

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW DIVISION**

EDMOND M. GEORGE
125 Spring Street
Houtzdale, PA 16651

v.

LEONA MORGAN
823 Brisbin Street
Houtzdale, PA 16651

:
:
: February Term, 2008
:

: No.: 08-174-CD
:
:
:

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed 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.

**PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
One Reading Center
Philadelphia Pennsylvania 19107
Telephone: (215) 238-1701**

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**ASOCIACIÓN DE LICENCIADOS DE FILADELFA
SERVICIO DE REFERENCIA E INFORMACIÓN LEGAL
One Reading Center
Filadelfia, Pennsylvania 19107
Telefono: (215) 238-1701**

FILED
M 11:33 AM
FEB 01 2008

William A. Shaw
Prothonotary/Clerk of Courts

Att'y pd. 95.00

5cc Att'y George

Edmond M. George, Esquire
OBERMAYER REBMANN MAXWELL & HIPPEL LLP
1617 JFK Boulevard
Suite 1900
Philadelphia, PA 19103
T: (215) 665-3141
F: (215) 665-3165
Counsel to Edmond M. George

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW DIVISION**

EDMOND M. GEORGE	:	
125 Spring Street	:	
Houtzdale, PA 16651	:	February Term, 2008
	:	
v.	:	No.:
	:	
LEONA MORGAN	:	
823 Brisbin Street	:	
Houtzdale, PA 16651	:	

COMPLAINT

Edmond M. George (“Plaintiff”), by and through his undersigned counsel, hereby complains of Leona Morgan (the “Defendant”) as follows:

1. Plaintiff is a resident of the Commonwealth of Pennsylvania, with an address 125 Spring Street, Houtzdale, Pennsylvania.
2. Defendant is a resident of the Commonwealth of Pennsylvania with a principal address at 823 Brisbin Street, Houtzdale, Pennsylvania.
3. Defendant owns property contiguous to the property owned by the Plaintiff located in said Township of Houtzdale.
4. As a contiguous property owner, Defendant has an ongoing duty to maintain her property such as not to cause damage or a nuisance on the property of the Plaintiff.

5. Defendant has been in continuous ownership, control and occupancy of the property located at 823 Brisbin Street, and has been exclusively in control of the maintenance of said property for over fifty (50) years.

6. Defendant planted a number of trees, either directly on the property line or partially on the property line.

7. Over the years, the pine trees have become overgrown, unkempt, and unmanaged. The offending trees encroach substantially on Plaintiff's property, in some cases contacting the house near the roof. The offending trees are between 35 and 50 feet tall.

8. Defendant has failed to maintain the offending trees by keeping them properly pruned to prevent them from encroaching on Plaintiff's property.

9. The encroachment has caused substantial damages to Plaintiff's property.

10. At numerous times of the year, the trees emit sap, drop pine needles, and pine cones, all of which are extremely treacherous to walk upon, and which require extensive additional maintenance by the Plaintiff, and which have and continue to cause damage to Plaintiff's property.

11. In addition to the continued emission of noxious substances upon the Plaintiff's property, the roots of the offending trees have encroached so as to cause the sidewalks of the Plaintiff's property to heave substantially creating a trip hazard.

COUNT I Trespass

12. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if set forth herein fully and at length.

13. The continuing encroachment constitutes a trespass for which the law will impose a remedy where sensible damage has been occasioned.

14. The Defendant's failure to maintain the offending trees has and is causing a continuing trespass, for which self help will not properly and fully compensate the Plaintiff for damages.

15. Plaintiff has suffered sensible damages by virtue of the encroachment, which is continuing.

16. Plaintiff is entitled to recovery for the damages to the property caused by the encroachment, including damages for repair or replacement of the sidewalk and other concrete impaired by roots of the offending trees.

WHEREFORE, the Plaintiff demands judgment in his favor and against the Defendant, plus interests, costs and attorney's fees.

COUNT II

Nuisance

17. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if set forth herein fully and at length.

18. Defendant has been requested to remove the offending trees, and without justification has refused.

19. Constant emissions from the trees have caused continuing and unabated nuisance which have caused and will continue to cause substantial damage to the Plaintiff.

20. Plaintiff is unable to remove sufficient parts of the trees to ensure that the nuisance is abated due to belief that if the trees are trimmed it may in fact, kill the trees, in which case the Plaintiff could be exposed to claims by the Defendant.

21. Defendant, as the owner of the offending trees, and as the cause of the nuisance, should be required to compensate the Plaintiff for the damages incurred by virtue of the nuisance, which damages are real and sensible, as alleged herein, and for damages to abate the nuisance.

22. Plaintiff also avers that Defendant's refusal to abate the nuisance is willful, malicious and in bad faith, and justifies exemplary or punitive damages.

WHEREFORE, the Plaintiff demands judgment in his favor and against the Defendant, plus interests, costs and attorney's fees.

COUNT III Equitable Relief

23. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if set forth herein fully and at length.

24. This Court has the equitable power to abate a continuing nuisance.

25. Defendant has refused and/or failed to abate the nuisance even though she has been repeatedly requested to do so.

26. Plaintiff has no adequate remedy at law, because the nuisance is continuing and unabated, and continues to cause annoyance, inconvenience, damages, and expense to Plaintiff.

WHEREFORE, the Plaintiff demands judgment in his favor and against the Defendant, plus interest, costs and attorney's fees.

OBERMAYER REBMANN MAXWELL & HIPPEL LLP

Dated: January 31, 2008

By: 

Edmond M. George, Esquire
1617 JFK Boulevard
Suite 1900
Philadelphia, PA 19103
T: (215) 665-3141
F: (215) 665-3165

Counsel to Edmond M. George

Edmond M. George, Esquire
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Counsel to Edmond M. George

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

EDMOND M. GEORGE

v.

LEONA MORGAN

:
:
: No.:
:
:

VERIFICATION

I, Edmond M. George, hereby verify that I am authorized to make this
Verification and that the facts and statements contained in the foregoing, are true and
correct to the best of my information, knowledge and belief. I make these statements
subject to the penalties of 18 Pa. C. S. A. § 4904 relating to unsworn falsification to
authorities.


EDMOND M. GEORGE

4241710

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

EDMOND M. GEORGE,	:	Nos.: 08-58-CD
Plaintiff	:	08-174-CD
	:	Type of Case: Civil
	:	Type of Pleading:
vs.	:	Answer to Complaint
	:	and New Matter
LEONA MORGAN,	:	Filed on behalf of:
Defendant	:	Defendant
	:	Counsel of Record for
	:	This Party:
	:	Girard Kasubick, Esq.
	:	Supreme Court No. 30109
	:	LEHMAN & KASUBICK
	:	611 Brisbin Street
	:	Houtzdale, PA 16651
	:	(814) 378-7840

FILED ^{icc}
010:25/21 Amy Kasubick
MAR 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EDMOND M. GEORGE,	:	
Plaintiff	:	
	:	
vs.	:	Nos. 08-58-CD
	:	08-174-CD
LEONA MORGAN,	:	
Defendant	:	
	:	

NOTICE TO PLEAD

To: Edmond M. George

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from service hereof or a judgement may be entered against you.



Girard Kasubick, Esq.
Attorney for Defendant
611 Brisbin Street
Houtzdale, PA 16651
(814) 378-7840

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EDMOND M. GEORGE,	:	
Plaintiff	:	
	:	
vs.	:	Nos. 08-58-CD
	:	08-174-CD
LEONA MORGAN,	:	
Defendant	:	
	:	

ANSWER TO COMPLAINT AND NEW MATTER

AND NOW, comes Defendant, Leona Morgan, by and through her Attorney, Girard Kasubick, Esq., and files the following Answer and New Matter to Plaintiff's Complaint:

1. Admitted.
2. Admitted.
3. Admitted in part and Denied in part. It is admitted Plaintiff and Defendant's property are contiguous. It is denied the property is in the Township of Houtzdale. The property is located in the Borough of Houtzdale.
4. Denied. This is conclusion of law or fact for which no responsive pleading is required.
5. Denied. The Defendant has owned the contiguous parcel next to Plaintiff's parcel since 1981 by Deed recorded in Clearfield County Deed Book 810, Page 1. The

Defendant's parents owned the property prior to that. The Defendant conveyed out the property now owned by the Plaintiff by Deed recorded in Clearfield County Deed Book 810, Page 4. Defendant has only had control of the property since 1981.

6. Denied. The trees were planted prior to Defendant's ownership of the land adjacent to Plaintiff's land. Defendant has not planted any trees on the adjacent land since her ownership. It is further denied as to the location of the trees as this is a conclusion of law or fact for which no responsive pleading is required.

7. Admitted in part and Denied in part. It is denied the trees are overgrown, unkempt and unmanaged, which is a conclusion of law of fact for which no responsive pleading is required. It is admitted some branches of the pine trees encroach on Plaintiff's air space and that the trees are approximately 35 feet high.

8. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

9. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

10. Admitted in part and Denied in part. It is admitted that the trees may emit sap, needles and cones. It is denied that this creates an extremely treacherous condition and additional maintenance and damage to Plaintiff because Defendant after reasonable investigation is without knowledge or information to form a belief as to these averments and proof thereof is demanded.

11. Denied. This averment is denied because Defendant after reasonable investigation is without knowledge or information to form a belief as to these averments and proof thereof is demanded.

COUNT I
Trespass

12. Defendant hereby incorporates its answers to paragraphs 1 through 11 as though fully sets forth herein.

13. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

14. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

15. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

16. Denied. This is a conclusion of law or fact for which no responsive pleading is required. It is further denied and averred that the Plaintiff had the right of self-help to trim the trees and could have eliminated and/or abated any possible nuisance or trespass.

WHEREFORE, Defendant requests your Honorable Court to enter judgment in favor of Defendant and against the Plaintiff.

COUNT II
Nuisance

17. Defendant hereby incorporates its answers to paragraphs 1 through 16 as though fully sets forth herein.

18. Admitted in Part and Denied in Part. It is admitted that Plaintiff has requested Defendant to remove the trees. It is denied that Defendant has refused without justification as this is a conclusion of law or fact for which no responsive pleading is required and further Plaintiff has refused Defendant's offer to remove the trees without justification.

19. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

20. Denied. This averment is denied because Defendant after reasonable investigation is without knowledge or information to form a belief as to these averments and proof thereof is demanded. It is further denied and averred that the Plaintiff had the right of self-help to trim the trees and could have eliminated and/or abated any possible nuisance or trespass.

21. Denied. This is a conclusion of law or fact for which no responsive pleading is required. It is further denied and averred that the Plaintiff had the right of self-help to trim the trees and could have eliminated and/or abated any possible nuisance or trespass.

22. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

WHEREFORE, Defendant requests your Honorable Court to enter judgment in favor of Defendant and against the Plaintiff.

COUNT III
Equitable Relief

23. Defendant hereby incorporates its answers to paragraphs 1 through 22 as though fully sets forth herein.

24. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

25. Denied. Plaintiff states no facts of denial by Defendant and this is further denied as a conclusion of law for which no responsive pleading is required. It is further denied and averred that the Plaintiff had the right of self-help to trim the trees and could have eliminated and/or abated any possible nuisance or trespass.

26. Denied. This is a conclusion of law or fact for which no responsive pleading is required.

WHEREFORE, Defendant requests your Honorable Court to enter judgment in favor of Defendant and against the Plaintiff.

NEW MATTER

27. Plaintiff and his wife, Joanne George, became the owners of the adjacent property to the Defendant's property by Deed recorded March 28, 2003 in Clearfield County Instrument No. 200304908.

28. On March 28, 2003 the tree branches of the trees subject of Plaintiff's Complaint were encroaching on Plaintiff's air space above the real property acquired

by Plaintiff in the Deed recorded in Instrument No. 200304908.

29. Plaintiff knew of the encroaching trees at the time the Plaintiff purchased the real property by Deed recorded in Clearfield County Instrument No. 200304908.

30. Plaintiff has not cut down or removed any tree branches encroaching on the air space above the real property owned by Plaintiff by Deed recorded in Clearfield County Instrument No. 200304908.

31. Plaintiff did not give any notice to the Defendant of any problem or encroachment causing damages until Defendant received letter dated May 16, 2007 from Plaintiff's attorney.

32. Plaintiff has the legal right of self-help for encroaching branches on the air space above the real property he owns to cut and remove the branches.

33. The Plaintiff has failed to exercise his right of self-help and thereby mitigate any damages, if any damages are proven by Plaintiff and mitigate any nuisance or trespass.

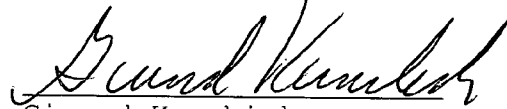
34. The Plaintiff knew of the trespass of the branches in 2003 when Plaintiff purchased the real

property and the statute of limitations under 42 Pa. C.S.A. § 5524 has run for Plaintiff to make any claim.

35. The Defendant hereby raises the defense of the Doctrine of Laches because Plaintiff had knowledge of the existing condition on the real property when he purchased it in 2003 and he permitted the condition to remain thereby acquiescing in the condition of the trees.

WHEREFORE, Defendant requests your Honorable Court to enter judgment in favor of Defendant and against the Plaintiff.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Girard Kasubick", written over a horizontal line.

Girard Kasubick
Attorney for Defendant

VERIFICATION

I verify that the statements made in the foregoing Answer to Complaint and New Matter is true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.


Leona Morgan

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

EDMOND M. GEORGE,
Plaintiff

vs.

LEONA MORGAN,
Defendant

: Nos.: 08-58-CD
: 08-174-CD
: Type of Case: Civil
: Type of Pleading:
: Certificate of
: Service
: Filed on behalf of:
: Defendant
: Counsel of Record for
: This Party:
: Girard Kasubick, Esq.
: Supreme Court No. 30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651
: (814) 378-7840

FILED NO
0/10:40/64 CC
MAR 20 2008

William A. Shaw
Prothonotary/Clerk of Courts


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

EDMOND M. GEORGE,	:
Plaintiff	:
	: Nos.: 08-58-CD
vs.	: 08-174-CD
	:
LEONA MORGAN,	:
Defendant	:

CERTIFICATE OF SERVICE

I hereby certify that I, Girard Kasubick, Esq.,
forwarded a copy of the Answer to Complaint and New Matter
to counsel of record listed below by United States mail,
postage prepaid on March 12, 2008, at the following
address:

Edmond M. George, Esq.
OBERMAYER REBMANN MAXWELL & HIPPELL LLP
1617 JFK Boulevard
Suite 1900
Philadelphia, PA 19103


Girard Kasubick, Esquire,
Attorney for Defendant

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

CA
COPY

EDMOND M. GEORGE
125 Spring Street
Houtzdale, PA 16651

v.

LEONA MORGAN
823 Brisbin Street
Houtzdale, PA 16651

:
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: February Term, 2008
:
: No.: 08-58-CD
: 08-174-CD
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PRAECIPE TO CONSOLIDATE CASES

TO THE CLERK:

As the parties to the above-referenced proceedings have agreed to consolidate the proceedings and file all pleadings in one proceeding captioned as Edmond M. George v. Leona Morgan, case number 08-58-CD, kindly mark Edmond M. George v. Leona Morgan, case number 08-174-CD as follows: "An order has been entered consolidating this case with Edmond M. George v. Leona Morgan, case number 08-58-CD. All future court filings shall be made in the Edmond M. George v. Leona Morgan, case number 08-58-CD."

OBERMAYER REBMANN MAXWELL & HIPPEL LLP

Dated: January 31, 2008

By: 

Edmond M. George, Esquire
1617 JFK Boulevard
Suite 1900
Philadelphia, PA 19103
T: (215) 665-3141
F: (215) 665-3165

Counsel to Edmond M. George

FILED
MAR 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

Orig. to
08-58-CD

(62)

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

EDMOND M. GEORGE
125 Spring Street
Houtzdale, PA 16651

v.

LEONA MORGAN
823 Brisbin Street
Houtzdale, PA 16651

:
:
: February Term, 2008
:
: No.: 08-58-CD
: 08-174-CD
:
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ORDER CONSOLIDATING CASES

AND NOW this 26th day of March, 2008, upon consideration of the request of the parties, it is hereby ORDERED that the above-referenced cases are hereby consolidated, all further court filings shall be made in the case captioned as Edmond M. George v. Leona Morgan, case number 08-58-CD, and a docket entry for the case captioned Edmond M. George v. Leona Morgan, case number 08-174-CD, shall state that "An order has been entered consolidating this case with Edmond M. George v. Leona Morgan, case number 08-58-CD. All future court filings shall be made in the Edmond M. George v. Leona Morgan, case number 08-58-CD."

ORDER OF THE COURT



J.

FILED

MAR 26 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE 3/26/08

☒ You are responsible for serving all appropriate parties.

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

_____ Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other

_____ Defendant(s) _____ Defendant(s) Attorney

_____ Special Instructions:

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW DIVISION**

EDMOND M. GEORGE
125 Spring Street
Houtzdale, PA 16651

v.

LEONA MORGAN
823 Brisbin Street
Houtzdale, PA 16651

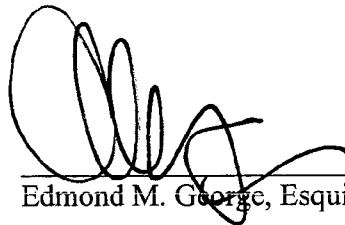
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: February Term, 2008
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: No.: 08-58-CD
: 08-174-CD
:

CERTIFICATE OF SERVICE

I, Edmond M. George, a partner at the law firm of Obermayer Rebmann Maxwell & Hippel LLP, do hereby certify that on March 19, 2008, I caused a true and correct copy of the foregoing Praecipe to Consolidate Cases, and proposed Order to be served via U.S. First Class Mail, postage prepaid upon:

Girard Kasubick, Esquire
Lehman & Kasubick
611 Brisbin Street
Houtzdale, PA 16651


Edmond M. George, Esquire

Edmond M. George, Esquire
OBERMAYER REBMANN MAXWELL & HIPPEL LLP
1617 JFK Boulevard
Suite 1900
Philadelphia, PA 19103
T: (215) 665-3141
F: (215) 665-3165
Counsel to Edmond M. George

FILED *Joe A. George*
m/jd/h/lm
MAR 28 2008
William A. Shaw
Prothonotary/Clerk of Courts *Original Filed to*
08-58-CD

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW DIVISION**

EDMOND M. GEORGE	:	
	:	
Plaintiff	:	
	:	Nos.: 08-58-CD
v.	:	08-174-CD
	:	
LEONA MORGAN	:	
	:	
Defendant.	:	

REPLY TO DEFENDANT'S NEW MATTER

Edmond M. George ("Plaintiff"), by and through his undersigned counsel, hereby responds to the New Matter of Leona Morgan (the "Defendant") as follows:

27. Admitted.

28. Admitted in part, denied in part. It is admitted only that tree branches now extend over the property line. The Plaintiff was and is unaware as to whether the trunks of the trees are on or over the property line. The remaining allegations are denied.

29. Denied. It is specifically denied that Plaintiff knew of encroaching tree branches at the time he purchased the realty. Although the branches may have encroached at a certain time, they were not in fact, a nuisance at that juncture.

30. Admitted in part, denied in part. It is admitted only that Plaintiff has not cut down the trees due to the fact that Plaintiff has been advised that cutting the branches

may cause the trees to die, potentially creating a liability to the Defendant in this matter. Defendant has repeatedly requested that the Defendants remove either the offending branches, or cut the trees down altogether so as to avoid any issue over the removal of the trees, and abate the nuisance. The trees are a nuisance and continue to drop pine cones, needles, sap and other noxious substances onto the Plaintiff's property.

31. Denied. It is denied that Defendant did not have knowledge of the encroachment or the damages of the Plaintiff in this case.

32. Denied as a legal conclusion. It is denied that self-help is a remedy for a nuisance, which the encroaching tree branches and the trees themselves are at this time.

33. Denied. Plaintiff has requested that the Defendant remove the trees so that if the branches are removed on Plaintiff's side, and the trees die. Plaintiffs will not have any potential liability. The Plaintiff's therefore require an order from the court directing the Defendant to remove the trees as a continuing nuisance.

34. Denied. The nuisance and trespass are continuing and have not been abated by the Defendant. The remaining allegations are legal conclusions to which no response is required.

35. Denied. The allegations in this paragraph are legal conclusions to which no response is required.

WHEREFORE, the Plaintiff demands judgment in his favor and against the Defendant, plus interest, costs and attorney's fees.

NEW MATTER

36. The Defendant has permitted a continuous and unabated nuisance to exist on her property which has affected the rights of the Plaintiff herein.

37. The trees in question are "continuing" nuisances which are causing substantial and sensible damage to the Plaintiff's property.

WHEREFORE, the Plaintiff demands judgment in his favor and against the Defendant, plus interest, costs and attorney's fees.

OBERMAYER REBMANN MAXWELL & HIPPEL LLP

Dated: March 27, 2008

By: 

Edmond M. George, Esquire
1617 JFK Boulevard
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T: (215) 665-3141
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Counsel to Edmond M. George

Edmond M. George, Esquire
OBERMAYER REBMANN MAXWELL & HIPPEL LLP
1617 JFK Boulevard
Suite 1900
Philadelphia, PA 19103
T: (215) 665-3141
F: (215) 665-3165
Counsel to Edmond M. George

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW DIVISION**

EDMOND M. GEORGE

Plaintiff

v.

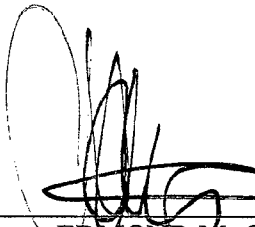
LEONA MORGAN

Defendant.

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: Nos.: 08-58-CD
: 08-174-CD
:
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VERIFICATION

I, Edmond M. George, hereby verify that I am authorized to make this
Verification and that the facts and statements contained in the foregoing, are true and
correct to the best of my information, knowledge and belief. I make these statements
subject to the penalties of 18 Pa. C. S. A. § 4904 relating to unsworn falsification to
authorities.



EDMOND M. GEORGE

Edmond M. George, Esquire
OBERMAYER REBMANN MAXWELL & HIPPEL LLP
1617 JFK Boulevard
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T: (215) 665-3141
F: (215) 665-3165
Counsel to Jacob George Ford Sales, Inc.

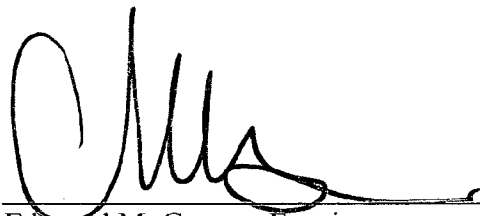
**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW DIVISION**

EDMOND M. GEORGE	:	
	:	
Plaintiff	:	
	:	Nos.: 08-58-CD
v.	:	08-174-CD
	:	
LEONA MORGAN	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Edmond M. George, an attorney at Obermayer Rebmann Maxwell & Hippel LLP, hereby certify that a true and correct copy of the Reply To Defendant's New Matter was served on this day the 27th of March, 2008, via U.S. First Class Mail postage pre-paid upon the following:

Girard Kasubick, Esquire
Lehman & Kasubick
611 Brisbin Street
Houtzdale, PA 16651

By: 
Edmond M. George, Esquire