

08-484-CD

In Re: St. Rte. 4019, Section A01

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

**FILED**

MAR 18 2008

0/11:20/08  
William A. Shaw  
Prothonotary/Clerk of Courts

2-1-Ent to Comm

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. 2008-484-00  
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.

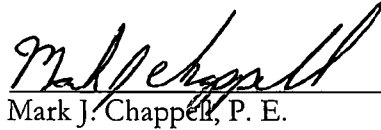
8. The nature of the title hereby condemned is fee simple, a drainage easement, and temporary construction easements.

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.

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

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

PRAECIPE 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

RW-437 (9/06)

**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



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

**FILED**

0 11:40am GK

MAR 18 2008

2 CC TO  
Comm. OF PA

William A. Shaw  
Prothonotary/Clerk of Courts

(GK)

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)

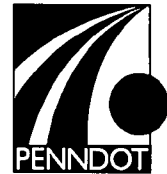
The condemnation book and page number, file number, or microfilm number of  
any property plat filed or microfilmed separately from the said Notice of Condemnation is shown on  
the list of property condemned which is attached hereto.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

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

RW-437 (9/06)

**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

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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  
IN THE CITY OF DUBOIS

: NO. 484-CD TERM, 2008  
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: EMINENT DOMAIN PROCEEDING  
: IN REM

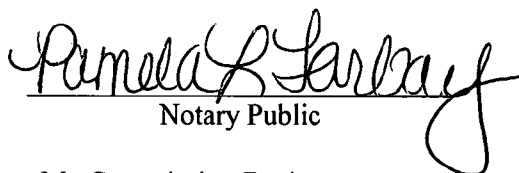
PROOF OF SERVICE

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

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Pamela L. Tarbay, Notary Public  
Lawrence Twp., Clearfield County  
My Commission Expires March 23, 2011  
Member, Pennsylvania Association of Notaries

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

FILED 2cc  
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.	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 :

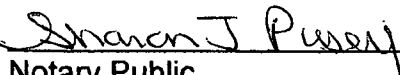
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COUNTY OF CLEARFIELD :

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.

  
\_\_\_\_\_  
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  
Penna. Dept. of Transportation

APR 15 2008

District 2-0  
Clearfield, PA 16830

RW-437 (9/06)

**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  
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 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

RW-432ML (7/07)

**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

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

CP

**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. 1700303000

**FILED** <sup>NO CC</sup>  
m/12-34/64  
MAY 14 2008 (GR)

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:

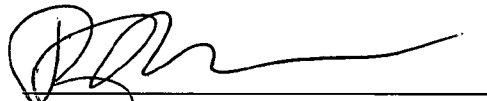
1. On March 18, 2008, a Declaration of Taking was filed in the above-captioned case by the Secretary of Transportation.
2. Thereafter, the Department of Transportation notified the Claimant by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 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.

A handwritten signature in black ink, appearing to read 'R. Kammerer', is written over a horizontal line.

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

1

J

**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** NO CC  
MAY 14 2008  
(GK)

William A. Shaw  
Prothonotary/Clerk of Courts

**PRAECIPE FOR ENTRY OF COURT ORDER TO PERMIT THE DEPARTMENT  
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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.

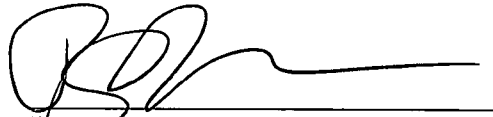
2. Thereafter, the Department of Transportation notified the Claimant by its Petition to Deposit Estimated Just Compensation, pursuant to Section 1-522 of the Eminent Domain Code of 1964, 26 P.S. § 1-522, that it intended to deposit estimated just compensation into Court because the Claimant is unknown.

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.

A handwritten signature in black ink, appearing to read 'RJ Kammerer', is written over a horizontal line.

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

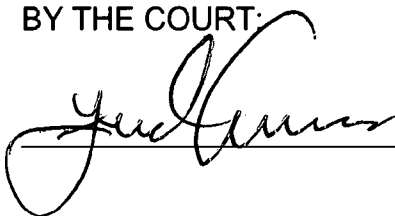
CLAIM NO. 1700304000

CA  
: 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

01/10/14 BY  
MAY 15 2008

William A. Shaw  
Prothonotary/Clerk of Courts

200  
Amy Kemmeser  
(64)

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**

**FILED**  
MAY 14 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
2CC Amy Kemmerer (62)

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.

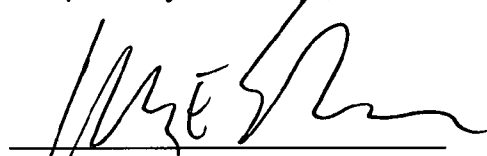
5. No fee shall be charged against these funds. 26 Pa.C.S. §522(b); *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591 (Pa.Cmwlt. 1984).

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,

A handwritten signature in black ink, appearing to read 'Kelly E. Solomon', is written over a horizontal line.

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.	29
CLAIM NO.	1700304000

# PROPOSED SCHEDULE OF DISTRIBUTION

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

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

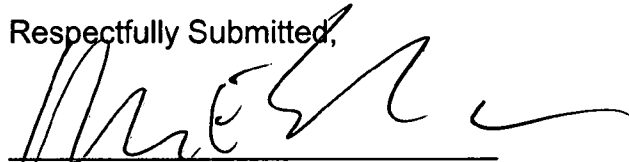
CLAIM NO. 1700304000

**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

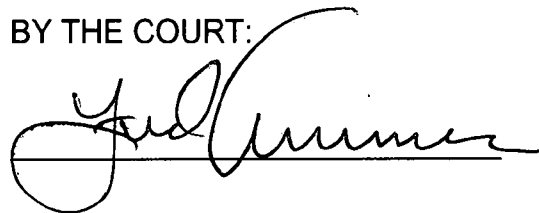
CLAIM NO. 1700303000

CR  
: 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<sup>2cc</sup>  
01/10/12 BQ  
MAY 15 2008  
Atty Solomon  
(CV)

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** <sup>2cc</sup>  
MAY 14 2008  
MAY 12 3:34 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
Solomon  
(GP)

**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.

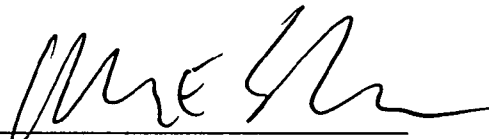
5. No fee shall be charged against these funds. 26 Pa.C.S. §522(b); *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591 (Pa.Cmwlth. 1984).

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,

A handwritten signature in black ink, appearing to read 'Kelly E. Solomon', written over a horizontal line.

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.	28
CLAIM NO.	1700303000

ENCUMBRANCES, TAXES, ETC.								NET DUE TO CONDEMNTEE
NAME(S) & ADDRESS(ES) OF CONDEMNTEE(S); LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION	TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD	ACTUAL	
						AMOUNT DUE	AMOUNT DUE	
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  <u>\$0.00</u>  Total <u>\$2,700.00</u>	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

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
:  
: EMINENT DOMAIN PROCEEDING  
: IN REM  
:  
:

CLAIM NO. 1700303000

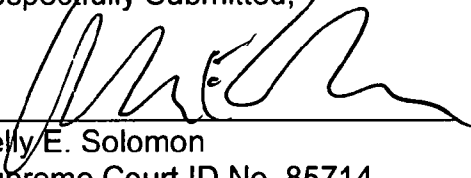
: NO. 2008-484-CD

**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 / *WAS*

William A. Shaw

Prothonotary/Clerk of Courts

3 CERT TO Common  
*WAS*

**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 Praecipe 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,

A handwritten signature in black ink, appearing to read 'R. Kammerer', followed by a long horizontal line extending to the right.

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.

A handwritten signature in black ink, appearing to read 'RJ Kammerer', is written over a horizontal line.

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, etal.

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  
Amount Tendered: 2,700.00  
Change Returned: 0.00  
Clerk: LMILLER

William A. Shaw, Prothonotary/Clerk of Cou  
By: \_\_\_\_\_  
Deputy Clerk

HOLD DOCUMENT TO LIGHT TO VERIFY WATERMARK

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

000063 82-0101  
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  **270000**  
TWO SEVEN 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⑈ ⑆031101017⑆ 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

William A. Shaw  
Prothonotary/Clerk of Courts

3 cert 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 Praecipe 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.

A handwritten signature in black ink, appearing to read 'R. Kammerer', written over a horizontal line.

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, etal.

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  
Amount Tendered: 1,550.00  
Change Returned: 0.00  
Clerk: LMILLER

William A. Shaw, Prothonotary/Clerk of Cou  
By: \_\_\_\_\_  
Deputy Clerk

HOLD DOCUMENT TO LIGHT TO VERIFY WATERMARKS

00000		008	041708	01149471	882844	
CDC	FUND	DEPT	PREP DATE	VOUCHER	WARRANT	ID

000103

62822

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

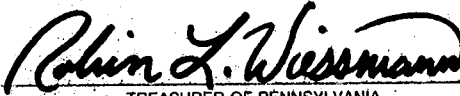
VOID AFTER 180 DAYS

\$ \*\*\*\*\*1,550.00

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

000103



  
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

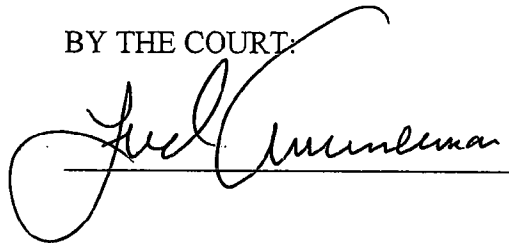
: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
:  
: EMINENT DOMAIN PROCEEDING  
: IN REM  
:  
:  
: NO. 2008-484-CD

**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

*0/303/1615*  
*JUL 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

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

CLAIM NO.1700303000

**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.

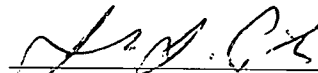
6. No fee shall be charged against these funds. 26 P.S. §1-522; *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591(Pa. Cmwlth. 1984).

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](mailto: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 Chief Counsel

MAY 15 2008

Western Regional Office

BY THE COURT:

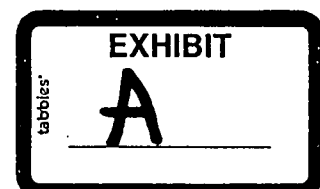
/S/ Fredric J Ammerman

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. Brown*  
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.	28
CLAIM NO.	1700303000

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

Subject to possible unliened, unpaid municipal claims and taxes.

EXHIBIT

B

Tables

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

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

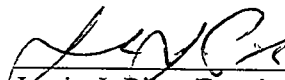
CLAIM NO.1700303000

**SWORN STATEMENT AS TO NOTICE TO PAY THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION THE  
UNDISTRIBUTED 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  
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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

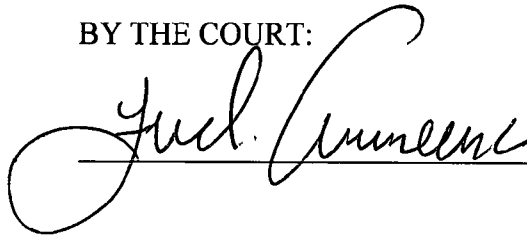
: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
:  
: EMINENT DOMAIN PROCEEDING  
: IN REM  
:  
:  
: NO. 2008-484-CD

**ORDER**

AND NOW, December 12<sup>th</sup> 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**

(2/5)

9 DEC 12 2014

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

0/310/BIS  
Jae 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  
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: CLEARFIELD COUNTY, PA  
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CLAIM NO.1700304000

**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](mailto:jupike@pa.gov)

IN RE: CONDEMNATION BY THE  
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: EMINENT DOMAIN PROCEEDING  
: IN REM  
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CLAIM NO. 1700304000

: 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 of Courts

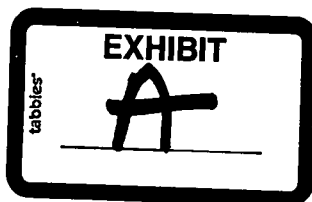
DATE: 5/15/2008

WITNESSED BY:

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

bbles

EXHIBIT

R

Subject to possible unliened, unpaid municipal claims and taxes.



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