

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

NANCY LOUISE SMITH and
PATRICIA ANN SHEARER,
Plaintiffs

vs.

ALTON PETERS, MRS. ALTON
PETERS, MARY PETERS, as
well as all of their
heirs, successors,
administrators and assigns,
Defendants

NO. 08-468-CD

Type of Case: Action to Quiet Title

Type of Pleading: Ccmplaint

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

01/23/08
MAR 17 2008

William A. Shaw
Prothonotary/Clerk of Courts \$ 105.00

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

NANCY LOUISE SMITH and :
PATRICIA ANN SHEARER, :
Plaintiffs :
vs. : NO. _____ C.D.
ALTON PETERS, MRS. ALTON :
PETERS, MARY PETERS, as :
well as all of their heirs, :
successors, administrators :
and assigns, Defendants :
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.

Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

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

NANCY LOUISE SMITH and	:	
PATRICIA ANN SHEARER,	:	
Plaintiffs	:	
	:	
vs.	:	NO. _____ C.D.
	:	
ALTON PETERS, MRS. ALTON	:	
PETERS, MARY PETERS, as	:	
well as all of their heirs,	:	
successors, administrators	:	
and assigns,	:	
Defendants	:	

COMPLAINT

AND NOW, comes NANCY LOUISE SMITH and PATRICIA ANN SHEARER, and brings this Quiet Title Action for the purpose of barring the above named Defendants, their heirs, successors, administrators and assigns, in and to the property herein described, as situated in the Borough of Clearfield, Clearfield County, Pennsylvania, and avers the following cause of action in support of the same.

1. The Plaintiff, NANCY LOUISE SMITH, resides at 42 Daisey Avenue, Ocean View, DE 19970.

2. The Plaintiff, PATRICIA ANN SHEARER, resides at 26533 Ed Ray Road, Athens, AL 35613.

3. The subject matter property is described in the Assessment Records of Clearfield County, PA, as Tax Map No. K08-246-00010. Such Map Number is for a parcel designated as Lot No. 17 in the Plan of Lots laid out by James Mahaffey, with a legal description of the same being attached hereto and marked as Exhibit "A".

4. Lot No. 17 as it appears by legal description in Exhibit "A" appears in the Tax Map Assessment Records at No. K08-246-00010. The same has also been referred to as H (House) G (Garage) & L (Lot) and further described and identified as Map or Parcel No. 4-4-K8-246-11.

5. The house and garage once referenced in the Tax Assessment Records as mentioned above were removed on or about the year 1969.

6. The chain of title into the Plaintiffs is as follows:

(a) By Deed dated April 25, 1901, James Mahaffey conveyed Lot No. 17 as described above and by Exhibit "A" to Alton Peters, such Deed as found in Deed Book Volume 117, Page 107.

(b) Thereafter, Alton Peters did become deceased on April 24, 1908, with an Estate appearing for him in the Office of the Register of Wills of Clearfield County, PA, in File No. 5025, and Volume 7, Page 132, Block 1, in the Estate Records.

Such Estate information indicated that Harris Peters was the Administrator, but such Estate did not indicate any information as to surviving children, and only named his surviving spouse, Mary Peters, as his heir at law.

Presumptively, Mary Peters is one and the same as

"Mrs. Alton Peters", but the Defendants, Mary Peters and Mrs. Alton Peters, if different individuals, are in the alternative considered separate persons.

(c) There is no Estate of record for a Mary Peters, or Mrs. Alton Peters that can be found.

(d) However, Assessment Records for the year 1968 for Lot No. 17 indicated that taxes were being sent "c/o Mr. Ira Peters, Bigler, PA".

(e) The Estate records of Clearfield County, PA, indicate that Ira W. Peters died in 1976, with an Estate opened at No. 76-292. The subject matter property was not considered or listed as an asset or mentioned in his Estate.

(f) Helen D. Peters, the spouse of Ira W. Peters died December 30, 1999, with an Estate for her being opened at No. 2000-8. The subject matter premises was not listed as part of her Estate.

(g) The Personal Representative of the Estate of Helen D. Peters was listed as Donald C. Homman and having a phone number of (814) 857-7873 which is a Clearfield exchange.

(h) However, Donald C. Homman, on being contacted, was unaware of information concerning the heirs of Alton and Mary Peters or "Mrs. Alton Peters".

(i) Notwithstanding the above, the subject matter property described as H,G,&Lot, and further by Assessment and/or Map No. 4-4-K8-246-11 as assessed in the name of "Mrs. Alton Peters" was sold for unpaid taxes for the year 1964, the same sale taking place on August 1, 1966.

(j) As per the above, Louise Mahaffey, Treasurer of Clearfield County conveyed the subject matter premises to Thomas F. Morgan, Edward Chaplin and Joseph Colavecchi by Treasurer's Deed dated September 12, 1966, as found in Deed Book Volume 541, Page 539.

(k) As part of this transaction, the said Thomas F. Morgan, Edward Chaplin and Joseph Colavecchi did direct the Treasurer of Clearfield County, Louise Mahaffey, to have the Deed made out to Howard J. Condon and Bernice L. Condon, by signed documents, attached hereto and marked as Exhibit "B".

(l) Further, on the Deed into Thomas F. Morgan, Edward Chaplin and Joseph Colavecchi as recited above in Book 541, Page 539, on the same instrument, and on Page 541 thereof, Joseph Colavecchi, Attorney-in-Fact for D. Edward Chaplin and Thomas F. Morgan, et ux., and in his own right, did assign the subject matters to Howard J. Condon and Bernice L. Condon, husband and wife, for the sum of \$150.00, such Power of Attorney appearing in Misc. Book 143, Page 57.

(m) Further and thereafter, Howard J. Condon and Bernice L. Condon are the parents of the Plaintiffs herein, NANCY LOUISE SMITH and PATRICIA ANN SHEARER. Howard J. Condon became deceased on May 11, 1995.

(n) Subsequent to all of this, Bernice L. Condon, the widowed mother of your Plaintiffs, did convey the subject matter premises (Lot No. 17 as described) as well as Lot No. 18 in the Plot of Lots laid out by James Mahaffey, to her daughters by Deed dated the 20th day of March, 1998, as recorded in Deed Book Volume 1917, Page 208.

7. Lot No. 18 above mentioned is not the subject matter of this Quiet Title Action, but does consist of a single family dwelling, with Lot No. 17 being adjacent thereto, and used, utilized and maintained by Howard J. Condon and Bernice L. Condon as part of their residential property for a period well in excess of 21 years.

8. Howard J. Condon and Bernice L. Condon, the predecessors in title to your Plaintiffs herein, did for such prescriptive period of time hold themselves out to be the sole owners and in control of the subject matter premises, and were in actual, open, notorious, visible, hostile and continuous possession of the same for a period in excess of twenty one years.

9. Further, the Plaintiffs herein have continued ownership and possession of the subject matter premises as well as control of the same in actual, open, notorious, visible, hostile and uninterrupted possession also from the date of the conveyance to them.

10. The purpose of this Quiet Title Action is to Quiet Title as to the interest that any of the Defendants, their heirs, devisees, administrators, executors or assigns, or any other person, persons, firms, partnerships, corporate entities in interest may have in the property identified herein, because of any defects that may exist in the Tax Sales or other conveyances above described, or because said property was improperly assessed or not properly described, or because notice of the Tax Sale to the record owner had not been made, or for any other reason that may raise some question as to the validity of title. The purpose of this Action is to make the title marketable, so that the same can be so certified.

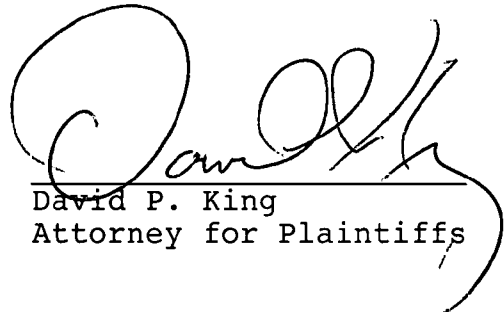
WHEREFORE, the Plaintiffs request your Honorable Court to enter the appropriate Order as follows:

(a) Declaring that the rights of the Plaintiffs herein are superior to the rights of all of the Defendants named herein, as well as their heirs, executors, successors and assigns.

(b) To declare that the Plaintiffs have a fee simple title in the premises described herein and as against all of the Defendants, their heirs, administrators, executors, successors and assigns.

(c) To enjoin all of the Defendants, their heirs, administrators, executors, successors and assigns from setting up any title to the premises described herein, and from impeaching, denying or in anyway attacking the title to the Plaintiffs to the premises.

(d) And to grant and decree whatever relief may be deemed equitable and proper in addition to all of the above.



David P. King
Attorney for Plaintiffs

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

Date: *February 5, 2008*

Nancy Louise Smith
Nancy Louise Smith
Plaintiff

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

Date: February 5, 2008

Patricia Ann Shearer
Patricia Ann Shearer
Plaintiff *February 5, 2008*

ALL that certain lot or parcel of land situate in the Fourth Ward of the Borough of Clearfield in the County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the East side of Seventh Street; thence by the said Street, South twenty three degrees twenty one minutes West forty feet to corner of Lot Number Eighteen; thence by Lot Eighteen, South sixty six degrees thirty nine minutes East, one hundred and fifty feet to an alley; thence by the said alley, North twenty three degrees twenty one minutes East, forty feet to corner of Lot Sixteen; thence by Lot Sixteen, North sixty six degrees thirty nine minutes West, one hundred and fifty feet to the place of beginning, and being known as Lot Number Seventeen in Plan of Lots laid out by James Mahaffey.

Exhibit "A"

Miss Louise Mahaffey
Clearfield County Treasurer
Clearfield County Courthouse
Clearfield, Pennsylvania

Dear Miss Mahaffey:

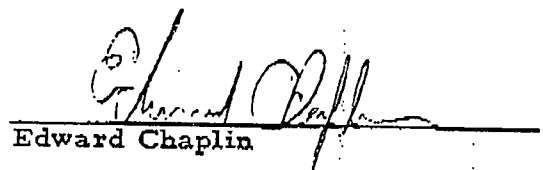
At a tax sale in August, 1966, a property situated in the Fourth Ward of Clearfield Borough, Clearfield County, Pennsylvania, assessed in the name of Alton Peters and described as a house, garage and lot, was purchased at said Treasurer's Sale in the name of Thomas F. Morgan, Edward Chaplin and Joseph Colavecchi on behalf of Howard J. Condon and Bernice L. Condon, his wife, who reside at 405 Seventh Street, Clearfield, Pennsylvania.

Any deed of this property should be made out to Howard J. Condon and Bernice L. Condon. Further, should the property be redeemed, the redemption proceeds should be mailed to the same parties.

If anything further is needed in order to effect this transfer as far as your records are concerned, please let us know.

Very truly yours,


Thomas F. Morgan


Edward Chaplin


Joseph Colavecchi

Exhibit "B"

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

NANCY LOUISE SMITH and
PATRICIA ANN SHEARER,
Plaintiffs

vs.

ALTON PETERS, MRS. ALTON
PETERS, MARY PETERS, as
well as all of their
heirs, successors,
administrators and assigns,
Defendants

NO. 08-468 C.D.

Type of Case: Action to Quiet Title

Type of Pleading: Motion for Default
Judgment

Filed on behalf of:

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED NO CC
014:0030
MAY 30 2008
GW

William A. Shaw
Prothonotary/Clerk of Courts

NANCY LOUISE SMITH and
PATRICIA ANN SHEARER,
Plaintiffs

NO. 08-468 C.D.

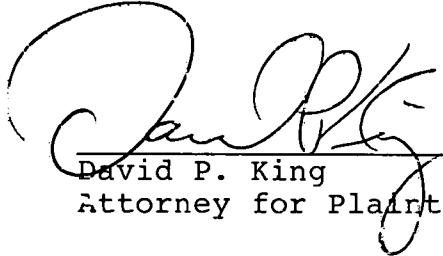
ACTION TO QUIET TITLE

The Plaintiffs, NANCY LOUISE SMITH and PATRICIA ANN SHEARER, by the undersigned Attorney, files this Motion for Default Judgment against the Defendants in this matter, and in support thereof, avers as follows:

3. Such service with the appropriate Notice to Defend was thus complete, and more than twenty days have elapsed with no Answer or

defense or objection being filed to said Complaint.

WHEREFORE, the Plaintiffs request this Court to enter an Order of Default Judgment against the Defendants, Quieting Title, this pursuant to the Rules of Procedure and Local Rules of Court.



David P. King
Attorney for Plaintiffs

Clearfield County Legal Journal

The Official Legal Journal of the Courts of Clearfield County, PA

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

NANCY LOUISE SMITH and PAT-
RICIA ANN SHEARER, Plaintiffs,
vs. ALTON PETERS, MRS. ALTON
PETERS, MARY PETERS, as well
as all of their heirs, successors, ad-
ministrators and assigns, or any
person or entity claiming under
them to the herein described prem-
ises, Defendants

ACTION TO
QUIET TITLE
NOTICE

NO. 08-468-CD

TO THE ABOVE NAMED DEFEN-
DANTS, their heirs, successors
and assigns:

YOU HAVE BEEN SUED IN
COURT. If you wish to defend
against the claims set forth in the
following pages, you must take ac-
tion within twenty (20) days after
this Complaint and Notice are
served, by entering a written ap-
pearance personally or by Attorney
and filing in writing with the Court
your defenses or objections to the
claim set forth against you. You are
warned that if you fail to do so, the
case may proceed without further
notice for any money claimed in the
Complaint or for any other claim or
relief requested by the Plaintiffs.
You may lose money or property or
other rights important to you.

YOU SHOULD TAKE THIS PA-
PER 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 GET LEGAL HELP.

COURT ADMINISTRATOR'S OF-
FICE, Clearfield County Court-
house, Clearfield, PA 16830 (814)
765-2641.

You are hereby notified that an
Action to Quiet Title to all that cer-
tain piece or parcel of land lying, si-
tuated and being in the Fourth Ward
of the Borough of Clearfield, Clear-
field County, Pennsylvania,
bounded and described as follows:

BEGINNING at a post on the East
side of Seventh Street; thence by
the said Street, South twenty three
degrees twenty one minutes West
forty feet to corner of Lot Number
Eighteen; thence by Lot Eighteen,
South sixty six degrees thirty nine
minutes East, one hundred and fifty
feet to an alley; thence by the said
alley, North twenty three degrees
twenty one minutes East, forty feet
to corner of Lot Sixteen; thence by
Lot Sixteen, North sixty six degrees
thirty nine minutes West, one hun-
dred and fifty feet to the place of be-
ginning, and being known as Lot
Number Seventeen in Plan of Lots
laid out by James Mahaffey.

Further, the Court has Ordered
that Notice of this Action be served
upon the Defendants and their suc-
cessors and assigns by publica-
tion, to wit this does appear.

DAVID P. KING, ESQUIRE
Attorney for Plaintiffs
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801
(814) 371-3760

5:2-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

SS:

On this 6th day of May, A.D. 2008
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of May 2, 2008

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

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

Cheeryl J. Robison
Notary Public Clearfield, Pa.

My Commission Expires
October 31, 2011

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

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

Member, Pennsylvania Association of Notaries

Quiet Title to all that certain piece or parcel
of land lying, situated and being in the Fourth
Ward of the Borough of Clearfield, Clearfield
County, Pennsylvania, bounded and
described as follows:

BEGINNING at a post on the East side
of Seventh Street; thence by the said Street,
South twenty three degrees twenty one
minutes West forty feet to corner of Lot
Number Eighteen; thence by Lot Eighteen,
South sixty six degrees thirty nine minutes
East, one hundred and fifty feet to an alley;
thence by the said alley, North twenty three
degrees twenty one minutes East, forty feet
to corner of Lot Sixteen; thence by Lot
Sixteen, North sixty six degrees thirty nine
minutes West, one hundred and fifty feet to
the place of beginning, and being known as
Lot Number Seventeen in Plan of Lots laid
out by James Mahaffey.

Further, the Court has Ordered that
Notice of this Action be served upon the
Defendants and their successors and
assigns by publication, to wit this does
appear.

DAVID P. KING, ESQUIRE, Attorney for
Plaintiffs, 23 Beaver Drive, P. O. Box 1016,
DuBois, PA 15801, (814) 371-3760.

CA

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

NANCY LOUISE SMITH and
PATRICIA ANN SHEARER,
Plaintiffs

vs.

ALTON PETERS, MRS. ALTON
PETERS, MARY PETERS, as
well as all of their
heirs, successors,
administrators and assigns,
Defendants

NO. 08-468 C.D.

Type of Case: Action to Quiet Title

Type of Pleading: Motion for Service
by Advertisement

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED NO CC
014:0001
APR 29 2008 GP

William A. Shaw
Prothonotary/Clerk of Courts

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

NANCY LOUISE SMITH and
PATRICIA ANN SHEARER,
Plaintiffs

vs.

NO. 08-468-C.D.

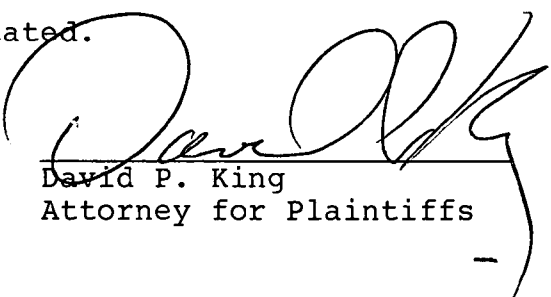
ALTON PETERS, MRS. ALTON
PETERS, MARY PETERS, as
well as all of their
heirs, successors,
administrators and assigns,
Defendants

MOTION FOR SERVICE BY ADVERTISEMENT

The undersigned, David P. King, Attorney for Plaintiffs, moves your Honorable Court to enter an appropriate Order to serve the Defendants in this action by advertisement, and in support thereof states that after a reasonable search and investigation, the whereabouts of any and all of the Defendants, their heirs, executors, administrators and assigns, cannot be found, such search and investigation inquiring of telephone directories, voter registration rolls, estate papers, deed records and miscellaneous dockets, tax and assessment records, internet searches and the like.

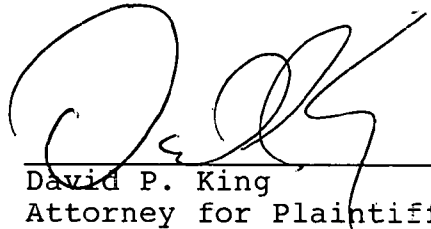
And, by signature hereon and verification, the movant does so state.

WHEREFORE, Plaintiffs' Counsel asks for leave to serve as per advertisement for the reasons as stated.


David P. King
Attorney for Plaintiffs

I verify that the statements made in this Motion for Search by Advertisement are true and correct, and that as Attorney, have the permission of Plaintiffs to verify the same, and understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: April 29, 2008



David P. King
Attorney for Plaintiff

1

119

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

NANCY LOUISE SMITH and
PATRICIA ANN SHEARER,
Plaintiffs

vs.

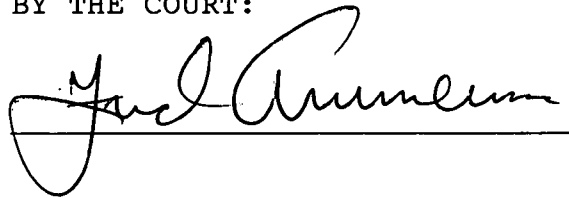
NO. 08-468 C.D.

ALTON PETERS, MRS. ALTON
PETERS, MARY PETERS, as
well as all of their
heirs, successors,
administrators and assigns,
Defendants

ORDER

AND NOW, this 29 day of April, 2008, in consideration
of a Motion to accomplish service in this Quiet Title Action
through advertisement, the Motion is hereby granted, and it is
the Order of this Court that the appropriate Notice be advertised
in the Clearfield County Legal Journal and the Clearfield Progress,
and in accordance with the Local Rule of Court.

BY THE COURT:



FILED
014:0034
APR 29 2008

3cc
Amy King
(62)

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

NANCY LOUISE SMITH and
PATRICIA ANN SHEARER,
Plaintiffs

vs.

ALTON PETERS, MRS. ALTON
PETERS, MARY PETERS, as
well as all of their
heirs, successors,
administrators and assigns,
Defendants

:
:
:
:
: NO. 08-468 C.D.
:
: ACTION TO QUIET TITLE
:
:
:
:
:

ORDER

AND NOW, this 30th day of May, 2008, in accordance with Plaintiffs' Motion for Default Judgment in this Action to Quiet Title, with appropriate service being made on all of the named Defendants, and no Answer having been filed nor objection or other defense asserted, it is hereby ORDERED that as to the property described in Exhibit "A" attached hereto, situated in the Borough of Clearfield, Clearfield County, Pennsylvania:

That the rights of the Plaintiffs are superior to the rights of all of the Defendants named in this matter, as well as their heirs, successors, administrators, executors and assigns;

Further, that the Plaintiffs have a fee simple title in the premises described herein, and as against all of the Defendants, their heirs, successors, administrators, executors and assigns;

And further, that all of the said Defendants, their heirs,

FILED^{ICC}

014:00301
MAY 30 2008

Amy King
(EW)

William A. Shaw
Prothonotary/Clerk of Courts

ALL that certain lot or parcel of land situate in the Fourth Ward of the Borough of Clearfield in the County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the East side of Seventh Street; thence by the said Street, South twenty three degrees twenty one minutes West forty feet to corner of Lot Number Eighteen; thence by Lot Eighteen, South sixty six degrees thirty nine minutes East, one hundred and fifty feet to an alley; thence by the said alley, North twenty three degrees twenty one minutes East, forty feet to corner of Lot Sixteen; thence by Lot Sixteen, North sixty six degrees thirty nine minutes West, one hundred and fifty feet to the place of beginning, and being known as Lot Number Seventeen in Plan of Lots laid out by James Mahaffey.

Exhibit "A"