

08-601-CD

In re: Route 4019, Section A01 R/W

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 R/W,
IN THE COUNTY OF CLEARFIELD

NO. 2008-601-CD

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.

FILED

APR 02 2008

0/2:05/1
William A. Shaw
Prothonotary/Clerk of Courts

2008-601-CD
TO
COUNTY

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 Clearfield County Recorder of Deeds Office as Instrument # 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.

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 is 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 'Mark J. 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
ID No. 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 THE
RIGHT-OF-WAY FOR STATE
ROUTE 4019, SECTION A01 R/W,
IN THE CITY OF DUBOIS

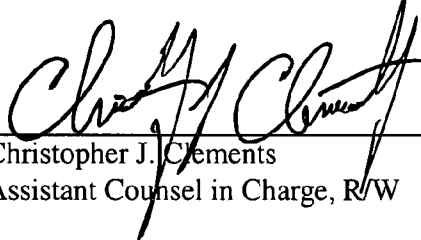
NO.

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 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: 03.31.08

IN THE COURT OF COMMON PLEAS OF
CLEARFEND COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR
STATE ROUTE 4019, SECTION A01 R/W,
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, Pennsylvania 17105-8212
Telephone No. (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

<u>*TYPE OF TAKE</u>
PT- Partial Take
TT- Total Take

<u>**TYPE OF DESCRIPTION</u>
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
30	1700305000	PT	Green Dot, Inc. John H. Ogorchock, President 235 Windcrest Lane Reynoldsville, PA 15851-8185		R	Clearfield Co. Recorder of Deeds Instrument No. 200803072 Sheet No. 12 & 17
31	1700306000	PT	Location: Deed Book 1451, Page 115 DuBois Ventures, Inc. Howard J. Shakespeare, President PO Box 705 DuBois, PA 15801-0705 Location: Deed Book 1911, Page 240		R	Clearfield Co. Recorder of Deeds Instrument No. 200803072 Sheet No. 12 & 17

Prothonotary/Clerk of Courts
William A. Shaw

APR 02 2006

FILED

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 R/W,
IN THE CITY OF DUBOIS

NO. 601 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 *April 2, 2008*, was recorded in the office of the Recorder of Deeds of the above county in *Inst. #200804509*, 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 *for*

Chris Schul
District Right of Way Administrator
Engineering District No. 2-0

FILED

APR 02 2008

6/2:15/08
William A. Shaw
Prothonotary/Clerk of Courts

2 Cert to
Gunn

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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 Office

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31	1700306000	PT	DuBois Ventures, Inc. Howard J. Shakespeare, President PO Box 705 DuBois, PA 15801-0705 Location: Deed Book 1911, Page 240		R	Clearfield Co. Recorder of Deeds Instrument No. 200803072 Sheet No. 12 & 17

FILED
APR 02 2003
William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 07 2008

013-2010
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

2 cert to @R

Comm.

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. 601-CD TERM, 2008
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: EMINENT DOMAIN PROCEEDING
: IN REM

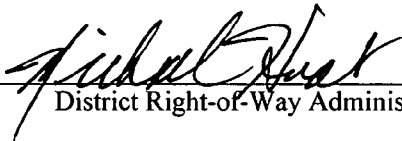
PROOF OF SERVICE

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 3, 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.

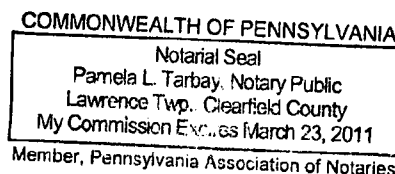

District Right-of-Way Administrator

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

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
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****TYPE OF DESCRIPTION**

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30	1700305000	PT	Green Dot, Inc. John H. Ogorchock, President 235 Windcrest Lane Reynoldsville, PA 15851-8185		R	Clearfield Co. Recorder of Deeds Instrument No. 200803072 Sheet No. 12 & 17
31	1700306000	PT	Location: Deed Book 1451, Page 115 DuBois Ventures, Inc. Howard J. Shakespeare, President PO Box 705 DuBois, PA 15801-0705 Location: Deed Book 1911, Page 240		R	Clearfield Co. Recorder of Deeds Instrument No. 200803072 Sheet No. 12 & 17

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. 601-CD TERM, 2008
:
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:
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: EMINENT DOMAIN PROCEEDING
: IN REM

**AFFIDAVIT OF SERVICE OF
NOTICE OF FILING OF DECLARATION OF TAKING**

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CENTRE :

Wendy L. Crouse, being duly sworn according to law, deposes and says that

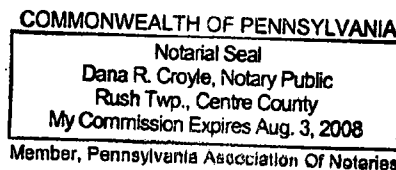
1. She is an employee of Department of Transportation, Commonwealth of Pennsylvania, and that
2. On , Notice of the Filing of the Declaration of Taking in the above matter was mailed by certified mail, in compliance with Chapter 3, Section 305, of the Eminent Domain Code, to , condemnees.
3. Said Notice was returned by the Post Office on or about marked . The envelope in which the said Notice was mailed and the Post Office Sender's Receipt and Return Card are attached hereto.
4. On April 3, 2008, Notice of the said Declaration of Taking was served on the said condemnee(s) by handing a copy of said Notice to John H. Ogorchock, Condemnee.

Wendy L. Crouse
Affiant

Sworn to and Subscribed before me

Dana R. Croyle
Notary Public

My Commission Expires: 2-3-08



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

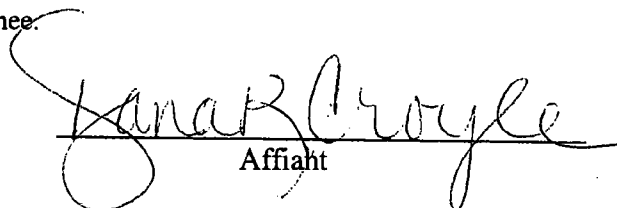
: NO. 601-CD TERM, 2008
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: EMINENT DOMAIN PROCEEDING
: IN REM

**AFFIDAVIT OF SERVICE OF
NOTICE OF FILING OF DECLARATION OF TAKING**

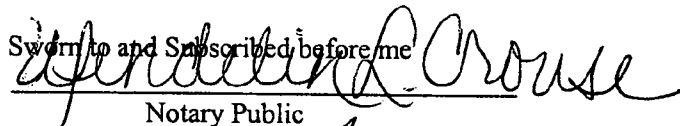
COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CENTRE :

Dana R. Croyle, being duly sworn according to law, deposes and says that

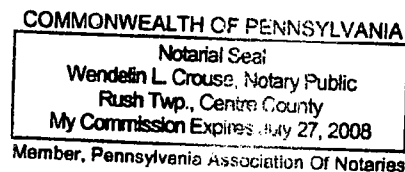
1. She is an employee of Department of Transportation, Commonwealth of Pennsylvania, and that
2. On , Notice of the Filing of the Declaration of Taking in the above matter was mailed by certified mail, in compliance with Chapter 3, Section 305, of the Eminent Domain Code, to , condemnees.
3. Said Notice was returned by the Post Office on or about marked . The envelope in which the said Notice was mailed and the Post Office Sender's Receipt and Return Card are attached hereto.
4. On April 3, 2008, Notice of the said Declaration of Taking was served on the said condemnee(s) by handing a copy of said Notice to Howard J. Shakespeare, Condemnee.


Affiant

Sworn to and Subscribed before me


Notary Public

My Commission Expires: July 27, 2008



RW-432ML (7/07)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF MORTGAGEES & LIENHOLDERS



ROW OFFICE PROJ. NO.	020163
ROW OFFICE DT NO.	2016302
COUNTY	Clearfield
S.R. - SECTION	4019-A01
MUNICIPALITY	City of DuBois

Parcel No.	Claim Number	Name and Mailing Address of Mortgagee and/or Lienholder
1700305000	30	None
1700306000	31	None

FILED
APR 07 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

CLAIM NO. 1700305000
PARCEL NO. 30

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA

: No. 2008-601-CD

: EMINENT DOMAIN PROCEEDING
: IN REM

FILED

MAY 29 2008

01:30 W
William A. Shaw
Prothonotary/Clerk of Courts

2 cert to

DEPT of
Trans

GP


DECLARATION OF RELINQUISHMENT

This Declaration of Relinquishment is filed on behalf of the Secretary of Transportation of the Commonwealth of Pennsylvania, as provided for in Chapter 3, Section 308 of the Eminent Domain Code, 26 Pa.C.S. §308, as amended, who respectfully represents that:

1. On April 2, 2008, the Commonwealth of Pennsylvania, Department of Transportation (Department) filed a Declaration of Taking in the above captioned case condemning certain property owned by Green Dot, Inc.
2. The Department recorded notice of the filing of the Declaration of Taking in the Clearfield County Recorder of Deeds Office in Instrument No. 200804509.
3. The property being relinquished hereby constitutes the entire property condemned from Parcel No. 30 by the Department in the Declaration of Taking noted above.
4. The Department has not entered onto the property to be relinquished.
5. Green Dot, Inc., has not tendered possession of the condemned property to the Department.
6. The Department has not made the payment provided for in 26 Pa.C.S. §307(a) or (b).

7. I, Mark J. Chappell, P.E., Acting Chief, Utilities and Right of Way Section of the Department of Transportation do affirm that I am authorized to and hereby execute this Declaration of Relinquishment 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 the penalties provided in 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

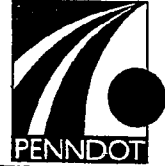
WHEREFORE, the title condemned by the Declaration of Taking in the above captioned case from property owned by Green Dot, Inc., is hereby relinquished.



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

RW-437 (9/06)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY RELINQUISHED



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

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

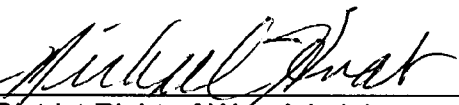
CLAIM NO. 1700305000
PARCEL NO. 30

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: No. 2008-601-CD
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
:

MEMORANDUM TO PROTHONOTARY

You are hereby informed that the Notice of Relinquishment affected by the
Declaration of Relinquishment filed to the above term and number on
May 29, 2008, was recorded in the Office of the Recorder of Deeds of the
above county in Inst. # 200808034, page .

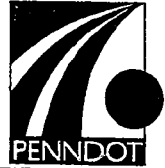
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY 
District Right-of-Way Administrator
Engineering District 2-0

FILED
O 10:09a.m. GK
JUN 03 2008
William A. Shaw
Prothonotary/Clerk of Courts
2CL TO DEPT.
OF TRANS.
(GK)

RW-437 (9/06)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY RELINQUISHED



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

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PENNSYLVANIA, DEPARTMENT OF
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RIGHT-OF-WAY FOR STATE
ROUTE 4019, SECTION A01 R/W, IN THE
COUNTY OF CLEARFIELD

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: No. 2008-601-CD
:
: EMINENT DOMAIN PROCEEDING
: IN REM
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CLAIM NO. 1700305000
PARCEL NO. 30

PROOF OF SERVICE
(Declaration of Relinquishment)

FILED

JUN 11 2008
07:10:40
William A. Shaw
Prothonotary/Clerk of Courts
2 CERT TO ENVA

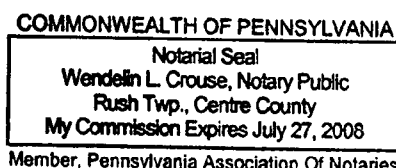
COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Clearfield :

Before me, the undersigned officer, personally appeared Michael Hnat, who being duly sworn according to law, deposes and says that he is the District Right-of-Way Administrator for Engineering District 2-0, Commonwealth of Pennsylvania, Department of Transportation, and that on or before JUNE 6, 2008, notice of the filing of the Declaration of Relinquishment in the above captioned case was served on the Relinquishee affected thereby in compliance with Chapter 3, Section 308 of the Eminent Domain Code, 26 Pa.C.S. §308, as amended. The date and manner of service are shown on the schedule attached hereto and made a part hereof.

Michael Hnat
District Right-of-Way Administrator
Engineering District 2-0

Sworn or affirmed and subscribed
Before me on JUNE 9, 2008

Wendelin L. Crouse
Notary
My Commission Expires: JULY 27, 2008



SCHEDULE OF PARTIES NOTIFIED

NAMES AND ADDRESSES

Green Dot, Inc.
John H. Ogorchock, President
235 Windcrest Lane
Reynoldsville, PA 15851-8185

DATE AND MANNER OF SERVICE

June 6, 2008
via Certified Mail

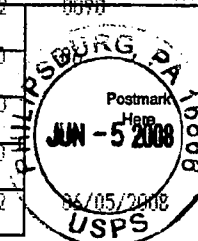
7003 1010 0002 3616 6860

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

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

OFFICIAL USE

Postage	\$ 06.42
Certified Fee	\$2.70
Return Receipt Fee (Endorsement Required)	\$2.20
Restricted Delivery Fee (Endorsement Required)	\$13.00
Total Postage & Fees	\$ 24.32



Sent To: Green Dot, Inc. - John H. Ogorchock
 Street, Apt. No.,
 or PO Box No. 235 Windcrest Lane
 City, State, ZIP+4 Reynoldsville PA 15851-8185

PS Form 3800, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Green Dot, Inc
 John H. Ogorchock
 235 Windcrest Ln.
 Reynoldsville, PA.
 15851-8185

2. Article Number

(Transfer from service label)

7003 1010 0002 3616 6860

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Alcyon Ogorchock ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Alcyon Ogorchock

C. Date of Delivery

6-6-08

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

FILED

JUN 11 2008

William A. Shaw

Prothonotary/Clerk of Courts