

08-484-CD
In Re: St. Rte. 4019, Section A01

FILED
F-4
MAR 18 2008
0 11:20 AM
William A. Shaw
Prothonotary/Clerk of Courts
RECEIVED TO COMM.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

NO. 2008-484-CP

EMINENT DOMAIN PROCEEDING
IN REM

DECLARATION OF TAKING

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

This Declaration of Taking, based on the provisions of Chapter 3, Section 302, of the Eminent Domain Code, 26 Pa. C. S. § 302, respectfully represents that:

1. The Condemnor is the Commonwealth of Pennsylvania, Department of Transportation, acting through the Secretary of Transportation.

2. The address of the Condemnor is:

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212

3. The Department of Transportation is authorized by the provisions of Section 2003(e) of the Administrative Code of 1929, P. L. 177, 71 P. S. 513(e), as amended, to acquire by gift, purchase, condemnation, or otherwise, land in fee simple or such other estate or interest as it shall determine, in the name of the Commonwealth for all transportation purposes.

4. The within condemnation has been authorized by a plan signed by the Secretary of Transportation on February 18, 2008, titled "Drawings Authorizing Acquisition of Right-of-Way for State Route 4019 Section A01 R/W in Clearfield County," a copy of which plan was filed in the County Recorder's Office as Instrument Number 200803072 on March 6, 2008.

5. The purpose of the within condemnation is to acquire property for transportation purposes.

6. A Schedule of Property Condemned identifying and specifying the location of the property hereby condemned is attached hereto and made a part hereof.

7. Plans showing the property hereby condemned may be inspected in the Recorder's Office of the aforesaid County at the places indicated on the attached Schedule of Property Condemned or, if not shown thereon, on the day of the filing of this document being lodged for record or filed in said Recorder's Offices, where they may be inspected.

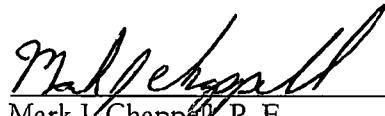
8. The nature of the title hereby condemned is fee simple, a drainage easement, and temporary construction easements.

9. In the event there are recoverable minerals (including gas and oil) within the areas hereby condemned, the mineral rights (including rights to gas and oil) in those areas are hereby excepted and reserved from this condemnation, provided, however, that the right of support of the areas condemned is included within the scope of this condemnation, and no access from the surface of such areas for removal purposes will be allowed without permission from the Commonwealth.

10. The payment of just compensation in this matter is secured by the Commonwealth's power of taxation.

11. I, Mark J. Chappell, P. E., Acting Chief, Utilities and Right-of-Way Section, of the Department of Transportation, do hereby depose, swear, and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information, and belief, and are made subject to penalties provided in 18 Pa. C. S. §4904, relating to false swearing to authorities.

WHEREFORE fee simple title, a drainage easement, and temporary construction easements are hereby condemned from the properties identified on the attached Schedule of Property Condemned, as indicated on the plans referenced in paragraph 7 above.



Mark J. Chappell, P. E.
Acting Chief, Utilities and Right-of-Way Section

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

DECLARATION OF TAKING

Christopher J. Clements
Assistant Counsel in Charge, R/W
Supreme Court ID Number 44699

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

NO.

EMINENT DOMAIN PROCEEDING
IN REM

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Please enter the appearance of Walter F. Cameron, Jr., Assistant Counsel in Charge, 1209 Pennsylvania State Office Building, 300 Liberty Avenue, Pittsburgh PA 15222-1210, and Christopher J. Clements, Assistant Counsel in Charge, R/W, Office of Chief Counsel, Department of Transportation, P. O. Box 8212, Harrisburg PA 17105-8212, as attorneys for the Commonwealth of Pennsylvania, Department of Transportation, Condemnor in the above-captioned proceedings.



Christopher J. Clements
Assistant Counsel in Charge, R/W

Walter F. Cameron, Jr.
Assistant Counsel in Charge

Dated: 03.14.08

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

PRAECLPICE TO ENTER APPEARANCE

Filed, _____, 20____

____ A.M. ____ P.M.

Commonwealth of Pennsylvania
Department of Transportation

Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212
Telephone Number (717) 787-3128

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
(Declaration of Taking)



ROW OFFICE PROJ. NO.	020163
COUNTY	Clearfield
S.R. - SECTION	4019-A01
MUNICIPALITY	City of DuBois

*TYPE OF TAKE	
PT-	Partial Take
TT-	Total Take

**TYPE OF DESCRIPTION	
D-	Deed Description
P-	Plan lodged for recording with Notice of Condemnation
R-	Plan now recorded in Recorder's Office

Parcel No.	Claim Number	*Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	**Type of Description	Plan (if any) Recorded in
28	1700303000	PT	Unknown Owner Unknown Address Location: Sta. 60+45 Left to 61+80 Left		R	Clearfield Co. Recorder of Deeds Instrument No. 200803072 Sheets 11, 17
29	1700304000	PT	Unknown Owner Unknown Address Location: Sta. 60+28 Right to 61+46 Right		R	Clearfield Co. Recorder of Deeds Instrument No. 200803072 Sheets 11, 17

FILED

011:40am GK
MAR 18 2008

2CC TO
COURT OF PA

William A. Shaw
Prothonotary/Clerk of Courts

GK

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

NO. 484-CD TERM, 2008

EMINENT DOMAIN PROCEEDING
IN REM

MEMORANDUM TO PROTHONOTARY

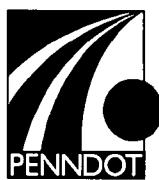
You are hereby informed that notice of the condemnation effected by the Declaration of Taking filed to the above term and number on March 18, 2008, was recorded in the office of the Recorder of Deeds of the above county in Inst. No. 200803704 page(s).

The condemnation book and page number, file number, or microfilm number of any property plat filed or microfilmed separately from the said Notice of Condemnation is shown on the list of property condemned which is attached hereto.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY Cindy L. Leffler
for District Right-of-Way Administrator
Engineering District 2-0

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
(Declaration of Taking)



ROW OFFICE PROJ. NO.	020163
COUNTY	Clearfield
S.R. - SECTION	4019-A01
MUNICIPALITY	City of DuBois

***TYPE OF TAKE**

PT- Partial Take

TT- Total Take

****TYPE OF DESCRIPTION**

D- Deed Description

P- Plan lodged for recording with
Notice of CondemnationR- Plan now recorded in Recorder's
Office

Parcel No.	Claim Number	*Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	**Type of Description	Plan (if any) Recorded in
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29	1700304000	PT	Unknown Owner Unknown Address Location: Sta. 60+28 Right to 61+46 Right		R	Clearfield Co. Recorder of Deeds Instrument No. 200803072 Sheets 11, 17

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

IN RE: CONDEMNATION BY THE : NO. 484-CD TERM, 2008
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION, OF THE :
RIGHT-OF-WAY FOR STATE :
ROUTE 4019, SECTION A01 : EMINENT DOMAIN PROCEEDING
IN THE CITY OF DUBOIS : IN REM

PROOF OF SERVICE

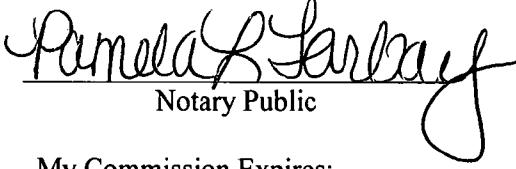
COMMONWEALTH OF PENNSYLVANIA :
: ss:
COUNTY OF CLEARFIELD :
:

Michael Hnat, being duly sworn according to law, deposes and says that he is District Right-of-Way Administrator of Engineering District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before April 4, 2008, notice of the filing of the declaration of taking in the above matter was served on the condemnees affected thereby in compliance with Chapter 3, Section 305, of the Eminent Domain Code. Schedules of the condemnees, mortgagees of record, and lienholders of record notified are attached hereto and made part hereof.



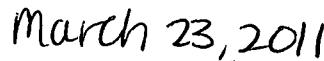
District Right-of-Way Administrator

Sworn to and subscribed before me



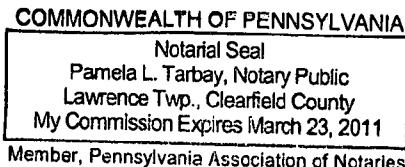
Notary Public

My Commission Expires:



March 23, 2011

Attachments: RW-437, Schedule of Property Condemned
RW-432ML, Schedule of Mortgagees and Lienholders



FILED 2008
APR 21 2008
Dept. of
Transportation

William A. Shaw
Prothonotary/Clerk of Courts

Instrument No. 200803704
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF THE RIGHT-OF-WAY FOR STATE
ROUTE 4019, SECTION A01

EMINENT DOMAIN PROCEEDING
IN THE CITY OF DUBOIS
IN REM
NO. 484-CD TERM, 2008
NOTICE OF CONDEMNATION AND
DEPOSIT OF ESTIMATED JUST
COMPENSATION

Notice is hereby given that the Commonwealth of Pennsylvania, by the Secretary of Transportation, whose address is the Commonwealth of Pennsylvania, Department of Transportation, Office of Chief Counsel, Real Property Division, Commonwealth Keystone Building, Harrisburg, Pennsylvania 17120, pursuant to the provisions of Section 2003(e) of the Administrative Code of 1929, P.L. 177, 71 P.S. 513(e), as amended, has filed on March 18, 2008, a Declaration of Taking to the above term and number, condemning the property shown on the plans of the parcels listed on the Schedule of Property Condemned which have been recorded in the Recorder's Office of the above county at the places indicated on the said schedule. The name(s) of the owner(s) of the property interest(s) condemned is (are) also shown on the aforesaid Schedule. The Secretary of Transportation, on behalf of himself and the Governor has approved the within condemnation by signing on February 18, 2008, a plan entitled Drawings Authorizing Acquisition of Right-of-Way for State Route 4019, Section A01 R/W in Clearfield County, a copy of which plan was recorded in the

Recorder's Office of the aforesaid county on March 6, 2008, in Instrument No. 200803072.

The purpose of the condemnation is to acquire property for transportation purposes.

Plans showing the property condemned from the parcels listed on the Schedule of Property Condemned have been recorded in the aforesaid Recorder's Office at the places indicated on the Schedule, where they are available for inspection. The Property Interest thereby condemned is designated on the Declaration of Taking heretofore filed. The Commonwealth of Pennsylvania is not required to post security, inasmuch as it has the power of taxation.

Because the identity or the whereabouts of the condemnee(s) listed below is (are) unknown or for other reasons he (they) cannot be served, this notice is hereby published in accordance with Section 305(b) of the Eminent Domain Code (26 Pa.C.S. §305(b)).

Claim No.	Parcel No.	Parcel Name	Address
1700303000	28	Unknown Owner	Unknown
1700304000	29	Unknown Owner	Unknown

The power or right of the Secretary of Transportation of the Commonwealth of Pennsylvania to appropriate the property condemned, the procedure followed by the Secretary of Transportation or the Declaration of Taking may be challenged by filing preliminary objections within thirty (30) days of the date of this notice.

FURTHERMORE, NOTICE IS GIVEN THAT the Commonwealth of Pennsylvania, Department of Transportation, pursuant to Section 522 of the Eminent Domain Code (26 Pa.C.S. §522), will, at the end of the above-referenced thirty (30) day time period within which to file preliminary objections to the Declaration of Taking, present a petition to the Court of Common Pleas of the above county to deposit into court the just compensation estimated by the Commonwealth to be due all parties in interest for damages sustained as the result of the condemnation of the property herein involved.

The petition to deposit estimated just compensation may not be presented to the court if the owner(s) of the property herein involved inform the District Right-of-Way Administrator of the District noted below of their existence and/or whereabouts prior to the expiration of the noted period. After estimated just compensation has been deposited into court, the said monies may be withdrawn by the persons entitled thereto

only upon petition to the court. If no petition is presented within a period of six years of the date of payment into court, the court shall order the fund or any balance remaining to be paid to the Commonwealth without escheat.

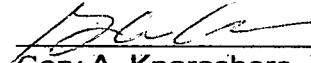
Michael Hnat, District Right-of-Way Administrator, Engineering District 2-0, Pennsylvania Department of Transportation
Penndot, 1924 Daisy St. Ext., Clearfield, PA 16830, 814-765-0447.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

On this 21st day of March AD 2008, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of Vol. 20, Nos. 14, April 4, 2008. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

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

Sharon J. Pusey
Notary Public
My Commission Expires

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

MICHAEL HNAT DISTRICT RIGHT-OF-WAY ADMIN
PENNDOT
1924 DAISY ST EXT
CLEARFIELD PA 16830

Received
Penns. Dept. of Transportation

APR 15 2008

District 2-0
Clearfield, PA 16830

COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
 (Declaration of Taking)



ROW OFFICE PROJ. NO.	020163
COUNTY	Clearfield
S.R. - SECTION	4019-A01
MUNICIPALITY	City of DuBois

*TYPE OF TAKE	
PT-	Partial Take
TT-	Total Take

**TYPE OF DESCRIPTION	
D-	Deed Description
P-	Plan lodged for recording with Notice of Condemnation
R-	Plan now recorded in Recorder's Office

Parcel No.	Claim Number	*Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	**Type of Description	Plan (if any) Recorded in
28	1700303000	PT	Unknown Owner Unknown Address Location: Sta. 60+45 Left to 61+80 Left		R	Clearfield Co. Recorder of Deeds Instrument No. 200803072 Sheet No. 11 & 17
29	1700304000	PT	Unknown Owner Unknown Address Location: Sta. 60+28 Right to 61+46 Right		R	Clearfield Co. Recorder of Deeds Instrument No. 200803072 Sheet No. 11 & 17

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF MORTGAGEES & LIENHOLDERS



ROW OFFICE PROJ. NO.	020163
ROW OFFICE DT NO.	2016301
COUNTY	Clearfield
S.R. - SECTION	4019-A01
MUNICIPALITY	City of DuBois

Parcel No.	Claim Number	Name and Mailing Address of Mortgagee and/or Lienholder
1700303000	28	None
1700304000	29	None

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

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
4019, SECTION A01, IN THE CITY
OF DUBOIS

CLAIMANT: UNKNOWN OWNER
CLAIM NO. 1700303000

EMINENT DOMAIN PROCEEDING
IN REM

NO: 08-484-CD

FILED ^{NO CC}
m/12/3/08
MAY 14 2008
GK

William A. Shaw
Prothonotary/Clerk of Courts

**PRAECIPE FOR ENTRY OF COURT ORDER TO PERMIT THE DEPARTMENT
OF TRANSPORTATION TO DEPOSIT ESTIMATED JUST COMPENSATION**

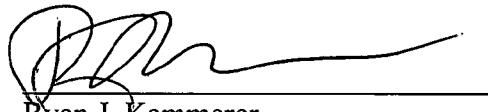
AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (DOT), by and through its attorneys Ryan J. Kammerer, Assistant Counsel, and the Office of Chief Counsel, and hereby requests the Honorable Court execute the attached Order to permit the Department of Transportation to deposit estimated just compensation upon the following averments:

1. On March 18, 2008, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.
2. Thereafter, the Department of Transportation notified the Claimant by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimant is unknown.
3. Notice of Condemnation and Deposit of Estimated Just Compensation was posted on the subject property on March 18, 2008 and published in the Progress on March 20, 2008 and in the Clearfield Legal Journal on March 28, 2008.

VERIFICATION

I, Ryan J. Kammerer, Assistant Counsel, do hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Ryan J. Kammerer
Assistant Counsel
Pa. ID #80260

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

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

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
4019, SECTION A01, IN THE CITY
OF DUBOIS

CLAIMANT: UNKNOWN OWNER
CLAIM NO. 1700304000

EMINENT DOMAIN PROCEEDING
IN REM

NO: 08-484-CD

FILED
MAY 14 2008
NO CC
GK

William A. Shaw
Prothonotary/Clerk of Courts

**PRAECIPE FOR ENTRY OF COURT ORDER TO PERMIT THE DEPARTMENT
OF TRANSPORTATION TO DEPOSIT ESTIMATED JUST COMPENSATION**

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Ryan J. Kammerer
Assistant Counsel
Pa. ID #80260

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

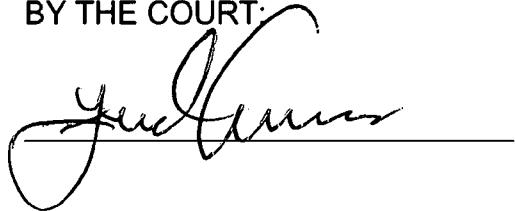
CLAIM NO. 1700304000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
: NO. 2008-484-CD

ORDER

AND NOW, this 14 day of May, 2008, upon presentation of the Petition to Deposit Estimated Just Compensation, it is ORDERED and DIRECTED that the sum of \$1,550.00, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnee and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account if available. No fee shall be charged against these funds. It is further ORDERED that the sum shall be held until further Order of Court directing full or partial payment to the condemnee and/or interested parties entitled to it pursuant to Sections 307, 521 and/or 522 of the Eminent Domain Code of 2006, 26 Pa.C.S. Sections 307, 521 and/or 522, as applicable.

BY THE COURT:



FILED ^{2cc}
01/10/14 BDA
MAY 15 2008
Atty Kemmerer
(64)

William A. Shaw
Prothonotary/Clerk of Courts

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

CLAIM NO. 1700304000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2008-484-CD

PETITION TO DEPOSIT ESTIMATED JUST COMPENSATION

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

FILED
MAY 14 2008
William A. Shaw
Prothonotary/Clerk of Courts
2cc Atty. Kemmerer
(GK)

1. The Department of Transportation is an administrative agency of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.

2. On March 18, 2008, the Secretary of Transportation filed a Declaration of Taking to the above-captioned court term and number.

3. The Commonwealth has been unable to make payment because claimant is unlocatable.

4. Attached is a draft in the total amount of just compensation due the condemnee, as estimated by the Commonwealth, and the Commonwealth's pro-rata share of taxes on the subject property made payable to the Prothonotary of this Court hereto.

5. No fee shall be charged against these funds. 26 Pa.C.S. §522(b); *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591 (Pa.Cmwlth. 1984).

6. I, Kelly E. Solomon, Assistant Counsel, do affirm that I am authorized to execute this Petition to Deposit Estimated Just Compensation on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief

and that they are made subject to the penalties provided in 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

WHEREFORE, in order to assure possession of the condemned property, if required, by your Petitioner to which it is entitled under Section 307, of the Eminent Domain Code of 2006, 26 Pa.C.S. §307, your Petitioner prays that your Honorable Court direct payment of the aforesaid estimated just compensation and the Commonwealth's pro-rata share of the taxes on the subject property into Court, to be held until further Order of Court directing payment of said amount, or any part thereof, to the said condemnee and/or interested parties entitled thereto pursuant to Sections 307, 521 and/or 522, of the said Code, 26 Pa.C.S. §§307, 521 and/or 522, as applicable.

Respectfully submitted,



Kelly E. Solomon
Assistant Counsel
Supreme Court ID No. 85714
Commonwealth of Pennsylvania
Department of Transportation
P.O. Box 8212
Harrisburg, PA 17105-8212

PROPOSED SCHEDULE OF DISTRIBUTION

ROW OFFICE PROJ. NO.	020163	COUNTY	Clearfield					
S.R.-SECTION	4019-A01	MUNICIPALITY	City of DuBois					
PARCEL NO.	29	CLAIM NO.	1700304000					
ENCUMBRANCES, TAXES, ETC.								
NAME(S) & ADDRESS(ES) OF CONDEEMNEE(S); LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION	TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD AMOUNT DUE	ACTUAL AMOUNT DUE	NET DUE TO CONDEEMNEE
UNKNOWN OWNER ADDRESS: UNKNOWN LOCATION: Sta. 60+28 RT to Sta. 61+46 RT	E.J.C. Commonwealth Pro-Rata Share Real Estate Taxes Total	NONE \$1,550.00 \$0.00 <u>\$1,550.00</u>						\$1,550.00

Subject to possible unliened, unpaid municipal claims and taxes.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

CLAIM NO. 1700304000

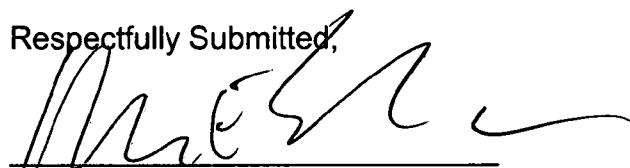
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
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:
: NO. 2008-484-CD

**SWORN STATEMENT AS TO NOTICE OF PRESENTATION OF PETITION TO
DEPOSIT ESTIMATED JUST COMPENSATION**

I, Kelly E. Solomon, Assistant Counsel of the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties provided by 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

As the condemnee is unknown, the Commonwealth posted notice regarding estimated just compensation on the subject property on March 18, 2008, and published said notice on March 20, 2008, in The Progress and on March 28, 2008, in the Clearfield County Legal Journal. In compliance with Section 522 of the Eminent Domain Code of 2006, the notice stated the Department's intent to present a Petition to Deposit Estimated Just Compensation in the above-captioned case to the Clearfield County Court of Common Pleas twenty days subsequent to the expiration of the statutory period for the filing of Preliminary Objections to the Declaration of Taking.

Respectfully Submitted,



Kelly E. Solomon
Supreme Court ID No. 85714
Commonwealth of Pennsylvania
Pennsylvania Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

CERTIFIED MAIL
COUNTY: Clearfield
S.R. 4019, SECTION A01
CLAIM NO. 1700304000
COURT DOCKET NO. 2008-484-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION TO
DEPOSIT ESTIMATED JUST COMPENSATION**

NAMES AND ADDRESSES

Ownership is unknown and
undeterminable after a
diligent search

DATE RECEIVED CERTIFIED MAIL

Address Unknown. Notice of Declaration of
Taking posted on March 18, 2008 and
published in The Progress on March 20,
2008 and in Clearfield County Legal Journal
on March 28, 2008.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

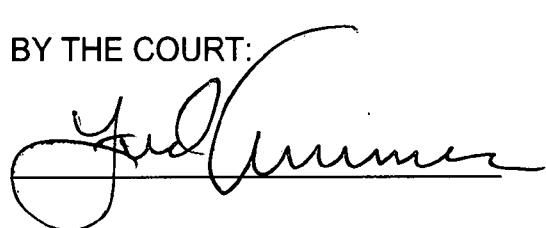
CLAIM NO. 1700303000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
: NO. 2008-484-CD

ORDER

AND NOW, this 14 day of May, 2008, upon presentation of the Petition to Deposit Estimated Just Compensation, it is ORDERED and DIRECTED that the sum of \$2,700.00, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnee and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account if available. No fee shall be charged against these funds. It is further ORDERED that the sum shall be held until further Order of Court directing full or partial payment to the condemnee and/or interested parties entitled to it pursuant to Sections 307, 521 and/or 522 of the Eminent Domain Code of 2006, 26 Pa.C.S. Sections 307, 521 and/or 522, as applicable.

BY THE COURT:



FILED ^{acc}
01012 BOL Atty Solomon
MAY 15 2008
(G)

William A. Shaw
Prothonotary/Clerk of Courts

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

CLAIM NO. 1700303000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
: NO. 2008-484-CD

FILED *mt 12:34 8th Atty*
MAY 14 2008 *Solomon*
William A. Shaw
Prothonotary/Clerk of Courts
(6P)

PETITION TO DEPOSIT ESTIMATED JUST COMPENSATION

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

1. The Department of Transportation is an administrative agency of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.

2. On March 18, 2008, the Secretary of Transportation filed a Declaration of Taking to the above-captioned court term and number.

3. The Commonwealth has been unable to make payment because claimant is unlocatable.

4. Attached is a draft in the total amount of just compensation due the condemnee, as estimated by the Commonwealth, and the Commonwealth's pro-rata share of taxes on the subject property made payable to the Prothonotary of this Court hereto.

5. No fee shall be charged against these funds. 26 Pa.C.S. §522(b); *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591 (Pa.Cmwlth. 1984).

6. I, Kelly E. Solomon, Assistant Counsel, do affirm that I am authorized to execute this Petition to Deposit Estimated Just Compensation on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief

and that they are made subject to the penalties provided in 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

WHEREFORE, in order to assure possession of the condemned property, if required, by your Petitioner to which it is entitled under Section 307, of the Eminent Domain Code of 2006, 26 Pa.C.S. §307, your Petitioner prays that your Honorable Court direct payment of the aforesaid estimated just compensation and the Commonwealth's pro-rata share of the taxes on the subject property into Court, to be held until further Order of Court directing payment of said amount, or any part thereof, to the said condemnee and/or interested parties entitled thereto pursuant to Sections 307, 521 and/or 522, of the said Code, 26 Pa.C.S. §§307, 521 and/or 522, as applicable.

Respectfully submitted,



Kelly E. Solomon
Assistant Counsel
Supreme Court ID No. 85714
Commonwealth of Pennsylvania
Department of Transportation
P.O. Box 8212
Harrisburg, PA 17105-8212

ROW OFFICE PROJ. NO.	020163							
COUNTY	Clearfield							
S.R. SECTION	4019-A01							
MUNICIPALITY	City of DuBois							
PARCEL NO.	28							
CLAIM NO.	1700303000							
PROPOSED SCHEDULE OF DISTRIBUTION								
ENCUMBRANCES, TAXES, ETC.								
NAME(S) & ADDRESSIES OF CONDEEMNEE(S); LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION	TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD AMOUNT DUE	ACTUAL AMOUNT DUE	NET DUE TO CONDEEMNEE
UNKNOWN OWNER ADDRESS: UNKNOWN LOCATION: Sta. 60+45 LT to Sta. 61+80 LT	E.J.C. \$2,700.00 Commonwealth Pro-Rata Share Real Estate Taxes \$0.00 Total	NONE						\$2,700.00

Subject to possible unliened, unpaid municipal claims and taxes.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

CLAIM NO. 1700303000

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA
EMINENT DOMAIN PROCEEDING
IN REM
NO. 2008-484-CD

**SWORN STATEMENT AS TO NOTICE OF PRESENTATION OF PETITION TO
DEPOSIT ESTIMATED JUST COMPENSATION**

I, Kelly E. Solomon, Assistant Counsel of the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties provided by 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

The condemnee is unlocatable after a diligent search.

Respectfully Submitted,


Kelly E. Solomon
Supreme Court ID No. 85714
Commonwealth of Pennsylvania
Pennsylvania Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

CERTIFIED MAIL
COUNTY: Clearfield
S.R. 4019, SECTION A01
CLAIM NO. 1700303000
COURT DOCKET NO. 2008-484-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION TO
DEPOSIT ESTIMATED JUST COMPENSATION**

NAMES AND ADDRESSES

Ownership is unknown and
undeterminable after a
diligent search

DATE RECEIVED CERTIFIED MAIL

Address Unknown. Notice of Declaration of
Taking posted on March 18, 2008 and
published in The Progress on March 20,
2008 and in Clearfield County Legal Journal
on March 28, 2008.

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

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
4019, SECTION A01, IN THE CITY OF DUBOIS

CLAIMANT: UNKNOWN OWNER
CLAIM NO.: 1700303000

EMINENT DOMAIN PROCEEDING
IN REM

NO: 08-484-CD

FILED

MAY 20 2008

0/1:30 (wst)

William A. Shaw
Prothonotary/Clerk of Courts

*3 CEN to Kammerer
wst*

PRAECIPE TO DEPOSIT ESTIMATED JUST COMPENSATION

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (PennDOT), by and through its attorneys Ryan J. Kammerer, Assistant Counsel, and the Office of Chief Counsel, and hereby requests the Prothonotary accept for deposit into Court estimated just compensation upon the following averments:

1. On March 19, 2008, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.
2. Thereafter, PennDOT notified the Claimant by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimant is unknown.
3. On May 14, 2008, the Court of Common Pleas of Clearfield County entered an Order to allow PennDOT to pay estimated just compensation into Court.
4. Attached to the within Praeclipe is check number 00740140, in the amount of \$2,700.00, on behalf of Claimant in the above-captioned case, UNKNOWN OWNER, Claim No. 1700303000.

THEREFORE, the Commonwealth of Pennsylvania, Department of Transportation deposits estimated just compensation into court.

Respectfully submitted,



Ryan J. Kammerer
Assistant Counsel
Pa. ID #80260

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

VERIFICATION

I, Ryan J. Kammerer, Assistant Counsel, do hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Ryan J. Kammerer
Assistant Counsel
Pa. ID #80260

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

Date: 5/20/2008
Time: 01:15 PM

Clearfield County Court of Common Pleas
Receipt

NO. 1924134
Page 1 of 1

Received of: Commonwealth of Penna. \$ 2,700.00

Two Thousand Seven Hundred and 00/100 Dollars

Other Party: In Re:State Route 4019, Section A01, et al.

Case	Litigant type	Amount
2008-00484-CD	Other Party	
	Trust account	2,700.00
		Total: 2,700.00
		Balance due: 0.00

Check: 2600740140

Payment Method: Check William A. Shaw, Prothonotary/Clerk of Cou
Amount Tendered: 2,700.00
Change Returned: 0.00 By: _____
Clerk: LMILLER Deputy Clerk

HOLD DOCUMENT TO LIGHT TO VERIFY WATERMARK

00000		008	041708	01150078	874892	
CDC	FUND	DEPT	PREP DATE	VOUCHER	WARRANT	ID

000063 62-0101
311

26 00740140

CHECK NUMBER

04/23/2008

DATE

COMMERCE BANK
PHILADELPHIA, PA
VERIFICATION AVAILABLE - "POSITIVE PAY" PROTECTED

Commonwealth of Pennsylvania
State Treasury Department

PAY ONLY **2700.00**
SEVEN TWO ZERO ZERO CTS CTS

TO THE ORDER OF

VOID AFTER 180 DAYS

\$ ***** 2,700.00

UNKNOWN OWNER OR CLEARFIELD
COUNTY PROTHONOTARY
C/O K SOLOMON ESQ OCC PENNDOT
PO BOX 8212
HARRISBURG PA 17105-8212

000063

Robin L. Weissmann
TREASURER OF PENNSYLVANIA

00740140 03101017 950001115

DO NOT ACCEPT WITHOUT HOLDING TO LIGHT TO VERIFY WATERMARKS

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

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
4019, SECTION A01, IN THE CITY OF DUBOIS

EMINENT DOMAIN PROCEEDING
IN REM

NO: 08-484-CD

CLAIMANT: UNKNOWN OWNER
CLAIM NO.: 1700304000

FILED

MAY 20 2008
07 1:20 PM

William A. Shaw
Prothonotary/Clerk of Courts
3 LENA TO
Commonwealth

PRAECIPE TO DEPOSIT ESTIMATED JUST COMPENSATION

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (PennDOT), by and through its attorneys Ryan J. Kammerer, Assistant Counsel, and the Office of Chief Counsel, and hereby requests the Prothonotary accept for deposit into Court estimated just compensation upon the following averments:

1. On March 19, 2008, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.
2. Thereafter, PennDOT notified the Claimant by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimant is unknown.
3. On May 14, 2008, the Court of Common Pleas of Clearfield County entered an Order to allow PennDOT to pay estimated just compensation into Court.
4. Attached to the within Praeclipe is check number 13815966, in the amount of \$1,550.00, on behalf of Claimant in the above-captioned case, UNKNOWN OWNER, Claim No. 1700304000.

VERIFICATION

I, Ryan J. Kammerer, Assistant Counsel, do hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Ryan J. Kammerer
Assistant Counsel
Pa. ID #80260

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

412.565.7555

Date: 5/20/2008
Time: 01:29 PM

Clearfield County Court of Common Pleas
Receipt

NO. 1924136
Page 1 of 1

Received of: Commonwealth of Pennsylvania \$ 1,550.00

One Thousand Five Hundred Fifty and 00/100 Dollars

Other Party: In Re:State Route 4019, Section A01, et al.

Case	Litigant type	Amount
2008-00484-CD	Other Party	
	Trust account	1,550.00
		Total: 1,550.00
		Balance due: 0.00

Check: 5713815966

Payment Method: Check William A. Shaw, Prothonotary/Clerk of Cou
Amount Tendered: 1,550.00
Change Returned: 0.00 By: _____
Clerk: LMILLER Deputy Clerk

HOLD DOCUMENT TO LIGHT TO VERIFY WATERMARKS					
00000		008	041708	01149471	882844
CDC	FUND	DEPT	PREP DATE	VOUCHER	WARRANT
ID					

000103 622221 311

57 13815966

CHECK NUMBER

05/05/2008

DATE

WACHOVIA BANK
PHILADELPHIA, PA

VERIFICATION AVAILABLE - "POSITIVE PAY" PROTECTED

PAY ONLY > **1550.00**
ONE FIVE FIVE ZERO CTS CTS

TO THE ORDER OF

UNKNOWN OWNER OR CLEARFIELD
COUNTY PROTHONOTARY
C/O K SOLOMON ESQ OCC PENNDOT
PO BOX 8212
HARRISBURG PA 17105-8212

000103

VOID AFTER 180 DAYS

\$ *****1,550.00

Robin L. Weissmann

TREASURER OF PENNSYLVANIA

13815966 031100225 2079950008602

DO NOT ACCEPT WITHOUT HOLDING TO LIGHT TO VERIFY WATERMARKS

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR STATE
ROUTE 4019, SECTION A01 IN THE
CITY OF DUBOIS

CLAIM NO.1700303000

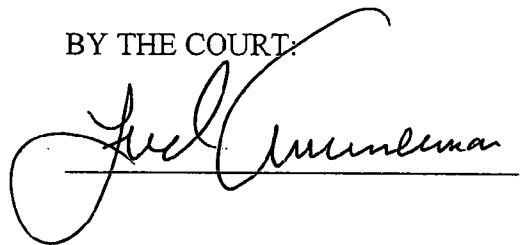
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
: NO. 2008-484-CD

ORDER

AND NOW, December 12 2014, upon presentation of the Commonwealth's Petition, it is **ORDERED** and **DIRECTED** that the undistributed amount of estimated just compensation due to the unknown owner that was previously deposited into Court, shall be paid to the Pennsylvania Department of Transportation without escheat in accordance with 26 P.S. §1-522.

It is further ordered that the Prothonotary make a check payable to the Commonwealth of Pennsylvania, Department of Transportation in the amount of \$2,700.00, together with any accrued interest, deliver it to Denise Farkas located at 301 5th Avenue, Ste. 210, Pittsburgh, PA 15222 and mark the record accordingly.

BY THE COURT:



FILED *b/s*

9 DEC 12 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

0/303/B/S
Dce D. Farkas

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR STATE
ROUTE 4019, SECTION A01 IN THE
CITY OF DUBOIS

CLAIM NO.1700303000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
: NO. 2008-484-CD

**PETITION TO PAY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION THE UNDISTRIBUTED ESTIMATED JUST
COMPENSATION DEPOSITED INTO COURT**

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commonwealth of Pennsylvania, Department of Transportation,
respectfully represents that:

1. The Department of Transportation ("Commonwealth") is a Department of the
Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania,
17105-8212.

2. On March 18, 2008 the Commonwealth filed a Declaration of Taking,
condemning, *inter alia*, certain real property determined after a diligent search to be owned by an
unknown and unlocatable owner ("condemnee").

3. On May 14, 2008 upon Petition of the Commonwealth, this Honorable Court
ordered and directed that the sum of \$2,700.00, representing the just compensation estimated by
the Commonwealth to be due condemnee in the above-captioned case, be deposited into Court.

(Exhibit A)

4. At the time the Petition to Deposit Estimated Just Compensation was filed, there
were neither liens nor encumbrances against the property, as shown on the attached proposed
Schedule of Distribution. (Exhibit B)

5. The sum of \$2,700.00 remains deposited.

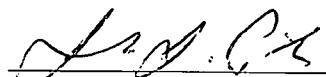
6. No fee shall be charged against these funds. 26 P.S. §1-522; *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591(Pa. Cmwlth. 1984).

7. Pursuant to 26 P.S. §1-522, if no petition is presented by any party in interest within a period of five years of the date of payment into court, the court shall order the fund or any balance remaining to be paid to the Commonwealth without escheat.

8. I, Justin J. Pike, Assistant Counsel, affirm that I am authorized to execute this Petition to Pay the Commonwealth of Pennsylvania, Department of Transportation the Undistributed Estimated Just Compensation Deposited into Court on behalf of the Commonwealth, that the averments set forth in this Petition are true and correct to the best of my knowledge, information and belief and that they are made subject to the penalties provided in 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

WHEREFORE, your Petitioner respectfully requests that this Honorable Court order and direct that the sum of \$2,700.00, representing the amount of estimated just compensation due the condemnee which remains undistributed, together with any accrued interest, be paid to the Commonwealth of Pennsylvania, Department of Transportation, without escheat, as provided in Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. §1-522, as amended.

Respectfully submitted,



Justin J. Pike
Assistant Counsel
I.D. No. 313228
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
717-787-3128
jupike@pa.gov

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

CLAIM NO. 1700303000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2008-484-CD

ORDER

AND NOW, this 14 day of May, 2008, upon presentation of the Petition to Deposit Estimated Just Compensation, it is ORDERED and DIRECTED that the sum of \$2,700.00, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnee and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account if available. No fee shall be charged against these funds. It is further ORDERED that the sum shall be held until further Order of Court directing full or partial payment to the condemnee and/or interested parties entitled to it pursuant to Sections 307, 521 and/or 522 of the Eminent Domain Code of 2006, 26 Pa.C.S. Sections 307, 521 and/or 522, as applicable.

Office of the Clerk

NOTICE

Commonwealth Office

BY THE COURT:

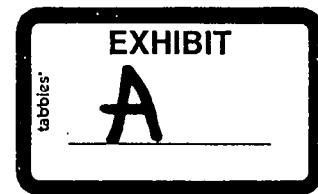
/S/ Fredric J Ammerman

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

MAY 15 2008

Attest,

William L. Ammerman
Prothonotary/
Clerk of Courts



PROPOSED SCHEDULE OF DISTRIBUTION

NAME(S) & ADDRESS(ES) OF CONDEEME(S); LOCATION OF PROPERTY(IES)		ESTIMATED JUST COMPENSATION	ENCUMBRANCES, TAXES, ETC.			NET DUE TO CONDEEMEE		
			TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD AMOUNT DUE	ACTUAL AMOUNT DUE
UNKNOWN OWNER	ADDRESS: UNKNOWN	E.J.C.	NONE					\$2,700.00
	LOCATION: Sta. 60+45 LT to Sta. 61+80 LT	\$2,700.00						
			Commonwealth Pro-Rata Share Real Estate Taxes					
			\$0.00					
			Total					<u>\$2,700.00</u>

Subject to possible unliened, unpaid municipal claims and taxes.

EXHIBIT

B

tabbles

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR STATE
ROUTE 4019, SECTION A01 IN THE
CITY OF DUBOIS

CLAIM NO.1700303000

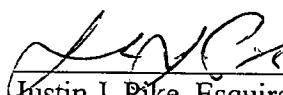
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2008-484-CD

**SWORN STATEMENT AS TO NOTICE TO PAY THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION THE
UNDISTRBUTED ESTIMATED JUST COMPENSATION DEPOSITED INTO
COURT**

I, Justin J. Pike, Assistant Counsel in the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Pennsylvania Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties set forth in 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

As the condemnee is unknown and unlocatable, notice regarding estimated just compensation was previously posted on the subject property and published leading to the order directing the Department to deposit on May 14, 2008. In compliance with Section 522 of the Eminent Domain Code of 2006, as amended, the notice stated the Department's intent to present a Petition to Deposit Estimated Just Compensation in the above-captioned case to the Clearfield County Court of Common Pleas twenty days subsequent to the expiration of the statutory period for the filing of Preliminary Objections to the Declaration of Taking.

Respectfully submitted,



Justin J. Pike, Esquire
Supreme Court I.D. 313228
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR STATE
ROUTE 4019, SECTION A01 IN THE
CITY OF DUBOIS

CLAIM NO.1700303000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
: NO. 2008-484-CD

ORDER

AND NOW, _____ 2014, upon presentation of the Commonwealth's Petition, it is **ORDERED** and **DIRECTED** that the undistributed amount of estimated just compensation due to the unknown owner that was previously deposited into Court, shall be paid to the Pennsylvania Department of Transportation without escheat in accordance with 26 P.S. §1-522.

It is further ordered that the Prothonotary make a check payable to the Commonwealth of Pennsylvania, Department of Transportation in the amount of \$2,700.00, together with any accrued interest, deliver it to _____ located at _____ and mark the record accordingly.

BY THE COURT:

CERTIFIED MAIL
COUNTY: Clearfield
S.R. 4019, SECTION A01
CLAIM NO. 1700303000
COURT DOCKET NO. 2008-484-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION TO
WITHDRAW ESTIMATED JUST COMPENSATION**

NAMES AND ADDRESSES

Ownership is unknown and undeterminable
after a diligent search

DATE RECEIVED CERTIFIED MAIL

Address Unknown. Notice of Declaration of
Taking posted on March 18, 2008, and
published in The Progress on March 20, 2008
and in the Clearfield County Legal Journal on
March 28, 2008.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR STATE
ROUTE 4019, SECTION A01 IN THE
CITY OF DUBOIS

CLAIM NO.1700304000

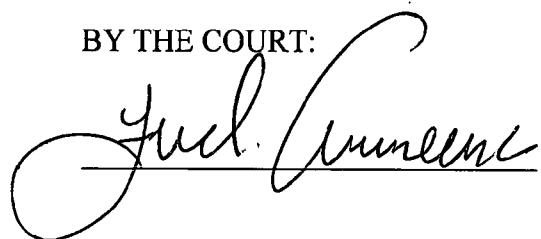
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2008-484-CD

ORDER

AND NOW, December 12th 2014, upon presentation of the Commonwealth's Petition, it is **ORDERED** and **DIRECTED** that the undistributed amount of estimated just compensation due to the unknown owner that was previously deposited into Court, shall be paid to the Pennsylvania Department of Transportation without escheat in accordance with 26 P.S. §1-522.

It is further ordered that the Prothonotary make a check payable to the Commonwealth of Pennsylvania, Department of Transportation in the amount of \$1,550.00, together with any accrued interest, deliver it to Denise Farkas located at 301 5th Avenue, Ste. 210, Pittsburgh, PA 15222 and mark the record accordingly.

BY THE COURT:



FILED

(3/5)

4

DEC 12 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

0/310/BS/5
Denise Farkas

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR STATE
ROUTE 4019, SECTION A01 IN THE
CITY OF DUBOIS

CLAIM NO.1700304000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
: NO. 2008-484-CD

**PETITION TO PAY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT
OF TRANSPORTATION THE UNDISTRIBUTED ESTIMATED JUST
COMPENSATION DEPOSITED INTO COURT**

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commonwealth of Pennsylvania, Department of Transportation, respectfully represents that:

1. The Department of Transportation ("Commonwealth") is a Department of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.

2. On March 18, 2008 the Commonwealth filed a Declaration of Taking, condemning, *inter alia*, certain real property determined after a diligent search to be owned by an unknown and unlocatable owner ("condemnee").

3. On May 14, 2008 upon Petition of the Commonwealth, this Honorable Court ordered and directed that the sum of \$1,550.00, representing the just compensation estimated by the Commonwealth to be due condemnee in the above-captioned case, be deposited into Court.

(Exhibit A)

4. At the time the Petition to Deposit Estimated Just Compensation was filed, there were neither liens nor encumbrances against the property, as shown on the attached proposed Schedule of Distribution. (Exhibit B)

5. The sum of \$1,550.00 remains deposited.

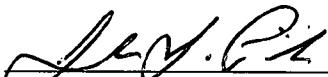
6. No fee shall be charged against these funds. 26 P.S. §1-522; *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591(Pa. Cmwlth. 1984).

7. Pursuant to 26 P.S. §1-522, if no petition is presented by any party in interest within a period of five years of the date of payment into court, the court shall order the fund or any balance remaining to be paid to the Commonwealth without escheat.

8. I, Justin J. Pike, Assistant Counsel, affirm that I am authorized to execute this Petition to Pay the Commonwealth of Pennsylvania, Department of Transportation the Undistributed Estimated Just Compensation Deposited into Court on behalf of the Commonwealth, that the averments set forth in this Petition are true and correct to the best of my knowledge, information and belief and that they are made subject to the penalties provided in 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

WHEREFORE, your Petitioner respectfully requests that this Honorable Court order and direct that the sum of \$1,550.00, representing the amount of estimated just compensation due the condemnee which remains undistributed, together with any accrued interest, be paid to the Commonwealth of Pennsylvania, Department of Transportation, without escheat, as provided in Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. §1-522, as amended.

Respectfully submitted,



Justin J. Pike
Assistant Counsel
I.D. No. 313228
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
717-787-3128
jupike@pa.gov

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 4019, SECTION A01,
IN THE CITY OF DUBOIS

CLAIM NO. 1700304000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
: NO. 2008-484-CD

ORDER

AND NOW, this 14 day of May, 2008, upon presentation of the Petition to Deposit Estimated Just Compensation, it is ORDERED and DIRECTED that the sum of \$1,550.00, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnee and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account if available. No fee shall be charged against these funds. It is further ORDERED that the sum shall be held until further Order of Court directing full or partial payment to the condemnee and/or interested parties entitled to it pursuant to Sections 307, 521 and/or 522 of the Eminent Domain Code of 2006, 26 Pa.C.S. Sections 307, 521 and/or 522, as applicable.

Office of the Clerk

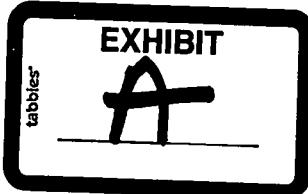
RECEIVED
MAY 15 2008

BY THE COURT:

RECEIVED
MAY 15 2008

/S/ Fredric J Ammerman

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



MAY 15 2008

Attest.

William J. Ammerman
Prothonotary/
Clerk of Courts

PROPOSED SCHEDULE OF DISTRIBUTION

ROW OFFICE PROJ. NO.	020163
COUNTY	Clearfield
S.R.-SECTION	4019-A01
MUNICIPALITY	City of DuBois
PARCEL NO.	29
CLAIM NO.	1700304000

NAME(S) & ADDRESS(ES) OF CONDEEMEE(S); LOCATION OF PROPERTY(IES)	ENCUMBRANCES, TAXES, ETC.						NET DUE TO CONDEEMEE
	ESTIMATED JUST COMPENSATION	TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD AMOUNT DUE	
UNKNOWN OWNER	E.J.C.	NONE					
ADDRESS: UNKNOWN	\$1,550.00						
LOCATION: Sta. 60+28 RT to Sta. 61+46 RT	Commonwealth Pro-Rata Share Real Estate Taxes						
	\$0.00						
Total	\$1,550.00						\$1,550.00

Subject to possible unliened, unpaid municipal claims and taxes.

tabbies®

EXHIBIT

B

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR STATE
ROUTE 4019, SECTION A01 IN THE
CITY OF DUBOIS

CLAIM NO.1700304000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
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: IN REM
:
:
: NO. 2008-484-CD

**SWORN STATEMENT AS TO NOTICE TO PAY THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION THE
UNDISTRBUTED ESTIMATED JUST COMPENSATION DEPOSITED INTO
COURT**

I, Justin J. Pike, Assistant Counsel in the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Pennsylvania Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties set forth in 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

As the condemnee is unknown and unlocatable, notice regarding estimated just compensation was previously posted on the subject property and published leading to the order directing the Department to deposit on May 14, 2008. In compliance with Section 522 of the Eminent Domain Code of 2006, as amended, the notice stated the Department's intent to present a Petition to Deposit Estimated Just Compensation in the above-captioned case to the Clearfield County Court of Common Pleas twenty days subsequent to the expiration of the statutory period for the filing of Preliminary Objections to the Declaration of Taking.

Respectfully submitted,



Justin J. Pike, Esquire
Supreme Court I.D. 313228
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

CERTIFIED MAIL
COUNTY: Clearfield
S.R. 4019, SECTION A01
CLAIM NO. 1700304000
COURT DOCKET NO. 2008-484-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION TO
WITHDRAW ESTIMATED JUST COMPENSATION**

NAMES AND ADDRESSES

Ownership is unknown and undeterminable
after a diligent search

DATE RECEIVED CERTIFIED MAIL

Address Unknown. Notice of Declaration of
Taking posted on March 18, 2008, and
published in The Progress on March 20, 2008
and in the Clearfield County Legal Journal on
March 28, 2008.