

08-613-CD

John Meinert vs J. Raspatello

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

JOHN E. MEINERT and
REBECCA A. MEINERT,
Plaintiffs

vs.

JOHN RASPATELLO, his heirs,
personal representatives and assigns
and any persons claiming, or who
might claim title under the aforesaid
Defendant and any other person, person,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendant

No: 08-613-CD

ACTION TO QUIET TITLE

Filed on behalf of: John E. Meinert
and Rebecca A. Meinert, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL, LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801
(814) 375-0300

FILED
m/11:51
Att. pd.
\$105.00
ICC Sheriff
ICC Atty Hopkins

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

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Plaintiffs

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who might claim title to the premises
herein described,
Defendant

NOTICE

TO DEFENDANTS:

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by Attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgement may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814)765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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JOHN E. MEINERT and
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who might claim title to the premises
herein described,
Defendant

COMPLAINT

AND NOW, comes Plaintiffs, John E. Meinert and Rebecca A. Meinert, by and through their attorneys, Hopkins Heltzel LLP and files the within quiet title action and in support thereof states as follows:

1. Plaintiffs, John E. Meinert and Rebecca A. Meinert, are adult individuals who reside at 51 Zane Avenue, Lower Burrell, Pennsylvania 15068.

2. Defendant, John Raspatello, is an adult individual who maintains a principal residence at 3606 Wilcox Road, Wilcox, Pennsylvania 15870.

3. The real property and improvements at issue in this quiet title action is Section 25, Lot 239 in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania (hereinafter "the property").

4. By deed dated August 2, 1968 and recorded in the Office of the Recorder of Deeds of Clearfield County in Record Book 1114, at page 33, Kenneth J. Glick and Dorothy M. Glick conveyed the property to Donald W. Huston and Agnes L. Huston.

5. Donald W. Huston and Agnes L. Huston entered into an "Agreement for Sale of Land" with the Defendant dated May 7, 1992 and recorded in the Office of the Recorder of Deeds of Clearfield County in Record Book 1542, at page 499.

6. By deed dated December 8, 1993 and recorded in the Office of the Recorder of Deeds of Clearfield County in Record Book 1583, at page 246, Donald W. Huston and Agnes L. Huston conveyed the property to Maurice M. Sinan, Jr.

7. By deed dated September 3, 1996 and recorded in the Office of the Recorder of Deeds of Clearfield County in Record Book 1826, at page 93 Maurice M. Sinan, Jr. conveyed the property to John Callahan and Jodi Callahan.

8. By deed dated December 1, 1997 and recorded in the Office of the Recorder of Deeds of Clearfield County in Record Book 1891, at page 262, John Callahan and Jodi Callahan conveyed the property to Plaintiffs John E. Meinert and Rebecca A. Meinert.

9. The purpose of this quiet title action is to remove any claims to the property that may be held by Defendant as a result of entering into the May 7, 1992 "Agreement for the Sale of Land".

10. Section 12 of said Agreement of Sale requires that in the event Defendant was in default of same then he was to be provided notice of said default in writing (certified mail) and thereafter the agreement would be null and void.

11. Attached to this Complaint at Exhibit "A" is an Affidavit from Agnes L. Huston setting forth that the Hustons did in fact provide Defendant with written notice sent certified mail of the Defendant's default of the May 7, 1992 Agreement.

12. After receiving the thirty (30) day notice of default, Defendant voluntarily vacated the property moving all of his possessions out and acknowledging his lack of claim in the property.

WHEREFORE, Plaintiffs respectfully request this Honorable Court enter an Order extinguishing any and all rights Defendant, John A. Raspatello, may possess in the real property described in Paragraph 2.

COUNT II

13. Plaintiffs repeat each of the allegations set forth in Count I as if set forth at length herein.

14. Defendant's actions in moving all of his possessions out of the property and having failed to make a claim against the property constitutes an equitable abandonment of the property.

WHEREFORE, Plaintiffs respectfully request this Honorable Court enter an Order extinguishing any and all rights Defendant, John A. Raspatello, may possess in the real property described in Paragraph 2.

Respectfully submitted,

HOPKINS HELTZEL LLP

A handwritten signature in black ink, appearing to read "David J. Hopkins", is written over a horizontal line.

David J. Hopkins, Esquire
Attorney for Plaintiffs

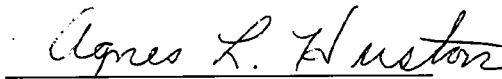
Commonwealth of Pennsylvania :
: SS:
County of Clearfield :

AFFIDAVIT

I, Agnes L. Huston, being duly sworn according to law deposes and says as follows:

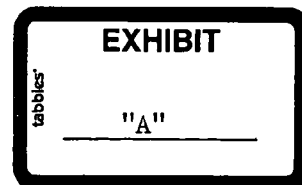
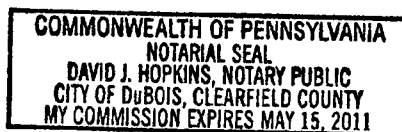
1. I am an adult woman of sound mind.
2. From October 8, 1986 through January 21, 1994, my husband, Donald W. Huston, and I were the owners of real property and a home known as Section 25, Lot 239 in the Treasure Lake Subdivision, Sandy Township, Clearfield County, Pennsylvania.
3. By Agreement dated May 7, 1992, my husband and I executed a document titled "Agreement for the Sale of Land" and agreed to convey Section 25, Lot 239 Treasure Lake to John A. Raspatello.
4. The Agreement required Mr. Raspatello to make monthly payments to my husband and I. Mr. Raspatello did not make the payments, and pursuant to paragraph 12 of the Agreement, my husband and I gave Mr. Raspatello notice that he was in default of the Agreement. The notice was sent in writing by certified mail.
5. Pursuant to paragraph 12, after thirty (30) days the Agreement for Sale of Land was null and void. Mr. Raspatello moved out of the property and took all of his belongings at the time of his move.

Date: March 20, 2008


Agnes L. Huston

Sworn to and subscribed by me
this 20th of March, 2008.


Notary Public



VERIFICATION

I, David J. Hopkins, Esquire, am an attorney licensed to practice law in the Commonwealth of Pennsylvania. With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that I am familiar with the title abstract of the real property involved in this case and further verify that the statements made in this pleading are true and correct.

By: 
David J. Hopkins, Esquire

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

JOHN E. MEINERT and
REBECCA A. MEINERT,
Plaintiffs

vs.

JOHN RASPATELLO, his heirs,
personal representatives and assigns
and any persons claiming, or who
might claim title under the aforesaid
Defendant and any other person, person,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,
Defendant

No: 08-613-C.D.

ACTION TO QUIET TITLE

Filed on behalf of: John E. Meinert
and Rebecca A. Meinert, Plaintiffs

Type of Pleading: Praeipce to Discontinue

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED 1002-1 Cert. of
APR 17 2008 Disc. to Atty
Hopkins

William A. Shaw
Prothonotary/Clerk of Courts

(62)

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

JOHN E. MEINERT and
REBECCA A. MEINERT,
Plaintiffs

vs.

No: 08-613-C.D.

JOHN RASPATELLO, his heirs,
personal representatives and assigns
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Defendant and any other person, person,
firms, partnerships, or corporate entities
who might claim title to the premises
herein described,

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above captioned civil action settled and discontinued.

HOPKINS HELTZEL LLP


David J. Hopkins, Esquire
Attorney for Plaintiffs

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

CIVIL DIVISION

COPY

**John E. Meinert
Rebecca A. Meinert**

Vs.

No. 2008-00613-CD

John Raspatello

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on April 17, 2008, marked:

Settled and Discontinued

Record costs in the sum of \$105.00 have been paid in full by David J. Hopkins, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 17th day of April A.D. 2008.



William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103994
NO: 08-613-CD
SERVICE # 1 OF 1
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: JOHN E. MEINERT and REBECCA A. MEINERT

vs.

DEFENDANT: JOHN RASPATELLO his heirs et al

SHERIFF RETURN

NOW, April 07, 2008, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON JOHN RASPATELLO.

NOW, April 11, 2008 AT 11:55 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON JOHN RASPATELLO, DEFENDANT. THE RETURN OF ELK COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
02:57/6V
JUL 16 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103994
NO: 08-613-CD
SERVICES 1
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: JOHN E. MEINERT and REBECCA A. MEINERT

vs.

DEFENDANT: JOHN RASPATELLO his heirs et al

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HOPKINS	18428	10.00
SHERIFF HAWKINS	HOPKINS	18428	21.00
ELK CO.	HOPKINS	18435	49.28

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,


by Marilyn Hamer

Chester A. Hawkins
Sheriff

Affidavit of Service

John E. Meinert and
Rebecca A. Meinert
vs.

John Raspatello, etal

No. 613 Term, 20 08

Returnable within _____ days
from date of service hereof.

NOW April 11 20 08 at 11:55 o'clock A.M.

served the within Complaint on John Raspatello, etal

of 3606 Wilcox Road, Wilcox, Elk County, PA

at Elk County Sheriff's Office, 240 Main Street, Ridgway, Elk County, PA

by handing to John Raspatello

a true and attested copy of the original Complaint and made

known to him the contents thereof. Sheriff's Costs - \$49.28 PAID

Sworn to before me this 16th

day of April A.D. 20 08

Carla D. Dreyer
Prothonotary

My Commission Expires
January 2, 2012

118.11-010

So answers

Jeffrey C. Krieger
Sheriff
Deputy

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ELK COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, April 07, 2008.

RESPECTFULLY,



CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

JUL 16 2008

William A. Shaw
Prothonotary/Clerk of Courts