
 City, State, ZIP+4 **Coos Bay, Oregon 97420**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

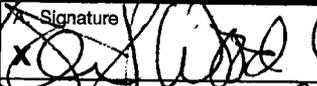
1. Article Addressed to:

JAMES P. WOODFORD
1150 N. 5th Street
Coos Bay, Oregon 97420

2. Article Number
(Transfer from service label)

7006 2150 0002 4571 0628

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent Addressee
 B. Received by (Printed Name) **JAMES WOODFORD** C. Date of Delivery **9/25/08**
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

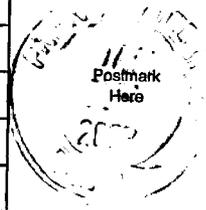
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Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.11



Sent To
 Street, Apt. No.,
 or PO Box No. KATHY PARKER
 121 Brookside Place
 City, State, ZIP+4 Marina, CA 93933

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KATHY PARKER
 121 Brookside Place
 Marina, CA 93933

2. Article Number
 (Transfer from service label)

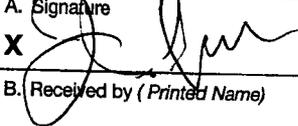
7006 2150 0002 4571 0543

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 1/23/07

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 2150 0002 4571 0598

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$1.31
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.11



Sent To **WILLIAM P. PETERS**
C/O DEBORAH PETERS, Agent
1015 E. Mountain View Road, Unit #2010
Scottsdale, Arizona 85258

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WILLIAM P. PETERS
C/O DEBORAH PETERS, Agent
1015 E. Mountain View Road, Unit #2010
Scottsdale, Arizona 85258

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
[Signature]

B. Received by (Printed Name) *Deborah Peters* C. Date of Delivery *10/15/2008*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number **7006 2150 0002 4571 0598**
(Transfer from service label)

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

7006 2150 0002 4571 0635

Postage	\$ 1.31
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11



Sent To **MARY SUE DALTON**
 Street, Apt. No., or PO Box No. **5819 State Rte 30**
 City, State, ZIP+4 **Lake Clear, New York 12945**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARY SUE DALTON
5819 State Rte 30
Lake Clear, New York 12945

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Mary Sue Dalton Agent Addressee
 B. Received by (Printed Name) C. Date of Delivery
 1-24-08

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 2150 0002 4571 0635

7006 2150 0002 4571 0611

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com
OFFICIAL USE

Postage	\$ 1.31
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11



Send to:
CLAUDIA McCLOSKEY, TRUSTEE
 David and Claudia McCloskey Trust
 421 Olohana Street, #1803
 Honolulu, Hawaii 96815

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CLAUDIA McCLOSKEY, TRUSTEE
 David and Claudia McCloskey Trust
 421 Olohana Street, #1803
 Honolulu, Hawaii 96815

2. Article Number
(Transfer from service label)

7006 2150 0002 4571 0611

COMPLETE THIS SECTION ON DELIVERY

A. Signature C. McCloskey Agent Addressee

B. Received by (Printed Name) *C. McCloskey* C. Date of Delivery *1.22.08*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 2150 0002 4571 0642

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$ 1.31
Certified Fee	2.405
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11



Sent To **PIERRE C. MAURER**
 Street, Apt. No., or PO Box No. **25344 Co. Rd. 95**
 City, State, ZIP+4 **Davis, California 95616**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PIERRE C. MAURER
25344 Co. Rd. 95
Davis, California 95616

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 X

B. Received by (Printed Name) **L. Maurer** C. Date of Delivery **1-23-08**

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) **7006 2150 0002 4571 0642**

7006 2150 0002 4571 0659

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$ 1.31
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.11



Sent To **FRANK MAURER, JR.**
 Street, Apt. No., or PO Box No. **25344 Co. Rd. 95**
 City, State, ZIP+4 **Davis, California 95616**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FRANK MAURER
 25344 Co. Rd. 95
 Davis, California 95616

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) **Frank Maurer** C. Date of Delivery **1-23-08**

D. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number **7006 2150 0002 4571 0659**
 (Transfer from service lab)

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

7006 2150 0002 4571 0475

Postage	\$ 1.31
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11



Sent To **MARY E. LAWSON**
 Street, Apt. No., or PO Box No. **P.O. Box 171752**
 City, State, ZIP+4 **Arlington, Texas 76003**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**MARY E. LAWSON
P.O. Box 171752
Arlington, Texas 76003**

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
x Mary Lawson

B. Received by (Printed Name) **Mary Lawson** C. Date of Delivery **1/15/08**

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number (Transfer from service label) **7006 2150 0002 4571 0475**

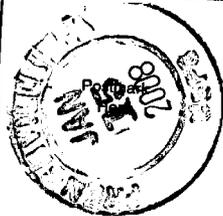
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

9550 7254 2000 0512 9002
 7006 2150 0002 4571 0536

OFFICIAL USE

Postage	\$1.31
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	6
Total Postage & Fees	\$6.11



Sent To **ANN DUPREE**
 Street, Apt. No., or PO Box No. **263 Lake Flower Avenue**
 City, State, ZIP+4 **Saranac, New York 12983**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ANN DUPREE
263 Lake Flower Avenue
Saranac, New York 12983

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Chris Dupree Agent Addressee

B. Received by (Printed Name) **Chris Dupree** C. Date of Delivery **11/18/08**

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 2150 0002 4571 0536

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103635
NO: 08-27-CD
SERVICE # 1 OF 6
COMPLAINT IN PARTITION

PLAINTIFF: WAYNE E. KUNES
vs.
DEFENDANT: JOHN GILLILAND et al

SHERIFF RETURN

NOW, January 29, 2008 AT 2:25 PM SERVED THE WITHIN COMPLAINT IN PARTITION ON JOHN GILLILAND DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN GILLILAND, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN PARTITION AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

FILED
01219 2008
FEB 29 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103635
NO: 08-27-CD
SERVICE # 2 OF 6
COMPLAINT IN PARTITION

PLAINTIFF: WAYNE E. KUNES
vs.
DEFENDANT: JOHN GILLILAND et al

SHERIFF RETURN

NOW, January 16, 2008 AT 9:58 AM SERVED THE WITHIN COMPLAINT IN PARTITION ON JOSEPH GILLILAND DEFENDANT AT 609 OGDEN AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOSEPH GILLILAND, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN PARTITION AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103635
NO: 08-27-CD
SERVICE # 3 OF 6
COMPLAINT IN PARTITION

PLAINTIFF: WAYNE E. KUNES
vs.
DEFENDANT: JOHN GILLILAND et al

SHERIFF RETURN

NOW, January 18, 2008 AT 1:45 PM SERVED THE WITHIN COMPLAINT IN PARTITION ON JAMES GILLILAND DEFENDANT AT SHERIFF'S OFFICE - 1N 2nd ST, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES GILLILAND, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN PARTITION AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103635
NO: 08-27-CD
SERVICE # 4 OF 6
COMPLAINT IN PARTITION

PLAINTIFF: WAYNE E. KUNES
vs.
DEFENDANT: JOHN GILLILAND et al

SHERIFF RETURN

NOW, January 15, 2008 AT 2:15 PM SERVED THE WITHIN COMPLAINT IN PARTITION ON DIANE SPINELLI KOCHER, Executrix Estate of Martha Spinelli DEFENDANT AT 500 FILBERT ST., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DIANE SPINELLI KOCHER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN PARTITION AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103635
NO: 08-27-CD
SERVICE # 5 OF 6
COMPLAINT IN PARTITION

PLAINTIFF: WAYNE E. KUNES
vs.
DEFENDANT: JOHN GILLILAND et al

SHERIFF RETURN

NOW, January 11, 2008, SHERIFF OF COLUMBIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN PARTITION ON JENNIE (THOMAS) BUCHER.

NOW, January 18, 2008 AT 10:45 AM SERVED THE WITHIN COMPLAINT IN PARTITION ON JENNIE (THOMAS) BUCHER, DEFENDANT. THE RETURN OF COLUMBIA COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103635
NO: 08-27-CD
SERVICE # 6 OF 6
COMPLAINT IN PARTITION

PLAINTIFF: WAYNE E. KUNES
vs.
DEFENDANT: JOHN GILLILAND et al

SHERIFF RETURN

NOW, January 11, 2008, SHERIFF OF SULLIVAN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN PARTITION ON CONNIE (THOMAS) HAUFE.

NOW, January 17, 2008 AT 11:45 AM SERVED THE WITHIN COMPLAINT IN PARTITION ON CONNIE (THOMAS) HAUFE, DEFENDANT. THE RETURN OF SULLIVAN COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103635
NO: 08-27-CD
SERVICES 6
COMPLAINT IN PARTITION

PLAINTIFF: WAYNE E. KUNES
vs.
DEFENDANT: JOHN GILLILAND et al

SHERIFF RETURN

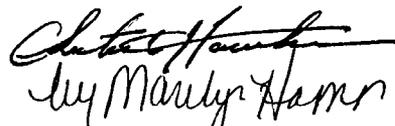
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	SHOPE	6717	60.00
SHERIFF HAWKINS	SHOPE	6717	40.00
SHERIFF HAWKINS	SHOPE	6720	30.06
COLUMBIA CO.	SHOPE	6718	50.00
SULLIVAN CO.	SHOPE	6721	50.00

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

TIMOTHY T. CHAMBERLAIN



SHERIFF OF COLUMBIA COUNTY
COURT HOUSE - P.O. BOX 380
BLOOMSBURG, PA 17815
FAX: (570) 389-5625

PHONE
(570) 389-5622

24 HOUR PHONE
(570) 784-6300

WAYNE KUNES

Docket # 27cfw2008

VS

COMPLAINT IN PARTITION

JOHN GILLILAND ET AL

SHERIFF'S COST \$ 50.00 PAID

AFFIDAVIT OF SERVICE

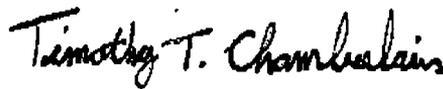
NOW, THIS FRIDAY, JANUARY 18, 2008, AT 10:45 AM, SERVED THE WITHIN COMPLAINT IN PARTITION UPON JENNIE THOMAS BUCHER AT 215 VALLEY ROAD, BLOOMSBURG BY HANDING TO RALPH, HUSBAND, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT AND MADE KNOWN TO THEM THE CONTENTS THEREOF.

SO ANSWERS,

SWORN AND SUBSCRIBED BEFORE ME
THIS FRIDAY, JANUARY 18, 2008

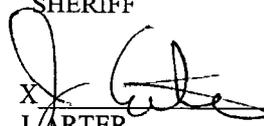


NOTARY PUBLIC


X

TIMOTHY T. CHAMBERLAIN
SHERIFF

COMMONWEALTH OF PENNSYLVANIA
Notary Public
Columbia Co., PA
November 07, 2008


X

J. ARTER
DEPUTY SHERIFF



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

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

OFFICE (814) 765-2641
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 103635

WAYNE E. KUNES

vs.

JOHN GILLILAND et al

TERM & NO. 08-27-CD

COMPLAINT IN PARTITION

SERVE BY: 02/10/08
COURT DATE:

MAKE REFUND PAYABLE TO BARBARA J. HUGNEY-SHOPE, ESQ.

SERVE: JENNIE (THOMAS) BUCHER

ADDRESS: 215 VALLEY ROAD, BLOOMSBURG, PA 17815

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 COLUMBIA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 11, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERIFF'S OFFICE

SULLIVAN COUNTY, PENNSYLVANIA
COURTHOUSE, LAPORTE, PA 18626 (570) 946-7361

01-16-08

01-18-08

SHERIFF SERVICE PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE SHERIFF" on the reverse of the last (No. 5) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

1. PLAINTIFF(S) WAYNE E. KUNES	2. COURT NUMBER 08-27-CD
3. DEFENDANT(S) JOHN GILLILAND, ET AL.	4. TYPE OF WRIT OR COMPLAINT COMPLAINT IN PARTITION

SERVE AT { 5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIES, ATTACHED OR SOLD.
CONNIE HAUFE

6. ADDRESS (Street or RFD, Apartment No., City, Boro., Twp., State and ZIP Code)
RR #1 BOX 1138, FORKSVILLE, PA 18616

7. INDICATE UNUSUAL SERVICE: PERSONAL PERSON IN CHARGE DEPUTIZE CERT. MAIL REGISTERED MAIL POSTED OTHER

NOW, _____, I, SHERIFF OF SULLIVAN COUNTY, PA, do hereby deputize the Sheriff of _____ County to execute this Writ and make return thereof according to law.
This deputation being made at the request and risk of the plaintiff. _____
SHERIFF OF SULLIVAN COUNTY

8. SPECIAL INSTRUCTION OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE.

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff leaving 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. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of: BARBARA J. HUGNEY-SHOPE, ESQ. <input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	10. TELEPHONE NUMBER 814-263-7357	11. DATE 01-11-08
--	--------------------------------------	----------------------

SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

12. I acknowledge receipt of the writ or complaint as indicated above. SIGNATURE of Authorized SCSD Deputy or Clerk and Title	13. Date Received 01-16-08	14. Expiration/Hearing Date
---	-------------------------------	-----------------------------

15. I hereby CERTIFY and RETURN that have personally served, have served person in charge, have legal evidence of service as shown in "Remarks" (on reverse) have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handing/or Posting a TRUE and ATTESTED COPY thereof.

16. I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served. CONNIE HAUFE, DEFENDANT	18. A person of suitable age and discretion then residing in the defendant's usual place of abode. <input type="checkbox"/>	Read Order <input type="checkbox"/>
---	---	-------------------------------------

19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro., Twp., State and ZIP Code) RESIDENCE: RR #1 BOX 1138, FORKSVILLE, PA 18616	20. Date of Service 01-17-08	21. Time 1145 HRS.
--	---------------------------------	-----------------------

22. ATTEMPTS	Date	Miles	Dept. Int.												

23. Advance Costs \$50.00	Ser. Chg. \$9.00	R & D \$9.00	Mileage \$12.00	Dpty. Time \$15.00	St. Chg.	Notary	Misc. \$5.00	24. Total Costs \$50.00	25. COST DUE OR REFUND \$-0-
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AFFIRMED and subscribed to before me this <u>18th</u> day of <u>January</u> , 2008 <i>Willie Carpath</i> Prothonotary/Deputy/Notary Public	SO ANSWER.	
	By (Sheriff/Dept. Sheriff) (Please Print or Type) BURTON R. ADAMS, SHERIFF	Date 01-18-08
	Signature of Sheriff <i>Burton R. Adams</i>	Date 01-18-08
MY COMMISSION EXPIRES	SHERIFF OF SULLIVAN COUNTY	

I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED ISSUING AUTHORITY AND TITLE.	FRANCINE DOYLE, PROTHONOTARY Sullivan County My Commission Expires First Monday of Jan. 2012	39. 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

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 103635

WAYNE E. KUNES

vs.

JOHN GILLILAND et al

TERM & NO. 08-27-CD

COMPLAINT IN PARTITION

SERVE BY: 02/10/08

COURT DATE:

MAKE REFUND PAYABLE TO BARBARA J. HUGNEY-SHOPE, ESQ.

SERVE: CONNIE (THOMAS) HAUFE

ADDRESS: RR#1 BOX 1138, FORKSVILLE, PA 18616

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 SULLIVAN COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 11, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

RECEIVED

JAN 16 2008

**SULLIVAN COUNTY
SHERIFF OFFICE**

7006 2150 0002 4571 0444

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(Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

Postage	\$ 1.31
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11



Sent To **JUDITH (GILLILAND) CHASE**
 Street, Apt. No., or PO Box No. **Mountainview Farm**
 City, State, ZIP+4 **Stevensburg, Virginia 22741**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JUDITH (GILLILAND) CHASE
Mountainview Farm
Stevensburg, Virginia 22741

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Judith Gilliland Chase

B. Received by (Printed Name) C. Date of Delivery
Judith Gilliland Chase *18 January 2008*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) **7006 2150 0002 4571 0444**

7006 2150 0002 4571 0451

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OFFICIAL USE

<input checked="" type="checkbox"/> Postage	\$ 1.31
<input checked="" type="checkbox"/> Certified Fee	2.65
<input checked="" type="checkbox"/> Return Receipt Fee (Endorsement Required)	2.15
<input type="checkbox"/> Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.11

Postmark: PULLMAN WA 99163 MAR 15 2008

Sent To
 ELINOR McCLOSKEY
 335 SW Skyline Drive
 Pullman, WA 99163

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Elinor F. McCloskey <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Elinor F. McCloskey</u> C. Date of Delivery <u>1-20-2008</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>ELINOR McCLOSKEY 335 SW Skyline Drive Pullman, WA 99163</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (transfer from service label)</p>	<p>7006 2150 0002 4571 0451</p>	

CR

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

WAYNE E. KUNES,
Plaintiff,

vs.

CLAUDIA McCLOSKEY, Trustee, of
the David and Claudia McCloskey Trust,
LEONA McCLOSKEY, ELINOR
McCLOSKEY, SUSAN McCLOSKEY
SULLIVAN, JACK BRENNAN,
JOHN GILLILAND, JOSEPH
GILLILAND, JAMES GILLILAND,
JUDITH (GILLILAND) CHASE,
JENNIE (THOMAS) BUCHER,
CONNIE (THOMAS) HAUFE, FRANK
MAURER, JR., PIERRE C. MAURER
BASIL G. MAURER, DEAN A. SEITZ,
DEBORAH G. SEITZ, CHARLES R.
JAYNE T. BROZ, CAROLYN G.
IRVIN, DIANE SPINELLI KOCHER,
Executrix of the Estate of Martha
Spinelli, MARGERY J. BASS,
SAMUEL W. HUGHSTON, JAMES P.
WOODFORD, SANDRA L. WOODFORD,
WILLIAM P. PETERS, KATHY PARKER,
ANN DUPREE and MARY SUE DALTON,

Defendants

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*
* **NO. 08-27-CD**
*
*
* **Type of Case: PARTITION**
*
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* **Type of Pleading: MOTION**
* **FOR ORDER DIRECTING**
* **PARTITION**
*
*
* **Filed on behalf of: PLAINTIFF**
*
*
*
* **Counsel of Record of this Party:**
* **BARBARA J. HUGNEY-SHOPE, ESQ.**
*
* **Supreme Court I. D. No. 26274**
* 28478 Frenchville-Karthaus Hwy.
* P.O. Box 232
* Frenchville, PA 16836
* (814) 263-73357

FILED
0/11/30/08
APR 22 2008
ec Atty Shope
(CR)

William A. Shaw
Prothonotary/Clerk of Courts

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

WAYNE E. KUNES, Plaintiff

vs.

**CLAUDIA McCLOSKEY, Trustee, of the David and
Claudia McCloskey Trust, LEONA McCLOSKEY,
ELINOR McCLOSKEY, SUSAN McCLOSKEY
SULLIVAN, JACK BRENNAN, JOHN GILLILAND,
JOSEPH GILLILAND, JAMES JILLILAND,
JUDITH (GILLILAND) CHASE, JENNIE (THOMAS)
BUCHER, CONNIE (THOMAS) HAUFE, FRANK
MAURER, JR., PIERRE C. MAURER, BASIL G.
MAURER, DEAN A. SEITZ, DEBORAH G. SEITZ ,
CHARLES R. IRVIN, JAYNE T. BROZ, CAROLYN
G. IRVIN, DIANE SPINELLI KOCHER, Executrix
of the Estate of Martha Spinelli, MARGERY J. BASS,
SAMUEL W. HUGHSTON, JAMES P. WOODFORD
SANDRA L. WOODFORD, WILLIAM P. PETERS,
KATHY PARKER, ANN DUPREE, and MARY SUE
DALTON, Defendants**

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NO. 08-27-CD

**MOTION FOR PRELIMINARY ORDER
DIRECTING PARTITION**

TO THE HONORABLE JUDGE OF THE COURT:

NOW COMES the Plaintiff, by his undersigned counsel, Barbara J. Hugney-Shope, Esquire, and hereby moves this Honorable Court to direct partition of the premises which are the subject of this suit against Defendants based upon the reasons as set forth below:

1. That Plaintiff commenced the above-captioned action by filing a Complaint for Partition of real property on January 11, 2008. (A true and correct copy of the Complaint is attached hereto as Exhibit "A").

2. That on or before February 10, 2008 all Defendants had been served.

3. That it is more than twenty (20) days since all Defendants have been served and no named Defendant has filed a Counterclaim as set forth in Pa. R.C.P. 1557 nor has an appearance be entered for any of the named Defendants either personally or through counsel; therefore, Plaintiff through his counsel moves that the Court enter an order directing partition of the subject premises.

4. That Pa. R.C.P. 1557 provides for the Court to enter an order directing partition upon default of the parties.

WHEREFORE, counsel for Plaintiff respectfully requests the Court enter an order directing partition of the subject premises.

Respectfully submitted,


Barbara J. Hugney-Shope
Attorney for Plaintiff/Movant

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

WAYNE E. KUNES,

Plaintiff,

vs.

NO. 08-27-CD

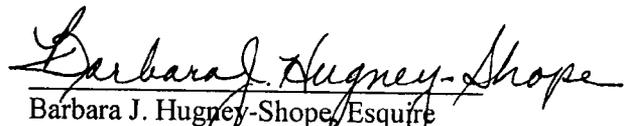
JOHN GILLILAND, JOSEPH GILLILAND, *
GILLILAND, JAMES GILLILAND, JUDITH *
(GILLILAND) CHASE, JENNIE (THOMAS) *
BUCHER, CONNIE (THOMAS) HAUFE, ELINOR *
McCLOSKEY, CLAUDIA McCLOSKEY, TRUSTEE* *
of the David and Claudia McCloskey Trust, **SUSAN** *
McCLOSKEY SULLIVAN, LEONA McCLOSKEY, *
JACK BRENNAN, FRANK MAURER, JR., *
PIERRE C. MAURER, BASIL G. MAURER, DEAN *
A. SEITZ, DEBORAH G. SEITZ, DIANE *
SPINELLI KOCHER, Executrix of the Estate of *
Martha Spinelli, **CHARLES R. IRVIN, JAYNE I.** *
BROZ, CAROLYN G. IRVIN, JAMES P. *
WOODFORD, SANDRA L. WOODFORD, *
WILLIAM P. PETERS, MARGERY JEANNE *
BASS, MARY E. LAWSON, KATHY PARKER, *
ANN DUPREE, and MARY SUE DALTON *
Defendants *

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against these claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641, Ext. 5982**


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiff

- (b) Joseph Gilliland, an adult individual, whose last known address was 609 Ogden Avenue, Clearfield, Pennsylvania 16836;
- (c) James Gilliland, an adult individual, whose last known address was 552 Buell Road, Curwensville, Pennsylvania 16833;
- (d) Judith (Gilliland) Chase, an adult individual, whose last known address was Mountainview Farm, Stevensburg, Virginia 22741;
- (e) Jennie (Thomas) Bucher, an adult individual, whose last known address was 215 Valley Road, Bloomsburg, Pennsylvania 17815;
- (f) Connie (Thomas) Haufe, an adult individual, whose last known address was R.R. 1, Box 1138, Forksville, Pennsylvania 18616;
- (g) Elinor McCloskey, an adult individual, whose address was 335 SW Skyline Drive, Pullman, Washington 99163.
- (h) Claudia McCloskey, Trustee, of the David and Claudia McCloskey Trust, whose last known address was 421 Olohana Street, #1803, Honolulu, Hawaii 96815;
- (i) Susan McCloskey Sullivan, an adult individual, whose last known address was Box 147, Urbana, Virginia 23175.
- (j) Leona McCloskey, a widow, whose last known address was 710 Hawthorn, Anderson, Indiana 46011-2120;
- (k) Jack Brennan, an adult individual, whose last known address was 33140 - 73rd Street, Burlington, Wisconsin 53105;
- (l) Frank Maurer, Jr., an adult individual, whose last known address was 25344 Co. Rd. 95, Davis, California 95616;
- (m) Pierre C. Maurer, an adult individual, whose last known address was 25344 Co. Rd. 95, Davis, California 95616;
- (n) Basil G. Maurer, an adult individual, whose last known address was 25344 Co. Rd. 95, Davis, California 95616;
- (o) Dean A. Seitz and Deborah G. Seitz, husband and wife, whose last known address was 2155 Autumn View Drive, Orlando, Florida 32825;
- (p) Diane Spinelli Kocher, Executrix of the Estate of Martha Spinelli, whose last known address was 500 Filbert Street, Clearfield, PA 16830;

(q) Charles R. Irvin, an adult individual, whose last known address was 3 Harvest Green Place, The Woodlands, Texas 77382-1135;

(r) Jayne I. Broz, an adult individual, whose last known address was 49 Orchard Street, Merrimac, Massachusetts 01860;

(s) Carolyn G. Irvin, an adult individual, whose last known address was 8101 Research Forest Drive, Apt. 13106, Spring, Texas 77382;

(t) James P. Woodford, an adult individual, whose last known address was 1150 N. 5th Street, Coos Bay, Oregon 97420;

(u) Sandra L. Woodford, an adult individual, whose last known address was P.O. Box 2021, Pahoia, HI 96778;

(v) William P. Peters, an adult individual, c/o Deborah Peters, his agent, of 1015 E. Mountain View Road, Unit #2010, Scottsdale, AZ 85258.

(w) Margery Jeanne Bass, an adult individual, whose last known address was 301 W. Platt St., #223, Tampa, Florida 33606;

(x) Mary E. Lawson, an adult individual, whose last known address was P.O. Box 171752, Arlington, Texas 76003;

(y) Kathy Parker, an adult individual, whose last known address was 121 Brookside Place, Marina, CA 93933.

(z) Ann Dupree, an adult individual, whose last known address was 263 Lake Flower Avenue, Saranac, NY 12983.

(aa) Mary Sue Dalton, an adult individual, whose last known address was 5819 State Rte 30, Lake Clear, NY 12945.

COUNT - I

Premises: 75 acre parcel of land in Covington Township,
Clearfield County, Pennsylvania

3. Whereas, John Keating by Deed dated May 28, 1838, and recorded May 25, 1859, in Clearfield County in Deed Book "S" at Page 344, conveyed a parcel of land in Covington Township, Clearfield County, Pennsylvania, identified as Tax Map Parcel No. 111-Q4-11 to Sarah Smith, who married William Kunes. Said parcel being more particularly described as follows:

west corner of the said Warrant); thence North 212 perches to a white pine corner; thence East 60 perches to a post corner; thence South 212 perches to a post corner on the south line of the Warrant aforesaid; thence West along the south line of said Warrant 60 perches to the place of beginning. Containing 75 acres with the usual allowance of 6% for roads, be the same more or less.

4. The said Sarah Smith Kunes died testate on August 30, 1888, devising her real estate to her five (5) children; namely, Valentine H. Kunes, Hannah M. Peters, Sarah J. Kunes, Aquila Mary Elen Kunes and William E. Kunes, reserving unto her surviving spouse, William Kunes; however, a life estate in the above-described parcel. The said William Kunes, surviving spouse of Sarah Kunes, passed away in 1896 survived by their five (5) children, the said Valentine Hezekiah Kunes, Sarah Jane Kunes, William Edward Kunes, Aquila Mary Elen Kunes and Hannah Mary Kunes.

5. The said Valentine Hezekiah Kunes holding a twenty (20%) percent interest in the said parcel of land died in 1905 survived by his spouse, Mary Elmira (Kratzer) Kunes, and three (3) children; namely, Haskell Gordon Kunes, Mabel Goldie Kunes, and Arthur Valentine Kunes. The said Mary Elmira (Kratzer) Kunes died in 1932, survived by their three (3) children.

5(a). The said Haskell Gordon Kunes, died in 1951, survived by three (3) children; namely, Violet (Kunes) Gilliland, Anita (Kunes) Thomas and Wayne E. Kunes.

5(b). The said Violet (Kunes) Gilliland, a widow, died testate on August 21, 1996, survived by four (4) children; namely, John Gilliland, Joseph Gilliland, James Gilliland, and Judith (Gilliland) Chase, as her sole testate heirs, inheriting their mother's share averred to be 2.222% with their respective interest in the parcel of land to be .556% each, all of whom are named as Defendants herein.

5(c). The said Anita (Kunes) Thomas, a widow, died December 13, 1990, survived by her two (2) children as her sole heirs; namely, Jennie (Thomas) Bucher, and Connie (Thomas) Haufe, inheriting their mother's share averred to be 2.222% with their respective interests to be 1.111% each, both of whom are named as Defendants herein.

5(d). The said Wayne E. Kunes, a widower, Plaintiff herein, claims an interest of 2.222% in the said parcel of land inherited from his father, Haskell Gordon Kunes.

5(e). The said Mabel Goldie (Kunes) McCloskey inheriting one-third (1/3) of her father's interest in this parcel of land or 6.667% of the whole parcel died in 1965 survived by four (4) children; namely, Gordon McCloskey, Byron McCloskey, Richard McCloskey, and Lillian (McCloskey)

Brennan and the issue of her deceased daughter, Marian (McCloskey) Isaac, a widow who died in 1962, survived by a son, Adam Isaac.

5(f). The said Gordon McCloskey, a widower, died intestate in 1988 survived by one (1) daughter; namely, Elinor McCloskey, an adult individual, who as his sole surviving heir, inherited her father's share and one-fourth of her aunt Marian Isaac's share for a total of 1.667% and is named as a Defendant herein.

5(g). The said Byron McCloskey died intestate in 1988 survived by his spouse, Teresa McCloskey, and two (2) children; namely, David McCloskey and Susan McCloskey Sullivan as his sole surviving heirs. The said Teresa McCloskey died in 1991, survived by their two (2) children, who inherited their father's share of the said parcel of land averred to be 1.667%. The said David McCloskey died testate on May 7, 2003, leaving as his sole testate heir the joint living trust that he and his wife, Claudia McCloskey, had established. The said Claudia McCloskey, surviving spouse of David McCloskey, survives and is the personal representative under the Will of her late husband and trustee of the joint living trust established by the McCloskeys in 1998. Claudia McCloskey, Trustee of the David and Claudia McCloskey Trust, averred to own a .833% interest, is named as a Defendant herein. The said Susan (McCloskey) Sullivan, is believed and averred to own a .833% interest, and is named as a Defendant herein.

5(h). The said Richard McCloskey died testate August 21, 1996, in Anderson, Indiana, leaving his surviving spouse, Leona McCloskey, as his sole testate heir, who is averred to hold a 1.667% interest in the above-described parcel and is named as a Defendant herein.

5(i). The said Lillian (McCloskey) Brennan died in 1989, survived by her spouse, Ward Brennan, and one (1) son; namely, Jack Brennan, as her sole intestate heirs. The said Ward Brennan died in 1992, leaving to survive him as his sole intestate heir the said Jack Brennan, who is averred to hold a 1.667% interest in the above-described parcel and is named as a Defendant herein.

5(j). The said Adam Isaac, son of Marian (McCloskey) Isaac, is believed to have died intestate in 1989 in the state of Indiana without a spouse or any issue and his closest identifiable intestate heirs are his surviving maternal aunts and uncles and the issue of any deceased maternal aunts and uncles.

5(k). The said Arthur Valentine Kunes, also known as Arthur V. Kunes, died January 9, 1990, survived by his spouse, Helen J. Kunes, and one (1) child; namely Arthur Lee Kunes. The said Helen J. Kunes, by her agent, Arthur Lee Kunes, and Arthur Lee Kunes, individually, conveyed the interest of Arthur Valentine Kunes averred to be 6.667% in the above-described parcel to Tim Kunes by their

deed dated October 10, 1990, and recorded in Clearfield County Deed Book No. 1368, page 89, and the said Tim Kunes by his deed dated March 17, 1999, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 199904078. conveyed his 6.667% interest to Wayne E. Kunes, Plaintiff herein,

6. The said Sarah Jane (Kunes) Kratzer, a widow, holding a twenty (20%) percent interest in the said parcel of land, died testate October 10, 1938, leaving as her sole testate heirs her five (5) children; namely, Blair R. Kratzer, Olive V. Kratzer, Daisy C. Kratzer, Ida Pearl Kratzer, and Lulu E. Kratzer.

6(a). That Blair R. Kratzer and Ethel Kratzer, his wife, and Olive F. Kratzer, single, conveyed their interest averred to be a total of 8% in the Sarah (Kunes) Kratzer Estate to Daisy (Kratzer) Lambert and Lulu (Kratzer) Seitz by deed dated January 12, 1955, and recorded in Clearfield County Deed Book 441, page 56.

6(b). That Daisy C. (Kratzer) Lambert died July 11, 1977, in Cambria County, Pennsylvania, leaving to survive her one (1) daughter, Virginia (Lambert) Mattern and who, by Decree of the Cambria County Court of Common Pleas, was awarded the interest of her deceased mother in the subject property, averred to be 8%, as set forth in the exemplified copy of said Decree dated May 11, 1978, filed in the Clearfield County Office of Recorder of Deeds on January 16, 1979, in Deed Book 775, page 335. The said Virginia (Lambert) Mattern by her deed dated February 10, 1999, and recorded in the Clearfield County Recorder of Deeds Office as Instrument No. 199902958 conveyed this interest, averred to be 8%, to Frank W. Maurer, Pierre C. Maurer and Basil G. Maurer, as joint tenants with right of survivorship, who are named as Defendants herein.

6(c). The interest of the said Ida Pearl (Kratzer) Maurer, averred to be 4% was conveyed by Dorothy West, as agent of the Pearl Maurer Heirs, by deed dated August 16, 1996, and recorded in Clearfield County Deeds and Records Book 1789, page 281, to Frank W. Maurer, Jr., Pierre C. Maurer, and Basil G. Maurer, as joint tenants with right of survivorship, and named as Defendants herein.

6(d). The said Lulu E. (Kratzer) Seitz, a widow, by her deed dated October 28, 1964, and recorded in Clearfield County Deed Book 511, page 443 conveyed her interest, averred to be 8% to Donald Alan Seitz. The said Donald Alan Seitz, a widower, by his deed dated May 23, 2005, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 200507770 conveyed the

interest that he had acquired from Lulu K. Seitz, averred to be 8% to Dean A. Seitz and Deborah G. Seitz, who are named as Defendants herein.

7. The said William Edward Kunes, holding a twenty (20%) percent interest in the said parcel of land, passed away in 1933 survived by one (1) child; namely, Inez E. (Kunes) Thrasher, who by her deed dated March 24, 1955, recorded March 29, 1955, in Deed Book 441, page 367, conveyed this interest believed and averred to be 20% to Wayne E. Kunes, Plaintiff herein.

8. The said Aquila Mary Elen (Kunes) McNaul, also known as Ella (Kunes) McNaul, a widow, holding a twenty (20%) percent interest in the said parcel of land, passed away in 1941 survived by three (3) children; namely, Wava (McNaul) Johnson, Willard Cornelius McNaul, also known as Willard C. McNaul, and Verryll (McNaul) Reid, also known as Verryll (McNaul) Irvin.

8(a). The said Wava (McNaul) Johnson died testate January 29, 1972, survived by one (1) child; namely, Robert M. Johnson. The said Robert M. Johnson died testate October 8, 1975, leaving his surviving spouse, Selma A. Johnson, as his residuary testate heir which included his interest in the above-described parcel, believed and averred to be 6.667%. The interest of Selma A. Johnson, whose last known address was Bloomfield Hills, Michigan, was sold by the Clearfield County Tax Claim Bureau as the property of Ella McNaul by its deed dated December 1, 1999, and recorded in Clearfield County Recorder's Office as Instrument No. 199919718 to Wayne E. Kunes, Plaintiff herein.

8(b). The said Willard Cornelius McNaul, also known as Willard C. McNaul, died testate May 30, 1968, leaving his surviving spouse, Beatrice McNaul, and their two (2) children, Martha Jane Spinelli and Ai Allen McNaul as his sole testate heirs. The said Beatrice McNaul, widow of Willard C. McNaul, died testate November 27, 1970, leaving their children, Martha Jane Spinelli and Ai Allen McNaul as her sole testate heirs. The said Ai Allen McNaul, also known as Allen A. McNaul and Margaret C. McNaul, his wife, conveyed his interest, averred to be 3.333% in the above-described parcel to Martha Jane Spinelli by their deed dated October 28, 2002, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 200217931. Martha Jane Spinelli died testate on September 4, 2007, with her Will filed for probate in Clearfield County as Estate No. 1707-507, and appointing her daughter, Diane Spinelli Kocher as Executrix. It is believed and averred that the interest of the Estate of Martha Jane Spinelli in the subject parcel of land is 6.667% and as such is named as a Defendant herein.

8(c). The said Verryll (McNaul) Reid, formerly known as Verryll (McNaul) Irvin, died June 13, 1962, leaving her surviving spouse, James R. Reid, and one (1) child; namely, Charles A. Irvin, as her

sole intestate heirs. The said James R. Reid died November 3, 1966, leaving Charles A. Irvin, as the sole heir of his mother's interest, averred to be 6.667%. The said Charles A. Irvin died testate on January 4, 2005, in East Greenwich, Rhode Island, names his three (3) children; namely, Charles R. Irvin, Jayne I. Broz and Carolyn G. Irvin, as his residuary heirs, with an exemplified copy of his Last Will and Testament filed in Clearfield County as Instrument Number 200520624. It is believed and averred that their respective interests are 2.222% each, and all of who are named as Defendants herein.

9. The said Hannah Mary (Kunes) Peters, holding a twenty (20%) percent interest in the said parcel of land, died in January, 1922, survived by five (5) children; namely Agatha Viola Peters, William Harrison Peters, Walter Melancthon Peters, Gladys Ruth Peters, and Maude Estella Peters.

9(a). The said Agatha Viola Peters, an unmarried individual, died October 20, 1935, intestate and without issue, leaving to survive her were her sisters and the issue of her deceased brothers as her sole intestate heirs.

9(b). The said William Harrison Peters died August 7, 1932, survived by his spouse, Cora Peters, and a son, William H. Woodford. The said Cora Peters died in December 28, 1984, without any issue or known intestate heirs. The said William H. Woodford died in or about 1992, and is survived by his two (2) children, namely, James P. Woodford and Sandra L. Woodford, as his sole intestate heirs, and it is believed and averred that their interest is 2.5% each, and they are named as Defendants herein.

9(c). The said Walter M. Peters died intestate October 30, 1932, survived by his spouse, Marie L. Peters, and a son, William P. Peters, as his sole intestate heirs. The said Marie L. Peters died on January 7, 1976, survived by her son, William P. Peters, as her sole intestate heir. It is believed and averred that the interest of William P. Peters is 5%, and he is named as a Defendant herein.

9(d). The said Gladys Ruth (Peters) Wythe, also known as Ruth Peters Wythe, a widow, died intestate September 11, 1958, survived by her daughter, Agatha Jeanne Wythe Hughston, also known as Jeanne Wythe Hughston, as her sole intestate heir. The said Jeanne Wythe Hughston, a widow, died testate on June 23, 2005, and devised the residue of her estate including her 5.00 % interest in the subject premises as follows: Fifteen (15%) percent to her daughter, Margery Jeanne Bass and the remaining eighty-five (85%) percent to her granddaughter, Mary E. Lawson. An exemplified copy of the Last Will and Testament of Jeanne W. Hughston as filed in Tarrant County, Texas, is recorded in Clearfield County as Instrument Number 200800280. It is believed and averred that the interest of

Margery Jeanne Bass is .75% and the interest of Mary E. Lawson is 4.25%, and they are named as Defendants herein.

9(e). The said Maude Estella (Peters) Peightal, a widow, died July 5, 1961, survived by two (2) children; namely, Walter R. Peightal and Grace Elizabeth (Peightal) Davis, as her sole intestate heirs. The said Walter R. Peightal died intestate on July 23, 1991, without a surviving spouse or issue, leaving as his sole heirs, the issue of his deceased son, John Peightal; namely, Kathy Parker, Ann Dupree, and Mary Sue Dalton, and it is believed and averred that their interest is .8333% each and they are named as Defendants herein. The said Grace Elizabeth (Peightal) Davis, a widow, died intestate on September 11, 1988, survived by her three (3) daughters; namely, Ione R. Hammaker, Nancy Elizabeth Hamil and Arlene Grace Edmundson, as her sole intestate heirs. The said Ione R. Hammaker, Nancy Elizabeth Hamil and Arlene Grace Edmundson conveyed their interest believed and averred to be 2.500% in the above-described parcel of land by their deed dated July 23, 1997, and recorded in Clearfield County Deeds & Records Book 1870 page 335 to Wayne E. Kunes, Plaintiff herein.

10. Plaintiff believes and avers that the title to the above-described tract of land is now vested as follows:

- a. Wayne Kunes - 38.055 % interest
- b. John Gilliland - .556% interest
- c. Joseph Gilliland - .556% interest
- d. James Gilliland - .556% interest
- e. Judith (Gilliland) Chase - .556% interest
- f. Jennie (Thomas) Bucher - 1.111% interest
- g. Connie (Thomas) Haufe - 1.111% interest
- h. Elinor McCloskey - 1.667% interest
- i. Claudia McCloskey - .833% interest
- j. Susan (McCloskey) Sullivan - .833% interest
- k. Leona McCloskey - 1.667% interest
- l. Jack Brennan - 1.667% interest
- m. Frank Maurer, Jr., et al. - 12% interest
- n. Dean A. Seitz, et. ux - 8% interest
- o. Estate of Martha Spinelli - 6.667% interest

- p. Charles R. Irvin - 2.222% interest
- q. Jayne I. Broz - 2.222% interest
- r. Carolyn G. Irvin - 2.222% interest
- s. James P. Woodford - 2.5% interest
- t. Sandra L. Woodford - 2.5% interest
- u. William P. Peters - 5% interest
- v. Margery Jeanne Bass - .75% interest
- w. Mary E. Lawson - 4.25% interest.
- x. Kathy Parker - .833% interest
- y. Ann Dupree - .833% interest
- z. Mary Sue Dalton - .833% interest

11. That after a diligent search of the public records of Clearfield County, Pennsylvania, and contacting all living family members known to Plaintiff for information on heirs of deceased family members, Plaintiff believes and avers that no persons other than the Plaintiff and the Defendants have any interest in the above-described premises.

12. No partition or division of the above-described tract of land has ever been made, although Plaintiff has requested the Defendants to join with him in making one.

COUNT II

Premises: 150 acre parcel of land in Covington Township,
Clearfield County, Pennsylvania

13. Plaintiff, WAYNE E. KUNES, repeats, and incorporates herein by reference thereto, all of the averments of paragraphs 1 and 2 (a) through 2 (s) of this Complaint.

14. Whereas, the Treasurer of Clearfield County, by deed dated June 30, 1870, and recorded in Clearfield County in Deed Book 25, page 386, granted and conveyed to William Kunes a certain tract of unseated land surveyed and returned to the Board of Commissioners of Clearfield County in the name of H. Burgett, identified as Tax Map Parcel No. 111-Q4-6. The said Harvey Burgett and Sarah C. Burgett, his wife, by Quit-Claim Deed dated March 1, 1872, released any interest they may have had in the same premises to William Kunes, described as containing 200 acres, more less, situate in Covington Township, Clearfield County, Pennsylvania, and more particularly described as follows:

ALL that tract or parcel of land situate in the Township of Covington, Clearfield County, Pennsylvania, bounded and described as follows: Bounded on the South by lands, now or

formerly, of John Picard and William Kunes, on the East by lands, now or formerly, of the Keating heirs, on the North by lands, now or formerly, of Shaw and Peter Lamm. Containing 200 acres, more or less, with the usual allowance for roads, etc.

15. William Kunes conveyed a parcel containing 50 acres by his deed dated September 29, 1891, and recorded in Clearfield County Deed Book 65, Page 250 to Hannah Peters.

16. The balance of the said parcel then containing 150 acres was devised by the said William Kunes to his remaining four (4) children; Valentine Kunes, Sarah Jane Kunes, William Kunes and Aquila Mary Ellen Kunes.

17. The said Valentine Hezekiah Kunes holding a twenty-five (25%) percent interest in the said parcel of land passed away in 1905 survived by his spouse, Mary Elmira (Kratzer) Kunes and three (3) children; namely, Haskell Gordon Kunes, Mabel Goldie Kunes, and Arthur Valentine Kunes. The said Mary Elmira (Kratzer) Kunes died in 1932, survived by their three (3) children.

17(a). The said Haskell Gordon Kunes, inheriting a 8.333% interest of his father's interest, died in 1951, survived by three (3) children; namely, Violet (Kunes) Gilliland, Anita (Kunes) Thomas and Wayne E. Kunes.

17(b). The said Violet (Kunes) Gilliland, a widow, died testate on August 21, 1996, survived by four (4) children; namely, John Gilliland, Joseph Gilliland, James Gilliland, and Judith (Gilliland) Chase, as her sole testate heirs, inheriting their mother's share averred to be 2.778% with their respective interest in the parcel of land to be .694% each, all of whom are named as Defendants herein.

17(c). The said Anita (Kunes) Thomas, a widow, died December 13, 1990, survived by her two (2) children as her sole heirs; namely, Jennie (Thomas) Bucher, and Connie (Thomas) Haufe, inheriting their mother's share averred to be 2.778% with their respective interests to be 1.389% each, both of whom are named as Defendants herein.

17(d). Wayne E. Kunes, a widower, Plaintiff herein, claims an interest of 2.778% in the said parcel of land acquired from his father, Haskell Gordon Kunes

17(e). The said Mabel Goldie (Kunes) McCloskey inheriting a 8.333% interest of her father's interest in this parcel of land died in 1965 survived by five (5) children; namely, Marian (McCloskey) Issac, Gordon McCloskey, Byron McCloskey, Richard McCloskey, and Lillian (McCloskey) Brennan.

17(f). The said Marian (McCloskey) Isaac died in 1962 survived by her son, Adam Isaac, as her sole intestate heir. The said Adam Isaac is believed to have died intestate in 1989 in the state of Indiana without a spouse or any issue and his closest identifiable intestate heirs are averred to be his surviving maternal aunts and uncles and the issue of any deceased maternal aunts and uncles.

17(g). The said Gordon McCloskey, a widower, died intestate in 1988 survived by one (1) daughter; namely, Elinor McCloskey, an adult individual, who as his sole surviving heir, inherited her father's share and one-fourth of her aunt Marian Isaac's share for a total averred to be a 2.083% interest and is named as a Defendant herein.

17(h). The said Byron McCloskey died intestate in 1988 survived by his spouse, Teresa McCloskey, and two (2) children; namely, David McCloskey and Susan (McCloskey) Sullivan as his sole surviving heirs. The said Teresa McCloskey died in 1991, survived by their two (2) children, who inherited their father's share of the said parcel of land averred to be 2.083%. The said David McCloskey died testate on May 7, 2003, leaving as his sole testate heir the joint living trust that he and his wife, Claudia McCloskey, had established. The said Claudia McCloskey, surviving spouse of David McCloskey, is the personal representative under the Will of her late husband and the Trustee of the Trust established by the McCloskeys in 1998. Claudia McCloskey, Trustee of the David and Claudia McCloskey Trust, is believed and averred to own a 1.042% interest, is named as a Defendant herein. The said Susan (McCloskey) Sullivan, is believed and averred to own a 1.042% interest, and is named as a Defendant herein.

17(i). The said Richard McCloskey died testate August 21, 1996, in Anderson, Indiana, leaving his surviving spouse, Leona McCloskey, as his sole testate heir, who is believed and averred to hold a 2.083% interest in the above-described parcel and is named as a Defendant herein.

17(j). The said Lillian (McCloskey) Brennan died in 1989, survived by her spouse, Ward Brennan, and one (1) son; namely, Jack Brennan, as her sole intestate heirs. The said Ward Brennan died in 1992, leaving to survive him as his sole intestate heir his son, the said Jack Brennan, who is averred to hold a 2.083% interest in the above-described parcel and is named as a Defendant herein.

17(k). The said Arthur Valentine Kunes, also known as Arthur V. Kunes, died January 9, 1990, survived by his spouse, Helen J. Kunes, and one (1) child; namely Arthur Lee Kunes. The said Helen J. Kunes, by her agent, Arthur Lee Kunes, and Arthur Lee Kunes, individually, conveyed the interest of Arthur Valentine Kunes averred to be 8.334% in the above-described parcel to Tim Kunes by their deed dated October 10, 1990, and recorded in Clearfield County Deed Book No. 1368, page

89. The said Tim Kunes by his deed dated March 17, 1999, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 199904078. conveyed this 8.334% interest to Wayne E. Kunes, Plaintiff herein,

18. The said Sarah Jane (Kunes) Kratzer holding a 25% interest in the said parcel of land, died testate October 10, 1938, leaving as her sole testate heirs her five (5) children; namely, Blair R. Kratzer, Olive V. Kratzer, Daisy C. Kratzer, Ida Pearl Kratzer, and Lulu E. Kratzer.

18(a). The said Blair R. Kratzer, et ux., and Olive F. Kratzer, single, conveyed their respective interests averred to be 5.000% each in the Sarah (Kunes) Kratzer Estate to Daisy (Kratzer) Lambert and Lulu (Kratzer) Seitz by deed dated January 12, 1955, and recorded in Clearfield County Deed Book 441, page 56.

18(b). The said Daisy C. (Kratzer) Lambert died July 11, 1977, in Cambria County, Pennsylvania, leaving to survive her one (1) daughter, Virginia (Lambert) Mattern and by Decree of the Cambria County Court of Common Pleas was awarded the interest of her deceased mother in the subject property, averred to be a 10.000% interest as set forth in the exemplified copy of said Decree dated May 1, 1978, and filed in the Clearfield County Office of Recorder of Deeds on January 16, 1979, in Deed Book 775, page 335. The said Virginia (Lambert) Mattern by her deed dated February 10, 1999, and recorded in the Clearfield County Recorder of Deeds Office as Instrument No. 199902958 conveyed this interest, averred to be 10.000% to Frank W. Maurer, Jr., Pierre Maurer, and Basil G. Maurer, all named Defendants herein.

18(c). That the interest of Ida Pearl (Kratzer) Maurer, averred to be a 5.000% interest, was conveyed by Dorothy West, as agent of the Pearl Maurer Heirs, to Frank W. Maurer, Jr, Pierre Maurer, and Basil G. Maurer named as Defendants herein.

18(d). The said Lulu E. (Kratzer) Seitz, a widow, by her deed dated October 28, 1964, and recorded in Clearfield County Deed Book 511, page 443 conveyed her interest, averred to be a 10.000% interest, to Donald Alan Seitz. The said Donald Alan Seitz, a widower, by his deed dated May 23, 2005, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 200507770 conveyed the interest that he had acquired from Lulu K. Seitz, averred to be 10.000%, to Dean A. Seitz and Deborah G. Seitz, who are named as Defendants herein.

19. The said William Edward Kunes, holding a 25% interest in the said parcel of land, passed away in 1933 survived by one (1) child; namely, Inez E. (Kunes) Thrasher, who by her deed dated

March 24, 1955, recorded March 29, 1955, in Deed Book 441, page 367, conveyed this interest believed and averred to be 25.000% to Wayne E. Kunes, Plaintiff herein.

20. The said Aquila Mary Elen (Kunes) McNaul, also known as Ella (Kunes) McNaul, a widow, passed away in 1941 survived by three (3) children; namely, Wava (McNaul) Johnson, Willard Cornelius McNaul, also known as Willard C. McNaul, and Verryll (McNaul) Reid, also known as Verryll (McNaul) Irvin.

20(a). The said Wava (McNaul) Johnson died testate January 29, 1972, survived by one (1) child; namely, Robert M. Johnson. The said Robert M. Johnson died testate October 8, 1975, leaving his surviving spouse, Selma A. Johnson, as his residuary testate heir which included his interest in the above-described parcel, averred to be 8.334%. The interest of Selma A. Johnson, whose last known address was Bloomfield Hills, Michigan, was sold by the Clearfield County Tax Claim Bureau as the property of Ella McNaul by its deed dated December 1, 1999, and recorded in Clearfield County Recorder's Office as Instrument No. 199919718 to Wayne E. Kunes, Plaintiff herein.

20(b). The said Willard Cornelius McNaul, also known as Willard C. McNaul, died testate May 30, 1968, leaving his surviving spouse, Beatrice McNaul, and their two (2) children, Martha Jane Spinelli and Ai Allen McNaul as his sole testate heirs. The said Beatrice McNaul, widow of Willard C. McNaul, died testate November 27, 1970, leaving their children, Martha Jane Spinelli and Ai Allen McNaul as her sole heirs. The said Ai Allen McNaul, also known as Allen A. McNaul and Margaret C. McNaul, his wife, conveyed his interest, averred to be 4.166%, in the above-described parcel to Martha Jane Spinelli by their deed dated October 28, 2002, and recorded in Clearfield County Recorder of Deeds Office as Instrument No. 200217931. Martha Jane Spinelli died testate on September 4, 2007, with her Will filed for probate in Clearfield County as Estate No. 1707-507, and appointing her daughter, Diane Spinelli Kocher, as Executrix. It is believed and averred that the interest of the Estate of Martha Jane Spinelli in the subject parcel of land is 8.333% and as such is named as a Defendant herein.

20(c). That Verryl (McNaul) Reid, formerly known as Verryl (McNaul) Irvin, died June 13, 1962, leaving her surviving spouse, James R. Reid, and one (1) child; namely, Charles A. Irvin, as her sole intestate heirs. The said James R. Reid died November 3, 1966, leaving Charles A. Irvin, as the sole heir of his mother's interest, averred to be 8.333%. The said Charles A. Irvin died testate on January 4, 2005, in East Greenwich, Rhode Island, with an exemplified copy of his Last Will and Testament filed in Clearfield County as Instrument Number 20050624, and was survived by three (3)

children; namely, Charles R. Irvin, Jayne I. Broz and Carolyn G. Irvin, with their interests averred to be 2.778% in the above-referred to parcel and are named as Defendants herein.

21. Plaintiff believes and avers that the title to the above-described tract of land is now vested as follows:

- a. Wayne Kunes - 44.446% interest
- b. John Gilliland - .694% interest
- c. Joseph Gilliland - .694% interest
- d. James Gilliland - .694% interest
- e. Judith (Gilliland) Chase - .694% interest
- f. Jennie (Thomas) Bucher - 1.389% interest
- g. Connie (Thomas) Haufe - 1.389% interest
- h. Elinor McCloskey - 2.083% interest
- i. Claudia McCloskey - 1.042% interest
- j. Susan (McCloskey) Sullivan - 1.042% interest
- k. Leona McCloskey - 2.083% interest
- l. Jack Brennan - 2.083% interest
- m. Frank Maurer, Jr., et al - 15.000% interest
- n. Dean A. Seitz, et. ux - 10.000% interest
- o. Estate of Martha Spinelli - 8.333% interest
- p. Charles R. Irvin - 2.778% interest
- q. Jayne I. Broz - 2.778% interest
- r. Carolyn G. Irvin - 2.778% interest

22. That after a diligent search of the public records of Clearfield County, Pennsylvania, and contacting all living family members who were known to Plaintiff for information on heirs of deceased family members, Plaintiff believes and avers that no persons other than the Plaintiff and the Defendants have any interest in the above described

23. No partition or division of the above-described tract of land has ever been made, although Plaintiff has requested the Defendants to join with him in making one.

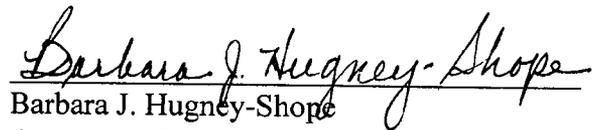
WHEREFORE, Plaintiff needing equitable relief, prays that your Honorable Court may decree and direct:

(a) That the Court decree partition of the said real estate;

(b) That the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the said real estate cannot be divided without prejudice to or spoiling the whole, then to value and appraise the same as whole and in purparts, and to sell the same by a sale confined to the parties, or by a public or private sale not confined to the parties, all as provided by law, and to distribute the proceeds among those found to be severally entitled thereto.

(c) That such other and further relief be granted as the Court decrees just and proper.

Respectfully submitted,


Barbara J. Hugney-Shope

Attorney at Law

PA Sup. Ct. No. 26274

VERIFICATION

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


Wayne E. Kunes

Dated: 12-6-07, 2007

FILED 3 CC
019:31601
MAY 13 2008
Atty. Shope
CD

William A. Shaw
Prothonotary/Clerk of Courts

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

WAYNE E. KUNES, Plaintiff

vs.

**CLAUDIA McCLOSKEY, Trustee, of the David and
Claudia McCloskey Trust, LEONA McCLOSKEY,
ELINOR McCLOSKEY, SUSAN McCLOSKEY
SULLIVAN, JACK BRENNAN, JOHN GILLILAND,
JOSEPH GILLILAND, JAMES JILLILAND,
JUDITH (GILLILAND) CHASE, JENNIE (THOMAS)
BUCHER, CONNIE (THOMAS) HAUFE, FRANK
MAURER, JR., PIERRE C. MAURER, BASIL G.
MAURER, DEAN A. SEITZ, DEBORAH G. SEITZ ,
CHARLES R. IRVIN, JAYNE I. BROZ, CAROLYN
G. IRVIN, DIANE SPINELLI KOCHER, Executrix
of the Estate of Martha Spinelli, MARGERY J. BASS,
SAMUEL W. HUGHSTON, JAMES P. WOODFORD
SANDRA L. WOODFORD, WILLIAM P. PETERS,
KATHY PARKER, ANN DUPREE, and MARY SUE
DALTON,**

Defendants

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NO. 08-27-CD

PRELIMINARY ORDER DIRECTING PARTITION

AND NOW this 13th day of May, 2008, upon consideration of the Motion for Order Directing Partition filed by Barbara J. Hugney-Shope, attorney for Plaintiff, and after determining that none of the Defendants, after being properly served with the Complaint for Partition in this matter, have entered an appearance, either personally or by counsel, or filed any objections to said partition, it is the Order of this Court that the property subject of this action shall

be partitioned among the Defendants and that the names of the co-tenants and the nature and extent of their interests in the property shall be as follows:

I. The co-tenants and the extent of their interest in the property described in Count I of Plaintiff's Complaint and identified as Tax Map Parcel No. 111-Q4-11 in Covington Township, Clearfield County, Pennsylvania, is determined to be as follows:

- (a) Wayne Kunes - 38.055% interest
- (b) John Gilliland - .556% interest
- (c) Joseph Gilliland - .556% interest
- (d) James Gilliland - .556% interest
- (e) Judith (Gilliland) Chase - .556% interest
- (f) Jennie (Thomas) Bucher - 1.111% interest
- (g) Connie (Thomas) Haufe - 1.111% interest
- (h) Elinor McClosky - 1.667% interest
- (i) Claudia McCloskey - .833% interest
- (j) Susan (McCloskey) Sullivan - .833% interest
- (k) Leona McCloskey - 1.667% interest
- (l) Jack Brennan - 1.667% interest
- (m) Frank Maurer, Jr., et al. - 12.000% interest
- (n) Dean A. Seitz, et. ux - 8.000% interest
- (o) Estate of Martha Spinelli - 6.667% interest

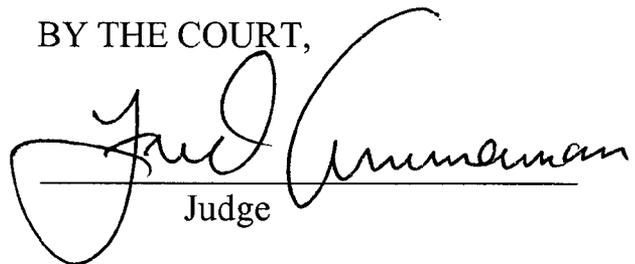
- (p) Charles R. Irvin - 2.222% interest
- (q) Jayne I. Brox - 2.222% interest
- (r) Carolyn G. Irvin - 2.222% interest
- (s) James P. Woodford - 2.5% interest
- (t) Sandra L. Woodford - 2.5% interest
- (u) William P. Peters - 5.000% interest
- (v) Margery Jeanne Bass - .75% interest
- (w) Mary E. Lawson - 4.25% interest
- (x) Kathy Parker - .833% interest
- (y) Ann Dupree - .833% interest
- (z) Mary Sue Dalton - .833% interest

II. The co-tenants and the extent of their interest in the property described in Count II of Plaintiff's Complaint and identified as Tax Map Parcel No. 111-Q4-6 in Covington Township, Clearfield County, Pennsylvania, is determined to be as follows:

- (a) Wayne Kunes - 44.446% interest
- (b) John Gilliland - .694% interest
- (c) Joseph Gilliland - .694% interest
- (d) James Gilliland - .694% interest
- (e) Judith (Gilliland) Chase - .694% interest
- (f) Jennie (Thomas) Bucher - 1.389% interest

- (g) Connie (Thomas) Haufe - 1.389% interest
- (h) Elinor McClosky - 2.083% interest
- (i) Claudia McCloskey - 1.042% interest
- (j) Susan (McCloskey) Sullivan - 1.042% interest
- (k) Leona McCloskey - 2.083% interest
- (l) Jack Brennan - 2.083% interest
- (m) Frank Maurer, Jr., et al. - 15.000% interest
- (n) Dean A. Seitz, et. ux - 10.000% interest
- (o) Estate of Martha Spinelli - 8.333% interest
- (p) Charles R. Irvin - 2.778% interest
- (q) Jayne I. Brox - 2.778% interest
- (r) Carolyn G. Irvin - 2.778% interest

BY THE COURT,



Judge

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

WAYNE E. KUNES :
-VS- : No. 08-27-CD
CLAUDIA MCCLOSKEY, et al. :

O R D E R

AND NOW, this 13th day of May, 2008, it is the
ORDER of this Court that the Prothonotary enter the
appearance of the law firm of Neiswender & Kubista on behalf
of the Defendant Diane Spinelli Kocher, Executrix of the
Estate of Martha Spinelli.

BY THE COURT,



President Judge

FILED ^{6CC}
019:5634/Neiswender & Kubista
MAY 15 2008

William A. Shaw
Prothonotary/Clerk of Courts 

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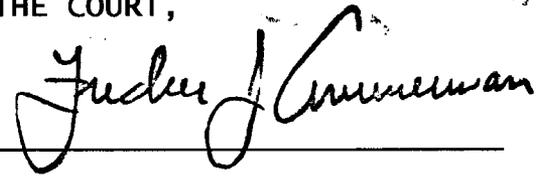
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WAYNE E. KUNES :
-VS- : No. 08-27-CD
CLAUDIA MCCLOSKEY, et al. :

O R D E R

AND NOW, this 13th day of May, 2008, the Court having entered an Order directing partition, pursuant to Rule 1558, it is the ORDER of this Court that the parties and/or their attorneys appear for a preliminary conference on the 3rd day of June, 2008, at 10:30 a.m., Courtroom No. 1, Clearfield County Courthouse.

BY THE COURT,



President Judge

FILED 28 CC
9:55 AM AttyShope
MAY 15 2008 (will serve)

William A. Shaw
Prothonotary/Clerk of Courts (62)

CA

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

WAYNE E. KUNES,

Plaintiff

vs.

NO. 08-27-CD

CLAUDIA McCLOSKEY, Trustee of the David and
Claudia McCloskey Trust, LEONA McCLOSKEY,
ELINOR McCLOSKEY, SUSAN McCLOSKEY SULLIVAN,
JACK BRENNAN, JOHN GILLILAND, JOSEPH GILLILAND,
JAMES JILLILAND, JUDITH (GILLILAND) CHASE, JENNIE
(THOMAS) BUCHER, CONNIE (THOMAS) HAUFE, FRANK
MAURER, JR., PIERRE C. MAURER, BASIL G. MAURER,
DEAN A. SEITZ, DEBORAH G. SEITZ, CHARLES R. IRVIN,
JAYNE I. BROZ, CAROLYN G. IRVIN, DIANE SPINELLI
KOCHER, Executrix of the Estate of Martha Spinelli,
MARGERY J. BASS, SAMUEL W. HUGHSTON, JAMES P.
WOODFORD, SANDRA L. WOODFORD, WILLIAM P.
PETERS, KATHY PARKER, ANN DUPREE, and MARY SUE*
DALTON,

Defendants

ORDER

NOW, this 3rd day of June, 2008, following preliminary conference among the
Court and counsel it is the ORDER of this Court as follows:

1. John Ryan, Esquire is hereby appointed Master in Partition;
2. The Master shall cause the timber on the properties in question to be appraised
by an appropriate forester;
3. The Master shall determine whether a survey of the properties is necessary in
order to have the property sold;
4. The Master shall take such steps as may be necessary in order to determine
whether any viable gas wells could be placed on the properties; and
5. The Master shall meet with counsel for the parties and take such other steps as
may be necessary in order to complete partition and sale.

BY THE COURT,

Fredric J. Ammerman
FREDRIC J. AMMERMAN
President Judge

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012:53 PM
JUN 04 2008 ICC J. Ryan

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUN 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/4/08

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:

*A courtesy copy was sent to
Attorney John Ryan, Esq.*

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

WAYNE E. KUNES,

Plaintiff,

vs.

NO. 08-27-CD

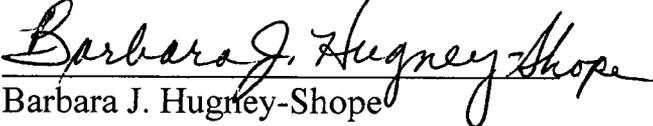
**JOHN GILLILAND, JOSEPH GILLILAND,
JAMES GILLILAND, JUDITH (GILLILAND)
CHASE, JENNIE (THOMAS) BUCHER, CONNIE
(THOMAS) HAUFE, ELINOR McCLOSKEY,
CLAUDIA McCLOSKEY, TRUSTEE, of the David
and Claudia McCloskey Trust, SUSAN McCLOSKEY
SULLIVAN, LEONA McCLOSKEY, JACK
BRENNAN, FRANK MAURER, JR., PIERRE C.
MAURER, BASIL G. MAURER, DEAN A. SEITZ,
DEBORAH G. SEITZ, DIANE SPINELLI KOCHER,
Executrix of the Estate of Martha Spinelli, CHARLES
R. IRVIN, JAYNE I. BROZ, CAROLYN G. IRVIN,
JAMES P. WOODFORD, SANDRA L.
WOODFORD, WILLIAM P. PETERS, MARGERY
JEANNE BASS, MARY E. LAWSON, KATHY
PARKER, ANN DUPREE, and MARY SUE
DALTON**

Defendants

PRAECIPE TO CORRECT CAPTION

TO THE PROTONOTARY:

Please amend the caption in this Partition Action on all filings subsequent to the filing of the Complaint that are inconsistent with the above caption which correctly sets forth the sequence of Defendants as contained in the Complaint. Future filings will be corrected accordingly.


Barbara J. Hugney-Shope
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :

vs. :

NO. 08 – 27 – C.D. :

JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
McCLOSKEY, CLAUDIA McCLOSKEY, :
TRUSTEE, of the David and Claudia :
McCloskey Trust, SUSAN McCLOSKEY :
SULLIVAN, LEONA McCLOSKEY, :
JACK BRENNAN, FRANK MAURER, JR., :
PIERRE C. MAURER, BASIL G. :
MAURER, DEAN A. SEITZ, DEBORAH :
G. SEITZ, DIANE SPINELLI KOCHER, :
Executrix of the Estate of Martha Spinelli, :
CHARLES R. IRVIN, JAYNE I. BROZ, :
CAROLYN G. IRVIN, JAMES P. :
WOODFORD, SANDRA L. WOODFORD, :
WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

MOTION FOR APPROVAL OF SALE

Filed on behalf of:
John R. Ryan, Master in Partition

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *acc*
013:0061 Amy Ryan
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S William A. Shaw
Prothonotary/Clerk of Courts *EK*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :
 :
vs. : NO. 08 – 27 – C.D. :
 :
JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
McCLOSKEY, CLAUDIA McCLOSKEY, :
TRUSTEE, of the David and Claudia :
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Executrix of the Estate of Martha Spinelli, :
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WOODFORD, SANDRA L. WOODFORD, :
WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

MOTION FOR APPROVAL OF SALE

NOW COMES, John R. Ryan, Master in the above captioned Action for Partition, and
moves the Honorable Court as follows:

1. By Order of this Court dated June 3, 2008, John R. Ryan, Esquire, was
appointed Master in Partition in the above captioned action.
2. The property which is the subject of the Action consists of two (2) unimproved
parcels of land, situated in Covington Township, Clearfield County, Pennsylvania, and having
Clearfield County Assessment Map Numbers 111-Q4-11 and 111-Q4-6.

3. It is believed and therefore averred, and the parties have agreed, that the property cannot be divided into purparts.

4. The Master arranged to have the property appraised to determine the fair market value. An appraisal was completed by Richard Provost wherein the fair market value was determined to be Four Hundred Fifty Thousand Dollars (\$450,000.00).

5. The property was offered to the parties at private sale at the aforesaid market value. One offer to purchase the property at the aforesaid market value was received, that being from Wayne E. Kunes, Plaintiff above named, in the amount of Four Hundred Fifty Thousand Eleven Dollars (\$450,011.00).

6. The Master has amount entered into an Agreement of Sale with Wayne Kunes for the sale of the property for the sum of Four Hundred Fifty Thousand Eleven Dollars (\$450,011.00), with said agreement to be contingent on the Court's approval. A true and correct copy of the said Agreement is attached hereto, marked Exhibit "A" and incorporated herein by reference as if set forth at length.

7. The Master believes and therefore avers that the sum of \$450,011.00 represents the highest and best price which can be obtained for the property.

8. The Master proposes to complete the sale, with the Court's approval, and thereafter enter his final report recommending the distribution of the net sale proceeds in accordance with the ownership interest as determined by the Court, the applicable law and the facts and circumstances of this case, and after hearing, if necessary, on any claims of the parties pertaining to distribution.

9. In order to create the fund for eventual distribution, the Master seeks herein an Order granting approval of the sale at the price and under the terms and conditions set forth in

10. the Agreement attached hereto, so that the sale can be completed, and that the appropriate closing costs can be paid including the prorata shares of real estate taxes and deed transfer tax.

WHEREFORE, the Master requests that the Court grant the following relief:

- a. That the Court issue an Order scheduling hearing on this Motion, and provide therein that any party objecting to the proposed sale file such objections, in writing, with the Court by a date certain;
- b. That after hearing on any such objections, that the Court approve of the sale price and terms as set forth in the Agreement of Sale;
- c. Such other relief as the Court deems appropriate.

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Master in Partition

AGREEMENT OF SALE

MADE and concluded the *15th* day of *DECEMBER*, 2008, by and between JOHN R. RYAN, Master in Partition in the matter of Wayne E. Kunes vs. John Gilliland, et al, filed to Clearfield County Docket No. 08-27-CD; hereinafter referred to as "SELLER"

AND

WAYNE E. KUNES, an adult individual, by his attorney-in-fact, CURTIS W. KUNES, of State College, Pennsylvania; hereinafter referred to as "BUYER".

WITNESSETH, that the parties hereto, in consideration of the covenants set forth herein and intending to be legally bound hereby, mutually agree as follows:

1. Seller agrees to sell and convey to Buyer, who agrees to purchase, all those certain parcels of land situate in Covington Township, Clearfield County, Pennsylvania, and being the same premises as are the subject of the Action for Partition filed to the above referenced term and number. Said parcels further being identified by Clearfield County Assessment Map Numbers 111-Q4-11 and 111-Q4-6.

2. The purchase price for the premises shall be the sum of Four Hundred Fifty and Eleven Dollars (\$450,011.00), payable as follows:

a. The sum of Ten Thousand Dollars (\$10,000.00) at the time of the execution of this Agreement, said amount to be held in escrow by Seller pending settlement and receipt of which is hereby acknowledged;

b. The balance of Four Hundred Forty Thousand and Eleven Dollars (\$440,011.00) at the time of settlement, said amount to be paid by cashier's check or certified funds.

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES,	:	
Plaintiff	:	
	:	
vs.	:	NO. 08 – 27 – C.D.
	:	
JOHN GILLILAND, JOSEPH	:	
GILLILAND, JUDITH (GILLILAND)	:	
CHASE, JENNIE (THOMAS) BUCHER,	:	
CONNIE (THOMAS) HAUFE, ELINOR	:	
McCLOSKEY, CLAUDIA McCLOSKEY,	:	
TRUSTEE, of the David and Claudia	:	
McCloskey Trust, SUSAN McCLOSKEY	:	
SULLIVAN, LEONA McCLOSKEY,	:	
JACK BRENNAN, FRANK MAURER, JR.,	:	
PIERRE C. MAURER, BASIL G.	:	
MAURER, DEAN A. SEITZ, DEBORAH	:	
G. SEITZ, DIANE SPINELLI KOCHER,	:	
Executrix of the Estate of Martha Spinelli,	:	
CHARLES R. IRVIN, JAYNE I. BROZ,	:	
CAROLYN G. IRVIN, JAMES P.	:	
WOODFORD, SANDRA L. WOODFORD,	:	
WILLIAM P. PETERS, MARGERY	:	
JEANNE BASS, MARY E. LAWSON,	:	
KATHY PARKER, ANN DUPREE and	:	
MARY SUE DALTON,	:	
Defendants	:	

ORDER

AND NOW, this 18th day of December, 2008, upon consideration of the foregoing Motion for Approval of Sale, it is the ORDER of this Court:

1. That a Rule is issued upon the parties to show cause why the relief requested therein should not be granted;
2. Rule made returnable on the 21st day of January, 2009, at 10:45 o'clock A.m. in Courtroom #1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

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 Atty Ryan
 (GD)

§
 William A. Shaw
 Notary/Clerk of Courts

Any party having objections to the said Motion shall file such objections with this Court, in writing, on or before that date.

BY THE COURT:

A handwritten signature in cursive script, reading "Fredric J. Ammerman". The signature is written in black ink and is positioned above a horizontal line.

Fredric J. Ammerman
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :

vs. : NO. 08 – 27 – C.D.

JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
McCLOSKEY, CLAUDIA McCLOSKEY, :
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WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

CERTIFICATE OF SERVICE

Filed on behalf of:
John R. Ryan, Master in Partition

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES,	:	
Plaintiff	:	
	:	
vs.	:	NO. 08 – 27 – C.D.
	:	
JOHN GILLILAND, JOSEPH	:	
GILLILAND, JUDITH (GILLILAND)	:	
CHASE, JENNIE (THOMAS) BUCHER,	:	
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TRUSTEE, of the David and Claudia	:	
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SULLIVAN, LEONA McCLOSKEY,	:	
JACK BRENNAN, FRANK MAURER, JR.,	:	
PIERRE C. MAURER, BASIL G.	:	
MAURER, DEAN A. SEITZ, DEBORAH	:	
G. SEITZ, DIANE SPINELLI KOCHER,	:	
Executrix of the Estate of Martha Spinelli,	:	
CHARLES R. IRVIN, JAYNE I. BROZ,	:	
CAROLYN G. IRVIN, JAMES P.	:	
WOODFORD, SANDRA L. WOODFORD,	:	
WILLIAM P. PETERS, MARGERY	:	
JEANNE BASS, MARY E. LAWSON,	:	
KATHY PARKER, ANN DUPREE and	:	
MARY SUE DALTON,	:	
Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Motion for Approval of Sale filed in the above captioned matter, together with a Order scheduling a hearing, on the following parties by postage prepaid first-class United States mail, on the 19th day of December, 2008:

Barbara J. Hugney-Shope, Esquire
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Neiswender & Kubista
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Attorney for Defendant Diane Spinelli Kocher,
Executrix of the Estate of Martha Spinelli

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Joseph Gilliland
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James Gilliland
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Judith (Gilliland) Chase
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Leona McCloskey
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and Basil C. Maurer
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Sandra L. Woodford
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William P. Peters
c/o Deborah Peters, his agent
1015 E. Mountain View Road, Unit # 2010
Scottsdale, AZ 85258

Margery Jeanne Bass
3005 Colonial Avenue
Waco, TX 76707

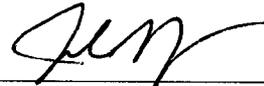
Mary E. Lawson
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Arlington, Texas 76003

Kathy Parker
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Marina, CA 93933

Ann Dupree
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Saranac, NY 12983

Mary Sue Dalton
5819 State Route 30
Lake Clear, NY 12945

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Benjamin J. Lecorchick, Jr.,
Executor of the Estate of David A.
Lecorchick

GA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :

vs. : NO. 08 – 27 – C.D.

JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
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JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

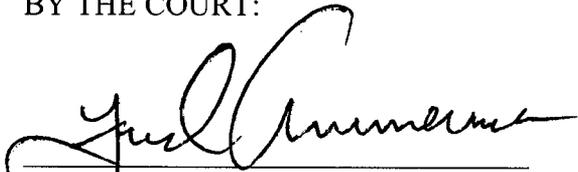
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attached
William A. Shaw
Prothonotary/Clerk of Courts (610)

ORDER

AND NOW, this 21st day of January, 2009, this being the day and date set for consideration of the Motion of John R. Ryan, Esquire, Master in Partition, seeking approval of the sale of the property which is the subject of the above captioned action, and there having been no objection filed to said Motion after notice being given to the various owners, it is the ORDER of this Court that the said Motion be and is hereby GRANTED. John R. Ryan, Master in Partition, shall conclude the sale of the property as requested and on the terms set forth in the

Agreement attached to his Motion, and further shall be authorized to execute a deed conveying said property, together with such other documents and acts which in his discretion may be necessary to effect same.

BY THE COURT:



Judge

08-27-CD
Kunes vs. Gilliland et al

Barbara J. Hugney-Shope, Esq.
John R. Ryan, Esq. (Master)
Frederick Neiswender, Esq.

Leona McCloskey
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Coos Bay, OR 97420

Claudia McCloskey
David McCloskey Trust
Claudia McCloskey Trust
421 Olohana Street #1803
Honolulu, HI 96815

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Pahoa, IL 96778

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C/o Deborah Peters
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Scottsdale, AZ 85258

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :

vs. : NO. 08 – 27 – C.D.

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TRUSTEE, of the David and Claudia :
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MAURER, DEAN A. SEITZ, DEBORAH :
G. SEITZ, DIANE SPINELLI KOCHER, :
Executrix of the Estate of Martha Spinelli, :
CHARLES R. IRVIN, JAYNE I. BROZ, :
CAROLYN G. IRVIN, JAMES P. :
WOODFORD, SANDRA L. WOODFORD, :
WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

CERTIFICATE OF SERVICE

Filed on behalf of:
John R. Ryan, Master in Partition

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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William A. Charney
County of Clearfield

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES,	:	
Plaintiff	:	
	:	
vs.	:	NO. 08 – 27 – C.D.
	:	
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GILLILAND, JUDITH (GILLILAND)	:	
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CONNIE (THOMAS) HAUFE, ELINOR	:	
McCLOSKEY, CLAUDIA McCLOSKEY,	:	
TRUSTEE, of the David and Claudia	:	
McCloskey Trust, SUSAN McCLOSKEY	:	
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PIERRE C. MAURER, BASIL G.	:	
MAURER, DEAN A. SEITZ, DEBORAH	:	
G. SEITZ, DIANE SPINELLI KOCHER,	:	
Executrix of the Estate of Martha Spinelli,	:	
CHARLES R. IRVIN, JAYNE I. BROZ,	:	
CAROLYN G. IRVIN, JAMES P.	:	
WOODFORD, SANDRA L. WOODFORD,	:	
WILLIAM P. PETERS, MARGERY	:	
JEANNE BASS, MARY E. LAWSON,	:	
KATHY PARKER, ANN DUPREE and	:	
MARY SUE DALTON,	:	
Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Order of Court dated January 21, 2009, granting the Motion for Approval of Sale filed in the above captioned matter on the following parties by postage prepaid first-class United States mail, on the 23rd day of January, 2009:

Barbara J. Hugney-Shope, Esquire
Attorney at Law
28478 Frenchville-Karthus Hwy.
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Frederick M. Neiswender, Esquire
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Attorney for Defendant Diane Spinelli Kocher,
Executrix of the Estate of Martha Spinelli

John Gilliland
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Clearfield, PA 16830

Joseph Gilliland
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Mountainview Farm
Stevensburg, VA 22741

Jennie (Thomas) Bucher
215 Valley Road
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Connie (Thomas) Haufe
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Elinor McCloskey
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Claudia McCloskey, Trustee
of David and Claudia McCloskey Trust
421 Olohana Street, #1803
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William P. Peters
c/o Deborah Peters, his agent
1015 E. Mountain View Road, Unit # 2010
Scottsdale, AZ 85258

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Mary E. Lawson
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Marina, CA 93933

Ann Peightal Willette
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Vermontville, NY 12989

Mary Sue Dalton
5819 State Route 30
Lake Clear, NY 12945

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Benjamin J. Lecorchick, Jr.,
Executor of the Estate of David A.
Lecorchick

William A. Shaw
Prothonotary
P.O. Box 549
Clearfield, PA 16830

FILED
11:20am
FEB 05 2009

William A. Shaw
Prothonotary/Clerk of Courts

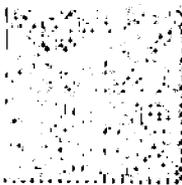
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Hillsboro OR 97124

James P. Woodford
1150 N. 5th Street
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

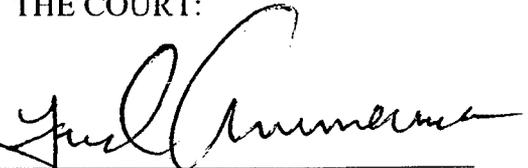
WAYNE E. KUNES,	:	
Plaintiff	:	
vs.	:	NO. 08 – 27 – C.D.
JOHN GILLILAND, JOSEPH	:	
GILLILAND, JUDITH (GILLILAND)	:	
CHASE, JENNIE (THOMAS) BUCHER,	:	
CONNIE (THOMAS) HAUFE, ELINOR	:	
McCLOSKEY, CLAUDIA McCLOSKEY,	:	
TRUSTEE, of the David and Claudia	:	
McCloskey Trust, SUSAN McCLOSKEY	:	
SULLIVAN, LEONA McCLOSKEY,	:	
JACK BRENNAN, FRANK MAURER, JR.,	:	
PIERRE C. MAURER, BASIL G.	:	
MAURER, DEAN A. SEITZ, DEBORAH	:	
G. SEITZ, DIANE SPINELLI KOCHER,	:	
Executrix of the Estate of Martha Spinelli,	:	
CHARLES R. IRVIN, JAYNE I. BROZ,	:	
CAROLYN G. IRVIN, JAMES P.	:	
WOODFORD, SANDRA L. WOODFORD,	:	
WILLIAM P. PETERS, MARGERY	:	
JEANNE BASS, MARY E. LAWSON,	:	
KATHY PARKER, ANN DUPREE and	:	
MARY SUE DALTON,	:	
Defendants	:	

ORDER

AND NOW, this 21st day of January, 2009, this being the day and date set for consideration of the Motion of John R. Ryan, Esquire, Master in Partition, seeking approval of the sale of the property which is the subject of the above captioned action, and there having been no objection filed to said Motion after notice being given to the various owners, it is the ORDER of this Court that the said Motion be and is hereby GRANTED. John R. Ryan, Master in Partition, shall conclude the sale of the property as requested and on the terms set forth in the

Agreement attached to his Motion, and further shall be authorized to execute a deed conveying said property, together with such other documents and acts which in his discretion may be necessary to effect same.

BY THE COURT:



Judge

I hereby certify that the above
and foregoing is a true and correct
statement of the facts.

J. H. [unclear]

Attest


[unclear]
[unclear]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :

vs. :

NO. 08 – 27 – C.D. :

JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
McCLOSKEY, CLAUDIA McCLOSKEY, :
TRUSTEE, of the David and Claudia :
McCloskey Trust, SUSAN McCLOSKEY :
SULLIVAN, LEONA McCLOSKEY, :
JACK BRENNAN, FRANK MAURER, JR., :
PIERRE C. MAURER, BASIL G. :
MAURER, DEAN A. SEITZ, DEBORAH :
G. SEITZ, DIANE SPINELLI KOCHER, :
Executrix of the Estate of Martha Spinelli, :
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WOODFORD, SANDRA L. WOODFORD, :
WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

REPORT OF MASTER

Filed on behalf of:
John R. Ryan, Master in Partition

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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Atty Ryan

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES,	:	
Plaintiff	:	
	:	
vs.	:	NO. 08 – 27 – C.D.
	:	
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GILLILAND, JUDITH (GILLILAND)	:	
CHASE, JENNIE (THOMAS) BUCHER,	:	
CONNIE (THOMAS) HAUFE, ELINOR	:	
McCLOSKEY, CLAUDIA McCLOSKEY,	:	
TRUSTEE, of the David and Claudia	:	
McCloskey Trust, SUSAN McCLOSKEY	:	
SULLIVAN, LEONA McCLOSKEY,	:	
JACK BRENNAN, FRANK MAURER, JR.,	:	
PIERRE C. MAURER, BASIL G.	:	
MAURER, DEAN A. SEITZ, DEBORAH	:	
G. SEITZ, DIANE SPINELLI KOCHER,	:	
Executrix of the Estate of Martha Spinelli,	:	
CHARLES R. IRVIN, JAYNE I. BROZ,	:	
CAROLYN G. IRVIN, JAMES P.	:	
WOODFORD, SANDRA L. WOODFORD,	:	
WILLIAM P. PETERS, MARGERY	:	
JEANNE BASS, MARY E. LAWSON,	:	
KATHY PARKER, ANN DUPREE and	:	
MARY SUE DALTON,	:	
Defendants	:	

REPORT OF MASTER

TO THE HONORABLE FREDRIC J. AMMERMAN, Judge of the said Court:

The undersigned, master appointed by an Order of this Court in the above captioned action in Partition, respectfully submits the following report:

1. The undersigned was duly appointed Master in Partition by Order of Court dated June 3, 2008.

2. The property which is the subject of this Action consists of two (2) unimproved parcels of land, situated in Covington Township, Clearfield County, Pennsylvania, and having Clearfield County Assessment Map Numbers 111-Q4-11 and 111-Q4-6.

3. By Order dated May 13, 2008, the Court determined the ownership interests in the subject property to be as set forth therein.

4. The Master met with counsel for the parties, after which it was determined by the Master, with the agreement of counsel, that the subject parcel was not susceptible of division in kind without prejudice to the parties in interest.

5. The Master retained the services of a duly qualified real estate appraiser, being Richard Provost, to appraise the subject property and determine the fair market value of same. The fair market value was thereafter determined by Richard Provost to be \$450,000.00.

6. The Master then offered the property to the parties at private sale. One offer to purchase the property was received from Wayne E. Kunes, said offer being in the amount of \$450,011.00.

7. Thereafter, the Master entered into an Agreement for the sale of the subject parcel to Wayne E. Kunes for the aforesaid price. At that time the said Buyer paid to the Master a deposit in the amount of \$10,000.00 pursuant to the terms of sale.

8. The Master then filed a Motion to obtain the approval of the Court for the proposed sale to Wayne E. Kunes, which Motion was duly served on Counsel of record and all other parties having an ownership interest in the subject property. No answer or opposition was entered to said Motion, and the sale of the parcel to Wayne E. Kunes was approved by Order of this Court dated January 21, 2009.

9. The sale of the property to Wayne E. Kunes closed on July 22, 2009. After payment of the appropriate closing costs and transfer taxes, and after deduction of the appropriate credit to Wayne E. Kunes for his ownership interest in the property, the amount of the net sale proceeds received by the Master was \$254,765.10. Said amount was deposited by the Master in an interest bearing escrow account at Clearfield Bank & Trust Company.

10. The Master has incurred fees and has advanced costs pursuant to the fulfillment of his appointment in this matter, in the total amount of \$6,953.76 as set forth in the itemized statement attached hereto as Exhibit "A", which he proposes be charged against the proceeds of the sale and paid to Belin, Kubista & Ryan LLP at the time of distribution.

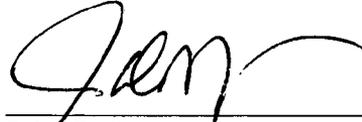
11. The Master finds that, as a general rule, where the action was not adversarial and the efforts of counsel resulted in benefit to all parties, the party bringing the action is entitled to payment of reasonable counsel fees and costs. (See 23 Standard PA. Practice Section 122.144 and cases cited at Note 93 therein). There appears to be no question that all parties have benefited from the filing of this action. It would further appear that the action has been largely non-adversarial. Therefore, the Master recommends that counsel fees and costs be paid to Attorney Barbara Hugney-Shope in the amount of \$6,269.40.

12. The Master further finds that an additional amount of \$475.60 is due and owing from Wayne Kunes from the closing of the sale of the property. The Master has made demand for payment of that sum from Attorney Alan F. Kirk, who handled the closing for Wayne Kunes; however to date, Mr. Kunes has failed and refused to make payment.

13. The Master proposes that the sum of Five Hundred Dollars (\$500.00) be set aside for additional Court costs, postage and other costs which will be incurred by the Master in the circulation of this pleading, as well as in the distribution of the proceeds to the parties.

14. The Master proposes to distribute the proceeds of the sale, in accordance with the various ownership interests in the subject property to those individuals and in the amounts as set forth at Exhibit "B" attached hereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "JRM", with a long horizontal flourish extending to the right.

John R. Ryan, Master

BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830
December 4, 2009

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN

CARL A. BELIN
1901-1997

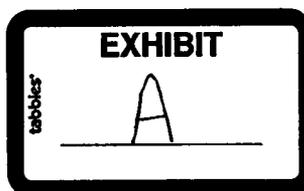
AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

Kunes, et al. vs. McCloskey

Re: Action in Partition

FOR PROFESSIONAL SERVICES RENDERED

Review of Pleadings on 6/6/08	\$ 100.00
Telephone Conference with Attorney Hugney-Shope on 6/10/08	\$ 50.00
Letter to Attorney Neiswender on 6/11/08	\$ 35.00
Letter to Counsel on 6/12/08	\$ 35.00
Letter to Tom Walsh @ Amon, Shimmel & Walsh on 7/16/08	\$ 35.00
Telephone Conference with BWP Hardwoods (Re: Timber Appraisal) on 7/16/08	\$ 50.00
Telephone Conference with Frank Maurer on 7/23/08	\$ 50.00
Telephone Conference with BWP Hardwoods Representative on 7/24/08	\$ 50.00
Telephone Conference with Tom Walsh on 7/24/08	\$ 50.00
Letter to Dick Provost @ Provost Real Estate Appraisers on 8/19/08	\$ 35.00
Letter to Dick Provost @ Provost Real Estate Appraisers on 8/22/08	\$ 35.00
Telephone Conference with Dick Provost on 8/26/08	\$ 50.00
Two-Page Letter to Counsel on 10/1/08	\$ 45.00
Telephone Conference with Attorney Hugney-Shope on 10/8/08	\$ 50.00
Letter to Counsel on 10/13/08	\$ 35.00
Letter to Owners on 10/20/08	\$ 65.00
Telephone Conference with Attorney Hugney-Shope on 11/21/08	\$ 50.00
Preparation of Agreement of Sale on 11/24/08	\$ 300.00
Letter to Attorney Hugney-Shope on 11/24/08	\$ 35.00
Preparation of Motion for Approval of Sale on 12/15/08	\$ 175.00
Letter to Counsel and Owners on 12/19/08	\$ 35.00
Preparation of Certificate of Service on 12/19/08	\$ 25.00
Preparation of Proposed Order of 1/20/09	\$ 100.00
Appearance at Argument on Motion to Approve Sale on 1/21/09	\$ 75.00
Letter to Counsel and Owners on 1/23/09	\$ 35.00
Preparation of Certificate of Service on 1/23/09	\$ 25.00
Preparation of Deed on 2/24/09	\$ 150.00
Telephone Conference with Attorney Hugney-Shope on 2/26/09	\$ 50.00
Review of Revised Proposed Deed on 3/3/09	\$ 50.00



Kunes, et al. vs. McCloskey
December 4, 2009
PAGE TWO

Telephone Conference with Attorney Hugney-Shope on 3/13/09	\$ 50.00
Review of Letter from Attorney Hugney-Shope on 3/17/09	\$ 50.00
Telephone Conference with Attorney Hugney-Shope on 3/18/09	\$ 50.00
Telephone Conference with Attorney Hugney-Shope on 3/23/09	\$ 50.00
Letter to Attorney Hugney-Shope on 3/23/09	\$ 35.00
Letter to Attorney Hugney-Shope on 4/6/09	\$ 35.00
Phone Conference with Attorney Hugney-Shope on 5/8/09	\$ 50.00
Review of Correspondence from Attorney Hugney-Shope on 5/11/09	\$ 50.00
Two-Page Letter to Alan Kirk on 5/11/09	\$ 45.00
Telephone Conference with Doris @ Judge Ammerman's Office on 5/11/09	\$ 50.00
Letter to Attorney Alan Kirk on 5/11/09	\$ 35.00
Telephone Conference with Doris @ Judge Ammerman's Office on 5/12/09	\$ 50.00
Telephone Conference with Attorney Hugney-Shope on 5/14/09	\$ 50.00
Two-Page Letter to Attorney Alan Kirk on 5/21/09	\$ 45.00
Review of Letter from Attorney Alan Kirk on 5/21/09	\$ 50.00
Telephone Conference with Attorney Alan Kirk on 5/27/09	\$ 50.00
Letter to Attorney Alan Kirk on 6/25/09	\$ 35.00
Letter to Attorney Alan Kirk on 6/30/09	\$ 35.00
Review of Preliminary Order and Attorney Alan Kirk's Letter on 6/29/09	\$ 50.00
Letter to Attorney Alan Kirk on 6/30/09	\$ 35.00
Telephone Conference with Debbie Seitz on 7/16/09	\$ 50.00
Letter to Attorney Alan Kirk on 7/17/09	\$ 35.00
Letter to Attorney Alan Kirk on 7/30/09	\$ 35.00
Transmittal Memorandum to MidState Realty on 8/10/09	\$ 15.00
Telephone Conference with Attorney Barbara Hugney-Shope on 8/13/09	\$ 50.00
Telephone Conference with Attorney Frederick Neiswender on 8/27/09	\$ 50.00
Telephone Conference with Frank Maurer on 9/8/09	\$ 50.00
Preparation of Distribution List	\$ 600.00
Preparation of Adjudication and Decree NISI on 9/27/09	\$ 300.00
Preparation of Master's Report on 9/27/09	\$ 1,500.00
Preparation of Notice of Intention to File Master's Report on 9/27/09	\$ 200.00
Telephone Conference with Frank Maurer on 9/28/09	\$ 50.00
Subtotal:	\$ 5,710.00

COSTS ADVANCED

Clearfield County Prothonotary: Copies of Pleadings	\$ 11.00
Provost Real Estate Appraisers: Appraisal of Real Estate	\$ 700.00
Postmaster: Mailing letters to Counsel and Owners on 10/21/08	\$ 10.92
Postmaster: Mailing letters to Counsel and Owners on 12/19/08	\$ 10.92
Postmaster: Mailing letters to Counsel and Owners on 1/23/09	\$ 10.92
Estimated Costs to Complete Case (Filing Fees, Postal Expense, etc.)	\$ 500.00
Subtotal:	\$ 1,243.76

TOTAL AMOUNT DUE TO BELIN, KUBISTA & RYAN LLP: \$ 6,953.76

KUNES v. McCLOSKEY, et al.

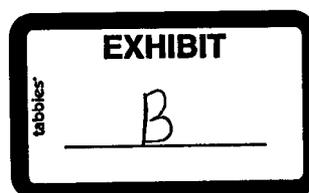
PARTITION ACTION

TOTAL PURCHASE PRICE	\$450,011.00
Less Kunes' credit	(190,425.16)
Less closing costs	<u>(4,820.74)</u>
TOTAL GROSS PROCEEDS:	\$254,765.10
LESS MASTER'S BILL	(6,953.76)
LESS BARBARA HUGNEY-SHOPE BILL	(6,269.40)
COSTS PAID BY KUNES	5,454.62
ADDITIONAL COSTS TO KUNES	1,988.58
NET PROCEEDS FOR DISTRIBUTION	\$248,985.14

GROSS PROCEEDS ATTRIBUTABLE TO PARCEL 111-Q4-11:	\$150,003.67
LESS ½ BILLINGS/CLOSING COSTS	(9,021.95)
NET PROCEEDS	\$140,981.72
LESS KUNES CREDIT	(57,083.90)
PLUS COSTS PAID BY KUNES ON 11	2,516.04
PLUS COSTS TO BE PAID BY KUNES ON 11	917.27
AMOUNT FOR DISTRIBUTION RE PARCEL 111-Q4-11	\$ 87,331.13

DISTRIBUTION OF PROCEEDS FOR 111-Q4-11:

John Gilliland	.556%	783.86
Joseph Gilliland	.556%	783.86
James Gilliland	.556%	783.86
Judith (Gilliland) Chase	.556%	783.85
Jennie (Thomas) Bucher	1.111%	1,566.31
Connie (Thomas) Haufe	1.111%	1,566.31
Elinor McClosky	1.667%	2,350.17
Claudia McClosky	.833%	1,174.38



Susan (McCloskey) Suyllivan	.833%	1,174.38
Leona McCloskey	1.667%	2,350.17
Jack Brennan	1.667%	2,350.17
Frank Maurer, Jr., et al.	12.00%	16,917.81
Dean Seitz, et ux.	8.00%	11,278.54
Estate of Martha Spinelli	6.667%	9,399.25
Charles R. Irvin	2.222%	3,132.61
Jayne I. Brox	2.222%	3,132.61
Carolyn G. Irvin	2.222%	3,132.61
James P. Woodford	2.5%	3,524.54
Sandra L. Woodford	2.5%	3,524.54
William P. Peters	5.000%	7,049.09
Margery Jeanne Bass	.75%	1,057.36
Mary E. Lawson	4.25%	5,991.72
Kathy Parker	.833%	1,174.38
Ann Dupree	.833%	1,174.38
Mary Sue Dalton	.833%	1,174.37
TOTAL		\$ 87,331.13

GROSS PROCEEDS ATTRIBUTABLE TO PARCEL NO. 111-Q4-6	\$300,007.33
LESS ½ CLOSING COSTS/BILLINGS	(9,021.95)
NET PROCEEDS	290,985.38
LESS CREDIT TO WAYNE KUNES	(133,341.26)
PLUS COSTS PAID BY KUNES ON 6	2,938.58
PLUS COSTS TO BE PAID BY KUNES ON 6	1,071.31
 NET PROCEEDS ATTRIBUTABLE TO PARCEL NO. 111-Q4-6:	 \$ 161,654.01

DISTRIBUTION OF PROCEEDS FOR 111-Q4-6:

John Gilliland	.694%	\$ 2,019.44
Joseph Gilliland	.694%	2,019.44
James Gilliland	.694%	2,019.44
Judith (Gilliland) Chase	.694%	2,019.43
Jennie (Thomas) Bucher	1.389%	4,041.79
Connie (Thomas) Haufe	1.389%	4,041.78
Elinor McClosky	2.083%	6,061.23
Claudia McClosky	1.042%	3,032.07
Susan (McCloskey) Suyllivan	1.042%	3,032.07
Leona McCloskey	2.083%	6,061.23
Jack Brennan	2.083%	6,061.22
Frank Maurer, Jr., et al.	15.00%	43,647.81
Dean Seitz, et ux.	10.00%	29,098.54
Estate of Martha Spinelli	8.333%	24,247.81
Charles R. Irvin	2.778%	8,083.57
Jayne I. Brox	2.778%	8,083.57
Carolyn G. Irvin	2.778%	8,083.57
 TOTAL		 \$161,654.01

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :

vs. : NO. 08 – 27 – C.D. :

JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
McCLOSKEY, CLAUDIA McCLOSKEY, :
TRUSTEE, of the David and Claudia :
McCloskey Trust, SUSAN McCLOSKEY :
SULLIVAN, LEONA McCLOSKEY, :
JACK BRENNAN, FRANK MAURER, JR., :
PIERRE C. MAURER, BASIL G. :
MAURER, DEAN A. SEITZ, DEBORAH :
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Executrix of the Estate of Martha Spinelli, :
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WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

ADJUDICATION AND DECREE NISI

Filed on behalf of:
John R. Ryan, Master in Partition

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
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(814) 765-8972

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Aty Ryan
William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

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GILLILAND, JUDITH (GILLILAND) :
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CONNIE (THOMAS) HAUFE, ELINOR :
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JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

ADJUDICATION AND DECREE NISI

AND NOW, this 7th day of December, 2009, upon consideration of the foregoing Master's Report and proposed adjudication and decree filed by the Master in the above matter pursuant to Rules 1569 and 1570 of the Pennsylvania Rule of Civil Procedure, it the ORDERED AND DECREED as follows:

1. The Master's Report and other filings which set forth in detail the findings and

conclusions supporting this Adjudication and Decree are incorporated herein by reference as if set forth at length.

2. The real estate which is the subject of this action is not capable of division without prejudice to or spoiling of the whole, nor can the said real estate be divided into purparts proportionate in value to the interests of the co-tenants.

3. The sale conducted by the Master and approved by prior Order of this Court resulted in the obtaining of the highest and best price for the subject property, and the same is hereby ratified.

4. The interests of the co-tenants is as set forth in the aforementioned Master's report, and the same is hereby ratified.

5. There are no life tenants or remaindermen or other parties of interest in this matter.

6. The distribution of funds in the hands of the Master as proposed in the Master's Report is hereby approved and the Master shall make such distribution in accordance with same, including payment of Master's fees and costs and counsel fees as set forth therein.

7. The Master is hereby authorized to retain all amounts due and owing to any persons whose whereabouts are unknown, and to advertise one time in the Progress and in the Clearfield County Legal Journal so that said amounts may be claimed where possible.

8. Sixty (60) after such advertisement, in the event such is necessary, any amounts to be paid to co-tenants whose whereabouts are unknown shall be paid into the Office of the Prothonotary of Clearfield County, who shall deposit such funds in accordance with law.

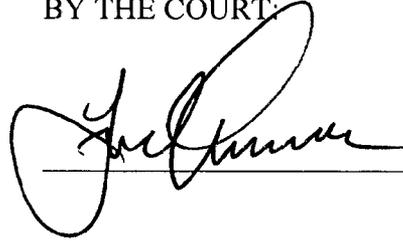
9. Upon distribution of all funds, and payment of any unclaimed funds into Court as set forth above, the Master shall be discharged from his duties without further Order of Court.

10. Pursuant to the Report of the Master, Wayne Kunes is directed to pay to the Master

the sum of \$475.60 within five (5) days after entry of this Decree.

11. This Decree Nisi shall become final and absolute within ten (10) days provided no exceptions or other motions for post trial relief are filed within that time, as provided by the Pennsylvania Rules of Civil Procedure.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J. L. ...", is written over a horizontal line. The signature is cursive and somewhat stylized.

Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :

vs. :

NO. 08 – 27 – C.D. :

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CAROLYN G. IRVIN, JAMES P. :
WOODFORD, SANDRA L. WOODFORD, :
WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

CERTIFICATE OF SERVICE

Filed on behalf of:
John R. Ryan, Master in Partition

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *no cc*
010-5730
DEC 09 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :
vs. : NO. 08 – 27 – C.D.
JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
McCLOSKEY, CLAUDIA McCLOSKEY, :
TRUSTEE, of the David and Claudia :
McCloskey Trust, SUSAN McCLOSKEY :
SULLIVAN, LEONA McCLOSKEY, :
JACK BRENNAN, FRANK MAURER, JR., :
PIERRE C. MAURER, BASIL G. :
MAURER, DEAN A. SEITZ, DEBORAH :
G. SEITZ, DIANE SPINELLI KOCHER, :
Executrix of the Estate of Martha Spinelli, :
CHARLES R. IRVIN, JAYNE I. BROZ, :
CAROLYN G. IRVIN, JAMES P. :
WOODFORD, SANDRA L. WOODFORD, :
WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the Master’s Report, Court’s Adjudication and Decree Nisi and Notice filed in the above captioned matter on the following parties by postage prepaid first-class United States mail, on the 8th day of December, 2009:

Barbara J. Hugney-Shope, Esquire
Attorney at Law
P.O. Box 232
Frenchville, PA 16836
Attorney for Plaintiff

Frederick M. Neiswender, Esquire
Neiswender & Kubista
211-1/2 North Second Street
Clearfield, PA 16830
Attorney for Defendant Diane Spinelli Kocher,
Executrix of the Estate of Martha Spinelli

John Gilliland
201 West First Street
Clearfield, PA 16830

Joseph Gilliland
609 Ogden Avenue
Clearfield, PA 16830

James Gilliland
552 Buell Road
Curwensville, PA 16833

Judith (Gilliland) Chase
Mountainview Farm
Stevensburg, VA 22741

Jennie (Thomas) Bucher
215 Valley Road
Bloomsburg, PA 17815

Connie (Thomas) Haufe
R.R. 1, Box 1138
Forksville, PA 18616

Elinor McCloskey
335 SW Skyline Drive
Pullman, Washington 99163

Claudia McCloskey, Trustee
of David and Claudia McCloskey Trust
421 Olohana Street, #1803
Honolulu, Hawaii 96815

Susan (McCloskey) Sullivan
Box 147
Urbana, VA 23175

Leona McCloskey
710 Hawthorn
Anderson, Indiana 46011-2120

Jack Brennan
33140 – 73rd Street
Burlington, Wisconsin 53105

Frank Maurer, Jr., Pierre C. Maurer
and Basil C. Maurer
25344 Co. Rd. 95
Davis, California 95616

Dean A. Seitz and Debroah G. Seitz
2725 Callaway Lane
Kissimmee, Florida 34744

Charles R. Irvin
3 Harvest Green Place
The Woodlands, Texas 77382-1135

Jayne I. Broz
49 Orchard Street
Merrimac, Massachusetts 01860

Carolyn G. Irvin
8101 Research Forest Drive, Apt. 13106
Spring, Texas 77382

James P. Woodford
617 SE 128th Avenue
Portland, OR 97233

Sandra L. Woodford
P.O. Box 2021
Pahoa, Hawaii 96778

William P. Peters
c/o Deborah Peters, his agent
1015 E. Mountain View Road, Unit # 2010
Scottsdale, AZ 85258

Margery Jeanne Bass
2712 Chimney Hill Drive
Waco, TX 76708

Mary E. Lawson
P.O. Box 171752
Arlington, Texas 76003

Kathy Parker
121 Brookside Place
Marina, CA 93933

Ann Peightal Willette
P.O. Box 142
162 Swinyer Road
Vermontville, NY 12989

Mary Sue Dalton
5819 State Route 30
Lake Clear, NY 12945

BELIN, KUBISTA & RYAN LLP



John R. Ryan

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

WAYNE E. KUNES, :
Plaintiff :
v. :
JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
McCLOSKEY, CLAUDIA McCLOSKEY, :
TRUSTEE, of the David and Claudia :
McCloskey Trust, SUSAN McCLOSKEY :
SULLIVAN, LEONA McCLOSKEY, :
JACK BRENNAN, FRANK MAURER, JR., :
PIERRE C. MAURER, BASIL G. :
MAURER, DEAN A. SEITZ, DEBORAH :
G. SEITZ, DIANE SPINELLI KOCHER, :
Executrix of the Estate of Martha Spinelli, :
CHARLES R. IRVIN, JAYNE I. BROZ, :
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WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

NO. 08-27-C.D.
Type of Case: Civil
Type of Pleading: Exceptions to Master's
Report
Filed on Behalf of: Plaintiff
Counsel of Record for this Party:
Alan F. Kirk, Esquire
Attorney ID No. 36893
Babst, Calland, Clements & Zomnir, P.C.
330 Innovation Boulevard, Suite 302
State College, PA 16803
(814) 867-8055

FILED
DEC 17 2008
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William A. Shaw
Prothonotary/Clerk of Courts
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KTRZ

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

WAYNE E. KUNES, :
Plaintiff :
v. : NO. 08-27-C.D.
JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
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JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

EXCEPTIONS TO MASTER'S REPORT

Plaintiff, Wayne E. Kunes, excepts to the findings of the report of Master for the following reasons:

1. In the report, Wayne Kunes is directed to pay the Master \$475.60. No reasons are recited in the report for requiring this payment. It is believed that no basis exists for this payment. On the contrary, all monies due the Master were paid by the Plaintiff at the time of

settlement and as per the Agreement of Sale between the parties. A true and correct copy of the Settlement Agreement of the transaction is attached hereto and marked as Exhibit "A."

2. The terms and conditions of the Agreement of Sale between the parties attached hereto and marked as Exhibit "B" are incorporated into the Order of Court of January 21, 2009 by this Court. A true and correct copy of the Order of Court is attached hereto and marked as Exhibit "C."

3. Pursuant to this Order, the parties were, among other things, each to pay one-half the Pennsylvania real estate transfer taxes. At time of settlement and closing, each party did pay one-half of the appropriate real estate transfer taxes.

4. At the time of closing, the sellers also paid to the buyer, Wayne E. Kunes, an amount of \$320.63 for proration of real estate taxes. A Settlement Statement was signed by the Master in Partition on or about July 22, 2009.

5. On November 2, 2009, the Master in Partition notified counsel for the Plaintiff that, in his opinion, the Plaintiff should pay to the sellers one-half of \$4,820.00 or \$2,140.37 arguing that in addition to the one-half of the realty transfer taxes that were to be paid according to Agreement and Court Order, Wayne E. Kunes should be paying an additional \$1,988.58. A true and correct copy of the letter is attached hereto and marked as Exhibit "D." The Master also applied cash on hand (which may or may not be the property of Wayne E. Kunes) and \$1,000.00 of Wayne Kunes' money received from Attorney Hugney-Shope. Applying this amount to the \$1,988.50, left an alleged balance due by Mr. Kunes of \$475.60.

6. Mr. Kunes should not be required to pay any additional real estate transfer taxes and the proration of current real estate taxes was agreed upon. In addition, the arithmetic used to arrive at the calculation of \$1,988.58 is incorrect and is actually \$1,765.69.

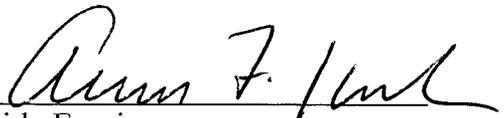
7. It is believed and therefore averred that no additional monies are owed to the Master. On the contrary, any surplus which is in the hands of the Master to be used for the benefit of Mr. Kunes should be returned to him.

8. Additionally, the report of Master proposes to distribute from the sale proceeds monies allegedly due to James Gilliland in the amount of \$783.86. The Plaintiff takes exception to distribution of this amount since the interest of James Gilliland was sold at tax sale on or about November 5, 2009 and, therefore, Mr. Gilliland is not entitled to receive proceeds of the sale, having not paid the taxes that were due.

WHEREFORE, the Plaintiff, Wayne E. Kunes, respectfully requests that this Honorable Court grant the relief requested, to wit:

1. Setting forth that the amounts paid and represented on the Settlement Statement between the parties are true and correct and that no further monies are due and payable by Wayne E. Kunes to the Master;
2. That there should be no distribution to James Gilliland; and
3. Grant any and other relief deemed appropriate.

BABST, CALLAND, CLEMENTS &
ZOMNIR, P.C.

By: 

Alan F. Kirk, Esquire
Attorney ID No. 36893
Attorney for Plaintiff
330 Innovation Boulevard, Suite 302
State College, PA 16803
(814) 867-8055



MIDSTATE
REALTY SERVICES

A. Settlement Statement
U.S. Department of Housing and Urban Development
OMB No. 2502-0265 (expires 11/30/2009)

B. TYPE OF LOAN
1. FHA 2. FmHA 3. Conv. Unins.
4. VA 5. Conv. Ins.
6. FILE NUMBER 7. LOAN NUMBER
09-0294WB
8. MORTGAGE INSURANCE CASE NUMBER

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for information purposes and are not included in the totals. **WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.** TitleExpress Settlement System
Printed 08/03/2009 at 14:15 WB

D. NAME OF BORROWER: Wayne E. Kunes
ADDRESS: R.D. #1, Box 108, Frenchville, PA 16836
E. NAME OF SELLER: John R. Ryan, Esquire
ADDRESS:
F. NAME OF LENDER:
ADDRESS:
G. PROPERTY ADDRESS: Covington Township, Clearfield, PA 16830
Covington Township
H. SETTLEMENT AGENT: Mid State Realty Services, Telephone: 814-234-2048 Fax: 814-234-4166
PLACE OF SETTLEMENT: 330 Innovation Boulevard, 3rd Floor, State College, PA 16803

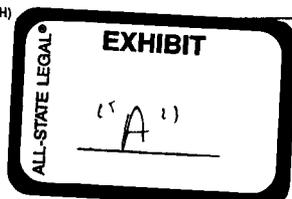
I. SETTLEMENT DATE: 07/22/2009

J. SUMMARY OF BORROWER'S TRANSACTION:		K. SUMMARY OF SELLER'S TRANSACTION:	
100. GROSS AMOUNT DUE FROM BORROWER		400. GROSS AMOUNT DUE TO SELLER	
101. Contract sales price	450,011.00	401. Contract sales price	450,011.00
102. Personal Property		402. Personal Property	
103. Settlement charges to borrower (line 1400)	11,055.15	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes		406. City/town taxes	
107. County taxes		407. County taxes	
108. School taxes		408. School taxes	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. GROSS AMOUNT DUE FROM BORROWER	461,066.15	420. GROSS AMOUNT DUE TO SELLER	450,011.00
200. AMOUNTS PAID BY OR ON BEHALF OF BORROWER		500. REDUCTIONS IN AMOUNT DUE TO SELLER	
201. Deposit or earnest money	10,000.00	501. Excess Deposit (see instructions)	10,000.00
202. Principal amount of new loans		502. Settlement charges to seller (line 1400)	4,500.11
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204. Additional Deposit		504. Payoff of First Mortgage Loan	
205. Ownership Interest Credit	190,425.16	505. Ownership Interest Credit	190,425.16
206.		506.	
207. Prepaid Purchase Price	249,585.84	507. Prepaid Purchase Price	249,585.84
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes		510. City/town taxes	
211. County taxes		511. County taxes	
212. School taxes		512. School taxes	
213.		513.	
214.		514.	
215. Tax Reimb to Buyer #111-Q4-11	145.83	515. Tax Reimb to Buyer #111-Q4-11	145.83
216. Tax Reimb to Buyer #111-Q4-6	174.80	516. Tax Reimb to Buyer #111-Q4-6	174.80
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY/FOR BORROWER	450,331.63	520. TOTAL REDUCTION AMOUNT DUE SELLER	454,831.74
300. CASH AT SETTLEMENT FROM OR TO BORROWER		600. CASH AT SETTLEMENT TO OR FROM SELLER	
301. Gross amount due from borrower (line 120)	461,066.15	601. Gross amount due to seller (line 420)	450,011.00
302. Less amounts paid by/for borrower (line 220)	450,331.63	602. Less reduction amount due seller (line 520)	454,831.74
303. CASH FROM BORROWER	10,734.52	603. CASH FROM SELLER	4,820.74

SUBSTITUTE FORM 1099 SELLER STATEMENT: The information contained herein is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported. The Contract Sales Price described on line 401 above constitutes the Gross Proceeds of this transaction.

You are required by law to provide the settlement agent (Fed. Tax ID No: 202730703) with your correct taxpayer identification number. If you do not provide your correct taxpayer identification number, you may be subject to civil or criminal penalties imposed by law. Under penalties of perjury, I certify that the number shown on this statement is my correct taxpayer identification number.

TIN: _____ SELLER(S) SIGNATURE(S): *John R. Ryan* MASTER IN PARTITION
SELLER(S) NEW MAILING ADDRESS: _____
SELLER(S) PHONE NUMBERS: _____ (H) _____ (W)



SETTLEMENT STATEMENT

TitleExpress Settlement System Printed 08/03/2009 at 14:15 WB

L. SETTLEMENT CHARGES		PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700. TOTAL SALES/BROKER'S COMMISSION based on price \$450,011.00 =			
Division of commission (line 700) as follows:			
701. \$	to		
702. \$	to		
703. Commission paid at Settlement			
800. ITEMS PAYABLE IN CONNECTION WITH LOAN			
801. Loan Origination Fee	%		
802. Loan Discount	%		
803. Appraisal Fee			
804. Credit Report			
805. Lender's Inspection Fee			
806. Mortgage Application Fee			
807. Assumption Fee			
808.			
809.			
810.			
811.			
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE			
901. Interest From:	to	@ \$	/day
902. Mortgage Insurance Premium for	to		
903. Hazard Insurance Premium for	to		
904.			
905.			
1000. RESERVES DEPOSITED WITH LENDER FOR			
1001. Hazard Insurance	mo. @ \$		/mo
1002. Mortgage insurance	mo. @ \$		/mo
1003. City Property Tax	mo. @ \$		/mo
1004. County Property Tax	mo. @ \$		/mo
1005. School taxes	mo. @ \$		/mo
1009. Aggregate Analysis Adjustment		0.00	0.00
1100. TITLE CHARGES			
1101. Settlement or closing fee			
1102. Abstract or title search			
1103. Title examination			
1104. Title insurance binder			
1105. Master Fee	to John R. Ryan, Esquire	3,656.35	
1106. Notary Fees			
1107. Attorney's fees	to Barbara J. Hugney-Shope	2,320.16	
(includes above items No:)			
1108. Title Insurance			
(includes above items No:)			
1109. Lender's Coverage \$			
1110. Owner's Coverage \$	450,011.00 -		
1111.			
1112.			
1113.			
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES			
1201. Recording Fees Deed \$28.50	Mortgage \$	28.50	
	Release \$		
1202. City/County tax/stamps	Deed \$4,500.11 ; Mortgage \$	4,500.11	
1203. State Tax/stamps	Deed \$4,500.11 ; Mortgage \$		4,500.11
1204.			
1205.			
1300. ADDITIONAL SETTLEMENT CHARGES			
1301. Survey			
1302. Pest Inspection			
1303. 2009-10 Sch Tx #11-Q4-6	to Lena C. Gormont	239.90	
1304. 2009-10 Sch. Tx #11-Q4-11	to Lena C. Gormont	179.49	
1305. 2009 C/T Tx #11-Q4-6	to Lena C. Gormont	74.73	
1306. 2009 C/T Tx #11-Q4-11	to Lena C. Gormont	55.91	
1400. TOTAL SETTLEMENT CHARGES	(enter on lines 103, Section J and 502, Section K)	11,055.15	4,500.11

HUD CERTIFICATION OF BUYER AND SELLER

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

Wayne E. Kunes by Lester Kunes POA
Wayne E. Kunes

John R. Ryan, Esquire

John R. Ryan, MASTER IN PARTITION
By: John R. Ryan, Esquire

WARNING: IT IS A CRIME TO KNOWINGLY MAKE FALSE STATEMENTS TO THE UNITED STATES ON THIS OR ANY SIMILAR FORM. PENALTIES UPON CONVICTION CAN INCLUDE A FINE AND IMPRISONMENT. FOR DETAILS SEE TITLE 18: U.S. CODE SECTION 1001 AND SECTION 1010.

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

SETTLEMENT AGENT: *John F. Hurl* DATE: *8-6-09*

AGREEMENT OF SALE

MADE and concluded the _____ day of _____, 2008, by
and between JOHN R. RYAN, Master in Partition in the matter of Wayne E. Kunes vs. John
Gilliland, et al, filed to Clearfield County Docket No. 08-27-CD; hereinafter referred to as
"SELLER"

AND

WAYNE E. KUNES, an adult individual, by his attorney-in-fact, CURTIS W. KUNES, of
State College, Pennsylvania; hereinafter referred to as "BUYER".

WITNESSETH, that the parties hereto, in consideration of the covenants set forth
herein and intending to be legally bound hereby, mutually agree as follows:

1. Seller agrees to sell and convey to Buyer, who agrees to purchase, all those
certain parcels of land situate in Covington Township, Clearfield County, Pennsylvania, and
being the same premises as are the subject of the Action for Partition filed to the above
referenced term and number. Said parcels further being identified by Clearfield County
Assessment Map Numbers 111-Q4-11 and 111-Q4-6.
2. The purchase price for the premises shall be the sum of Four Hundred Fifty and
Eleven Dollars (\$450,011.00), payable as follows:
 - a. The sum of Ten Thousand Dollars (\$10,000.00) at the time of the
execution of this Agreement, said amount to be held in escrow by Seller pending settlement and
receipt of which is hereby acknowledged;
 - b. The balance of Four Hundred Forty Thousand and Eleven Dollars
(\$440,011.00) at the time of settlement, said amount to be paid by cashier's check or certified
funds.



Judge Seigler
2157

3. Settlement shall occur within forty-five (45) days after approval of this Agreement by the Court, unless extended by mutual agreement of the parties hereto.

4. Seller makes no warranty as to title, nor as to the boundaries or description of the premises which are the subject of this Agreement. However, the parties agree that this Agreement shall be contingent upon Buyer obtaining title to the coal, gas and oil and other minerals. It shall be the sole responsibility of Buyer to examine the title to determine such ownership, and in the event that such examination discloses a defect as to such title, then in that event Buyer at his option may cancel this Agreement and all amounts paid hereunder shall be refunded without further obligation on the part of either Seller or Buyer.

5. Buyer shall assume payment of all real estate taxes and assessments levied upon said premises commencing on the date of settlement. The county/township taxes shall be prorated on a calendar year basis to the date of settlement, and the school taxes shall be prorated on a fiscal year basis to the date of settlement.

6. Buyer agrees to make all payments promptly and does bind himself, his heirs, executors, successors and assigns to do so.

7. This Agreement shall only be assignable with the written consent of the Seller.

8. All Pennsylvania Realty Transfer Tax assessable upon this conveyance shall be paid one-half (1/2) by Seller and one-half (1/2) by Buyer. Seller shall prepare and execute a deed conveying said premises to Buyer and shall deliver said deed to Buyer on the date of settlement.

9. It is understood that Buyer has inspected the premises or hereby waives the right to do so, and except as set forth herein above, has agreed to purchase said premises as the result

of such inspection and not because of, or in reliance upon, any representation made by Seller, and therefore is purchasing the said premises in an "as is" condition.

10. This Agreement is to extend to and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns.

11. Seller executes this Agreement solely by virtue of his appointment as Master in the above reference legal action, as set forth in the Order of the Court of Common Pleas of Clearfield County, Pennsylvania dated June 3, 2008, and in that capacity alone. Payment of any costs due at the time of settlement on the part of Seller shall be apportioned by Seller to the parties to the said legal action in accordance with their respective ownership interests.

12. This Agreement is specifically contingent upon approval of the sale of the premises by the Court of Common Pleas of Clearfield County, Pennsylvania. Seller shall seek such approval in a timely manner upon execution of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the day and date first written above.

John R. Ryan, Master in Partition, Seller

Curtis W. Kunes, attorney-in-fact for
Wayne E. Kunes, Buyer

Ryan

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

WAYNE E. KUNES, :
Plaintiff :

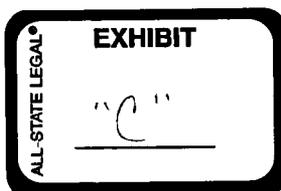
vs. :

NO. 08 - 27 - C.D. :

JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
McCLOSKEY, CLAUDIA McCLOSKEY, :
TRUSTEE, of the David and Claudia :
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Executrix of the Estate of Martha Spinelli, :
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WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

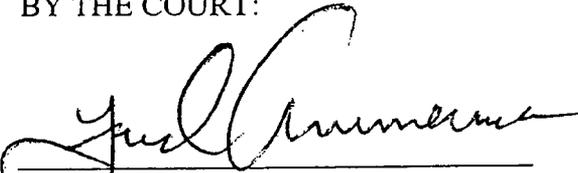
ORDER

AND NOW, this 21st day of January, 2009, this being the day and date set for consideration of the Motion of John R. Ryan, Esquire, Master in Partition, seeking approval of the sale of the property which is the subject of the above captioned action, and there having been no objection filed to said Motion after notice being given to the various owners, it is the ORDER of this Court that the said Motion be and is hereby GRANTED. John R. Ryan, Master in Partition, shall conclude the sale of the property as requested and on the terms set forth in the



Agreement attached to his Motion, and further shall be authorized to execute a deed conveying said property, together with such other documents and acts which in his discretion may be necessary to effect same.

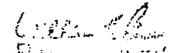
BY THE COURT:


Judge

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

Jul 22 2009

Attest.


Clerk of Court

BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
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CARL A. BELIN
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AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

November 2, 2009

VIA FACSIMILE (867-8051) & US MAIL

Alan F. Kirk, Esquire
330 Innovation Boulevard
Suite 302
State College, PA 16803

RE: John R. Ryan, Master in Partition in the matter of Wayne
Kunes vs. John Gilliland, et al. -to- Wayne E. Kunes

Dear Alan:

This letter will hopefully serve to clarify the issue regarding additional funds due from Wayne Kunes as previously requested. First of all, the HUD 1 settlement sheet prepared by your office showed the amount of \$4,820.74 as being due from the Seller at the time of settlement. Since Mr. Kunes was in effect both a seller and the buyer, we calculate that his share of those costs as follows:

$\$4,820 \text{ divided by } 2 = \$2,140.37$

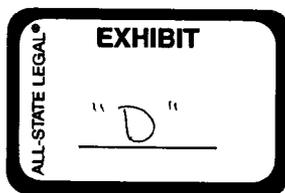
Taking into account Mr. Kunes' interest in each parcel, we come up with his share of the Seller's cost:

$\$2,140.37 \text{ multiplied by his ownership interest of } 38.055 \text{ in one parcel and multiplied by } 44.446 \text{ in the other leaves us with the amount of } \$1,988.58.$

From that amount we deducted \$512.98 which was cash we have on hand and \$1,000 from costs which were advanced by Mr. Kunes to Attorney Hugney Shope.

That leaves a balance due of \$475.60.

I also enclose a copy of the Tax Sale notice that appeared in the Clearfield County Legal Journal with regard to the interest of James Gilliland. The Order of Court which set forth the



Alan F. Kirk, Esquire
November 2, 2009
PAGE TWO

respective ownership interests in the Partition Action indicates that Mr. Gilliland owned a .556% interest in Parcel 111-Q4-11 and a .694% interest in Parcel 111-Q4-6.

Very truly yours,

BELIN, RUBISTA & RYAN LLP



John R. Ryan

JRR/lgp
Enclosure

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

WAYNE E. KUNES, :
Plaintiff :
v. : NO. 08-27-C.D.
JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
McCLOSKEY, CLAUDIA McCLOSKEY, :
TRUSTEE, of the David and Claudia :
McCloskey Trust, SUSAN McCLOSKEY :
SULLIVAN, LEONA McCLOSKEY, :
JACK BRENNAN, FRANK MAURER, JR., :
PIERRE C. MAURER, BASIL G. :
MAURER, DEAN A. SEITZ, DEBORAH :
G. SEITZ, DIANE SPINELLI KOCHER, :
Executrix of the Estate of Martha Spinelli, :
CHARLES R. IRVIN, JAYNE I. BROZ, :
CAROLYN G. IRVIN, JAMES P. :
WOODFORD, SANDRA L. WOODFORD, :
WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

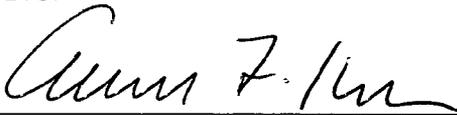
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Exceptions to Master's Report was served on the following by depositing the same within the custody of the United States Postal Service, first-class mail, postage prepared, addressed to:

Hon. Frederic J. Ammerman
Judge's Chambers
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

John R. Ryan, Esquire
Belin, Kubista & Ryan, LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

BABST, CALLAND, CLEMENTS &
ZOMNIR, P.C.

By: 

Alan F. Kirk, Esquire
Attorney ID No. 36893
Attorney for Plaintiff
330 Innovation Boulevard, Suite 302
State College, PA 16803
(814) 867-8055

Date: December 16, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :

vs. : NO. 08 – 27 – C.D.

JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
McCLOSKEY, CLAUDIA McCLOSKEY, :
TRUSTEE, of the David and Claudia :
McCloskey Trust, SUSAN McCLOSKEY :
SULLIVAN, LEONA McCLOSKEY, :
JACK BRENNAN, FRANK MAURER, JR., :
PIERRE C. MAURER, BASIL G. :
MAURER, DEAN A. SEITZ, DEBORAH :
G. SEITZ, DIANE SPINELLI KOCHER, :
Executrix of the Estate of Martha Spinelli, :
CHARLES R. IRVIN, JAYNE I. BROZ, :
CAROLYN G. IRVIN, JAMES P. :
WOODFORD, SANDRA L. WOODFORD, :
WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

**ANSWER TO PLAINTIFF'S
EXCEPTIONS TO MASTER'S
REPORT**

Filed on behalf of:
John R. Ryan, Master in Partition

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES,	:	
Plaintiff	:	
	:	
vs.	:	NO. 08 – 27 – C.D.
	:	
JOHN GILLILAND, JOSEPH	:	
GILLILAND, JUDITH (GILLILAND)	:	
CHASE, JENNIE (THOMAS) BUCHER,	:	
CONNIE (THOMAS) HAUFE, ELINOR	:	
McCLOSKEY, CLAUDIA McCLOSKEY,	:	
TRUSTEE, of the David and Claudia	:	
McCloskey Trust, SUSAN McCLOSKEY	:	
SULLIVAN, LEONA McCLOSKEY,	:	
JACK BRENNAN, FRANK MAURER, JR.,	:	
PIERRE C. MAURER, BASIL G.	:	
MAURER, DEAN A. SEITZ, DEBORAH	:	
G. SEITZ, DIANE SPINELLI KOCHER,	:	
Executrix of the Estate of Martha Spinelli,	:	
CHARLES R. IRVIN, JAYNE I. BROZ,	:	
CAROLYN G. IRVIN, JAMES P.	:	
WOODFORD, SANDRA L. WOODFORD,	:	
WILLIAM P. PETERS, MARGERY	:	
JEANNE BASS, MARY E. LAWSON,	:	
KATHY PARKER, ANN DUPREE and	:	
MARY SUE DALTON,	:	
Defendants	:	

ANSWER TO PLAINTIFF'S EXCEPTIONS TO MASTER'S REPORT

NOW COMES, John R. Ryan, Master in the above captioned action in Partition, and files his Answer to the Exceptions of the Plaintiff as follows:

1. Denied in that the Master had previously provided Counsel for Plaintiff with an explanation of how he arrived at the amounts in question. However, the Master does not wish to spend unnecessary time in litigation over the amount at issue and agrees to reduce his fee by

the amount owed by Plaintiff in order that distribution is made to the other parties at interest without further delay.

2. No response is required in that the Agreement of Sale speaks for itself.

3. See response to Nos. 1 and 2 above.

4. Admitted.

5. Admitted.

6. See response to No. 1 above.

7. See response to No. 1 above.

8. Admitted in part and denied in part. It is admitted that the Master's Report called for the distribution to James Gilliland as alleged. Said amount represented the amount of the net sale proceeds due and owing to James Gilliland in accordance with his ownership interests in the property which is the subject of this action. The sale of the property to the Plaintiff closed on or about July 22, 2009, as evidenced by the Settlement Statement referred to in Plaintiff's Exceptions at Paragraph 4. Subsequently, the ownership interest of James Gilliland was sold by Clearfield County for unpaid real estate taxes on November 5, 2009. The Master believes and therefore avers that as the result of the sale to Plaintiff, James Gilliland no longer owned an interest in the property as of the time of the tax sale. The fact that the taxes remained unpaid after the closing of the sale to Plaintiff in July 2009, cannot be attributed to any fault on the part of the Master, and in fact was apparently the result of counsel for Plaintiff's failure to ascertain whether there were any delinquent real estate taxes on the property prior to closing. The Master accordingly believes that if there is a dispute regarding the tax sale, it lies between Plaintiff and his counsel, who allowed Plaintiff to purchase property subject to unpaid real estate taxes. As a matter of law, a master in partition makes no warranty as to title, and in effect executes and delivers what amounts to a quitclaim deed to a buyer such as Plaintiff.

WHEREFORE, the Master requests that the Court enter an Order granting the following relief:

1. Dismissing the Exception regarding the amount due by Plaintiff as moot;
2. Dismissing the Exception regarding the amount to be distributed to James Gilliland

for the reasons set forth above;

3. Such other relief as the Court deems appropriate under the circumstances.

Respectfully submitted,



John R. Ryan, Master

CP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES,
Plaintiff

vs.

NO. 08 – 27 – C.D.

JOHN GILLILAND, JOSEPH
GILLILAND, JUDITH (GILLILAND)
CHASE, JENNIE (THOMAS) BUCHER,
CONNIE (THOMAS) HAUFE, ELINOR
McCLOSKEY, CLAUDIA McCLOSKEY,
TRUSTEE, of the David and Claudia
McCloskey Trust, SUSAN McCLOSKEY
SULLIVAN, LEONA McCLOSKEY,
JACK BRENNAN, FRANK MAURER, JR.,
PIERRE C. MAURER, BASIL G.
MAURER, DEAN A. SEITZ, DEBORAH
G. SEITZ, DIANE SPINELLI KOCHER,
Executrix of the Estate of Martha Spinelli,
CHARLES R. IRVIN, JAYNE I. BROZ,
CAROLYN G. IRVIN, JAMES P.
WOODFORD, SANDRA L. WOODFORD,
WILLIAM P. PETERS, MARGERY
JEANNE BASS, MARY E. LAWSON,
KATHY PARKER, ANN DUPREE and
MARY SUE DALTON,
Defendants

ORDER

AND NOW, this 4th day of January, 2010, upon consideration of the foregoing Exceptions to Master's Report, it is the ORDER of this Court that said matter be heard the 26th day of January, 2010, at 2:30 o'clock p.m., Clearfield County Courthouse, Courtroom 1. One-half (1/2) hour is set aside for the hearing of this matter.

BY THE COURT:

Frederic J. Ammerman
Frederic J. Ammerman, President Judge

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William A. Shaw
Prothonotary/Clerk of Courts

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JAN 05 2010

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 1/5/10

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 _____
____ No instructions.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :

vs. : NO. 08 – 27 – C.D.

JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
McCLOSKEY, CLAUDIA McCLOSKEY, :
TRUSTEE, of the David and Claudia :
McCloskey Trust, SUSAN McCLOSKEY :
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Executrix of the Estate of Martha Spinelli, :
CHARLES R. IRVIN, JAYNE I. BROZ, :
CAROLYN G. IRVIN, JAMES P. :
WOODFORD, SANDRA L. WOODFORD, :
WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

FILED NO
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JAN 05 2010
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

Filed on behalf of:
John R. Ryan, Master in Partition

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES,	:	
Plaintiff	:	
	:	
vs.	:	NO. 08 – 27 – C.D.
	:	
JOHN GILLILAND, JOSEPH	:	
GILLILAND, JUDITH (GILLILAND)	:	
CHASE, JENNIE (THOMAS) BUCHER,	:	
CONNIE (THOMAS) HAUFE, ELINOR	:	
McCLOSKEY, CLAUDIA McCLOSKEY,	:	
TRUSTEE, of the David and Claudia	:	
McCloskey Trust, SUSAN McCLOSKEY	:	
SULLIVAN, LEONA McCLOSKEY,	:	
JACK BRENNAN, FRANK MAURER, JR.,	:	
PIERRE C. MAURER, BASIL G.	:	
MAURER, DEAN A. SEITZ, DEBORAH	:	
G. SEITZ, DIANE SPINELLI KOCHER,	:	
Executrix of the Estate of Martha Spinelli,	:	
CHARLES R. IRVIN, JAYNE I. BROZ,	:	
CAROLYN G. IRVIN, JAMES P.	:	
WOODFORD, SANDRA L. WOODFORD,	:	
WILLIAM P. PETERS, MARGERY	:	
JEANNE BASS, MARY E. LAWSON,	:	
KATHY PARKER, ANN DUPREE and	:	
MARY SUE DALTON,	:	
Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of the Master’s Answer to Plaintiff’s Exceptions to Master’s Report and Order scheduling hearing on the same, on the following parties by postage prepaid first-class United States mail, on the 5th day of January 2010:

Alan F. Kirk, Esquire
330 Innovation Boulevard
Suite 302
State College, PA 16803

John Sughrue, Esquire
225 East Market Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

A handwritten signature in black ink, appearing to read "JRM", written over a horizontal line.

John R. Ryan

UA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

WAYNE E. KUNES, :
Plaintiff :

vs. : NO. 08 – 27 – C.D.

JOHN GILLILAND, JOSEPH :
GILLILAND, JUDITH (GILLILAND) :
CHASE, JENNIE (THOMAS) BUCHER, :
CONNIE (THOMAS) HAUFE, ELINOR :
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TRUSTEE, of the David and Claudia :
McCloskey Trust, SUSAN McCLOSKEY :
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WILLIAM P. PETERS, MARGERY :
JEANNE BASS, MARY E. LAWSON, :
KATHY PARKER, ANN DUPREE and :
MARY SUE DALTON, :
Defendants :

CONSENT ORDER

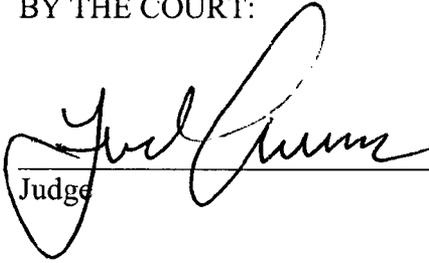
AND NOW, this 28 day of January, 2010, the parties having reached agreement as to the resolution of the Exceptions filed by Plaintiff to the Master's Report in the above captioned matter, and the parties having acknowledged their consent to the entry of this Order, it is ORDERED as follows:

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William A. Shaw
County Clerk/Clerk of Courts
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GIL

1. The provisions of the Master's Report and the Adjudication dated December 7, 2009, relative to the amount owed by Plaintiff are hereby rescinded. Plaintiff shall owe no further amount to the Master;

2. The Exception relating to the distribution to James Gilliland is hereby withdrawn, and the Master shall make distribution to James Gilliland in accordance with the report.

BY THE COURT:

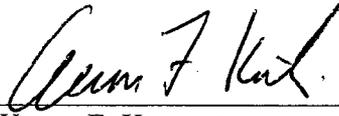


Judge

We, the undersigned, hereby consent to the entry of the above Order.



John R. Ryan, Master



Wayne E. Kunes
Counsel for
Wayne E. Kunes