

08-840-CD
Queenstown Hunting vs D. Rightenour

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

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

DAVID P. RIGHTEOUR, WILLIAM B. REILLY, Individually, and t/d/b/a KEYSTONE LAND AND TIMBER CO., Their Heirs, Successors and Assigns and All Other Persons Claiming Any Interest In The Property Described In This Action,

Defendants.

: 2008- 846- CD

: No. _____ CD 2008

: Type of Case:

: Action to Quiet Title

: Type of Pleading:

Complaint

: Filed of Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: AL LANDER, ESQ.

: Pa. Id. #25821

: NATHANIEL PARKER, ESQ.

: Pa. Id. #90993

: Law Offices of Greco & Lander, P.C.

: 1390 East Main Street, Suite 2

: P.O. Box 667

: Clarion, PA 16214

: (814) 226-6853

: Fax: (814) 226-4951

FILED

MAY 05 2008

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William A. Shaw
Prothonotary/Clerk of Courts

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3 cent to

SHER

Dated: APRIL 30, 2008

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :

Plaintiff, :

vs. :

DAVID P. RIGHTEOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
Their Heirs, Successors and Assigns
and All Other Persons Claiming Any
Interest In The Property Described In
This Action, :

No. _____ CD 2008

Defendants. :

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Plaintiff, Queenstown Hunt Club, Inc.,
in the above-referenced action.

RESPECTFULLY SUBMITTED:

Dated: APRIL 30, 2008



AL LANDER, ESQ.
NATHANIEL C. PARKER, ESQ.
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, :
vs. :
DAVID P. RIGHTEOUR, WILLIAM B. :
REILLY, Individually, and t/d/b/a :
KEYSTONE LAND AND TIMBER CO., :
Their Heirs, Successors and Assigns :
and All Other Persons Claiming Any :
Interest In The Property Described In :
This Action, :
Defendants. :
No. _____ CD 2008

NOTICE

TO: DEFENDANTS DAVID P. RIGHTEOUR, WILLIAM B. REILLY,
Individually and t/d/b/a KEYSTONE LAND AND TIMBER CO., Their
Heirs, Successors and Assigns and All Other Persons Claiming Any
Interest In The Property Described In This Action:

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

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

COURT ADMINISTRATOR
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2441, Ext. 5982


NATHANIEL C. PARKER, ESQ.
Attorney for Plaintiff
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P. O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
Fax: (814) 226-4951

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :

Plaintiff, :

vs. :

No. _____ CD 2008

DAVID P. RIGHTENOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
Their Heirs, Successors and Assigns
and All Other Persons Claiming Any
Interest In The Property Described In
This Action, :

Defendants. :

COMPLAINT IN ACTION TO QUIET TITLE

AND NOW, comes the Plaintiff, Queenstown Hunt Club, Inc., by and through its attorneys, the Law Offices of Greco & Lander, P.C., who brings this Complaint in Action to Quiet Title, upon a cause of action pursuant to Rule 1061, et. al. of the Pennsylvania Rules of Civil Procedure, the following of which is a statement:

1. The Plaintiff, Queenstown Hunt Club, Inc., is a Pennsylvania corporation, with offices at 301 Market Street, Kittanning, PA 16201.
2. The Defendant, David P. Rightenour, individually and t/d/b/a Keystone Land and Timber Co., is an adult individual resident of the Commonwealth of Pennsylvania, with a place of business located at 1540 Dry Run Road, Duncansville, PA 16635-4018.

The Defendant, William B. Reilly, individually and t/d/b/a Keystone Land and Timber Co., is an adult individual resident of the

Commonwealth of Pennsylvania, with a place of business located at 1540 Dry Run Road, Duncansville, PA 16635-4018.

3. Plaintiff is the owner of the surface estate of that certain tract of land situate in Lawrence Township, Clearfield County, Pennsylvania, being bounded and described as follows:

BEGINNING at a stake; thence by land n/f of John McLaughlin, Sr., South 35° East, a distance of 450 perches to a stake; thence by land n/f of John and James Dougherty, North 63° East, a distance of 38.2 perches to a hemlock; thence by land of same, North 35° West, a distance of 450 perches to a stake; thence by land n/f of Amos Read, South 63° West, 37.8 perches to the place of beginning.

CONTAINING 100 ACRES and allowances. EXCEPTING & RESERVING THEREFROM the following tract:

BEGINNING at a stone fence by land and n/f of John Dougherty Estate; thence North 55° East, 37.6 perches to a stake; thence by land n/f of John Dougherty, North 35° West, 155.5 perches to a stake; thence by land n/f of Amos Read, South 63° West, 37.8 perches to a stake; thence by land of John McLaughlin, South 35° East, 160.7 perches to a stake at the place of beginning. Being 35 acres, more or less, and the northwestern portion of the above described tract.

REMAINING ACREAGE BEING ASSESSED AS 67.1 ACRES, more or less, and known as Map Nos 123-K10-0-018 and 123-K10-0-032.

The above-described tract will hereinafter be referred to as "Property".

4. The Plaintiff is the owner of the Property by virtue of a deed, dated February 19, 2008, by and between C. Alan Walker and Susan Walker Kriner, aka Susan W. Kriner, t/d/b/a Shannon Land and Mining Company, and the Estate of Ann Walker Macko, by her Executors, William C. Kriner and Derek A. Walker, as grantors, and Queenstown Hunt Club, Inc., as grantee, and recorded at Clearfield County Instrument No. 200802359,

granting all of the grantors' right, title and interest in the Property, together with the further deeds of conveyance described as follows:

- A. Being the same Property conveyed by Nadine F. Stafford, and Malcolm D. Bruce, as grantors, to C. Alan Walker, Susan Walker Kriner, t/d/b/a Shannon Land and Mining Company, as grantees, by deed, dated October 17, 2006, and recorded in Clearfield County at Instrument No. 200618338.
- B. Being the same Property conveyed by Joel R. Aberth, Administrator WWA and Administrator CTA of the Betty L. Stafford Estate; Nadine F. Stafford, Individually and as Beneficiary of the Betty L. Stafford Estate; and James Patrick Christopher Stafford, aka James P. C. Stafford, Individually and as Beneficiary of the Betty L. Stafford Estate, as grantors, to Nadine F. Stafford, as grantee, by deed, dated October 10, 2003, and recorded in Clearfield County at Instrument No. 200319387.
- C. Being the same Property conveyed by Mount St. Mary's College, as grantor, to Betty L. Stafford, as grantee, by deed, dated September 28, 1987, and recorded in Clearfield County Deed Book 1212, Page 316; and of Betty L. Stafford, Executrix of the Estate of Francis W. Stafford, as grantor, to Betty L. Stafford, as grantee, by deed, dated March 8, 1988, and recorded in Clearfield County Deed Book 1212, Page 320. The said Betty L. Stafford died November 24, 2001, at Estate No. 2002-406. All the rest and residue of her estate was left to her children, Nadine Frances Stafford and James Patrick Christopher Stafford.

5. Defendants, David P. Rightenour and William B. Reilly, individually, and t/d/b/a Keystone Land and Timber Co., are claiming surface ownership of a portion of the Property by virtue of a tax claim deed, dated December 8, 1995, purporting to convey 9.9 acres, assessed as Tax Assessment Map No. 123-K10-0-032, and being a portion of the above described Property.

6. The property identified and assessed as Tax Assessment Map Parcel No. 123-K10-0-032 encompasses property that was conveyed as part of a larger tract of land in the deeds more fully referenced and described in ¶ 4 A-C above.

7. The action of the Clearfield County Assessment Office in creating Parcel No. 123-K10-0-032 is and was improper in that the property thereby assessed is and was owned by and previously assessed to Plaintiff or Plaintiff's predecessors in interest.

8. Clearfield County Tax Assessment Maps improperly and erroneously depict Parcel No. 123-K10-0-032 as being a separate and additional parcel from Parcel No. 123-K10-0-018 which is depicted on the map to the northwest of the Property claimed by Defendants.

9. The Tax Assessment Office's creation of a parcel on the County Assessment Maps cannot form the basis of title to land.

10. The Tax Claim Deed which is believed to be Defendants' only source of title indicates that the premises conveyed was assessed in the name of "unknown owner". Clearfield County had never in the past assessed a separate parcel known as 23-K10-0-032.

11. The Property sold by the Tax Claim Bureau Deed to Defendants was for property in which the taxes were and are paid in full and up to date by Plaintiff or Plaintiff's predecessors in interest as Tax Assessment Map Parcel No. 123-K10-0-018.

12. Tax Assessment Map Parcel No. 123-K10-0-032 is an improper double assessment of the Property owned by and assessed to Plaintiff as Parcel No. 123-K10-0-018.

13. Plaintiff and Plaintiff's predecessors in interest have in fact timely and properly tendered all taxes due and owing on the property assessed as Tax Assessment Map Parcel No. 123-K10-0-018.

14. Defendants have no claim of right or title in any portion of the Property other than the Tax Claim Bureau Deed identified in ¶5 herein above.

15. Plaintiff's title in and to the Property, including both Tax Assessment Map Parcel Nos. 123-K10-0-018 and 123-K10-0-032 is superior to any claim of title by Defendants.

16. The Plaintiff through itself and its predecessors in title have perfected its title in the Property through adverse possession against the Defendants in that its possession has been actual, continuous, visible, notorious, distinct and hostile for a period in excess of 21 years.

WHEREFORE, the Plaintiff requests this Honorable Court to:

1. Order any person having any documents, obligations, or deeds affecting the rights, claim, title or interest of the Plaintiff in the Property to produce, file, record, cancel, surrender, release, or satisfy of record any such document or to be forever barred;

2. Order any person claiming any interest in the Property to assert such interest or to commence an action to determine such interest or be forever barred;

3. Order that the Defendants be forever barred from asserting any right, claim, title or interest in the Property inconsistent with the interest or claim of the Plaintiff set forth in this Complaint;

4. Order that the Clearfield County Assessment Office correct the improperly identified Tax Assessment Map Parcel No. 123-K10-0-032, and indicate that the property previously identified thereby be included on the County Assessment Maps as part of Tax Assessment Map Parcel No. 123-K10-0-018.

5. Enter any Order necessary for the granting of the relief herein requested and confirming Plaintiff's good and marketable title in the Property.

RESPECTFULLY SUBMITTED:



AL LANDER, ESQ.
NATHANIEL C. PARKER, ESQ.
Law Offices of Greco & Lander
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, :
vs. :
DAVID P. RIGHTENOUR, WILLIAM B. :
REILLY, Individually, and t/d/b/a :
KEYSTONE LAND AND TIMBER CO., :
Their Heirs, Successors and Assigns :
and All Other Persons Claiming Any :
Interest In The Property Described In :
This Action, :
Defendants. :
No. _____ CD 2008

VERIFICATION

I, Robert G. Higbee Name, Land Manager Title of Queenstown
Hunt Club, Inc., verify that the statements made herein are true and correct
to the best of my knowledge, information, and belief and are made subject to
the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to
authorities.

Date: April 30, 2008

RGH (Signature)

Robert G. Higbee (Print Name)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC.

Plaintiff

vs.

DAVID P. RIGHENOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a KEYSTONE
LAND AND TIMBER CO., their heirs,
successors and assigns and all other persons
claiming any interest in the property described
in this action,

Defendants

* No. 2008-840-CD

FILED

JUN 24 2008

•/1120/1
William A. Shaw
Prothonotary/Clerk of Courts

* TYPE OF PLEADING

* PRAECIPE FOR ENTRY

* OF APPEARANCE

* FILED ON BEHALF OF:

* DEFENDANT William B. Reilly ,
* t/d/b/a Keystone Land and
* Timber Co.

* ATTORNEY FOR DEFENDANT

* William B. Reilly, t/d/b/a
* Keystone Land and Timber Co.
* David C. Mason, Esquire
* Supreme Court ID #39180
* MASON LAW OFFICE
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC.

Plaintiff

vs.

DAVID P. RIGHTENOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a KEYSTONE
LAND AND TIMBER CO., their heirs,
successors and assigns and all other persons
claiming any interest in the property described
in this action,

Defendants

* No. 2008-840-CD

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PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Kindly enter my appearance on the behalf of the above named Defendant, William
B. Reilly, t/d/b/a Keystone Land and Timber Co.

MASON LAW OFFICE

DATED:

June 24, 2008

By: David C. Mason
David C. Mason, Esquire,
Attorney for Defendant, William B.
Reilly t/d/b/a Keystone Land and Timber
Co.

FILED
JUN 24 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC.

* No.

2008- 840 - CD

Plaintiff

v.

* TYPE OF PLEADING: Defendant's Answer
* Containing New Matter & Counterclaim

DAVID P. RIGHTENOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants

* FILED ON BEHALF OF: Defendant William
* B. Reilly

*

* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire
* I.D. No. 39180
* Mason Law Office
* P.O. Box 28
* 409 N. Front Street
* Philipsburg, PA 16866
* (814) 342-2240

FILED 1cc Atty
m 10:53am Mason
JUN 27 2008
(im)

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No. 2008-840-CD

Plaintiff *

v.

DAVID P. RIGHTEOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants *

NOTICE TO PLEAD

TO THE PLAINTIFF:

You are hereby required to plead to the within New Matter within twenty (20) days
from the date of service hereof.

MASON LAW OFFICE

By: 
David C. Mason, Esquire

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No. 2008-840-CD

Plaintiff *

v. *

DAVID P. RIGHTEOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants *

NOTICE TO DEFEND

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 pleading and Notice are served, by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Defendants. 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 CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16823
(814) 765-2641



David C. Mason
Attorney for William B. Reilly

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC.

* No.

2008- 840 - C D

Plaintiff

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DAVID P. RIGHTENOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants

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in Keystone Land and Timber Company. By way of further answer please see New Matter.

The averments related to William B. Reilly are admitted.

3. **DENIED.** The averment contained in paragraph 3 that Plaintiff is the owner of the premises therein described is strictly denied, and strict proof thereof is demanded at the time of trial.

4. **DENIED.** The averment contained in paragraph 4 that Plaintiff is the owner of the premises therein described is strictly denied, and strict proof thereof is demanded at the time of trial.

5. **ADMITTED IN PART AND DENIED IN PART.** It is denied that David Paul Rightenour is claiming any right, title or interest or has any right, title or interest to any of the lands described in a Deed of the Tax Claim Bureau dated December 8, 1995, identified as Tax Map Parcel No. 123-K10-032 and recorded in Record Book Volume 1725 at Page 384. It is admitted that William B. Reilly, an individual, is the sole owner of the aforesaid lands by virtue of a Deed from Paul Rightenour, who is also known as David P. Rightenour, to the said William B. Reilly, dated October 11, 1999, and recorded October 27, 1999, to Instrument No. 199917811. A true and correct copy of this deed is attached hereto as Exhibit "A".

6. **DENIED.** The averment contained in paragraph 6 of Plaintiff's complaint is strictly denied, as Tax Map Parcel No. 123-K10-032 is and has always been a separate and distinct parcel from those tracts described and/or referenced in paragraphs 3 and 4 of Plaintiff's complaint.

7. **DENIED.** The statement contained in paragraph 7 of Plaintiff's complaint is a

conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

8. DENIED. The statement contained in paragraph 8 of Plaintiff's complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

9. DENIED. The statement contained in paragraph 9 of Plaintiff's complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

10. ADMITTED IN PART AND DENIED IN PART. It is denied that Clearfield County had never assessed Tax Map Parcel No. 123-K10-032. It was this assessment which was taxed and sold by the Tax Claim Bureau in 1995, as evidenced by the deed of the Clearfield County Tax Claim Bureau to Keystone Land & Timber Company, a true and correct copy of which is attached hereto as Exhibit "B".

11. DENIED. It is strictly denied that the Tax Claim Bureau sold land to Defendants on which the taxes had been paid in full by the predecessors in title of Plaintiff. It is further denied that the land sold by the Tax Claim Bureau to Defendants, and assessed as Tax Map Parcel No. 123-K10-032 was part of the land assessed as Tax Map Parcel No. 123-K10-018. The Tax Claim Bureau sold a tract of land containing 9.9 acres which was separately assessed, and on which the taxes were not paid. Any assertion to the contrary is strictly denied and proof is demanded at the time of trial.

12. **DENIED.** The statement contained in paragraph 12 of Plaintiff's complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

13. **DENIED.** The averments contained in paragraph 13 are denied as after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore, strict proof is demanded at trial.

14. **DENIED.** The statement contained in paragraph 14 of Plaintiff's complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

15. **DENIED.** The statement contained in paragraph 15 of Plaintiff's complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

16. **DENIED.** The statement contained in paragraph 16 of Plaintiff's complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

NEW MATTER

1. For a period of at least two years prior to the tax sale in September of 1995, Clearfield County assessed a 9.9 acre tract of land identified on the tax maps of Lawrence Township, Clearfield County, PA, as Tax Map Parcel No. 123-K10-032.

2. Prior to the tax sale in September of 1995, the Tax Claim Bureau of Clearfield County advertised the sale in accordance with law, and properly posted the premises with the intent to sell the land.

3. The owner, or purported owner, at the time, had notice of the sale of these premises.

4. The owner or purported owner did not notify the Tax Claim Bureau or the Tax Assessment Office of the assertion of an interest in this land.

5. Keystone Land and Timber Company purchased the subject premises, purported to contain 9.9 acres, at a Tax Sale conducted September 12, 1995.

6. A deed dated December 8, 1995, and recorded in Record Book Volume 1725 at Page 384 transfers the title in and to a 9.9 acre tract of land identified as Tax Map Parcel No. 123-K10-032 from the Tax Claim Bureau of Clearfield County, Trustee, to Keystone Land and Timber Company. Please see Exhibit "B".

7. The return of the said sale by the Tax Claim Bureau was confirmed by Order of the Court of Common Pleas of Clearfield County at Miscellaneous Docket 52, Page 10.

8. This tax map parcel number was shown to exist on the assessment maps of Lawrence Township at all times relevant hereto.

9. By virtue of a Deed dated October 11, 1999, Paul Rightenour transferred to William B. Reilly, certain premises including the subject parcel known as tax map parcel number 123-K10-32 consisting of 9.9 acres situate in Lawrence Township, Clearfield County, Pennsylvania, and recorded on October 27, 1999, filed to Instrument No. 199917811, and further being noted as Parcel No. 5 in said Deed. Please see Exhibit "A".

10. Plaintiff's claims are barred by the doctrine of laches.

11. Plaintiff's claims are barred by the applicable Statute of Limitations.

WHEREFORE, Defendant prays for the entry of an order dismissing Plaintiff's Complaint with prejudice, and entering judgment in favor of Defendant and against Plaintiff, together with costs of suit.

COUNTER-CLAIM

WILLIAM B. REILLY t/d/b/a KEYSTONE LAND & TIMBER CO.

vs.

QUEENSTOWN HUNT CLUB, INC.

Paragraphs 1 - 9 of Defendant's New Matter are incorporated herein by reference.

1. Plaintiff William B. Reilly is the owner of premises described as 9.9 acres and identified on the tax maps of Lawrence Township, Clearfield County, Pennsylvania, as Tax Map Parcel No. 123-K10-32 by virtue of a Deed from the Tax Claim Bureau of Clearfield County dated December 8, 1995.

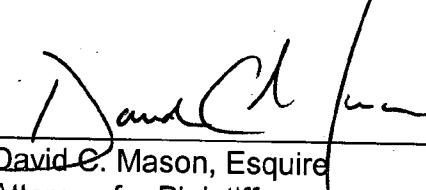
2. The Defendant Queenstown Hunt Club, Inc., has no right, title or interest in and to the subject premises.

WHEREFORE, Plaintiff prays your Honorable Court for (a) that the Defendant, its successors and assigns and all other persons having claim to the premises herein described be forever barred from asserting any right, title or interest in the land described herein inconsistent with the interest or title of Plaintiff.

(b) That an Order of Court be made declaring the Plaintiff to be the sole owner of a fee simple interest and to have exclusive possession of the premises described herein.

(c) Such further Order as may be necessary for the granting of further relief.

MASON LAW OFFICE

By: 

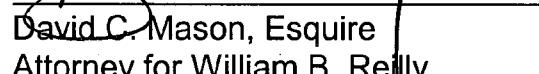
David C. Mason, Esquire
Attorney for Plaintiff

VERIFICATION

I, David C. Mason, Esquire, Attorney for William B. Reilly, t/d/b/a Keystone Land & Timber Co., do hereby verify that I am familiar with the facts involving this action and further verify that the facts set forth in the foregoing pleading are true and correct to the best of my knowledge, information and belief. This verification subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities. I am verifying the facts herein as my client is out of the jurisdiction and the time for filing this pleading is of essence.

DATED:

June 26, 2008



David C. Mason, Esquire
Attorney for William B. Reilly,
t/d/b/a Keystone Land & Timber Co.

AFFIDAVIT No. 22436

TAX CLAIM BUREAU DEED

MADE the Eighth day of December, in the year of our Lord, 1995,

BETWEEN THE TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, Trustee,
under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments
thereto, hereinafter called the GRANTOR,

AND

KEYSTONE LAND & TIMBER CO.

hereinafter referred to as "GRANTEE"

WHEREAS, the hereinafter described premises were assessed in the name
of UNKNOWN OWNER, and taxes levied which have not been paid and which are
delinquent; and

WHEREAS, the said delinquent taxes against the said property were filed
in the Tax Claim Bureau of Clearfield County, Pennsylvania; and

WHEREAS, after proceeding under the provisions of the Act aforesaid, the
Tax Claim Bureau did expose the said premises to public sale on the Twelfth
day of September, 1995; and

WHEREAS, the said premises were sold at said public sale to, KEYSTONE LAND
& TIMBER CO., for the sum of One Thousand One Hundred Fifty Dollars and
Twelve Cents, (\$1,150.12), as is more particularly shown in the report and
return of said sale by the Tax Claim Bureau, and at the subsequent
confirmation thereof by the Court of Common Pleas of Clearfield County,
Pennsylvania, at Miscellaneous Docket 52, Page 10.

NOW THIS INDENTURE WITNESSETH, that for and in consideration of the sum
of One Thousand One Hundred Fifty Dollars and Twelve Cents, (\$1,150.12), the
receipt thereof is hereby acknowledged. Grantor does hereby grant and convey
unto the said Grantee, their heirs, successors or assigns the following
described property to-wit

LAWRENCE TOWNSHIP
MAP #123-K10-000-00032
9.9 A

BEING the same property offered for sale for delinquent taxes in accordance
with the provisions of the Act of Assembly hereinbefore recited under Tax
Claim No. 93-5576 as the property of UNKNOWN OWNER.

EXHIBIT "A"

This deed is executed and acknowledged by MARY ANNE WESDOCK, who was duly appointed Director of the Tax Claim Bureau by Resolution of the County Commissioners of Clearfield County, Pennsylvania, dated August 15, 1989.

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed in its name and its official seal to be affixed hereto the day and year first above written.

TAX CLAIM BUREAU OF CLEARFIELD
COUNTY, PENNA.

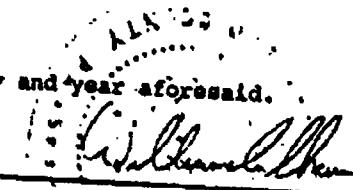
Witness:

By Mary Anne Wesdock
Mary Anne Wesdock Director

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

On this 7 day of Aug, A. D., 1995, before me, the subscriber personally appeared MARY ANNE WESDOCK, Director of the Tax Claim Bureau of Clearfield County, Pennsylvania, who in due form of law acknowledged the foregoing Indenture to be her act and deed and desired that the same might be recorded as such.

WITNESS my hand and official seal the day and year aforesaid.


(SEAL)

William L. Johnson
Prothonotary

My commission expires the first Monday of January, 1998.

I CERTIFY that the precise residence address of the grantee in this
indenture is

C/O DAVID C. MASON
P.O. BOX 28
PHILIPSBURG, PA.
16866

vol. 1725, p. 286

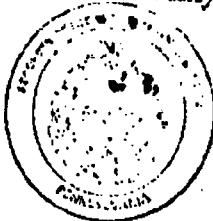
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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE

REALTY
TAXES
TAX

3528

I do hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Jan 16 1961

Karen L. Starck
Recorder of Deeds

**CLEARFIELD AREA SCHOOL DISTRICT
1% REALTY TRANSFER TAX**

1% REALTY TRANSFER TAX

AMOUNT \$ 35.28
PAID 12/19/95 KAREN L. STARCK
Data Agent

CLEARFIELD COUNTY 12/14/95
ENTERED OF RECORD
TIME 9:42 AM
BY Ted Clem
FEES 13.50
Clerk, Recorder

Entered of Return 12-19 1995 : 9:44 AM Karen L. Starck, Recorder

AFFIDAVIT No. 32016

MAIL TO:
 LAW OFFICES OF
 DAVID C. MASON
 P. O. Box 28
 Philipsburg, PA 16866

THIS DEED

MADE the 11th day of October, in the year nineteen hundred and ninety-nine (1999).

BETWEEN PAUL RIGHENOUR, currently of 2701 Furnace Avenue, Altoona, Pennsylvania, 16602-3335, "GRANTOR" and Party of the First Part,

A

N

D

WILLIAM B. REILLY currently of 1540 Dry Run Road, Duncansville, Pennsylvania, 16635, hereinafter "GRANTEE" and Party of the Second Part.

W I T N E S S E T H: That for and in consideration of the sum of ONE (\$1.00) DOLLAR, in hand paid, the receipt whereof is hereby acknowledged, the said GRANTOR do hereby grant and convey to the said GRANTEE, his heirs and assigns, all the grantor's undivided interest in and to the following parcels of land,

PARCEL NO. 1:

ALL those three (3) certain pieces or parcels of land situate in Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:
 TAX MAP #

L11-7 102.0 Acres

O11-81 12.5 Acres

O10-77 46.35 Acres

PARCEL NO. 2

ALL that certain piece or parcel of land situate in Chest Township, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

E17-25 74.0 Acres

PARCEL NO. 3

ALL that certain piece or parcel of land situate in Cooper Township, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

SO9-389 2.26 Acres

PARCEL NO. 4

ALL those three (3) certain pieces or parcels of land situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

N12-27 153.0 Acres - *Sold to Dennis*
M11-04 330.8 Acres → *Schmidt*
M12-20 12.335 Acres

PARCEL NO. 5

ALL that certain piece or parcel of land situate in Lawrence Township, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

K10-32 9.9 Acres

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER
199917811

RECORDED ON

Oct 27, 1999
12:40:23 PM

RECORDING FEES - RECORDER	\$17.00
COUNTY IMPROVEMENT FUND	\$1.00
RECORDING IMPROVEMENT FUND	\$1.00
STATE TRANSFER TAX	\$105.84
STATE WRIT TAX	\$0.50
WESTOVER BOROUGH	\$6.88
GLENDALE SCHOOL DISTRICT	\$1.06
BELL TOWNSHIP	\$4.76
ZIGLER TOWNSHIP	\$0.53
ZOGGS TOWNSHIP	\$4.23
TRAFFORD TOWNSHIP	\$0.53
URNEDIDE BOROUGH	\$2.12
WEST TOWNSHIP	\$12.70
COOPER TOWNSHIP	\$2.12
DECATUR TOWNSHIP	\$12.17
ALLENCE TOWNSHIP	\$1.06
IKE TOWNSHIP	\$5.29
ARMORY SCHOOLS	\$19.58
URCHASE LINE AREA	\$6.88
CHOOLS	
DSHANNON VALLEY	\$0.53
CHOOLS	
HILLPSBURG-OSCEOL	\$16.40
EARFIELD AREA	\$1.59
CHOOLS	
1ST BRANCH AREA	\$2.12
CHOOLS	
IRVENSVILLE AREA	\$5.29
CHOOLS	

76 TAI-233.18

PARCEL NO. 6

ALL that certain piece or parcel of land situate in Westover Borough, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

E17-3 79.0 Acres

PARCEL NO. 7

ALL that certain piece or parcel of land situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

H18-68 2.5 Acres

PARCEL NO. 8

ALL that certain piece or parcel of land situate in Bell Township, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

C12-33 77.0 Acres

PARCEL NO. 9

ALL that certain piece or parcel of land situate in Bigler Township, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

L14-73 2.0 Acres

PARCEL NO. 10

ALL that certain piece or parcel of land situate in Bradford Township, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

0-09-157 13.64 Acres

PARCEL NO. 11

ALL that certain piece or parcel of land situate in Burnside Borough, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

A13-24 145.0 Acres

PARCEL NO. 12

ALL that certain piece or parcel of land situate in Chest Township, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

E17-24 119.0 Acres

PARCEL NO. 13

ALL those two (2) certain pieces or parcel of land situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

TAX MAP #

H9-12 70.0 Acres

H10-64 16.0 Acres

TOGETHER with all and singular the buildings and improvements, ways, streets, alleys, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title and interest, property, claim and demand whatsoever of the said Grantor, his heirs and assigns, in law, equity, or otherwise, howsoever, in and to the same, and every part thereof.

TO HAVE AND TO HOLD the said lot or piece of ground above described, with the messuage or tenement thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the Grantees, their heirs and assigns, forever.

UNDER AND SUBJECT, NEVERTHELESS, to all exceptions, reservations, conditions and restrictions as contained in prior Deeds in the chain of title.

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966" I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

David C. Dunn

William B. Reilly

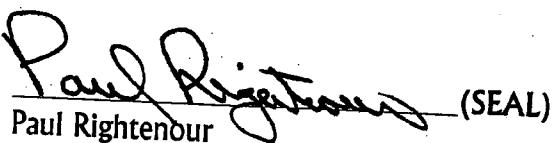
This 11th day of October, 1989

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

AND the said Grantor will **SPECIALLY WARRANT AND FOREVER DEFEND** the property hereby conveyed.

IN WITNESS WHEREOF, said Grantor have hereunto set his hand and seal, the day and year first above written.

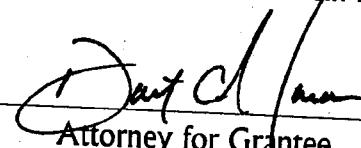
Sealed and delivered
in the presence of


Paul Rightenour (SEAL)

CERTIFICATE OF RESIDENCE

I hereby certify, that the precise residence of the Grantee herein is as follows:

1540 Dey Lane Ross
Duncansville Pa 16635

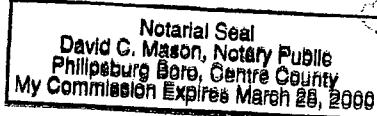

Attorney for Grantee

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Centre :ss:

On this, the 11th day of October, 1999, before me, a Notary Public, personally appeared, **PAUL RIGHTENOUR**, known to me (or satisfactorily proven) to be the persons whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No.

*

Plaintiff *

*

v.

*

*

*

DAVID P. RIGHTENOUR, WILLIAM B. *
REILLY, Individually, and t/d/b/a *
KEYSTONE LAND AND TIMBER CO., *
their heirs, successors and assigns *
and all other persons claiming any *
interest in the property described in *
this action,

*

*

Defendants *

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of DEFENDANT'S ANSWER CONTAINING NEW MATTER AND COUNTERCLAIM filed in the above captioned action by placing the same in the United States mail, postage prepaid and addressed as follows:

Nathaniel C. Parker, Esquire
Greco & Lander, P.C.
P.O. Box 667
1390 East Main Street, Suite 2
Clarion, Pennsylvania 16214-0667

MASON LAW OFFICE

DATED:

By: _____
David C. Mason, Esquire
Attorney for

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No.

Plaintiff *

v.

DAVID P. RIGHTENOUR, WILLIAM B. *
REILLY, Individually, and t/d/b/a *
KEYSTONE LAND AND TIMBER CO., *
their heirs, successors and assigns *
and all other persons claiming any *
interest in the property described in *
this action,

Defendants *

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of DEFENDANT'S ANSWER CONTAINING NEW MATTER AND COUNTERCLAIM filed in the above captioned action by placing the same in the United States mail, postage prepaid and addressed as follows:

Nathaniel C. Parker, Esquire
Greco & Lander, P.C.
P.O. Box 667
1390 East Main Street, Suite 2
Clarion, Pennsylvania 16214-0667

MASON LAW OFFICE

DATED:

Jan 26, 2018

By:



David C. Mason, Esquire
Attorney for William B. Reilly

FILED

JUN 27 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

DAVID P. RIGHTENOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
Their Heirs, Successors and Assigns
and All Other Persons Claiming Any
Interest In The Property Described In
This Action.

Defendants.

No. 2008-840-CD

Type of Case:
Action to Quiet Title

Type of Pleading:
***Reply to New Matter and
New Matter to
Counterclaim***

Filed of Behalf of Plaintiff
Counsel of Record for Plaintiff:
AL LANDER, ESQ.
Pa. Id. #25821
NATHANIEL PARKER, ESQ.
Pa. Id. #90993
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

FILED 100
M 10/20/2011 Atty/

Dated: AUGUST 19, 2008

{GL085094.1}

FILED ^{1cc}
M 10 2008
AUG 21 2008
Atty Parker
610
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, : CIVIL ACTION - LAW
vs. :
DAVID P. RIGHTEOUR, WILLIAM B. :
REILLY, Individually, and t/d/b/a :
KEYSTONE LAND AND TIMBER CO., :
Their Heirs, Successors and Assigns :
and All Other Persons Claiming Any :
Interest In The Property Described In :
This Action, :
Defendants. :

NOTICE TO PLEAD

TO: Defendant William B. Reilly, Individually and t/d/b/a Keystone Land and Timber Co.

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from service hereof or a judgment may be entered against you.

Dated: August 19, 2008


Al Lander, Esq.
Pa. Id. #25821
Nathaniel Parker, Esq.
Pa. Id. #90993
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC.,	:	
	:	
Plaintiff,	:	CIVIL ACTION - LAW
	:	
vs.	:	
	:	No. 2008-840-CD
DAVID P. RIGHTEOUR, WILLIAM B.	:	
REILLY, Individually, and t/d/b/a	:	
KEYSTONE LAND AND TIMBER CO.,	:	
Their Heirs, Successors and Assigns	:	
and All Other Persons Claiming Any	:	
Interest In The Property Described In	:	
This Action,	:	
	:	
Defendants.	:	

REPLY TO NEW MATTER

AND NOW, comes the Plaintiff, Queenstown Hunt Club, Inc. ("Queenstown"), by and through its attorneys, the Law Offices of Greco & Lander, P.C., and files this Reply to New Matter asserted by Defendant William B. Reilly in response to Queenstown's Complaint, by averring as follows:

1. Denied. After reasonable investigation, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the averments contained in ¶ 1 of Defendant's New Matter, which averments are therefore denied.

2. Denied. After reasonable investigation, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the averments contained in ¶ 2 of Defendant's New Matter, which averments are therefore denied.

3. Denied. Plaintiff's predecessor was the owner of the property that was erroneously and wrongfully subjected to double assessment by the Clearfield County Tax Claim Bureau and later tax sale in September of 1995. Plaintiff's predecessor did not have notice of the referenced tax sale.

4. Denied. While Plaintiff's predecessor was the owner of the property that was erroneously and wrongfully subjected to double assessment by the Clearfield County Tax Claim Bureau and later tax sale in September of 1995, Plaintiff's predecessor was not notified of the tax sale as the parcel number referenced was not the parcel number for Plaintiff's property.

5. Admitted and denied. It is admitted that Keystone Land and Timber Company accepted a Tax Claim Deed for a purported 9.9 acres of land as a result of a tax sale conducted September 12, 1995. It is specifically denied that Keystone Land and Timber Company obtained any interest in property of the Plaintiff, which is the subject matter of this Quiet Title Action, and which property was subjected to an improper and invalid double assessment by the Clearfield County Tax Assessment Office and Tax Claim Bureau.

6. Denied. The averments contained in ¶ 6 of Defendant's New Matter are conclusions of law to which no response is required. To the extent a response is required, Plaintiff states that the instrument recorded in Record Book Volume 1725, Page 384 does not convey good title to the purported 9.9 acre tract as the same was part of Plaintiff's property and which was subjected to an improper and invalid double assessment by the Clearfield County Tax Assessment Office and Tax Claim Bureau.

7. Denied. After reasonable investigation, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the averments contained in ¶ 7 of the Defendant's New Matter, which averments are therefore denied.

8. Denied. The Tax Map Parcel Number which gave rise to the September 1995 tax claim sale and Tax Claim Deed by which Defendants claim title, was erroneously and improperly created. The said parcel number did not exist "at all times" prior to September of 1995. The property purported to be sold in the September 1995 tax sale was part of Plaintiff's property which was already assessed under a separate Tax Map Parcel Number, and therefore was erroneously and wrongfully assessed as a separate individual tract of land without any record title basis.

9. Denied. The averments contained in ¶ 9 of Defendant's New Matter are conclusions of law to which no responsive pleading is required. To the extent a response is required, Exhibit A attached to the New Matter is not a deed or other instrument conveying anything from Paul Rightenour to William B. Reilly. As to the legal interpretation and effect of Exhibit B attached to Defendant's New Matter, the said document speaks for itself, and is subject to interpretation by the Court.

10. Denied. The averments contained in ¶ 10 of Defendant's New Matter are conclusions of law to which no responsive pleading is required. To the extent a response is required, it is specifically denied that Plaintiff's claims are barred by the doctrine of laches.

11. Denied. The averments contained in ¶ 10 of Defendant's New Matter are conclusions of law to which no responsive pleading is required.

To the extent a response is required, it is specifically denied that Plaintiff's claims are barred by the statute of limitations.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant Plaintiff the relief requested in Plaintiff's Complaint.

ANSWER TO COUNTERCLAIM

Plaintiff incorporates by reference ¶¶ 1 - 16 of Plaintiff's Complaint and ¶¶ 1 - 11 of Plaintiff's Reply to Defendant's New Matter the same as if set forth herein in their entirety.

1. Denied. The averment contained in ¶ 1 of Defendant's Counterclaim is a conclusion of law to which no responsive pleading is required. To the extent a response is required, Plaintiff states that William B. Reilly never had, nor does he presently have, any interest in property described as 9.9 acres of land in Lawrence Township, Clearfield County, Pennsylvania, being identified as Tax Map Parcel No. 123-K10-032.

2. Denied. The averment contained in ¶ 2 of Defendant's Counterclaim is a conclusion of law to which no responsive pleading is required. To the extent a response is required, Plaintiff states that it is the sole owner of the subject premises, free and clear of the erroneous and improper double assessment by the Clearfield County Tax Assessment Office and Tax Claim Bureau, and any resulting tax sales or tax claim deeds, or any successors in interest thereto.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant judgment in Plaintiff's favor on Defendant's Counterclaim.

NEW MATTER TO COUNTERCLAIM

3. Plaintiff incorporates by reference ¶¶ 1 - 2 of Plaintiff's Answer to Counterclaim, ¶¶ 1 - 11 of Plaintiff's Complaint, and ¶¶ 1 - 11 of Plaintiff's Reply to Defendant's New Matter to Complaint, the same as if set forth herein in their entirety.

4. After the within litigation was commenced by Plaintiff, a deed from Defendant William B. Reilly was recorded at the Clearfield County Recorder of Deeds Office at Instrument No. 200809515, which document purports to divest William B. Reilly of any claim or interest he may have had in and to the subject property. A true and correct copy of the said Instrument is attached hereto as Exhibit 1 and made a part hereof.

5. Defendant William B. Reilly knew or should have known of this Deed which the said Defendant himself executed on April 1, 2008, at the time Defendant filed and served his Counterclaim claiming to own the subject property on June 26, 2008.

6. Defendant William B. Reilly failed to perform a good faith investigation of the relevant and pertinent facts prior to filing his Counterclaim against Plaintiff.

7. Defendant William B. Reilly's Counterclaim is without any colorable claim or basis.

8. Plaintiff Queenstown has been prejudiced by Defendant William B. Reilly's failure to undertake a good faith investigation of the facts, and

thereafter asserting a Counterclaim without any factual basis, in that Queenstown has been forced to incur additional and unnecessary attorney's fees in defending against the same.

WHEREFORE, Plaintiff Queenstown Hunt Club respectfully requests that this Honorable Court dismiss Defendant's Counterclaim with prejudice and award Queenstown Hunt Club its reasonable and necessary attorney's fees incurred in defending against the said Counterclaim pursuant to 42 Pa.C.S.A. § 1726 and 42 Pa.C.S.A. § 2503(9).

RESPECTFULLY SUBMITTED:


AL LANDER, ESQ.
Pa. Id. # 25821
NATHANIEL PARKER, ESQ.
Pa. Id. # 90993
Attorneys for Plaintiff
Law Offices of Greco & Lander, P.C.
P. O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
Fax: (814) 226-4951

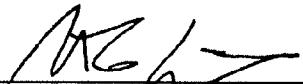
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, :
vs. :
DAVID P. RIGHTENOUR, WILLIAM B. :
REILLY, Individually, and t/d/b/a :
KEYSTONE LAND AND TIMBER CO., :
Their Heirs, Successors and Assigns :
and All Other Persons Claiming Any :
Interest In The Property Described In :
This Action, :
Defendants. :
: No. 2008-840-CD

VERIFICATION

I, Robert G. Higbee, Land Manager of Queenstown Hunt Club, Inc., verify that the statements made herein are true and correct to the best of my knowledge, information, and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: August 19, 2008


ROBERT G. HIGBEE (Signature)

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, : CIVIL ACTION - LAW
vs. :
DAVID P. RIGHTEOUR, WILLIAM B. :
REILLY, Individually, and t/d/b/a :
KEYSTONE LAND AND TIMBER CO., :
Their Heirs, Successors and Assigns :
and All Other Persons Claiming Any :
Interest In The Property Described In :
This Action, :
Defendants. :

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy
of the foregoing "**Reply to New Matter and New Matter to Counterclaim**"
was sent by U.S. mail, postage prepaid, on August 19, 2008, to other
parties of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
P. O. Box 28
409 N. Front Street
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By: 
NATHANIEL PARKER, ESQ.

EXHIBIT 1

CLEARFIELD COUNTY RECORDER OF DEEDS

Maurene E. Inlow, Recorder
Betty L. Lansberry - Chief Deputy
P.O. Box 361

1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

*RETURN DOCUMENT TO:

Instrument Number - 200809515
Recorded On 6/18/2008 At 10:21:25 AM

TROY P GRASSMYER
75 PINE STREET
DILLSBURG, PA 17019

*Instrument Type - DEED

*Total Pages - 4

Invoice Number - 187637

*Grantor - REILLY, WILLIAM B

*Grantee - GRASSMYER, TROY P

*Customer - TROY P GRASSMYER

* FEES

STATE TRANSFER TAX	\$105.00
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$13.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
CLEARFIELD AREA SCHOOLS	\$52.50
REALTY TAX	
LAWRENCE TOWNSHIP	\$52.50
TOTAL PAID	\$238.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Maurene E. Inlow

Maurene E. Inlow
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

THIS DEED

MADE the 18th day of March in the year Two Thousand and Eight (2008)

Reilly WBR
BETWEEN WILLIAM B. of 1540 Dry Run Road, Duncansville, Township of Juniata, County Blair and Commonwealth of Pennsylvania, party of the first part,

AND

Troy P. Grassmyer, of 75 Pine Street, Dillsburg, Pa. 17019, Grantees and Parties of the Second Part.

Witnesseth that the said party of the first part, for and in consideration of the sum of Ten Thousand Five Hundred (\$10,500.00) Dollars, lawful money of the United States of America, unto him well and truly paid by the said parties of the second part, at or before the sealing and delivery these present, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, enfeoff, release, convey and confirm, unto the said parties of the second part, their heirs and assigns forever,

All that certain lot or piece of ground situate, lying and being in the Township of Lawrence, County of Clearfield and Commonwealth of Pennsylvania, being more particularly described as follows:

Beginning at a post on the South side of formerly Wynn Branch Railroad Right-of-Way North West 30 degrees by lands of Shannon Land and Mining Co. a distance of 790 feet to a stake; Thence by lands of Betty L Strafford South West 63 degrees a distance of 630 feet to a stake; Thence by lands of Robert Grimminger et al South East 32 degrees 790 feet to a stake along the former Wynn Branch Railroad Right-of-Way; Thence through lands of former Wynn Branch Railroad Right-of-Way North East 62 degrees 725 feet to the place of beginning.

Containing 11.058 acres more or less. Tax Map Parcel # K10-32

And the grantor will special warrant deed the property hereby conveyed.

UNDER AND SUBJECT, NEVERTHELESS, to all exceptions, reservations, conditions and restrictions as contained in prior Deeds in the chain of title. And the Grantor (party of the first part) reserves the oil and gas rights.

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantees herein is as follows.
TROY P. Grassmyer 75 Pine Street, Dillsburg, Pa. 17019

County: 1" = 165 ft
Deed:
Page:
Tract:
User:

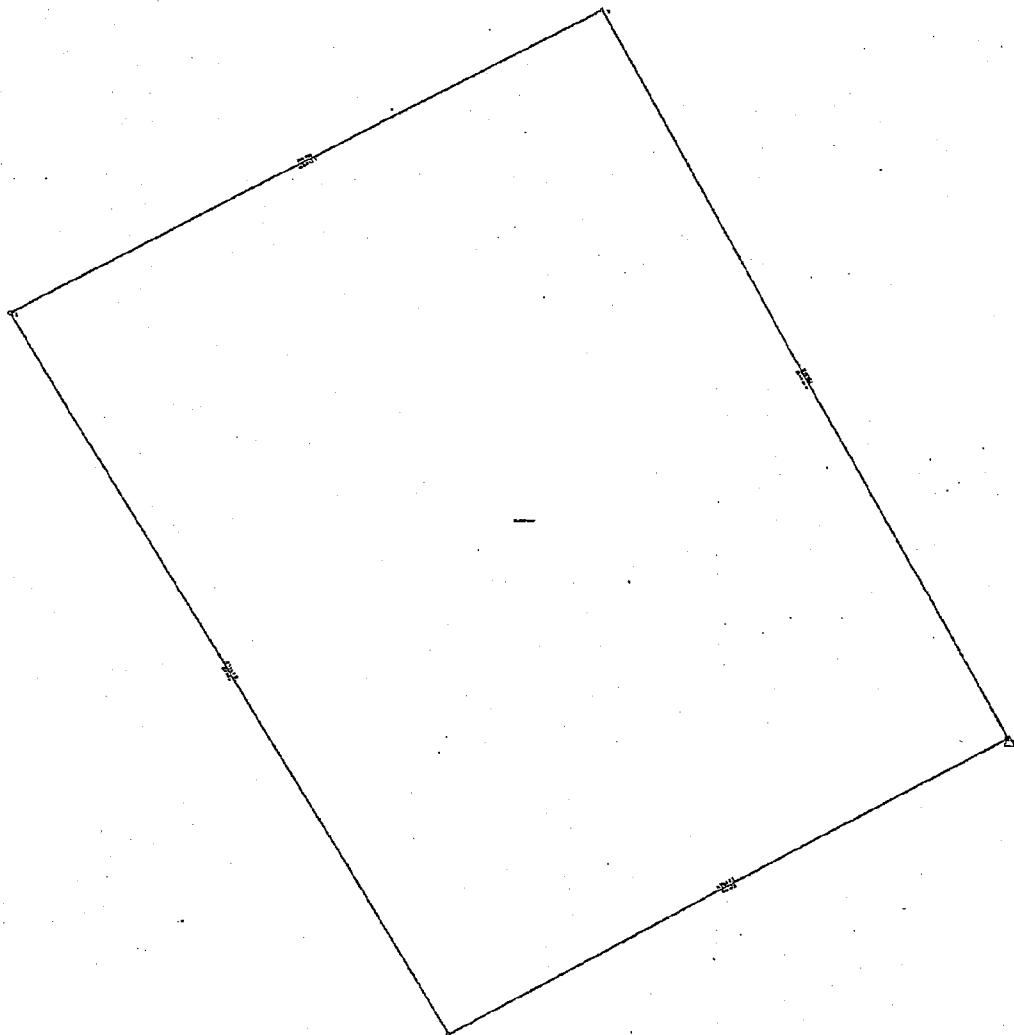


DeedPro

Software by DeedPro Software, LLC
www.DeedProSoftware.com

Parcel 1
Area: 11.198 acre
Perimeter: 2820.00 ft
Closing: SE 62 Deg, 8 Min, 7 Sec
Closing Distance = 2.98 ft
Closing Error = 0.11 %

CALLS	BEARING	DISTANCE
1 2	NW 30 0 0	790.00
2 3	SW 63 0 0	630.00
3 4	SE 32 0 0	800.00
4 5	NE 62 0 0	600.00



Signed, Sealed, and Delivered
In The Presence Of

John R. Deist

William B. Reilly

William B. Reilly

Commonwealth of Pennsylvania

: SS

County of Blair

: :

On this, 1st day of APRIL 2008, before me, the undersigned officer, personally appeared WILLIAM B. REILLY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

In witness whereof, I hereunto set hand and official seal.

John R. Deist (SEAL)
Notary Public My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
John R. Deist, Notary Public
Allegheny Twp., Blair County
My Commission Expires June 10, 2011

Member, Pennsylvania Association of Notaries



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

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

DAVID P. RIGHTEOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
Their Heirs, Successors and Assigns
and All Other Persons Claiming Any
Interest In The Property Described In
This Action,

Defendants.

Dated: SEPTEMBER 2, 2008

FILED NOCC
m 11/03/01
SEP 04 2003


William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, : CIVIL ACTION - LAW
vs. :
DAVID P. RIGHTEOUR, WILLIAM B. :
REILLY, Individually, and t/d/b/a :
KEYSTONE LAND AND TIMBER CO., :
Their Heirs, Successors and Assigns :
and All Other Persons Claiming Any :
Interest In The Property Described In :
This Action, :
Defendants. :

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the "**August 25, 2008 Order of Court**" was sent by U.S. mail, postage prepaid, on September 2, 2008, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
P. O. Box 28
409 N. Front Street
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By: 
NATHANIEL PARKER, ESQ.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104135
NO: 08-840-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: QUEENSTOWN HUNT CLUB, INC.

vs.

DEFENDANT: DAVID P. RIGHTENOUR, WILLIAM B. REILLY, i/a/t/d/b/a KEYSTONE LAND AND TIMBER CO., Their
heirs,
successors and assigns, and all other persons claiming any interest in the property described in the action

SHERIFF RETURN

NOW, May 08, 2008, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF
CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON DAVID P. RIGHTENOUR ind & t/d/b/a Keystone Land
and Timber Co..

NOW, May 28, 2008 ATTEMPTED TO SERVE THE WITHIN COMPLAINT ON DAVID P. RIGHTENOUR ind & t/d/b/a
Keystone Land and Timber Co., DEFENDANT. THE RETURN OF BLAIR COUNTY IS HERETO ATTACHED AND MADE
PART OF THIS RETURN MARKED "NOT FOUND".

COMPLAINT WAS NOT RETURNED FROM BLAIR CO.

FILED
0/10:30am
SEP 18 2008
LAW

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104135
NO: 08-840-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: QUEENSTOWN HUNT CLUB, INC.

vs.

DEFENDANT: DAVID P. RIGHTENOUR, WILLIAM B. REILLY, i/a/t/d/b/a KEYSTONE LAND AND TIMBER CO., Their
heirs,
successors and assigns, and all other persons claiming any interest in the property described in the action

SHERIFF RETURN

NOW, May 08, 2008, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF
CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON WILLIAM B. REILLY, ind & t/d/b/a Keystone Land
and Timber Co..

NOW, May 28, 2008 AT 11:45 AM SERVED THE WITHIN COMPLAINT ON WILLIAM B. REILLY, ind & t/d/b/a
Keystone Land and Timber Co., DEFENDANT. THE RETURN OF BLAIR COUNTY IS HERETO ATTACHED AND MADE
PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104135
NO: 08-840-CD
SERVICES 2
COMPLAINT

PLAINTIFF: QUEENSTOWN HUNT CLUB, INC.

vs.

DEFENDANT: DAVID P. RIGHTENOUR, WILLIAM B. REILLY, i/a/t/d/b/a KEYSTONE LAND AND TIMBER CO.,
Their heirs,
successorss and assigns, and all other persons claiming any interest in the property described in the action

SHERIFF RETURN

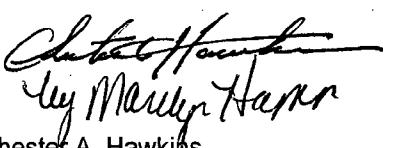
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GRECO	7975	20.00
SHERIFF HAWKINS	GRECO	7975	21.00
BLAIR CO.	GRECO	7976	35.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2008


Chester A. Hawkins
Sheriff

DATE RECEIVED

Lives in
West Virginia

DATE PROCESSED

SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA
COURTHOUSE, HOLLIDAYSBURG, PA. 16648

1-2

SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSD ENV. #

1. PLAINTIFF(S)

Queenstown Hair Club Inc

2. COURT NUMBER

2008-840/160096T-2008

3. DEFENDANT(S)

David P Rightenour et al

4. TYPE OF WRIT OR COMPLAINT

Complaint

SERVE



5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD.

David P Rightenour Telba Keystone Lnd & Timber Co

AT

1540 Dry Run Rd. Duncansville PA 16635

7. INDICATE UNUSUAL SERVICE:

 PERSONAL PERSON IN CHARGE DEPUTIZE CERT. MAIL REGISTERED MAIL POSTED OTHER

NOW, _____, I, SHERIFF OF BLAIR COUNTY, PA., do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.

SHERIFF OF BLAIR COUNTY

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of:

Bruce J. Landry
Deputized by Clearfield Co PLAINTIFF DEFENDANT

10. TELEPHONE NUMBER

226-6853

11. DATE

5-12-08

6-4-08

SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

12. I acknowledge receipt of the writ or complaint as indicated above.

SIGNATURE of Authorized BCSD Deputy or Clerk and Title

B. Schreiber

13. Date Received

5-12-08

14. Expiration/Hearing date

15. I hereby CERTIFY and RETURN that I have personally served, have served person in charge, have legal evidence of service as shown in "Remarks" (on reverse) have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by hand ing/or Posting a TRUE and ATTESTED COPY thereof.16. I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served

18. A person of suitable age and discretion then residing in the defendant's usual place of abode. Read Order

19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

20. Date of Service

21. Time

22. ATTEMPTS Date Miles Dep. Int. Date Miles Dep. Int. Date Miles Dep. Int. Date Miles Dep. Int.

1 5/28 10/11 5M 24 25. Not 26. 27. Total Costs 28. COSTS OR REFUND
150.00 Rec'd 13/145 25.00 10.00 35.00 115.00

30. REMARKS

Lives in West Virginia

COMMONWEALTH OF PENNSYLVANIA

SO ANSWER.

Notarial Seal
Timothy J. Susegill, Notary Public / 95th
AFFIRMED and Subscribed before me on the 24th day of May, 2008
Hollidaysburg Boro, Blair County
My Commission Expires April 18, 2011
Signature
Member, Pennsylvania Association of Notaries

By (Sheriff/Dep. Sheriff) (Please Print or Type)

Date

Signature of Sheriff

SHERIFF OF BLAIR COUNTY

MY COMMISSION EXPIRES

4-18-2011

39. Date Received

I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE
OF AUTHORIZED ISSUING AUTHORITY AND TITLE.

SHERIFF'S RETURN OF SERVICE

() (1) The within _____ upon _____ the within named defendant by mailing to _____ by _____ mail, return receipt requested, postage prepaid, _____ on the _____ a true and attested copy thereof at _____

The return receipt signed by _____ defendant on the _____ is hereto attached and made part of this return.

() (2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) (1) (2), by mailing a true and attested copy thereof at _____ in the following manner.

() (a) To the defendant by () registered () certified mail, return receipt requested, postage prepaid, addressee only on the _____ said receipt being returned NOT signed by defendant, but with a notation by the Postal Authorities that defendant refused to accept the same. The returned receipt and envelope is attached hereto and made part of this return.

And thereafter:

() (b) To the defendant by ordinary mail addressed to defendant at same address, with the return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not received said envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a proof of mailing.

() (3) By publication in a daily publication of general circulation in the County of Blair, Commonwealth of Pennsylvania, _____ time (s) with publication appearing _____

The affidavit from said publication is hereto attached.

() (4) By mailing to _____ by _____ mail, return receipt requested, postage prepaid, _____ on the _____ a true and attested copy thereof at _____

The _____ returned by the Postal Authorities marked _____ is hereto attached.

() (5) Other _____

DATE RECEIVED

DATE PROCESSED

SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA
COURTHOUSE, HOLLIDAYSBURG, PA. 16648

2-2

SHERIFF SERVICE PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSD ENV. #

1. PLAINTIFF	2. COURT NUMBER
<i>Queenstown Hunt Club Inc</i>	
3. DEFENDANT	4. TYPE OF WRIT OR COMPLAINT
<i>David P Rottenour et al</i>	
SERVE AT	5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION/OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD.
	<i>William B Keilly Tolba Keystone Land Timber Co</i>
6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)	
<i>1540 Dry Run Rd Duncansville Pa 16635</i>	
7. INDICATE UNUSUAL SERVICE:	
<input checked="" type="checkbox"/> PERSONAL <input checked="" type="checkbox"/> PERSON IN CHARGE <input type="checkbox"/> DEPUTIZE <input type="checkbox"/> CERT. MAIL <input type="checkbox"/> REGISTERED MAIL <input type="checkbox"/> POSTED <input type="checkbox"/> OTHER	
NOW, _____, I, SHERIFF OF BLAIR COUNTY, PA., do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.	
SHERIFF OF BLAIR COUNTY	
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:	

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of:		10. TELEPHONE NUMBER	11. DATE											
<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT														
SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE														
12. I acknowledge receipt of the writ or complaint as indicated above.		13. Date Received	14. Expiration/Hearing Date											
<i>B Schreiber</i>		<i>5-12-08</i>	<i>6-4-08</i>											
15. I hereby CERTIFY and RETURN that <input checked="" type="checkbox"/> have personally served, <input type="checkbox"/> have served person in charge, <input type="checkbox"/> have legal evidence of service as shown in "Remarks" (on reverse) <input type="checkbox"/> have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handing/or Posting a TRUE and ATTESTED COPY thereof.														
16. <input type="checkbox"/> I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)														
17. Name and title of individual served <i>SA M E</i>			18. A person of suitable age and discretion then residing in the defendant's usual place of abode. <input type="checkbox"/> Read Order <input type="checkbox"/>											
19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) <i>SA M E</i>			20. Date of Service <i>5/28/08</i>	21. Time <i>11:45</i>										
22. ATTEMPTS		Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	
23. Advance Costs		<i>24.</i>	<i>25.</i>	<i>26.</i>				27. Total Costs			28. COST DUE OR REFUND			
30. REMARKS														

SO ANSWER.

AFFIRMED and subscribed to before me this _____		By (Sheriff/Dep. Sheriff) (Please Print or Type)	Date	
day of _____		<i>ASL / RJM</i>	<i>5/28/08</i>	
Signature of Sheriff				
NOTARY PUBLIC		SHERIFF OF BLAIR COUNTY		
MY COMMISSION EXPIRES		39. Date Received		
I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED ISSUING AUTHORITY AND TITLE.				

SHERIFF'S RETURN OF SERVICE

(1) The within _____ upon _____, the within named defendant by mailing to _____ by _____ mail, return receipt requested, postage prepaid _____ on the _____, a true and attested copy thereof at _____

The return receipt signed by _____
defendant on the _____ is hereto attached and
made part of this return.

() (2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) (1) (2), by mailing a true and attested copy thereof at _____
in the following manner.

in the following manner.

() (a) To the defendant by () registered () certified mail, return receipt requested, postage prepaid, addressee only on the _____, said receipt being returned NOT signed by defendant, but with a notation by the Postal Authorities that defendant refused to accept the same. The returned receipt and envelope is attached hereto and made part of this return.

And thereafter:

() (b) To the defendant by ordinary mail addressed to defendant at same address, with the return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not received said envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a proof of mailing.

() (3) By publication in a daily publication of general circulation in the County of Blair, Commonwealth of Pennsylvania, _____ time (s) with publication appearing _____

The affidavit from said publication is hereto attached.

() (4) By mailing to _____ by _____ mail, return receipt requested, postage prepaid, on the _____
a true and attested copy thereof at _____.

The _____ returned by the Postal
Authorities marked _____
is hereto attached.

() : (5) Other _____

COPY

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

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

DAVID P. RIGHTENOUR, WILLIAM B. REILLY, Individually, and t/d/b/a KEYSTONE LAND AND TIMBER CO., Their Heirs, Successors and Assigns and All Other Persons Claiming Any Interest In The Property Described In This Action,

Defendants.

: 2008- 840-CD

: No. _____ CD 2008

: Type of Case:

: Action to Quiet Title

: Type of Pleading:

: **Complaint**

: Filed of Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: AL LANDER, ESQ.

: Pa. Id. #25821

: NATHANIEL PARKER, ESQ.

: Pa. Id. #90993

: Law Offices of Greco & Lander, P.C.

: 1390 East Main Street, Suite 2

: P.O. Box 667

: Clarion, PA 16214

: (814) 226-6853

: Fax: (814) 226-4951

Dated: APRIL 30, 2008

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

No. _____ CD 2008

DAVID P. RIGHTENOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
Their Heirs, Successors and Assigns
and All Other Persons Claiming Any
Interest In The Property Described In
This Action,

Defendants.

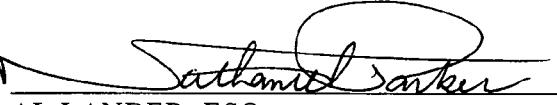
PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Plaintiff, Queenstown Hunt Club, Inc.,
in the above-referenced action.

RESPECTFULLY SUBMITTED:

Dated: APRIL 30, 2008



AL LANDER, ESQ.
NATHANIEL C. PARKER, ESQ.
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

No. _____ CD 2008

DAVID P. RIGHTENOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
Their Heirs, Successors and Assigns
and All Other Persons Claiming Any
Interest In The Property Described In
This Action,

Defendants.

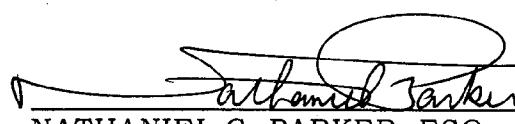
NOTICE

TO: DEFENDANTS DAVID P. RIGHTENOUR, WILLIAM B. REILLY,
Individually and t/d/b/a KEYSTONE LAND AND TIMBER CO., Their
Heirs, Successors and Assigns and All Other Persons Claiming Any
Interest In The Property Described In This Action:

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

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

COURT ADMINISTRATOR
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2441, Ext. 5982

 (SEAL)
NATHANIEL C. PARKER, ESQ.

Attorney for Plaintiff
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P. O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
Fax: (814) 226-4951

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

QUEENSTOWN HUNT CLUB, INC., :

Plaintiff, :

vs. :

No. _____ CD 2008

DAVID P. RIGHTENOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
Their Heirs, Successors and Assigns
and All Other Persons Claiming Any
Interest In The Property Described In
This Action,

Defendants. :

COMPLAINT IN ACTION TO QUIET TITLE

AND NOW, comes the Plaintiff, Queenstown Hunt Club, Inc., by and through its attorneys, the Law Offices of Greco & Lander, P.C., who brings this Complaint in Action to Quiet Title, upon a cause of action pursuant to Rule 1061, et. al. of the Pennsylvania Rules of Civil Procedure, the following of which is a statement:

1. The Plaintiff, Queenstown Hunt Club, Inc., is a Pennsylvania corporation, with offices at 301 Market Street, Kittanning, PA 16201.
2. The Defendant, David P. Rightenour, individually and t/d/b/a Keystone Land and Timber Co., is an adult individual resident of the Commonwealth of Pennsylvania, with a place of business located at 1540 Dry Run Road, Duncansville, PA 16635-4018.

The Defendant, William B. Reilly, individually and t/d/b/a Keystone Land and Timber Co., is an adult individual resident of the

Commonwealth of Pennsylvania, with a place of business located at 1540 Dry Run Road, Duncansville, PA 16635-4018.

3. Plaintiff is the owner of the surface estate of that certain tract of land situate in Lawrence Township, Clearfield County, Pennsylvania, being bounded and described as follows:

BEGINNING at a stake; thence by land n/f of John McLaughlin, Sr., South 35° East, a distance of 450 perches to a stake; thence by land n/f of John and James Dougherty, North 63° East, a distance of 38.2 perches to a hemlock; thence by land of same, North 35° West, a distance of 450 perches to a stake; thence by land n/f of Amos Read, South 63° West, 37.8 perches to the place of beginning.

CONTAINING 100 ACRES and allowances. EXCEPTING & RESERVING THEREFROM the following tract:

BEGINNING at a stone fence by land and n/f of John Dougherty Estate; thence North 55° East, 37.6 perches to a stake; thence by land n/f of John Dougherty, North 35° West, 155.5 perches to a stake; thence by land n/f of Amos Read, South 63° West, 37.8 perches to a stake; thence by land of John McLaughlin, South 35° East, 160.7 perches to a stake at the place of beginning. Being 35 acres, more or less, and the northwestern portion of the above described tract.

REMAINING ACREAGE BEING ASSESSED AS 67.1 ACRES, more or less, and known as Map Nos 123-K10-0-018 and 123-K10-0-032.

The above-described tract will hereinafter be referred to as "Property".

4. The Plaintiff is the owner of the Property by virtue of a deed, dated February 19, 2008, by and between C. Alan Walker and Susan Walker Kriner, aka Susan W. Kriner, t/d/b/a Shannon Land and Mining Company, and the Estate of Ann Walker Macko, by her Executors, William C. Kriner and Derek A. Walker, as grantors, and Queenstown Hunt Club, Inc., as grantee, and recorded at Clearfield County Instrument No. 200802359,

granting all of the grantors' right, title and interest in the Property, together with the further deeds of conveyance described as follows:

- A. Being the same Property conveyed by Nadine F. Stafford, and Malcolm D. Bruce, as grantors, to C. Alan Walker, Susan Walker Kriner, t/d/b/a Shannon Land and Mining Company, as grantees, by deed, dated October 17, 2006, and recorded in Clearfield County at Instrument No. 200618338.
- B. Being the same Property conveyed by Joel R. Aberth, Administrator WWA and Administrator CTA of the Betty L. Stafford Estate; Nadine F. Stafford, Individually and as Beneficiary of the Betty L. Stafford Estate; and James Patrick Christopher Stafford, aka James P. C. Stafford, Individually and as Beneficiary of the Betty L. Stafford Estate, as grantors, to Nadine F. Stafford, as grantee, by deed, dated October 10, 2003, and recorded in Clearfield County at Instrument No. 200319387.
- C. Being the same Property conveyed by Mount St. Mary's College, as grantor, to Betty L. Stafford, as grantee, by deed, dated September 28, 1987, and recorded in Clearfield County Deed Book 1212, Page 316; and of Betty L. Stafford, Executrix of the Estate of Francis W. Stafford, as grantor, to Betty L. Stafford, as grantee, by deed, dated March 8, 1988, and recorded in Clearfield County Deed Book 1212, Page 320. The said Betty L. Stafford died November 24, 2001, at Estate No. 2002-406. All the rest and residue of her estate was left to her children, Nadine Frances Stafford and James Patrick Christopher Stafford.

5. Defendants, David P. Rightenour and William B. Reilly, individually, and t/d/b/a Keystone Land and Timber Co., are claiming surface ownership of a portion of the Property by virtue of a tax claim deed, dated December 8, 1995, purporting to convey 9.9 acres, assessed as Tax Assessment Map No. 123-K10-0-032, and being a portion of the above described Property.

6. The property identified and assessed as Tax Assessment Map Parcel No. 123-K10-0-032 encompasses property that was conveyed as part of a larger tract of land in the deeds more fully referenced and described in ¶ 4 A-C above.

7. The action of the Clearfield County Assessment Office in creating Parcel No. 123-K10-0-032 is and was improper in that the property thereby assessed is and was owned by and previously assessed to Plaintiff or Plaintiff's predecessors in interest.

8. Clearfield County Tax Assessment Maps improperly and erroneously depict Parcel No. 123-K10-0-032 as being a separate and additional parcel from Parcel No. 123-K10-0-018 which is depicted on the map to the northwest of the Property claimed by Defendants.

9. The Tax Assessment Office's creation of a parcel on the County Assessment Maps cannot form the basis of title to land.

10. The Tax Claim Deed which is believed to be Defendants' only source of title indicates that the premises conveyed was assessed in the name of "unknown owner". Clearfield County had never in the past assessed a separate parcel known as 23-K10-0-032.

11. The Property sold by the Tax Claim Bureau Deed to Defendants was for property in which the taxes were and are paid in full and up to date by Plaintiff or Plaintiff's predecessors in interest as Tax Assessment Map Parcel No. 123-K10-0-018.

12. Tax Assessment Map Parcel No. 123-K10-0-032 is an improper double assessment of the Property owned by and assessed to Plaintiff as Parcel No. 123-K10-0-018.

13. Plaintiff and Plaintiff's predecessors in interest have in fact timely and properly tendered all taxes due and owing on the property assessed as Tax Assessment Map Parcel No. 123-K10-0-018.

14. Defendants have no claim of right or title in any portion of the Property other than the Tax Claim Bureau Deed identified in ¶5 herein above.

15. Plaintiff's title in and to the Property, including both Tax Assessment Map Parcel Nos. 123-K10-0-018 and 123-K10-0-032 is superior to any claim of title by Defendants.

16. The Plaintiff through itself and its predecessors in title have perfected its title in the Property through adverse possession against the Defendants in that its possession has been actual, continuous, visible, notorious, distinct and hostile for a period in excess of 21 years.

WHEREFORE, the Plaintiff requests this Honorable Court to:

1. Order any person having any documents, obligations, or deeds affecting the rights, claim, title or interest of the Plaintiff in the Property to produce, file, record, cancel, surrender, release, or satisfy of record any such document or to be forever barred;

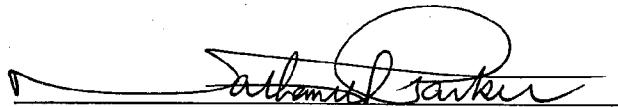
2. Order any person claiming any interest in the Property to assert such interest or to commence an action to determine such interest or be forever barred;

3. Order that the Defendants be forever barred from asserting any right, claim, title or interest in the Property inconsistent with the interest or claim of the Plaintiff set forth in this Complaint;

4. Order that the Clearfield County Assessment Office correct the improperly identified Tax Assessment Map Parcel No. 123-K10-0-032, and indicate that the property previously identified thereby be included on the County Assessment Maps as part of Tax Assessment Map Parcel No. 123-K10-0-018.

5. Enter any Order necessary for the granting of the relief herein requested and confirming Plaintiff's good and marketable title in the Property.

RESPECTFULLY SUBMITTED:



AL LANDER, ESQ.
NATHANIEL C. PARKER, ESQ.
Law Offices of Greco & Lander
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

No. CD 2008

DAVID P. RIGHTENOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
Their Heirs, Successors and Assigns
and All Other Persons Claiming Any
Interest In The Property Described In
This Action,

Defendants.

VERIFICATION

I, Robert G. Higbee, Name Land Manager Title of Queenstown
Hunt Club, Inc., verify that the statements made herein are true and correct
to the best of my knowledge, information, and belief and are made subject to
the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to
authorities.

Date: April 30, 2008

RGH
(Signature)

Robert G. Higbee
(Print Name)

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

CIVIL ACTION - LAW

vs.

No. 2008-840-CD

DAVID P. RIGHTEOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
Their Heirs, Successors and Assigns
and All Other Persons Claiming Any
Interest In The Property Described In
This Action,

Defendants.

ORDER

AND NOW, this 24 day of September, 2008, upon
consideration of Plaintiff's Motion For Leave of Court to Join an Additional
Defendant, namely Troy P. Grassmyer, pursuant to Pa.R.C.P. 2252, after
considering the response thereto, and for good cause shown, it is hereby
ORDERED that the said Motion be and hereby is GRANTED. Plaintiff is
hereby granted leave of court to join Troy P. Grassmyer as an Additional
Defendant in the within litigation by filing an amended complaint within
twenty (20) days of the entry of this Order, and effectuating service upon
Mr. Grassmyer in accordance with the Rules of Civil Procedure.

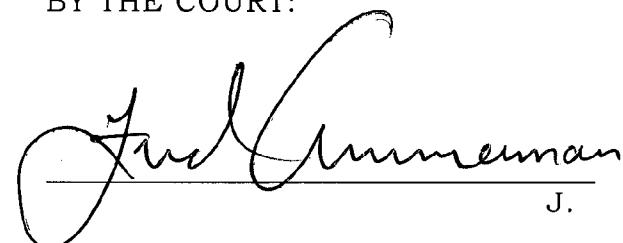
BY THE COURT:

FILED

012-11-2011
SEP 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

ICC
GD


J.

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

QUEENSTOWN HUNT CLUB, INC.,	:	
	:	
Plaintiff,	:	CIVIL ACTION - LAW
	:	
vs.	:	
	:	
DAVID P. RIGHTEOUR, WILLIAM B.	:	
REILLY, Individually, and t/d/b/a	:	
KEYSTONE LAND AND TIMBER CO.,	:	
Their Heirs, Successors and Assigns	:	
and All Other Persons Claiming Any	:	
Interest In The Property Described In	:	
This Action,	:	
	:	
Defendants.	:	

**MOTION FOR LEAVE OF COURT TO JOIN
ADDITIONAL DEFENDANT PURSUANT TO Pa.R.C.P. 2252**

AND NOW, comes the Plaintiff, Queenstown Hunt Club, Inc., by and through its undersigned legal counsel, and files the within Motion for Leave of Court to Join Additional Defendant Pursuant to Pa.R.C.P. 2252. In support thereof, Queenstown Hunt Club, Inc. avers as follows:

1. Plaintiff commenced the instant action by filing a Complaint on May 5, 2008. Service of the Complaint was effectuated by the Sheriff on May 28, 2008.
2. David C. Mason, Esq. has entered his appearance on behalf of William B. Reilly, Individually and t/d/b/a Keystone Land and Timber Co., by filing an Answer, New Matter & Counterclaim on Mr. Reilly's behalf.
3. After the within litigation was commenced, Attorney Mason provided the undersigned counsel with documentation indicating that an

additional individual, Troy P. Grassmyer, is an individual who may be claiming an interest in the subject property, pursuant to the Deed attached to Plaintiff's Reply and New Matter as Exhibit 1, and would therefore be a proper and necessary party to the within Quiet Title Action.

4. Plaintiff Queenstown Hunt Club, Inc. desires to join Mr. Grassmyer as a Defendant in this Quiet Title Action as he has been identified as an individual purportedly claiming an interest in the subject property.

5. Since being provided with the additional documentation, Plaintiff's counsel has sought to informally resolve the issues surrounding the identification and joinder of the proper parties before the Court so that the underlying legal issues could be timely and properly determined. Such informal efforts have to date not been successful.

6. As a result of Plaintiff's informal efforts to resolve the situation as to the identification and joinder of all necessary Defendants in the litigation, the Pa.R.C.P. 2252 specified time period of sixty (60) days from initial service for joining additional defendants as a matter of right has expired.

7. Plaintiff Queenstown Hunt Club, Inc. respectfully requests that this Honorable Court allow and permit it to join Mr. Grassmyer as an Additional Defendant in the within action to conserve both the judicial resources, and the resources of all parties involved, as the only alternative to such leave of Court would be to institute an additional lawsuit against Mr. Grassmyer.

8. None of the existing Defendants, nor the prospective Additional Defendant Mr. Grassmyer, would be prejudiced by the granting of the relief requested as the same would be most efficient for all parties involved.

WHEREFORE, Plaintiff Queenstown Hunt Club, Inc. respectfully requests that this Honorable Court grant Plaintiff leave to join Mr. Troy P. Grassmyer as an Additional Defendant in the within litigation.

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink, appearing to read "Nathaniel Parker, Esq." followed by a small circle containing the letters "SEAL".

AL LANDER, ESQ.
Pa. Id. # 25821
NATHANIEL PARKER, ESQ.
Pa. Id. # 90993
Attorneys for Plaintiff
Law Offices of Greco & Lander, P.C.
P. O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
Fax: (814) 226-4951

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, : CIVIL ACTION - LAW
vs. :
DAVID P. RIGHTEOUR, WILLIAM B. :
REILLY, Individually, and t/d/b/a :
KEYSTONE LAND AND TIMBER CO., :
Their Heirs, Successors and Assigns :
and All Other Persons Claiming Any :
Interest In The Property Described In :
This Action, :
Defendants. :

ORDER

AND NOW, this 25 day of August, 2008,
upon consideration of the foregoing Motion, it is hereby ORDERED that:

1. A Rule is issued upon the Defendants to show cause why the Plaintiff is not entitled to the relief requested.
2. The Defendants shall file an answer to the Motion with twenty (20) days of this date.
3. Argument shall be held on the 24th day of September, 2008,
in Courtroom No. 1 of the Clearfield County Courthouse at
3:00 AM / PM.
4. Notice of the entry of this Order shall be provided to all parties by the Plaintiff.

BY THE COURT:



J.

FILED ^{ICC}
014:00:00 AM
AUG 26 2008 Atty Parker
60

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, : CIVIL ACTION - LAW
vs. :
DAVID P. RIGHTEOUR, WILLIAM B. :
REILLY, Individually, and t/d/b/a :
KEYSTONE LAND AND TIMBER CO., :
Their Heirs, Successors and Assigns :
and All Other Persons Claiming Any :
Interest In The Property Described In :
This Action, :
Defendants. :

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "**Motion for Leave of Court to Join Additional Defendant**" was sent by U.S. mail, postage prepaid, on August 19, 2008, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
P. O. Box 28
409 N. Front Street
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By: 
NATHANIEL PARKER, ESQ.

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No. 2008-840-CD

Plaintiff

v.

* TYPE OF PLEADING: Reply to Plaintiff's
* New Matter To Counterclaim

DAVID P. RIGHTEOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants

* FILED ON BEHALF OF: Defendant William
* B. Reilly

* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire
* I.D. No. 39180
* Mason Law Office
* P.O. Box 28
* 409 N. Front Street
* Philipsburg, PA 16866
* (814) 342-2240

FILED NOCC
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5
William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No. 2008-840-CD

Plaintiff *

v.

DAVID P. RIGHENOUR, WILLIAM B.
REILLY, Individually, and t/d/b/a
KEYSTONE LAND AND TIMBER CO.,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants *

REPLY TO PLAINTIFF'S NEW MATTER
TO COUNTERCLAIM

AND NOW, comes Defendant William B. Reilly, by and through his attorney, David C. Mason, who files the following Reply to Plaintiff's New Matter to Counterclaim, and in support thereof avers as follows:

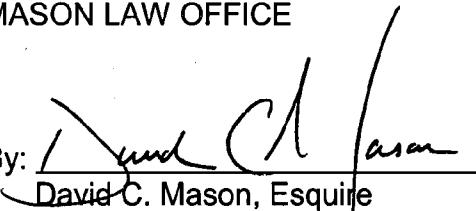
3. No response is necessary.
4. **ADMITTED.**
5. **ADMITTED.**
6. **DENIED.** It is denied that Defendant William B. Reilly failed to perform a good faith investigation of the relevant facts. To the contrary, at all times material and relevant hereto, Defendant William B. Reilly was fully apprised of the facts and circumstances related to the title to the subject premises.

7. **DENIED.** Defendant Reilly's Counterclaim was filed at a time when Reilly owned legal title to the subject premises. By way of further answer, Reilly owned legal title to premises which were subject to an Installment Land Sales Agreement with additional defendant, Troy P. Grassmyer.

8. **DENIED.** It is denied that the Plaintiff has been prejudiced. It is denied that Defendant Reilly has failed to undertake a good faith investigation and it is denied that the Counterclaim is without any factual basis. By way of further answer, Defendant avers that Plaintiff's initial complaint named David P. Rightenour as a party defendant despite the fact that Rightenour executed, acknowledged, and delivered a deed to his interest in the subject premises in 1999 by virtue of a deed recorded October 27, 1999.

WHEREFORE, Defendant William B. Reilly prays your Honorable Court for the entry of an order dismissing Plaintiff's Complaint and entering judgment in favor of Defendant.

MASON LAW OFFICE

By: 

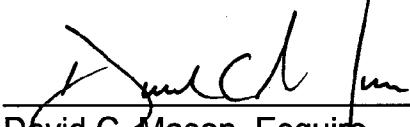
David C. Mason, Esquire

Attorney for Defendant, William B.
Reilly

VERIFICATION

I, David C. Mason, Esquire, Attorney for Defendant William B. Reilly, do verify that the facts set forth in the foregoing Reply to Plaintiff's New Matter to Counterclaim are true and correct to the best of my knowledge, information and belief based upon my knowledge of the facts of the case as expressed to me by Defendant, William B. Reilly. This verification is provided because Defendant William B. Reilly is outside of the jurisdiction of the Court and his verification can be obtained within the time allowed for filing the pleading. This verification subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATED: 10 - 6 - 8



David C. Mason, Esquire
Attorney for Defendant, William B.
Reilly

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

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff, : No. 2008-840-CD

VS.

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER
CO., and TROY P. GRASSMYER, Their
Heirs, Successors and Assigns and All
Other Persons Claiming Any Interest In
The Property Described In This Action,

Defendants.

• Type of Case:

: Action to Quiet Title

: Type of Pleading:

: *Amended Complaint*

: Filed of Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: AL LANDER, ESQ.

: Pa. Id. #25821

: NATHANIEL PARKER, ESQ.

: Pa. Id. #90993

: Law Offices of Greco & Lander, P.C.

: 1390 East Main Street, Suite 2

: P.O. Box 667

: Clarion, PA 16214

: (814) 226-68

: Fax: (814) 226-4951

Dated: OCTOBER 13, 2008

5 **FILED** 3CC
m 110:55 AM OCT 14 2008 Sheriff
(610)

William A. Shaw
Prothonotary/Clerk of Courts

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

QUEENSTOWN HUNT CLUB, INC.,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	No. 2008-840-CD
WILLIAM B. REILLY, Individually, and	:	
t/d/b/a KEYSTONE LAND AND TIMBER	:	
CO., and TROY P. GRASSMYER, Their	:	
Heirs, Successors and Assigns and All	:	
Other Persons Claiming Any Interest In	:	
The Property Described In This Action,	:	
	:	
Defendants.	:	

NOTICE

TO: DEFENDANTS WILLIAM B. REILLY, Individually and t/d/b/a KEYSTONE LAND AND TIMBER CO., and TROY P. GRASSMYER, Their Heirs, Successors and Assigns and All Other Persons Claiming Any Interest In The Property Described In This Action:

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

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

COURT ADMINISTRATOR
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2441, Ext. 5982



(SEAL)

NATHANIEL PARKER, ESQ.
Attorney for Plaintiff
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P. O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
Fax: (814) 226-4951

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

QUEENSTOWN HUNT CLUB, INC.,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	No. 2008-840-CD
WILLIAM B. REILLY, Individually, and	:	
t/d/b/a KEYSTONE LAND AND TIMBER	:	
CO., and TROY P. GRASSMYER, Their	:	
Heirs, Successors and Assigns and All	:	
Other Persons Claiming Any Interest In	:	
The Property Described In This Action,	:	
	:	
Defendants.	:	

AMENDED COMPLAINT

AND NOW, comes the Plaintiff, Queenstown Hunt Club, Inc., ("Queenstown") by and through their attorneys, the Law Offices of Greco & Lander, P.C., and files the within Amended Complaint against the herein named Defendants, averring in support thereof as follows:

1. The Plaintiff, Queenstown Hunt Club, Inc., is a Pennsylvania corporation, with offices at 301 Market Street, Kittanning, PA 16201.
2. The Defendant, William B. Reilly, individually and t/d/b/a Keystone Land and Timber Co., is an adult individual resident of the Commonwealth of Pennsylvania, with a place of business located at 1540 Dry Run Road, Duncansville, PA 16635-4018.
3. The Defendant, Troy P. Grassmyer, is an adult individual resident of the Commonwealth of Pennsylvania, with a last known address of 75 Pine Street, Dillsburg, PA 17019.

4. Plaintiff is the owner of the surface estate of that certain tract of land situate in Lawrence Township, Clearfield County, Pennsylvania, being bounded and described as follows:

BEGINNING at a stake; thence by land n/f of John McLaughlin, Sr., South 35° East, a distance of 450 perches to a stake; thence by land n/f of John and James Dougherty, North 63° East, a distance of 38.2 perches to a hemlock; thence by land of same, North 35° West, a distance of 450 perches to a stake; thence by land n/f of Amos Read, South 63° West, 37.8 perches to the place of beginning.

CONTAINING 100 ACRES and allowances.

EXCEPTING & RESERVING THEREFROM the following tract:

BEGINNING at a stone fence by land and n/f of John Dougherty Estate; thence North 55° East, 37.6 perches to a stake; thence by land n/f of John Dougherty, North 35° West, 155.5 perches to a stake; thence by land n/f of Amos Read, South 63° West, 37.8 perches to a stake; thence by land of John McLaughlin, South 35° East, 160.7 perches to a stake at the place of beginning. Being 35 acres, more or less, and the northwestern portion of the above described tract.

REMAINING ACREAGE BEING ASSESSED AS 67.1 ACRES, more or less, and known as Map Nos 123-K10-0-018 and 123-K10-0-032.

The above-described tract will hereinafter be referred to as "Property".

5. The Plaintiff is the owner of the Property by virtue of a deed, dated February 19, 2008, by and between C. Alan Walker and Susan Walker Kriner, aka Susan W. Kriner, t/d/b/a Shannon Land and Mining Company, and the Estate of Ann Walker Macko, by her Executors, William C. Kriner and Derek A. Walker, as grantors, and Queenstown Hunt Club, Inc., as grantee, and recorded at Clearfield County Instrument No. 200802359, granting all of the

grantors' right, title and interest in the Property, together with the further deeds of conveyance described as follows:

- A. Being the same Property conveyed by Nadine F. Stafford, and Malcolm D. Bruce, as grantors, to C. Alan Walker, Susan Walker Kriner, t/d/b/a Shannon Land and Mining Company, as grantees, by deed, dated October 17, 2006, and recorded in Clearfield County at Instrument No. 200618338.
- B. Being the same Property conveyed by Joel R. Aberth, Administrator WWA and Administrator CTA of the Betty L. Stafford Estate; Nadine F. Stafford, Individually and as Beneficiary of the Betty L. Stafford Estate; and James Patrick Christopher Stafford, aka James P. C. Stafford, Individually and as Beneficiary of the Betty L. Stafford Estate, as grantors, to Nadine F. Stafford, as grantee, by deed, dated October 10, 2003, and recorded in Clearfield County at Instrument No. 200319387.
- C. Being the same Property conveyed by Mount St. Mary's College, as grantor, to Betty L. Stafford, as grantee, by deed, dated September 28, 1987, and recorded in Clearfield County Deed Book 1212, Page 316; and of Betty L. Stafford, Executrix of the Estate of Francis W. Stafford, as grantor, to Betty L. Stafford, as grantee, by deed, dated March 8, 1988, and recorded in Clearfield County Deed Book 1212, Page 320. The said Betty L. Stafford died November 24, 2001, at Estate No. 2002-406. All the rest and residue of her estate was left to her children, Nadine Frances Stafford and James Patrick Christopher Stafford.

6. Defendant William B. Reilly, individually, and t/d/b/a Keystone Land and Timber Co., is claiming surface ownership of a portion of the Property by virtue of a tax claim deed, dated December 8, 1995, purporting to convey 9.9 acres, assessed as Tax Assessment Map No. 123-K10-0-032, and being a portion of the above described Property.

7. Defendant Troy P. Grassmyer is claiming surface ownership of a portion of the Property by virtue of a deed from Defendant William B. Reilly, dated March 18, 2008, purporting to convey 11.058 acres, more or less,

assessed as Tax Assessment Map No. 123-K10-0-032, and being recorded in the Clearfield County Recorder's Office at Instrument No. 200809515.

8. The property identified and assessed as Tax Assessment Map Parcel No. 123-K10-0-032 encompasses property that was conveyed as part of a larger tract of land in the deeds more fully referenced and described in ¶ 5 A-C above. The Clearfield County Assessment Office unilaterally and improperly created Parcel No. 123-K10-0-032 without any record title basis for the assessment.

9. The action of the Clearfield County Assessment Office in creating Parcel No. 123-K10-0-032 is and was improper in that the property thereby assessed is and was owned by and previously assessed to Plaintiff or Plaintiff's predecessors in interest.

10. Clearfield County Tax Assessment Maps improperly and erroneously depict Parcel No. 123-K10-0-032 as being a separate and additional parcel from Parcel No. 123-K10-0-018 which is depicted on the map to the northwest of the Property claimed by Defendants.

11. The Tax Assessment Office's creation of a parcel on the County Assessment Maps cannot form the basis of title to land.

12. The Tax Claim Deed which is believed to be Defendants' only source of title indicates that the premises conveyed was assessed in the name of "unknown owner". Clearfield County had never in the past assessed a separate parcel known as 123-K10-0-032.

13. The Property sold by the Tax Claim Bureau Deed to Defendant Reilly was for property in which the taxes were and are paid in full and up to date by

Plaintiff or Plaintiff's predecessors in interest as Tax Assessment Map Parcel No. 123-K10-0-018.

14. Tax Assessment Map Parcel No. 123-K10-0-032 is an improper double assessment of the Property owned by and assessed to Plaintiff as Parcel No. 123-K10-0-018.

15. Plaintiff and Plaintiff's predecessors in interest have in fact timely and properly tendered all taxes due and owing on the property assessed as Tax Assessment Map Parcel No. 123-K10-0-018.

16. Defendants have no claim of right or title in any portion of the Property other than the Tax Claim Bureau Deed identified in ¶5 herein above.

17. Plaintiff's title in and to the Property, including both Tax Assessment Map Parcel Nos. 123-K10-0-018 and 123-K10-0-032 is superior to any claim of title by Defendants.

18. The Plaintiff through itself and its predecessors in title have perfected its title in the Property through adverse possession against the Defendants in that its possession has been actual, continuous, visible, notorious, distinct and hostile for a period in excess of 21 years.

WHEREFORE, the Plaintiff requests this Honorable Court to:

1. Order any person having any documents, obligations, or deeds affecting the rights, claim, title or interest of the Plaintiff in the Property to produce, file, record, cancel, surrender, release, or satisfy of record any such document or to be forever barred;

2. Order any person claiming any interest in the Property to assert such interest or to commence an action to determine such interest or be forever barred;

3. Order that the Defendants be forever barred from asserting any right, claim, title or interest in the Property inconsistent with the interest or claim of the Plaintiff set forth in this Complaint;

4. Order that the Clearfield County Assessment Office correct the improperly identified Tax Assessment Map Parcel No. 123-K10-0-032, and indicate that the property previously identified thereby is included on the County Assessment Maps as part of Tax Assessment Map Parcel No. 123-K10-0-018; and

5. Enter such other Order as necessary to facilitate the granting of the relief herein requested and confirming Plaintiff's good and marketable title in the Property.

RESPECTFULLY SUBMITTED:



AL LANDER, ESQ.
NATHANIEL PARKER, ESQ.
Law Offices of Greco & Lander
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

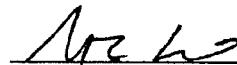
**IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA**

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, :
vs. :
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
Defendants. :
: No. 2008-840-CD

VERIFICATION

I, Robert G. Higbee, Land Manager, of Queenstown Hunt Club, Inc., verify that the statements made herein are true and correct to the best of my knowledge, information, and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: October 13th, 2008


Robert G. Higbee

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, :
vs. :
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
Defendants. :
: No. 2008-840-CD

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "**Amended Complaint**" was sent by U.S. mail, postage prepaid, on OCTOBER 13, 2008, to other parties and counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
P. O. Box 28
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By 
NATHANIEL PARKER, ESQ.

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC.

* No. 2008-840-CD

Plaintiff

v.

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants

* FILED ON BEHALF OF: Defendants

*

*

* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire
* I.D. No. 39180
* Mason Law Office
* P.O. Box 28
* 409 N. Front Street
* Philipsburg, PA 16866
* (814) 342-2240

FILED
10/3/08
DEC 05 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No. 2008-840-CD

Plaintiff *

v. *

WILLIAM B. REILLY, Individually, and *
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

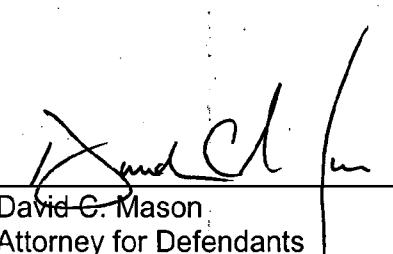
Defendants *

NOTICE TO DEFEND

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 pleading and Notice are served, by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Defendants. 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 CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16823
(814) 765-2641



David C. Mason
Attorney for Defendants

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No. 2008-840-CD

Plaintiff *

v. *

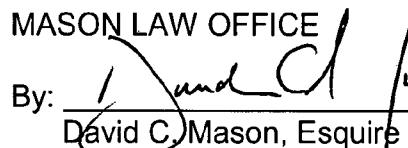
WILLIAM B. REILLY, Individually, and *
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants *

NOTICE TO PLEAD

TO THE PLAINTIFF:

You are hereby required to plead to the within New Matter within twenty (20) days
from the date of service hereof.

MASON LAW OFFICE
By: 

David C. Mason, Esquire

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No. 2008-840-CD

Plaintiff *

v.

WILLIAM B. REILLY, Individually, and *
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER, *
their heirs, successors and assigns *
and all other persons claiming any *
interest in the property described in *
this action, *

Defendants *

DEFENDANT'S ANSWER TO
PLAINTIFF'S AMENDED COMPLAINT
CONTAINING NEW MATTER
AND COUNTERCLAIM

AND NOW, come the Defendants William B. Reilly and Troy P. Grassmyer, by and through their attorney, David C. Mason, who files the following Answer to Plaintiff's Amended Complaint Containing New Matter and Counter-claim, and in support thereof avers as follows:

1. ADMITTED IN PART AND DENIED IN PART. It is admitted that Plaintiff is Queenstown Hunt Club, Inc. The balance of the averments contained in paragraph 1 are denied as after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore, strict proof is demanded at the time of trial.

2. ADMITTED.

3. ADMITTED.

4. DENIED. To the extent paragraph 4 of Plaintiff's Amended Complaint avers that Plaintiff is the owner of any interest in Tax Map Parcel No. 123-K10-0-032, the averment is strictly denied, and strict proof thereof is demanded at the time of trial. For reasons set forth hereinafter, Defendant Troy P. Grassmyer is the owner of a fee simple interest in the same.

5. DENIED. The averment contained in paragraph 5 of Plaintiff's Amended Complaint that Plaintiff is the owner of the premises therein described is strictly denied, and strict proof thereof is demanded at the time of trial. To the contrary, Defendants aver that Troy P. Grassmyer is the title owner of the premises described in paragraph 4 of Plaintiff's Complaint.

6. DENIED. By virtue of the Deed recorded at Instrument No. 200809515, William B. Reilly transferred, set over, and conveyed all of his interest in the subject premises to Defendant Troy P. Grassmyer.

7. ADMITTED.

8. DENIED. The averment contained in paragraph 8 of Plaintiff's Amended Complaint is strictly denied, inasmuch as Tax Map Parcel No. 123-K10-032 is and has always been a separate and distinct parcel from those tracts described and/or referenced in paragraphs 4 and 5 of Plaintiff's Amended Complaint.

9. DENIED. The statement contained in paragraph 9 of Plaintiff's Amended Complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

10. DENIED. The statement contained in paragraph 10 of Plaintiff's Amended Complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

11. DENIED. The statement contained in paragraph 11 of Plaintiff's Amended Complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

12. ADMITTED IN PART AND DENIED IN PART. It is denied that Clearfield County had never assessed Tax Map Parcel No. 123-K10-032. It was this assessment which was taxed and sold by the Tax Claim Bureau in 1995, as evidenced by the deed of the Clearfield County Tax Claim Bureau to Keystone Land & Timber Company, a true and correct copy of which is attached hereto as Exhibit "A".

13. DENIED. It is strictly denied that the Tax Claim Bureau sold land to Defendants on which the taxes had been paid in full by the predecessors in title of Plaintiff. It is further denied that the land sold by the Tax Claim Bureau to Defendants, and assessed as Tax Map Parcel No. 123-K10-032, was part of the land assessed as Tax Map Parcel No. 123-K10-018. The Clearfield County Tax Claim Bureau sold a tract of land purporting to contain 9.9 acres which was separately assessed and on which the taxes were not paid. Any assertion by Plaintiff to the contrary is strictly denied and proof is demanded at the time of trial.

14. DENIED. The statement contained in paragraph 14 of Plaintiff's Amended Complaint is a conclusion of law, not an averment of fact, and therefore no response is

necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

15. **DENIED.** The averments contained in paragraph 15 of Plaintiff's Amended Complaint are denied as after reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth thereof, and therefore, strict proof is demanded at trial.

16. **DENIED.** The statement contained in paragraph 16 of Plaintiff's Amended Complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

17. **DENIED.** The statement contained in paragraph 17 of Plaintiff's Amended Complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

18. **DENIED.** The statement contained in paragraph 18 of Plaintiff's Amended Complaint is a conclusion of law, not an averment of fact, and therefore no response is necessary or required. To the extent a response is necessary or required, this averment is denied and strict proof thereof is demanded at trial.

NEW MATTER

1. For a period of at least two years prior to the Clearfield County Tax Sale in September of 1995 Clearfield County assessed a 9.9 acre tract of land identified on the tax maps of Lawrence Township, Clearfield County, PA, as Tax Map Parcel No. 123-K10-032.

2. Prior to the tax sale in September of 1995, the Tax Claim Bureau of Clearfield County advertised the sale in accordance with law, and properly posted the premises with notice of its intent to sell the land.

3. Defendants believe and therefore aver that the owner, or purported owner, at the time, had notice of the sale of these premises.

4. Defendants believe and therefore aver that the owner or purported owner did not notify the Tax Claim Bureau or the Tax Assessment Office of the assertion of an interest in this land.

5. Keystone Land and Timber Company purchased the subject premises, purported to contain 9.9 acres, at a sale for non-payment of real estate taxes, known as an upset sale conducted September 12, 1995.

6. A deed dated December 8, 1995, and recorded in Record Book Volume 1725 at Page 384 transfers the title in and to a 9.9 acre tract of land identified as Tax Map Parcel No. 123-K10-032 from the Tax Claim Bureau of Clearfield County, Trustee, to Keystone Land and Timber Company. Please see Exhibit "A".

7. The return of the said sale of Tax Map Parcel No. 123-K10-032 by the Clearfield County Tax Claim Bureau was confirmed by Order of the Court of Common Pleas of Clearfield County at Miscellaneous Docket 52, Page 10.

8. Tax Map Parcel No. 123-K10-032 was depicted on and shown to exist on the assessment maps of Lawrence Township at all times relevant hereto.

9. Plaintiff's claims are barred by the doctrine of laches.

10. Plaintiff's claims are barred by the statute of frauds.

11. Plaintiff's claims are barred by the applicable Statute of Limitations.

WHEREFORE, Defendants pray for the entry of an order dismissing Plaintiff's Amended Complaint with prejudice, and entering judgment in favor of Defendants and against Plaintiff, together with costs of suit.

COUNTER-CLAIM

TROY GRASSMYER

vs.

QUEENSTOWN HUNT CLUB, INC.

Paragraphs 1 - 9 of Defendants' New Matter are incorporated herein by reference.

1. Troy Grassmyer is the owner of premises consisting of 11.058 acres situate, lying and being in Lawrence Township, Clearfield County, PA, identified on the tax maps of Lawrence Township, Clearfield County, Pennsylvania, as Tax Map Parcel No. 123-K10-32 and purporting thereon to contain 9.9 acres (hereinafter "the premises").

2. The specific legal description of "the premises" is as follows:

ALL that certain lot or piece of ground situate, lying and being in the Township of Lawrence, County of Clearfield and Commonwealth of Pennsylvania, being more particularly described as follows:

BEGINNING at a post on the South side of formerly Wynn Branch Railroad Right-of-Way North West 30 degrees by lands of Shannon Land and Mining Co., a distance of 790 feet to a stake; thence by lands of Betty L. Strafford South West 63 degrees a distance of 630 feet to a stake; thence by lands of Robert Grimminger, et al., South East 32 degrees 790 feet to a stake along the former Wynn Branch Railroad Right-of-Way; thence through lands of former Wynn Branch Railroad Right-of-Way North East 62 degrees 725 feet to the place of beginning.

CONTAINING 11.058 acres, more or less. Tax Map Parcel #K10-32.

UNDER AND SUBJECT, NEVERTHELESS, to all exceptions, reservations, conditions and restrictions as contained in prior Deeds in the chain of title. And the Grantor (party of the First Part) reserves the oil and gas rights.

Grassmyer's title is derived from a deed from William B. Reilly, Jr., dated March 18, 2008, and recorded as Instrument No. 200809515. This is the same deed referenced in Paragraph 7 of Plaintiff's Amended Complaint. October 11, 1999, and recorded at Instrument No. 199917811.

3. William B. Reilly, Jr. obtained his title to "the premises" by virtue of the deed of the Clearfield County Tax Claim Bureau dated October 11, 1999, from David P. Rightenour a/k/a Paul Rightenour and recorded in Instrument No. 199917811.

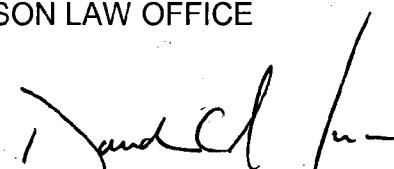
4. The Defendant Queenstown Hunt Club, Inc., has no right, title or interest in or to "the premises".

WHEREFORE, Plaintiff prays your Honorable Court for (a) that the Defendant, its successors and assigns and all other persons having claim to the premises herein described be forever barred from asserting any right, title or interest in the land described herein inconsistent with the interest or title of Plaintiff.

(b) That an Order of Court be made declaring the Plaintiff to be the sole owner of a fee simple interest and to have exclusive possession of the premises described herein.

(c) Such further Order as may be necessary for the granting of further relief.

MASON LAW OFFICE

By: 

David C. Mason, Esquire
Attorney for Defendants

VERIFICATION

Troy
I, ~~TODD~~ P. GRASSMYER do hereby verify that the facts set forth in the foregoing pleading are true and correct to the best of my knowledge, information and belief. This verification subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities. I am verifying the facts herein as my client is out of the jurisdiction and the time for filing this pleading is of essence.

DATED: 12-2-08

Troy Grassy

Todd P. Grassmyer

Troy

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No. 2008-840-CD

Plaintiff *

v.

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants *

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy
of DEFENDANT'S ANSWER CONTAINING NEW MATTER AND COUNTERCLAIM filed
in the above captioned action by placing the same in the United States mail, postage
prepaid and addressed as follows:

Nathaniel C. Parker, Esquire
Greco & Lander, P.C.
P.O. Box 667
1390 East Main Street, Suite 2
Clarion, Pennsylvania 16214-0667

MASON LAW OFFICE

DATED: Dec 4, 2008

By: David C. Mason /
David C. Mason, Esquire
Attorney for Defendants

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

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff, : No. 2008-840-CD

vs.

WILLIAM B. REILLY, Individually, and : Type of Case:
t/d/b/a KEYSTONE LAND AND TIMBER : Action to Quiet Title
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, : Type of Pleading:

Defendants. : **Reply to New Matter and
Answer and New Matter to
Counterclaim**

Filed of Behalf of Plaintiff

Counsel of Record for Plaintiff:

AL LANDER, ESQ.
Pa. Id. #25821

NATHANIEL PARKER, ESQ.
Pa. Id. #90993

Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

Dated: JANUARY 12, 2009

FILED
M 10/5/09
JAN 14 2009
S
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, :
vs. : :
: No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
: Defendants. :

NOTICE TO PLEAD

TO: Defendant William B. Reilly, Individually and t/d/b/a Keystone Land and Timber Co., and Troy P. Grassmyer, Their Heirs, Successors and Assigns and All Other Persons Claiming Any Interest In The Property Described In This Action,

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from service hereof or a judgment may be entered against you.

Dated: JANUARY 12, 2009


Al Lander, Esq.
Pa. Id. #25821
Nathaniel Parker, Esq.
Pa. Id. #90993
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

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

QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, :
vs. : :
: No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
: Defendants. :

**REPLY TO NEW MATTER AND ANSWER AND NEW MATTER TO
COUNTERCLAIM**

AND NOW, comes the Plaintiff, Queenstown Hunt Club, Inc. ("Queenstown"), by and through its attorneys, the Law Offices of Greco & Lander, P.C., and files this Reply to New Matter and Answer and New Matter to Counterclaim asserted by Defendants in response to Queenstown's Amended Complaint, by averring in support thereof as follows:

Reply to New Matter

1. Denied. After reasonable investigation, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the averments contained in ¶ 1 of Defendants' New Matter, which averments are therefore denied. To the extent a response is deemed required, Plaintiff avers that the mere assessment of taxes by the Clearfield County Tax Assessment

Office is not competent evidence of legal or equitable title, and also does not convey notice of the same.

2. Denied. After reasonable investigation, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the averments contained in ¶ 2 of Defendants' New Matter, which averments are therefore denied. To the extent a response is deemed required, Plaintiff avers that the mere assessment of taxes by the Clearfield County Tax Assessment Office is not competent evidence of legal or equitable title, and also does not convey notice of the same.

3. Denied. After reasonable investigation, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the averments contained in ¶ 3 of Defendants' New Matter, which averments are therefore denied. To the extent a response is deemed required, Plaintiff avers that the mere assessment of taxes by the Clearfield County Tax Assessment Office is not competent evidence of legal or equitable title, and also does not convey notice of the same.

4. Denied. After reasonable investigation, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the averments contained in ¶ 4 of Defendants' New Matter, which averments are therefore denied. To the extent a response is deemed required, Plaintiff avers that the mere assessment of taxes by the Clearfield County Tax Assessment

Office is not competent evidence of legal or equitable title, and also does not convey notice of the same.

5. Denied. The averments contained in ¶ 5 of Defendants' New Matter are conclusions of law, to which no responsive pleading is required. To the extent a response is deemed required, Plaintiff incorporates by reference ¶¶ 1 - 18 of Plaintiff's Amended Complaint, and ¶¶ 1 - 4 hereinabove, the same as if set forth herein in their entirety.

6. Denied. The averments contained in ¶ 6 of Defendants' New Matter are conclusions of law to which no responsive pleading is required. To the extent a response is deemed required, Plaintiff incorporates by reference ¶¶ 1 - 18 of Plaintiff's Amended Complaint, and ¶¶ 1 - 4 hereinabove, the same as if set forth herein in their entirety.

7. Denied. The averments contained in ¶ 7 of Defendants' New Matter are conclusions of law to which no responsive pleading is required. After reasonable investigation, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the averments contained in ¶ 7 of Defendants' New Matter, which averments are therefore denied. To the extent a response is deemed required, Plaintiff incorporates by reference ¶¶ 1 - 18 of Plaintiff's Amended Complaint, and ¶¶ 1 - 4 hereinabove, the same as if set forth herein in their entirety.

8. Denied. It is specifically denied that Tax Map Parcel No. 123-K10-0-032 was lawfully and properly created based upon a separate and valid

subdivision or conveyance of an interest in land, or that it was depicted and shown on the assessment maps of Lawrence Township at all times relevant hereto. To the contrary, it is Plaintiff's specific claim that the said Tax Map Parcel was improperly and unilaterally created by the Clearfield County Tax Assessment Office in, or shortly before, 1995 without proper record title basis.

9. Denied. The averments contained in ¶ 9 of Defendants' New Matter are conclusions of law to which no responsive pleading is required. To the extent a response is deemed required, Plaintiff avers that its quiet-title claims are not barred by the doctrine of laches.

10. Denied. The averments contained in ¶ 10 of Defendants' New Matter are conclusions of law to which no responsive pleading is required. To the extent a response is deemed required, Plaintiff's claims are not barred by the statute of frauds.

11. Denied. The averments contained in ¶ 11 of Defendants' New Matter are conclusions of law to which no responsive pleading is required. To the extent a response is deemed required, Plaintiff avers that its quiet-title claims are not barred by the applicable statute of limitations.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant Plaintiff the relief requested in Plaintiff's Amended Complaint.

Answer to Counterclaim of Troy Grassmyer

¶¶ 1 - 9 of Plaintiff's Reply to Defendants' New Matter, and ¶¶ 1 -18 of Plaintiff's Amended Complaint are hereby incorporated by reference herein the same as if set forth herein in their entirety.

1. Denied. The averment contained in ¶ 1 of Defendant Troy Grassmyer's Counterclaim is a conclusion of law to which no responsive pleading is required. To the extent a response is required, Plaintiff states that it is the lawful owner of the real property part of which is assessed by the Clearfield County Tax Assessment Office as Parcel No. 123-K10-0-032.

2. Denied. After reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the averments contained in ¶ 2 of Defendant Troy Grassmyer's Counterclaim, which averments are therefore denied.

3. Denied. The averments contained in ¶ 3 of Defendant Troy Grassmyer's Counterclaim are conclusions of law to which no responsive pleading is required. To the extent a response is deemed required, Plaintiff states that the mere assessment and payment of taxes, is not competent evidence of legal or equitable title and cannot convey notice of the same.

4. Denied. The averments contained in ¶ 4 of Defendant Troy Grassmyer's Counterclaim are conclusions of law to which no responsive pleading is required. To the extent a response is deemed required, Plaintiff

incorporates by reference ¶¶ 1 - 18 of its Amended Complaint, the same as if set forth herein in their entirety.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court dismiss the Counterclaim of Defendant Troy Grassmyer and grant Plaintiff the relief requested in Plaintiff's Amended Complaint.

New Matter to Counterclaim of Troy Grassmyer

5. Plaintiff incorporates by reference ¶¶ 1 - 4 of Plaintiff's Answer to Counterclaim of Troy Grassmyer, ¶¶ 1 - 11 of Plaintiff's Reply to Defendant's New Matter, and ¶¶ 1 - 18 of Plaintiff's Amended Complaint, the same as if set forth herein in their entirety.

6. After the within litigation was commenced by Plaintiff, a deed from Defendant William B. Reilly to Defendant Troy Grassmyer was recorded at the Clearfield County Recorder of Deeds Office at Instrument No. 200809515, which document purports to divest William B. Reilly of any claim or interest he may have had in and to the subject property.

7. Defendants have improperly and wrongfully combined and worked together in an effort to wrongfully defeat or impugne Plaintiff's good title in and to the property at issue in the within litigation.

8. Plaintiff took title to the subject property without notice of any claim in and to the same of Defendant Troy Grassmyer.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court dismiss the Counterclaim of Defendant Troy Grassmyer and grant Plaintiff the relief requested in Plaintiff's Amended Complaint.

RESPECTFULLY SUBMITTED:



Nathaniel Parker (SEAL)

AL LANDER, ESQ.
Pa. Id. # 25821
NATHANIEL PARKER, ESQ.
Pa. Id. # 90993
Attorneys for Plaintiff
Law Offices of Greco & Lander, P.C.
P. O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
Fax: (814) 226-4951

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

QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, :
vs. : :
: : No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
: Defendants. :

VERIFICATION

I, Robert G. Higbee, Land Manager of Queenstown Hunt Club, Inc., verify
that the statements made herein are true and correct to the best of my
knowledge, information, and belief and are made subject to the penalties of 18
Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: January 9, 2009


ROBERT G. HIGBEE
(Signature)

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

No. 2008-840-CD

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER
CO., and TROY P. GRASSMYER, Their
Heirs, Successors and Assigns and All
Other Persons Claiming Any Interest In
The Property Described In This Action,

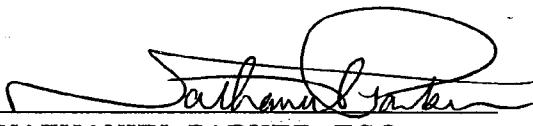
Defendants.

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "***Reply to New Matter and Answer and New Matter to Counterclaim***" was sent by U.S. mail, postage prepaid, on JANUARY 12, 2009, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
P. O. Box 28
409 N. Front Street
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By: 

NATHANIEL PARKER, ESQ.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, :
vs. : :
: : No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
: Defendants. :

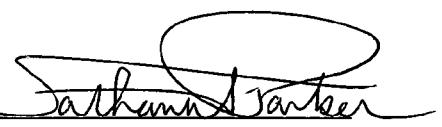
CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "***Plaintiff's January 2009 Interrogatories and Request for Production of Documents***" was sent by first-class mail, postage prepaid, on JANUARY 12, 2009, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
P. O. Box 28
409 N. Front Street
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By:


NATHANIEL PARKER, ESQ.

FILED NO CC
MTO:5/8/09
JAN 14 2009 GIC

William A. Shaw
Clerk/Clerk of Courts

{GL092483.1}

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104792
NO: 08-840-CD
SERVICE # 1 OF 1
AMENDED COMPLAINT TO QUIET TITLE

PLAINTIFF: QUEENSTOWN HUNT CLUB, INC.

VS.

DEFENDANT: WILLIAM B. REILLY, INDIVIDUALLY AND T/D/B/A KEYSTONE LAND AND TIMBER CO., AND TROY P. GRASSMYER, THEIR HEIRS, SUCCESSORS AND ASSIGNS AND ALL OTHER PERSONS CLAIMING ANY INTEREST IN THE PROPERTY DESCRIBED IN THIS ACTION

SHERIFF RETURN

NOW, October 30, 2008, SHERIFF OF YORK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN AMENDED COMPLAINT TO QUIET TITLE ON TROY P. GRASSMYER.

NOW, November 06, 2008 AT 5:20 PM SERVED THE WITHIN AMENDED COMPLAINT TO QUIET TITLE ON TROY P. GRASSMYER, DEFENDANT. THE RETURN OF YORK COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

5
FILED
013:30pm
FEB 04 2009
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104792
NO: 08-840-CD
SERVICES 1
AMENDED COMPLAINT TO QUIET TITLE

PLAINTIFF: QUEENSTOWN HUNT CLUB, INC.

VS.

DEFENDANT: WILLIAM B. REILLY, INDIVIDUALLY AND T/D/B/A KEYSTONE LAND AND TIMBER CO., AND TROY P. GRASSMYER, THEIR HEIRS, SUCCESSORS AND ASSIGNS AND ALL OTHER PERSONS CLAIMING ANY INTEREST IN THE PROPERTY DESCRIBED IN THIS ACTION

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GRECO	8317	10.00
SHERIFF HAWKINS	GRECO	8317	21.00
YORK CO.	GRECO	8318	45.23

Sworn to Before Me This

So Answers,

____ Day of _____ 2009



Chester A. Hawkins
Sheriff

4
COUNTY OF YORK
OFFICE OF THE SHERIFF

45 N. GEORGE ST., YORK, PA 17401

SERVICE CALL
(717) 771-9601

**SHERIFF SERVICE
PROCESS RECEIPT and AFFIDAVIT OF RETURN**

**INSTRUCTIONS
PLEASE TYPE ONLY LINE 1 THRU 12
DO NOT DETACH ANY COPIES**

1. PLAINTIFF/S/ QUEENSTOWN HUNT CLUB, INC.,		2. COURT NUMBER 2008-840-CD
3. DEFENDANT/S/ WILLIAM B. REILLY, INDIVIDUALLY, and t/d/b KEYSTONE LAND AND TIMBER CO. ET AL		4. TYPE OF WRIT OR COMPLAINT AMD COMPLAINT, NOTICE
SERVE AT TROY P. GRASSMYER		5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED, OR SOLD
6. ADDRESS (STREET OR RFO WITH BOX NUMBER, APT NO., CITY, BORO, TWP., STATE AND ZIP CODE) 75 PINE STREET, DILLSBURG, PA 17019		
7. INDICATE SERVICE: <input type="checkbox"/> PERSONAL <input type="checkbox"/> PERSON IN CHARGE <input type="checkbox"/> DEPUTIZE <input type="checkbox"/> CERT. MAIL <input type="checkbox"/> 1ST CLASS MAIL <input type="checkbox"/> POSTED <input type="checkbox"/> OTHER		
NOW _____, 20____ I, SHERIFF OF YORK COUNTY, PA, do hereby depose the sheriff of COUNTY to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. _____		
SHERIFF OF YORK COUNTY		
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE.		

OUT OF CO
CLEARFIELD

ADV FEE PAID BY ATTY.

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction, or removal of any property before sheriff's sale thereof.

9. TYPE NAME and ADDRESS of ATTORNEY / ORIGINATOR and SIGNATURE AL LANDER, ESQ. 1390 E. MAIN STREET, SUITE 2, PO BOX 667, CLARION, PA 16214	10. TELEPHONE NUMBER 814-226-6853	11. DATE FILED 10-14-2008
12. SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW. (This area must be completed if notice is to be mailed)		

CLEARFIELD CO SHERIFF

SPACE BELOW FOR USE OF THE SHERIFF - DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above.		14. DATE RECEIVED 11-3-2008	15. Expiration/Hearing Date 11-12-2008																	
16. HOW SERVED: PERSONAL () RESIDENCE <input checked="" type="checkbox"/> POSTED () POE () SHERIFF'S OFFICE () OTHER () SEE REMARKS BELOW																				
17. <input type="checkbox"/> I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, etc. named above. (See remarks below)																				
18. NAME AND TITLE OF INDIVIDUAL SERVED / LIST ADDRESS HERE IF NOT SHOWN ABOVE (Relationship to Defendant) <i>Y</i> oung <i>J</i> ammer <i>T</i> roy <i>G</i> rassmyer		19. Date of Service <i>11/6/08</i>	20. Time of Service <i>5:20 PM</i>																	
21. ATTEMPTS	Date	Time	Miles	Int.	Date	Time	Miles	Int.	Date	Time	Miles	Int.	Date	Time	Miles	Int.	Date	Time	Miles	Int.

22. REMARKS:

23. Advance Costs \$100.00	24. Service Costs 18.00	25. N/F 22.23	26. Mileage 40.23	27. Postage	28. Sub Total 6.00	29. Pound	30. Notary 6.00	31. Surchg.	32. Tot. Costs 45.23	33. Costs Due or Refund 54.77	Check No B3402
34. Foreign County Costs	35. Advance Costs	36. Service Costs	37. Notary Cert	38. Mileage/Postage/Not Found				39. Total Costs	40. Costs Due or Refund		
41. AFFIRMED and subscribed to before me this 21st 42. day of NOV 20 2008 COMMONWEALTH OF PENNSYLVANIA NOTARY NOTARIAL SEAL LISA L. BOWMAN, NOTARY PUBLIC CITY OF YORK, YORK COUNTY MY COMMISSION EXPIRES ALIC. 12/2009				SO ANSWERS 44. Signature of Dep. Sheriff T. A. STAHL - 164 45. DATE 11/6/08 46. Signature of York County Sheriff RICHARD P. KEUERLEEBER, SHERIFF 47. DATE 11-21-2008 48. Signature of Foreign County Sheriff							
50. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED ISSUING AUTHORITY AND TITLE										51. DATE RECEIVED	

Sheriff's Office of York County

Richard P Keuerleber
Sheriff



Peter J Mangan, Esq.
Solicitor

Reuben B Zeager
Chief Deputy, Operations

James V Vangreen
Chief Deputy, Administration

Service Request Receipt

Docket Number: 2008-840-CD

PLAINTIFF QUEENSTOWN HUNT CLUB, INC.

DEFENDANT WILLIAM B. REILLY, INDV, AND TDA
KEYSTONE LAND AND TIMBER CO.,

Printed: 11/5/2008 10:50:12AM **Service Type:** Civil Action

Request Date: November 05, 2008

No:	Check No:	Check Date:	Paid By:	Amount:
30176	8318	10/08/2008	LAW OFFICES OF GRECO & LANDER P.C.	100.00

Origin: Foreign County Clearfield

Received by: MJM

York County Sheriff, York, Pennsylvania, 17401, (717) 771-9601, (717) 771-4631 (fax)



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office
Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 104792

TERM & NO. 08-840-CD

QUEENSTOWN HUNT CLUB, INC.

AMENDED COMPLAINT TO QUIET TITLE

vs.

WILLIAM B. REILLY, INDIVIDUALLY AND T/D/B/A KEYSTONE LAND AND TIMBER CO., AND TROY P. GRASSMYER, THEIR HEIRS, SUCCESSORS AND ASSIGNS AND ALL OTHER PERSONS CLAIMING ANY INTEREST IN THE PROPERTY DESCRIBED IN THIS ACTION

**SERVE BY: 11/12/2008
COURT DATE:**

**MAKE REFUND PAYABLE TO GRECO & LANDER, P.C., 1390 EAST MAIN ST.
CLARION**

SERVE: TROY P. GRASSMYER

ADDRESS: 75 PINE STREET, DILLSBURG, PA 17019

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depose the SHERIFF OF YORK COUNTY, Pennsylvania to execute this writ. This Deposition being made at the request and risk of the Plaintiff this day, October 30, 2008.

RESPECTFULLY,

Chester A. Hawkins
SHERIFF
CLEARFIELD COUNTY, PENNSYLVANIA

10/30/08 3 PM 3 ACN 8002

CHES A HAWKINS
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

COPY

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER
CO., and TROY P. GRASSMYER, Their
Heirs, Successors and Assigns and All
Other Persons Claiming Any Interest In
The Property Described In This Action,

Defendants.

: No. 2008-840-CD

: Type of Case:

: Action to Quiet Title

: Type of Pleading:

: ***Amended Complaint***

: Filed of Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: AL LANDER, ESQ.

: Pa. Id. #25821

: NATHANIEL PARKER, ESQ.

: Pa. Id. #90993

: Law Offices of Greco & Lander, P.C.

: 1390 East Main Street, Suite 2

: P.O. Box 667

: Clarion, PA 16214

: (814) 226-6853

: Fax: (814) 226-4951

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

Dated: OCTOBER 13, 2008

OCT 14 2008

{GL088398.1}

Attest.

William L. Parker
Prothonotary/
Clerk of Courts

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

QUEENSTOWN HUNT CLUB, INC., :

Plaintiff, :

vs. :

No. 2008-840-CD

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER
CO., and TROY P. GRASSMYER, Their
Heirs, Successors and Assigns and All
Other Persons Claiming Any Interest In
The Property Described In This Action,

Defendants. :

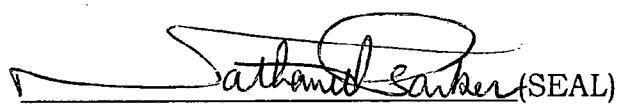
NOTICE

TO: DEFENDANTS WILLIAM B. REILLY, Individually and t/d/b/a
KEYSTONE LAND AND TIMBER CO., and TROY P. GRASSMYER, Their
Heirs, Successors and Assigns and All Other Persons Claiming Any
Interest In The Property Described In This Action:

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

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

COURT ADMINISTRATOR
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2441, Ext. 5982

 (SEAL)

NATHANIEL PARKER, ESQ.
Attorney for Plaintiff
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P. O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
Fax: (814) 226-4951

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

QUEENSTOWN HUNT CLUB, INC., :

Plaintiff, :

vs. :

No. 2008-840-CD

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their
Heirs, Successors and Assigns and All
Other Persons Claiming Any Interest In
The Property Described In This Action, :

Defendants. :

AMENDED COMPLAINT

AND NOW, comes the Plaintiff, Queenstown Hunt Club, Inc., ("Queenstown") by and through their attorneys, the Law Offices of Greco & Lander, P.C., and files the within Amended Complaint against the herein named Defendants, averring in support thereof as follows:

1. The Plaintiff, Queenstown Hunt Club, Inc., is a Pennsylvania corporation, with offices at 301 Market Street, Kittanning, PA 16201.
2. The Defendant, William B. Reilly, individually and t/d/b/a Keystone Land and Timber Co., is an adult individual resident of the Commonwealth of Pennsylvania, with a place of business located at 1540 Dry Run Road, Duncansville, PA 16635-4018.
3. The Defendant, Troy P. Grassmyer, is an adult individual resident of the Commonwealth of Pennsylvania, with a last known address of 75 Pine Street, Dillsburg, PA 17019.

4. Plaintiff is the owner of the surface estate of that certain tract of land situate in Lawrence Township, Clearfield County, Pennsylvania, being bounded and described as follows:

BEGINNING at a stake; thence by land n/f of John McLaughlin, Sr., South 35° East, a distance of 450 perches to a stake; thence by land n/f of John and James Dougherty, North 63° East, a distance of 38.2 perches to a hemlock; thence by land of same, North 35° West, a distance of 450 perches to a stake; thence by land n/f of Amos Read, South 63° West, 37.8 perches to the place of beginning.

CONTAINING 100 ACRES and allowances.

EXCEPTING & RESERVING THEREFROM the following tract:

BEGINNING at a stone fence by land and n/f of John Dougherty Estate; thence North 55° East, 37.6 perches to a stake; thence by land n/f of John Dougherty, North 35° West, 155.5 perches to a stake; thence by land n/f of Amos Read, South 63° West, 37.8 perches to a stake; thence by land of John McLaughlin, South 35° East, 160.7 perches to a stake at the place of beginning. Being 35 acres, more or less, and the northwestern portion of the above described tract.

REMAINING ACREAGE BEING ASSESSED AS 67.1 ACRES, more or less, and known as Map Nos 123-K10-0-018 and 123-K10-0-032.

The above-described tract will hereinafter be referred to as "Property".

5. The Plaintiff is the owner of the Property by virtue of a deed, dated February 19, 2008, by and between C. Alan Walker and Susan Walker Kriner, aka Susan W. Kriner, t/d/b/a Shannon Land and Mining Company, and the Estate of Ann Walker Macko, by her Executors, William C. Kriner and Derek A. Walker, as grantors, and Queenstown Hunt Club, Inc., as grantee, and recorded at Clearfield County Instrument No. 200802359, granting all of the

grantors' right, title and interest in the Property, together with the further deeds of conveyance described as follows:

- A. Being the same Property conveyed by Nadine F. Stafford, and Malcolm D. Bruce, as grantors, to C. Alan Walker, Susan Walker Kriner, t/d/b/a Shannon Land and Mining Company, as grantees, by deed, dated October 17, 2006, and recorded in Clearfield County at Instrument No. 200618338.
- B. Being the same Property conveyed by Joel R. Aberth, Administrator WWA and Administrator CTA of the Betty L. Stafford Estate; Nadine F. Stafford, Individually and as Beneficiary of the Betty L. Stafford Estate; and James Patrick Christopher Stafford, aka James P. C. Stafford, Individually and as Beneficiary of the Betty L. Stafford Estate, as grantors, to Nadine F. Stafford, as grantee, by deed, dated October 10, 2003, and recorded in Clearfield County at Instrument No. 200319387.
- C. Being the same Property conveyed by Mount St. Mary's College, as grantor, to Betty L. Stafford, as grantee, by deed, dated September 28, 1987, and recorded in Clearfield County Deed Book 1212, Page 316; and of Betty L. Stafford, Executrix of the Estate of Francis W. Stafford, as grantor, to Betty L. Stafford, as grantee, by deed, dated March 8, 1988, and recorded in Clearfield County Deed Book 1212, Page 320. The said Betty L. Stafford died November 24, 2001, at Estate No. 2002-406. All the rest and residue of her estate was left to her children, Nadine Frances Stafford and James Patrick Christopher Stafford.

6. Defendant William B. Reilly, individually, and t/d/b/a Keystone Land and Timber Co., is claiming surface ownership of a portion of the Property by virtue of a tax claim deed, dated December 8, 1995, purporting to convey 9.9 acres, assessed as Tax Assessment Map No. 123-K10-0-032, and being a portion of the above described Property.

7. Defendant Troy P. Grassmyer is claiming surface ownership of a portion of the Property by virtue of a deed from Defendant William B. Reilly, dated March 18, 2008, purporting to convey 11.058 acres, more or less,

assessed as Tax Assessment Map No. 123-K10-0-032, and being recorded in the Clearfield County Recorder's Office at Instrument No. 200809515.

8. The property identified and assessed as Tax Assessment Map Parcel No. 123-K10-0-032 encompasses property that was conveyed as part of a larger tract of land in the deeds more fully referenced and described in ¶ 5 A-C above. The Clearfield County Assessment Office unilaterally and improperly created Parcel No. 123-K10-0-032 without any record title basis for the assessment.

9. The action of the Clearfield County Assessment Office in creating Parcel No. 123-K10-0-032 is and was improper in that the property thereby assessed is and was owned by and previously assessed to Plaintiff or Plaintiff's predecessors in interest.

10. Clearfield County Tax Assessment Maps improperly and erroneously depict Parcel No. 123-K10-0-032 as being a separate and additional parcel from Parcel No. 123-K10-0-018 which is depicted on the map to the northwest of the Property claimed by Defendants.

11. The Tax Assessment Office's creation of a parcel on the County Assessment Maps cannot form the basis of title to land.

12. The Tax Claim Deed which is believed to be Defendants' only source of title indicates that the premises conveyed was assessed in the name of "unknown owner". Clearfield County had never in the past assessed a separate parcel known as 123-K10-0-032.

13. The Property sold by the Tax Claim Bureau Deed to Defendant Reilly was for property in which the taxes were and are paid in full and up to date by

Plaintiff or Plaintiff's predecessors in interest as Tax Assessment Map Parcel No. 123-K10-0-018.

14. Tax Assessment Map Parcel No. 123-K10-0-032 is an improper double assessment of the Property owned by and assessed to Plaintiff as Parcel No. 123-K10-0-018.

15. Plaintiff and Plaintiff's predecessors in interest have in fact timely and properly tendered all taxes due and owing on the property assessed as Tax Assessment Map Parcel No. 123-K10-0-018.

16. Defendants have no claim of right or title in any portion of the Property other than the Tax Claim Bureau Deed identified in ¶5 herein above.

17. Plaintiff's title in and to the Property, including both Tax Assessment Map Parcel Nos. 123-K10-0-018 and 123-K10-0-032 is superior to any claim of title by Defendants.

18. The Plaintiff through itself and its predecessors in title have perfected its title in the Property through adverse possession against the Defendants in that its possession has been actual, continuous, visible, notorious, distinct and hostile for a period in excess of 21 years.

WHEREFORE, the Plaintiff requests this Honorable Court to:

1. Order any person having any documents, obligations, or deeds affecting the rights, claim, title or interest of the Plaintiff in the Property to produce, file, record, cancel, surrender, release, or satisfy of record any such document or to be forever barred;

2. Order any person claiming any interest in the Property to assert such interest or to commence an action to determine such interest or be forever barred;

3. Order that the Defendants be forever barred from asserting any right, claim, title or interest in the Property inconsistent with the interest or claim of the Plaintiff set forth in this Complaint;

4. Order that the Clearfield County Assessment Office correct the improperly identified Tax Assessment Map Parcel No. 123-K10-0-032, and indicate that the property previously identified thereby is included on the County Assessment Maps as part of Tax Assessment Map Parcel No. 123-K10-0-018; and

5. Enter such other Order as necessary to facilitate the granting of the relief herein requested and confirming Plaintiff's good and marketable title in the Property.

RESPECTFULLY SUBMITTED:



AL LANDER, ESQ.
NATHANIEL PARKER, ESQ.
Law Offices of Greco & Lander
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

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

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, :
vs. :
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER; Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
Defendants. :
No. 2008-840-CD

VERIFICATION

I, Robert G. Higbee, Land Manager, of Queenstown Hunt Club, Inc., verify that the statements made herein are true and correct to the best of my knowledge, information, and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: October 13th, 2008

Robert G. Higbee
ROBERT G. HIGBEE

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

No. 2008-840-CD

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER
CO., and TROY P. GRASSMYER, Their
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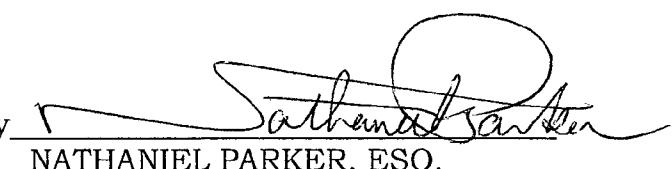
Defendants.

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "**Amended Complaint**" was sent by U.S. mail, postage prepaid, on OCTOBER 13, 2008, to other parties and counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
P. O. Box 28
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By 
NATHANIEL PARKER, ESQ.

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

COPY

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

: No. 2008-840-CD

vs.

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER
CO., and TROY P. GRASSMYER, Their
Heirs, Successors and Assigns and All
Other Persons Claiming Any Interest In
The Property Described In This Action,

Defendants.

: Type of Case:

: Action to Quiet Title

: Type of Pleading:

: ***Amended Complaint***

: Filed of Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: AL LANDER, ESQ.

: Pa. Id. #25821

: NATHANIEL PARKER, ESQ.

: Pa. Id. #90993

: Law Offices of Greco & Lander, P.C.

: 1390 East Main Street, Suite 2

: P.O. Box 667

: Clarion, PA 16214

: (814) 226-6853

: Fax: (814) 226-4951

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

Dated: OCTOBER 13, 2008

OCT 14 2008

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

QUEENSTOWN HUNT CLUB, INC.,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	No. 2008-840-CD
WILLIAM B. REILLY, Individually, and	:	
t/d/b/a KEYSTONE LAND AND TIMBER	:	
CO., and TROY P. GRASSMYER, Their	:	
Heirs, Successors and Assigns and All	:	
Other Persons Claiming Any Interest In	:	
The Property Described In This Action,	:	
	:	
Defendants.	:	

NOTICE

TO: DEFENDANTS WILLIAM B. REILLY, Individually and t/d/b/a KEYSTONE LAND AND TIMBER CO., and TROY P. GRASSMYER, Their Heirs, Successors and Assigns and All Other Persons Claiming Any Interest In The Property Described In This Action:

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

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

COURT ADMINISTRATOR
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2441, Ext. 5982

 (SEAL)

NATHANIEL PARKER, ESQ.
Attorney for Plaintiff
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P. O. Box 667
Clarion, Pennsylvania 16214
(814) 226-6853
Fax: (814) 226-4951

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

QUEENSTOWN HUNT CLUB, INC.,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	No. 2008-840-CD
WILLIAM B. REILLY, Individually, and	:	
t/d/b/a KEYSTONE LAND AND TIMBER	:	
CO., and TROY P. GRASSMYER, Their	:	
Heirs, Successors and Assigns and All	:	
Other Persons Claiming Any Interest In	:	
The Property Described In This Action,	:	
	:	
Defendants.	:	

AMENDED COMPLAINT

AND NOW, comes the Plaintiff, Queenstown Hunt Club, Inc., ("Queenstown") by and through their attorneys, the Law Offices of Greco & Lander, P.C., and files the within Amended Complaint against the herein named Defendants, averring in support thereof as follows:

1. The Plaintiff, Queenstown Hunt Club, Inc., is a Pennsylvania corporation, with offices at 301 Market Street, Kittanning, PA 16201.
2. The Defendant, William B. Reilly, individually and t/d/b/a Keystone Land and Timber Co., is an adult individual resident of the Commonwealth of Pennsylvania, with a place of business located at 1540 Dry Run Road, Duncansville, PA 16635-4018.
3. The Defendant, Troy P. Grassmyer, is an adult individual resident of the Commonwealth of Pennsylvania, with a last known address of 75 Pine Street, Dillsburg, PA 17019.

4. Plaintiff is the owner of the surface estate of that certain tract of land situate in Lawrence Township, Clearfield County, Pennsylvania, being bounded and described as follows:

BEGINNING at a stake; thence by land n/f of John McLaughlin, Sr., South 35° East, a distance of 450 perches to a stake; thence by land n/f of John and James Dougherty, North 63° East, a distance of 38.2 perches to a hemlock; thence by land of same, North 35° West, a distance of 450 perches to a stake; thence by land n/f of Amos Read, South 63° West, 37.8 perches to the place of beginning.

CONTAINING 100 ACRES and allowances.

EXCEPTING & RESERVING THEREFROM the following tract:

BEGINNING at a stone fence by land and n/f of John Dougherty Estate; thence North 55° East, 37.6 perches to a stake; thence by land n/f of John Dougherty, North 35° West, 155.5 perches to a stake; thence by land n/f of Amos Read, South 63° West, 37.8 perches to a stake; thence by land of John McLaughlin, South 35° East, 160.7 perches to a stake at the place of beginning. Being 35 acres, more or less, and the northwestern portion of the above described tract.

REMAINING ACREAGE BEING ASSESSED AS 67.1 ACRES, more or less, and known as Map Nos 123-K10-0-018 and 123-K10-0-032.

The above-described tract will hereinafter be referred to as "Property".

5. The Plaintiff is the owner of the Property by virtue of a deed, dated February 19, 2008, by and between C. Alan Walker and Susan Walker Kriner, aka Susan W. Kriner, t/d/b/a Shannon Land and Mining Company, and the Estate of Ann Walker Macko, by her Executors, William C. Kriner and Derek A. Walker, as grantors, and Queenstown Hunt Club, Inc., as grantee, and recorded at Clearfield County Instrument No. 200802359, granting all of the

grantors' right, title and interest in the Property, together with the further deeds of conveyance described as follows:

- A. Being the same Property conveyed by Nadine F. Stafford, and Malcolm D. Bruce, as grantors, to C. Alan Walker, Susan Walker Kriner, t/d/b/a Shannon Land and Mining Company, as grantees, by deed, dated October 17, 2006, and recorded in Clearfield County at Instrument No. 200618338.
- B. Being the same Property conveyed by Joel R. Aberth, Administrator WWA and Administrator CTA of the Betty L. Stafford Estate; Nadine F. Stafford, Individually and as Beneficiary of the Betty L. Stafford Estate; and James Patrick Christopher Stafford, aka James P. C. Stafford, Individually and as Beneficiary of the Betty L. Stafford Estate, as grantors, to Nadine F. Stafford, as grantee, by deed, dated October 10, 2003, and recorded in Clearfield County at Instrument No. 200319387.
- C. Being the same Property conveyed by Mount St. Mary's College, as grantor, to Betty L. Stafford, as grantee, by deed, dated September 28, 1987, and recorded in Clearfield County Deed Book 1212, Page 316; and of Betty L. Stafford, Executrix of the Estate of Francis W. Stafford, as grantor, to Betty L. Stafford, as grantee, by deed, dated March 8, 1988, and recorded in Clearfield County Deed Book 1212, Page 320. The said Betty L. Stafford died November 24, 2001, at Estate No. 2002-406. All the rest and residue of her estate was left to her children, Nadine Frances Stafford and James Patrick Christopher Stafford.

6. Defendant William B. Reilly, individually, and t/d/b/a Keystone Land and Timber Co., is claiming surface ownership of a portion of the Property by virtue of a tax claim deed, dated December 8, 1995, purporting to convey 9.9 acres, assessed as Tax Assessment Map No. 123-K10-0-032, and being a portion of the above described Property.

7. Defendant Troy P. Grassmyer is claiming surface ownership of a portion of the Property by virtue of a deed from Defendant William B. Reilly, dated March 18, 2008, purporting to convey 11.058 acres, more or less,

assessed as Tax Assessment Map No. 123-K10-0-032, and being recorded in the Clearfield County Recorder's Office at Instrument No. 200809515.

8. The property identified and assessed as Tax Assessment Map Parcel No. 123-K10-0-032 encompasses property that was conveyed as part of a larger tract of land in the deeds more fully referenced and described in ¶ 5 A-C above. The Clearfield County Assessment Office unilaterally and improperly created Parcel No. 123-K10-0-032 without any record title basis for the assessment.

9. The action of the Clearfield County Assessment Office in creating Parcel No. 123-K10-0-032 is and was improper in that the property thereby assessed is and was owned by and previously assessed to Plaintiff or Plaintiff's predecessors in interest.

10. Clearfield County Tax Assessment Maps improperly and erroneously depict Parcel No. 123-K10-0-032 as being a separate and additional parcel from Parcel No. 123-K10-0-018 which is depicted on the map to the northwest of the Property claimed by Defendants.

11. The Tax Assessment Office's creation of a parcel on the County Assessment Maps cannot form the basis of title to land.

12. The Tax Claim Deed which is believed to be Defendants' only source of title indicates that the premises conveyed was assessed in the name of "unknown owner". Clearfield County had never in the past assessed a separate parcel known as 123-K10-0-032.

13. The Property sold by the Tax Claim Bureau Deed to Defendant Reilly was for property in which the taxes were and are paid in full and up to date by

Plaintiff or Plaintiff's predecessors in interest as Tax Assessment Map Parcel No. 123-K10-0-018.

14. Tax Assessment Map Parcel No. 123-K10-0-032 is an improper double assessment of the Property owned by and assessed to Plaintiff as Parcel No. 123-K10-0-018.

15. Plaintiff and Plaintiff's predecessors in interest have in fact timely and properly tendered all taxes due and owing on the property assessed as Tax Assessment Map Parcel No. 123-K10-0-018.

16. Defendants have no claim of right or title in any portion of the Property other than the Tax Claim Bureau Deed identified in ¶5 herein above.

17. Plaintiff's title in and to the Property, including both Tax Assessment Map Parcel Nos. 123-K10-0-018 and 123-K10-0-032 is superior to any claim of title by Defendants.

18. The Plaintiff through itself and its predecessors in title have perfected its title in the Property through adverse possession against the Defendants in that its possession has been actual, continuous, visible, notorious, distinct and hostile for a period in excess of 21 years.

WHEREFORE, the Plaintiff requests this Honorable Court to:

1. Order any person having any documents, obligations, or deeds affecting the rights, claim, title or interest of the Plaintiff in the Property to produce, file, record, cancel, surrender, release, or satisfy of record any such document or to be forever barred;

2. Order any person claiming any interest in the Property to assert such interest or to commence an action to determine such interest or be forever barred;

3. Order that the Defendants be forever barred from asserting any right, claim, title or interest in the Property inconsistent with the interest or claim of the Plaintiff set forth in this Complaint;

4. Order that the Clearfield County Assessment Office correct the improperly identified Tax Assessment Map Parcel No. 123-K10-0-032, and indicate that the property previously identified thereby is included on the County Assessment Maps as part of Tax Assessment Map Parcel No. 123-K10-0-018; and

5. Enter such other Order as necessary to facilitate the granting of the relief herein requested and confirming Plaintiff's good and marketable title in the Property.

RESPECTFULLY SUBMITTED:



AL LANDER, ESQ.
NATHANIEL PARKER, ESQ.
Law Offices of Greco & Lander
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

No. 2008-840-CD

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action,

Defendants.

VERIFICATION

I, Robert G. Higbee, Land Manager, of Queenstown Hunt Club, Inc., verify that the statements made herein are true and correct to the best of my knowledge, information, and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: October 13th, 2008

Robert G. Higbee
ROBERT G. HIGBEE

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

No. 2008-840-CD

WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action,

Defendants.

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "**Amended Complaint**" was sent by U.S. mail, postage prepaid, on OCTOBER 13, 2008, to other parties and counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
P. O. Box 28
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By 
NATHANIEL PARKER, ESQ.

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No. 2008-840-CD

Plaintiff

v. * TYPE OF PLEADING: Defendants' Response
* To Plaintiff's New Matter To Counterclaim

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants

* FILED ON BEHALF OF: Defendants

* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire
* I.D. No. 39180
* Mason Law Office
* P.O. Box 28
* 409 N. Front Street
* Philipsburg, PA 16866
* (814) 342-2240

FILED NO
FEB 05 2009
S 60456
FEB 05 2009
60456

5 William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No. 2008-840-CD

Plaintiff *

v. *

WILLIAM B. REILLY, Individually, and *
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants *

DEFENDANTS' RESPONSE TO
PLAINTIFF'S NEW MATTER
TO COUNTERCLAIM

AND NOW, come Defendants William B. Reilly, t/d/b/a Keystone Land & Timber Co., and Troy P. Grassmyer, by and through their attorney, David C. Mason, who files the following Response to Plaintiff's New Matter to Counterclaim, and in support thereof avers as follows:

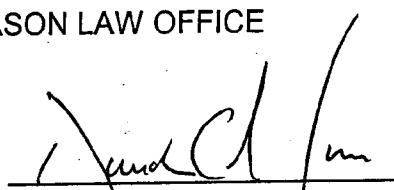
6. ADMITTED.

7. DENIED. It is denied that Defendants have improperly and wrongfully combined and worked together in an effort to wrongfully defeat or impugn Plaintiff's title to the subject lands. To the contrary, at all times material and relevant hereto, Defendant William B. Reilly and Troy P. Grassmyer were defending their own good title in and to the subject lands.

8. **DENIED.** The averments contained in paragraph 8 of Plaintiff's New Matter to Counter-Claim are denied as after reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth thereof, and therefore, strict proof is demanded at trial.

WHEREFORE, Defendants pray your Honorable Court for the entry of an order dismissing Plaintiff's Complaint and entering judgment in favor of Defendant.

MASON LAW OFFICE

By: 

David C. Mason, Esquire
Attorney for Defendants

VERIFICATION

I, TROY P. GRASSMYER do hereby verify that the facts set forth in the foregoing pleading are true and correct to the best of my knowledge, information and belief. This verification subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities. I am verifying the facts herein as my client is out of the jurisdiction and the time for filing this pleading is of essence.

DATED: 2/3/09



Troy P. Grassmyer

VERIFICATION

I, WILLIAM B. REILLY, individually and t/d/b/a KEYSTONE LAND AND TIMBER CO., do hereby verify that the facts set forth in the foregoing pleading are true and correct to the best of my knowledge, information and belief. This verification subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities. I am verifying the facts herein as my client is out of the jurisdiction and the time for filing this pleading is of essence.

DATED: 2/3/09

William B. Reilly
William B. Reilly, individually, and
t/d/b/a Keystone Land and Timber Co.

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC. * No. 2008-840-CD

Plaintiff *

v. *

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER,
their heirs, successors and assigns
and all other persons claiming any
interest in the property described in
this action,

Defendants *

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy
of DEFENDANTS' RESPONSE TO PLAINTIFF'S NEW MATTER TO COUNTERCLAIM
filed in the above captioned action by placing the same in the United States mail, postage
prepaid and addressed as follows:

Nathaniel C. Parker, Esquire
Greco & Lander, P.C.
P.O. Box 667
1390 East Main Street, Suite 2
Clarion, Pennsylvania 16214-0667

MASON LAW OFFICE

DATED: 2/4/9

By: David C. Mason /ma/
David C. Mason, Esquire
Attorney for Defendants

FILED

FEB 05 2009

William A. Shaw
Prothonotary/Clerk of Courts

(A)

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

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, : No. 2008-840-CD
vs. :
WILLIAM B. REILLY, Individually, and : Type of Case:
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their : Action to Quiet Title
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, : Type of Pleading:
Defendants. : ***Motion to Compel Discovery***
: Filed of Behalf of Plaintiff
: Counsel of Record for Plaintiff:
: AL LANDER, ESQ.
: Pa. Id. #25821
: NATHANIEL PARKER, ESQ.
: Pa. Id. #90993
: Law Offices of Greco & Lander, P.C.
: 1390 East Main Street, Suite 2
: P.O. Box 667
: Clarion, PA 16214
: (814) 226-6853
: Fax: (814) 226-4951

Dated: MARCH 20, 2009

3 **FILED** ICC
m1054/PL Atty Parker
MAR 23 2009
(60)

William A. Shaw
Prothonotary/Clerk of Courts

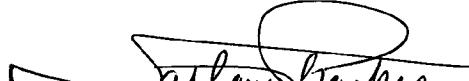
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, :
vs. : :
: : No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
: Defendants. :

CLEARFIELD COUNTY RULE L208.2D & E
CERTIFICATION AS TO MOTION REGARDING DISCOVERY

The undersigned counsel for Plaintiff, being the moving party to the within Motion to Compel Discovery, hereby certifies that the undersigned counsel has conferred or attempted to confer with all interested parties in order to resolve this matter without Court intervention, and that the Motion is uncontested.

Dated: MARCH 20, 2009


NATHANIEL PARKER, ESQ. (SEAL)
Pa. Id. #90993
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

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

QUEENSTOWN HUNT CLUB, INC.,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
		No. 2008-840-CD
WILLIAM B. REILLY, Individually, and	:	
t/d/b/a KEYSTONE LAND AND TIMBER	:	
CO., and TROY P. GRASSMYER, Their	:	
Heirs, Successors and Assigns and All	:	
Other Persons Claiming Any Interest In	:	
The Property Described In This Action,	:	
	:	
Defendants.	:	
	:	

MOTION TO COMPEL DISCOVERY

AND NOW, comes the Plaintiff, Queenstown Hunt Club, Inc., by and through its legal counsel, the Law Offices of Greco & Lander, P.C., and hereby files the within Motion to Compel Responses to Plaintiff's January 2009 Discovery Requests seeking to have this Court order the Defendants to provide the rule required discovery responses set forth in the attached proposed order. In support thereof, Queenstown Hunt Club, Inc. avers as follows:

1. On January 12, 2009, Plaintiff served Interrogatories and Request for Production of Documents upon Defendants, a copy of which is attached hereto as Exhibit 1.
2. Under the Pennsylvania Rules of Civil Procedure, Defendants were required to serve Plaintiff with responses within thirty (30) days, or on or before February 11, 2009.

3. Plaintiff has attempted to resolve this issue informally by correspondence dated February 27, 2009, a copy of which is attached as Exhibit 2, but Defendants have failed or refused to respond.
4. It is now more than sixty (60) days after Plaintiff's Discovery was served, and no response has been served by Defendants, and Defendants have failed or refused to informally indicate a date certain by which the discovery responses will be provided.
5. No objection to Plaintiff's Discovery has been served by Defendants.
6. Plaintiff is prejudiced by Defendants' failure to provide the rule required discovery responses in that the within litigation is being unnecessarily delayed, and Plaintiff has had to incur the cost and expense of preparing and presenting the within Motion.
7. Pa.R.C.P. 4019(c)(2) authorizes a court to order a party precluded from introducing evidence of designated documents, things or testimony as a discovery sanction.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court Order Defendants to serve complete discovery responses within ten (10) days of the Order or be precluded henceforth in this litigation from introducing or relying upon any and all documents, things and testimony requested by Plaintiff's Discovery requests.

RESPECTFULLY SUBMITTED:

Dated: MARCH 20, 2009



Nathaniel Parker (SEAL)

AL LANDER, ESQ.
Pa. Id. #25821
NATHANIEL PARKER, ESQ.
Pa. Id. #90993
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

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

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, :
vs. :
: No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
Defendants. :

ORDER OF COURT

AND NOW, this _____ day of _____, 2009, upon
consideration of the foregoing motion, it is hereby ordered that:

1. A Rule is issued upon the Defendants to show cause why the Plaintiff is not entitled to the relief requested;
2. The Defendants shall file an answer to the Motion within _____ days of today's date;
3. Argument on Plaintiff's Motion shall be held on _____,
_____, 2009, in Courtroom No. _____ of the Clearfield
County Courthouse; and
4. Notice of the entry of this Order shall be provided to all parties by the Plaintiff.

BY THE COURT:

HON. FREDRIC J. AMMERMAN

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, :
vs. : :
: : No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
: Defendants. :

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "***Motion to Compel Discovery***" was sent by U.S. First Class Mail postage prepaid, on March 20, 2009, to other counsel of record as follows:

Attorney for Defendants:
David C. Mason, Esq.
Mason Law Office
P. O. Box 28
409 N. Front Street
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By 
NATHANIEL PARKER, ESQ.

EXHIBIT 1

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

QUEENSTOWN HUNT CLUB, INC., :

Plaintiff, : No. 2008-840-CD

vs. :

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND TIMBER
CO., and TROY P. GRASSMYER, Their
Heirs, Successors and Assigns and All
Other Persons Claiming Any Interest In
The Property Described In This Action, :

Defendants. : ***Plaintiff's January 2009
Interrogatories and Request
for Production of Documents***

: Filed of Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: AL LANDER, ESQ.
: Pa. Id. #25821

: NATHANIEL PARKER, ESQ.
: Pa. Id. #90993

: Law Offices of Greco & Lander, P.C.
: 1390 East Main Street, Suite 2
: P.O. Box 667
: Clarion, PA 16214
: (814) 226-6853
: Fax: (814) 226-4951

Dated: JANUARY 12, 2009 :

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

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, :
vs. :
No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
Defendants. :

**PLAINTIFF'S JANUARY 2009 INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiff, Queenstown Hunt Club, Inc., by its undersigned counsel, the Law Offices of Greco & Lander, P.C., respectfully propounds upon the Defendants the following interrogatories and requests for production of documents:

I. Definitions and Instructions.

Please note that the following definitions and instructions shall apply and shall be considered an integral part of the following interrogatories and request for production of documents:

A. "Plaintiff", shall mean the Plaintiff, Queenstown Hunt Club, Inc.

B. "Defendants", "you" or "your" shall mean the Defendants William B. Reilly, Individually, and t/d/b/a Keystone Land and Timber Co., and Troy P. Grassmyer, their agents, successors, attorneys and anyone else acting on their behalf.

C. "Subject Property" shall mean that certain parcel or tract of land situate in Lawrence Township, Clearfield County, Pennsylvania, and being currently assessed by the Clearfield County Assessment Office as Parcel No. 123-K10-0-032.

D. "Document" shall mean all written or graphic matter of every kind or description, however produced or reproduced, whether drafted or final, original or reproduction, signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, memoranda, minutes, notes, computer files, photographs, slides, motion pictures, telegrams, telex messages, tape or sound recordings, recordings of any type, contracts, agreements, purchase or sale orders, memoranda of telephone conversations or personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, logs, financial statements, checks, checkbooks, invoices, requisitions, personal expense accounts, or material similar to any of the foregoing; however denominated and by whomever prepared and to whomever addressed which are in your possession, custody or control or to which you have had, or can obtain access. "Document" shall not include exact duplicates when originals are available but shall include all copies made different from originals by virtue of any writing or notation thereon.

E. "Identify" shall mean, when used in reference to:

1. A natural person—to state the person's:

- (a) full name;
- (b) present or last known business and residential addresses;
- (c) present or last known position, business affiliation and job description; and
- (d) position, business affiliation, and job description at the time in question with respect to the interrogatory or other request involved.

2. A document—to state the following with respect to the document:

- (a) its description (e.g., letter, memorandum, report, etc.);

- (b) its title, date, and number of pages;
- (c) its subject matter;
- (d) the name, address, and position of the author(s) or signer(s) thereof;
- (e) the name, address and position of the addressee(s);
- (f) the name, address and position of each person who received a copy of the documents; and
- (g) its present location and the name, address, and position of the person having present possession, custody and/or control thereof.

3. An oral communication—to state the following with respect to the communication:

- (a) the date and place where it occurred;
- (b) its substance;
- (c) the name, address and position of the person who made the communication;
- (d) the name, address and position of each person to whom such communication was made; and
- (e) the name, address and position of each person who was present when such communication was made.

4. A company, corporation, association, partnership or other legal or business entity not a natural person—to state its:

- (a) full name;
- (b) address of principal place of business; and
- (c) description of type of entity.

5. An act, occurrence, or specific conduct (hereinafter referred to collectively as "act"):

- (a) describe the substance of the event or events constituting such act;
- (b) state the date when such act occurred;
- (c) identify each person who participated in such act;
- (d) identify all other persons who were present when such act occurred; and
- (e) state whether any document was made recording such act and if so, identify each such document.

F. "Communication" shall mean any transmission of thoughts, opinions or information by speech, writing or signs.

G. "Person" shall include natural persons, partnerships, associations, corporations, leagues, governments, (including all instrumentalities, officers, agents and subdivisions thereof) and all other business, legal and artificial entities.

H. In answering these interrogatories, you are required to furnish all information which is available to you, including that which has been obtained by and that which is now in the possession of your attorneys, employees, agents and other representatives, and not merely the information known by the individual or individuals preparing the response.

I. Insert your answers in the spaces provided, attaching additional pages as required for complete answers, identifying the interrogatory being answered, and attach an affidavit hereto, filing the original hereof with the undersigned counsel.

J. These interrogatories shall be deemed to be continuing, as defined by Rule 4007.4, so as to require supplemental answers under oath if you obtain additional or further information pertaining to any interrogatory subsequent to the time an answer to that interrogatory is served.

II. Interrogatories.

1. Identify, or provide a complete indication and/or diagram of, Defendants' chain of title in and to the Subject Property from the present time back prior to 1873.

ANSWER:

2. Identify all documents that define or support Defendants' claim of title in and to the Subject Property.

ANSWER:

3. Identify all witnesses Defendants intend to call at the time of trial of the within matter.

ANSWER:

4. Identify any and all expert witnesses Defendants intend to utilize at the time of trial.

ANSWER:

5. Identify all facts and documents upon which the Defendants will rely at the time of trial to support Defendants' New Matter ¶ 1 averments.

ANSWER:

6. Identify all facts and documents upon which the Defendants will rely at the time of trial to support Defendants' New Matter ¶ 8 averments.

ANSWER:

7. Identify all facts and documents upon which the Defendants will rely at the time of trial to support Defendants' New Matter ¶ 9 averments.

ANSWER:

8. Identify all facts and documents upon which the Defendants will rely at the time of trial to support Defendants' New Matter ¶ 10 averments.

ANSWER:

9. Identify all facts and documents upon which the Defendants will rely at the time of trial to support Defendants' New Matter ¶ 11 averments.

ANSWER:

III. Request for Production of Documents. PLEASE TAKE NOTICE that Plaintiff, pursuant to Pa.R.C.P. 4009.11(a), hereby requests that Defendants produce and permit counsel for Plaintiff and other agents of Plaintiff to inspect and copy the following at the Law Offices of Greco & Lander, P.C., 1390 East Main Street, Suite 2, Clarion, Pennsylvania 16214, within thirty (30) days from the date of service hereof:

1. All documents identified in the preceding Interrogatories.
2. All documents reviewed by Defendants in responding to the Interrogatories above.
3. All title abstracts, title opinions, title insurance policies, purchase and sales agreements, and real estate listing agreements for the Subject Property.
4. All documents Defendants intend to introduce or offer into evidence at trial.
5. All documents sent by one of the Defendants to the other pertaining to the Subject Property.
6. All agreements of sale and/or notes or mortgages executed or entered into by either of the Defendants pertaining to the Subject Property.
7. All documents obtained by Defendants from the Clearfield County Tax Assessment Office or Tax Claim Bureau pertaining to the Subject Property.

FOR THE PLAINTIFF:

Date: JANUARY 12, 2009


(SEAL)
NATHANIEL PARKER, ESQ.
Pa. Id. #90993
Law Offices of Greco & Lander, P.C.
P.O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

C

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

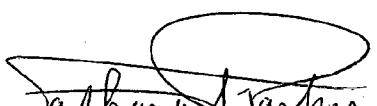
QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, :
vs. : :
: : No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
: Defendants. :

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "*Plaintiff's January 2009 Interrogatories and Request for Production of Documents*" was sent by first-class mail, postage prepaid, on JANUARY 12, 2009, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
P. O. Box 28
409 N. Front Street
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By: 

NATHANIEL PARKER, ESQ.



EXHIBIT 2

F

**LAW OFFICES
OF
GRECO & LANDER, P.C.**

Attorneys At Law
P. O. Box 667
1390 East Main Street, Suite 2
Clarion, Pennsylvania 16214-0667

DOM W. GRECO
AL LANDER
NATHANIEL C. PARKER

Telephone (814) 226-6853
FAX (814) 226-4951
e-mail nparker@usachoice.net

February 27, 2009

David C. Mason, Esq.
Mason Law Office
409 N. Front Street
P. O. Box 28
Philipsburg, PA 16866

Re: **Queenstown Hunt Club, Inc. v. William B. Reilly, t/d/b/a
Keystone Land and Timber Co., and Troy P. Grassmyer, et al.**
Clearfield County No. 2008-840-CD

Dear Attorney Mason:

The Plaintiff's January 2009 Interrogatories and Request For Production of Documents was served upon the Defendants on January 12, 2009. Under the Rules of Civil Procedure the Defendants were required to serve their responses thereto on or before February 11, 2009.

To date, we have not received any responses to the prior discovery requests, nor any indication from you as to when the same might be expected. Please confirm in writing a date certain by which the Defendants' discovery responses will be served. If a mutually agreeable date certain is not provided and agreed to, I will proceed by filing a Motion to Compel a Response to the Discovery Requests, which will result in a date certain being provided by the Court.

Thank you for your consideration in regards to this matter, and I look forward to hearing back from you shortly.

Sincerely yours,

Nathaniel C. Parker
Nathaniel C. Parker, Esq.

NCP/las
1457.4B

Cc: Queenstown Hunt Club, Inc.

{GL095579.1}

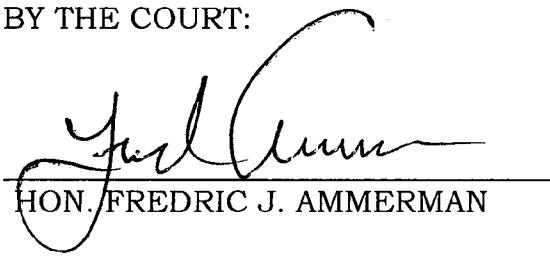
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, :
vs. : :
: : No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
: Defendants. :

ORDER OF COURT

AND NOW, this 24 day of March, 2009, upon
consideration of Plaintiff's Motion to Compel Discovery, and the Defendants'
response thereto, it is hereby ORDERED that the relief requested in said
Motion be and hereby is GRANTED. Defendants shall provide complete
twenty (20) discovery responses within ~~ten (10)~~ days of the date of this Order or be
precluded from introducing or relying upon any and all documents, things and
testimony requested by Plaintiff's Discovery requests.

BY THE COURT:


HON. FREDRIC J. AMMERMAN

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03:55pm Atty Parker
MAR 24 2009
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William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 24 2019

William A. Shaw
Prothonotary/Clerk of Courts

DATE: **3/24/09**

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff, : No. 2008-840-CD

vs.

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND
TIMBER CO., and TROY P.
GRASSMYER, Their Heirs, Successors
and Assigns and All Other Persons
Claiming Any Interest In The Property
Described In This Action,

Defendants.

: Type of Case:

: Action to Quiet Title

: Type of Pleading:

: ***Certificate of Service***

: Filed of Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: AL LANDER, ESQ.

: Pa. Id. #25821

: NATHANIEL PARKER, ESQ.

: Pa. Id. #90993

: Law Offices of Greco & Lander, P.C.

: 1390 East Main Street, Suite 2

: P.O. Box 667

: Clarion, PA 16214

: (814) 226-6853

: Fax: (814) 226-4951

Date: March 27, 2009

FILED No. 8c
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

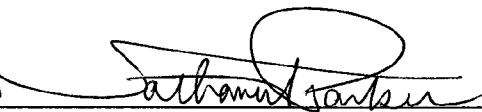
QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, : CIVIL ACTION - LAW
vs. :
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND :
TIMBER CO., and TROY P. :
GRASSMYER, Their Heirs, Successors :
and Assigns and All Other Persons :
Claiming Any Interest In The Property :
Described In This Action, :
Defendants. :

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the "**March 24, 2009 Order of Court**" was sent by Facsimile Transmission and U.S. First Class Mail, postage prepaid, on March 27, 2009, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
P. O. Box 28
409 N. Front Street
Philipsburg, PA 16866
Fax: (814) 342-5318

GRECO & LANDER, P.C.:

By: 
NATHANIEL PARKER, ESQ.

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC.

*
* No. 2008-840-CD

Plaintiff

*

VS.

* TYPE OF CASE:
* Action to Quiet Title

WILLIAM B. REILLY, individually, and
t/d/b/a KEYSTONE LAND AND TIMBER*

CO., and TROY P. GRASSMYER, their
heirs, successors and assigns and ALL
other persons claiming any interest in
the property described in this action,

* TYPE OF PLEADING: Notice of Service

*

*

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*

*

*

*

Defendants

* FILED ON BEHALF OF: Defendants

*

*

* COUNSEL OF RECORD FOR

* DEFENDANTS:

*

*

* David C. Mason, Esquire

* I. D. No. 39180

* P.O. Box 28

* Philipsburg, PA 16866

* (814) 342-2240

*

* COUNSEL OF RECORD FOR PLAINTIFF:

*

* Al Lander, Esquire

* I.D. No. 25821

* Nathaniel Parker, Esquire

* I.D. No. 90993

* 1390 East Main Street, Suite 2

* P.O. Box 667

* Clarion, PA 16214

* (814) 226-6853

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William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC.

* No. 2008-840-CD

Plaintiff

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WILLIAM B. REILLY, individually, and
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER, their
heirs, successors and assigns and ALL
other persons claiming any interest in
the property described in this action.

Defendants

NOTICE OF SERVICE

TO: The Prothonotary of said Court:

TAKE NOTICE that on the 14th day of April, 2009, the undersigned did serve Defendant's Answers to Interrogatories and Request for Production of Documents in the above captioned matter upon Plaintiff's attorney by mailing the same, postage pre-paid and addressed as follows:

Nathaniel Parker, Esquire
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214

DATE: 4/14/09

MASON LAW OFFICE

By:

David C. Mason, Esquire
Attorney for Defendants

WA

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

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND
TIMBER CO., and TROY P.
GRASSMYER, Their Heirs, Successors
and Assigns and All Other Persons
Claiming Any Interest In The Property
Described In This Action,

Defendants.

: No. 2008-840-CD

: Type of Case:
Action to Quiet Title

: Type of Pleading:

Certificate of Readiness

: Filed of Behalf of Plaintiff

: Counsel of Record for Plaintiff:

: AL LANDER, ESQ.
Pa. Id. # 25821

: NATHANIEL PARKER, ESQ.
Pa. Id. # 90993

: Law Offices of Greco & Lander, P.C.
: 1390 East Main Street, Suite 2
: P. O. Box 667
: Clarion, PA 16214
: (814) 226-6853
: Fax: (814) 226-4951

Date: November 12, 2009

FILED

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William A. Shaw
Prothonotary/Clerk of Courts
I went to Att'y

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

Civil Trial Listing/Certificate of Readiness

Plaintiff: Queenstown Hunt Club, Inc. Case No.: 2008-840-CD

Defendants: William B. Reilly, Individually, and t/d/b/a Keystone Land and Timber Co., and Troy P. Grassmyer

To the Prothonotary:

Arbitration Limit: N/A (Quiet Title Action)
Type Trial Requested: Jury Non-Jury Arbitration
Estimated Trial Time: 1 Day
Jury Demand Filed By: N/A
Date Jury Demand Filed: N/A

Please place the above-captioned case on the trial list. I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; this case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not presented by counsel.

Nathaniel C. Parker, Esq.

(Date)

For Plaintiff: Nathaniel C. Parker, Esq. Phone: (814) 226-6853
For Defendants: David C. Mason, Esq. Phone: (814) 342-2240
For Add. Defendants: N/A Phone: _____

Certification of Current Address for all parties or counsel or record:

Name: Nathaniel C. Parker, Esq. 1390 East Main Street, Suite 2
P. O. Box 667
Clarion, PA 16214

Name: David C. Mason, Esq. 409 N. Front Street
P. O. Box 28
Philipsburg, PA 16866

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

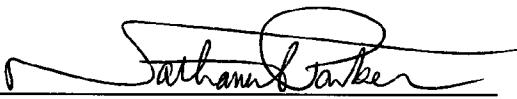
QUEENSTOWN HUNT CLUB, INC. :
Plaintiff, : CIVIL ACTION - LAW
vs. : No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND :
TIMBER CO., and TROY P. :
GRASSMYER, Their Heirs, Successors :
and Assigns and All Other Persons :
Claiming Any Interest In The Property :
Described In This Action, :
Defendants. :

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "***Certificate of Readiness***" was sent by U.S. first-class mail, postage prepaid, on November 12, 2009, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
409 N. Front Street
P. O. Box 28
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By: 
NATHANIEL PARKER, ESQ.

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

FILED

NOV 30 2009

O)(1:00)2cc Atty Parker
William A. Shaw
Prothonotary/Clerk of Courts

2 cc Atty Mason

(61)

QUEENSTOWN HUNT CLUB, INC. :
vs. : No. 08-840-CD
: :
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All Other :
Persons Claiming Any Interest In The :
Property Described in This Action :
:

O R D E R

AND NOW, this 25th day of November, 2009, it is the Order of
the Court that a pre-trial conference in the above-captioned matter shall be and is
hereby scheduled for Thursday, January 28, 2010 at 10:00 A.M. in Judges
Chambers, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

DATE: 11/30/09

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, :
vs. :
: No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
: Defendants. :
:

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William A. Shaw
Prothonotary/Clerk of Courts
JD

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "***Plaintiff's Pre-Trial Memorandum***" was sent to the persons and in the manner indicated below, on January 20, 2010, as follows:

U.S. First Class Mail

David C. Mason, Esq.
Mason Law Office
409 N. Front Street
P. O. Box 28
Philipsburg, PA 16866

Federal Express

Daniel Nelson, Court Administrator
Clearfield County Court Administrator's Office
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

GRECO & LANDER, P.C.:

By: 
NATHANIEL PARKER, ESQ.

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

QUEENSTOWN HUNT CLUB, INC.

Plaintiff

vs.

WILLIAM B. REILLY, individually and t/d/b/a
KEYSTONE LAND AND TIMBER CO., and
TROY B. GRASSMYER, their heirs,
successors and assigns and ALL other
persons claiming any interest in the property
described in this action

Defendants

NO. 08-840-CD

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William A. Shaw
Prothonotary/Clerk of Courts

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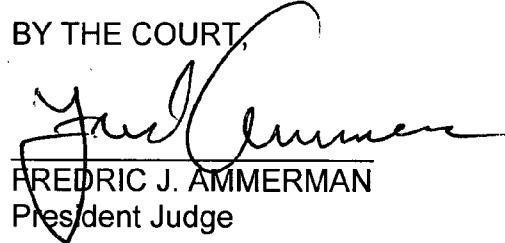
ORDER

NOW, this 28th day of January, 2010, following pre-trial conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Non-Jury Trial is hereby scheduled for April 14, 2010, commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse.
2. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than twenty (20) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than five (5) days following completion of the deposition(s).
3. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than fifteen (15) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall file an Answer thereto and submit its brief in opposition to said objections no later than seven (7) days prior to the commencement of trial.

4. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than fifteen (15) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than seven (7) days prior to trial.
5. No later than 20 days prior to trial each party shall provide to the other a final list of witnesses to be called at time of trial and any documents to be submitted to the Court.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

JAN 29 2010

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 1/29/10

X You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney _____ Other _____

 Defendant(s) X Defendant(s) Attorney _____

 Special Instructions:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, :
vs. :
: :
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
: Defendants. :
: :
: No. 2008-840-CD

FILED
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MAR 15 2010
S
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "***Notice of Deposition of William B. Reilly***" was sent by facsimile transmission and first class mail, postage prepaid, on March 11, 2010, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
409 N. Front Street
P. O. Box 28
Philipsburg, PA 16866
Fax: (814) 342-5318

GRECO & LANDER, P.C.:

By: Nathaniel Parker
NATHANIEL PARKER, ESQ.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, :
vs. :
: :
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND TIMBER :
CO., and TROY P. GRASSMYER, Their :
Heirs, Successors and Assigns and All :
Other Persons Claiming Any Interest In :
The Property Described In This Action, :
: Defendants. :
: No. 2008-840-CD

FILED NO
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William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "**Notice of Deposition of Troy P. Grassmyer**" was sent by facsimile transmission and first class mail, postage prepaid, on March 11, 2010, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
409 N. Front Street
P. O. Box 28
Philipsburg, PA 16866
Fax: (814) 342-5318

GRECO & LANDER, P.C.:

By: Nathaniel Parker
NATHANIEL PARKER, ESQ.

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

FILED
M 19 04 2011 CC
MAR 15 2010

William A. Shaw
Prothonotary/Clerk of Courts

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff, : No. 2008-840-CD

vs.

WILLIAM B. REILLY, Individually, and : Type of Case:
t/d/b/a KEYSTONE LAND AND :
TIMBER CO., and TROY P. : Action to Quiet Title
GRASSMYER, Their Heirs, Successors :
and Assigns and All Other Persons :
Claiming Any Interest In The Property :
Described In This Action,

Defendants.

Certificate of Service

Filed of Behalf of Plaintiff

Counsel of Record for Plaintiff

AL LANDER, ESQ.

Pa. Id. #25821

NATHANIEL PARKER, ESQ.

Pa. Id. #90993

Law Offices of Greco & Lander, P.C.

1390 East Main Street, Suite 2

P.O. Box 667

Clarion, PA 16214

(814) 226-6853

Fax: (814) 226-4951

Date: March 11, 2010

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, : CIVIL ACTION - LAW
:
vs. :
: No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND :
TIMBER CO., and TROY P. :
GRASSMYER, Their Heirs, Successors :
and Assigns and All Other Persons :
Claiming Any Interest In The Property :
Described In This Action, :
Defendants. :

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the "***Subpoena to Attend and Testify***" for Mary Anne Jackson has been served upon the following persons, by the following means, and on the dates stated:

<u>Name & Address</u>	<u>Means of Service</u>	<u>Date of Service</u>
David C. Mason, Esq. Mason Law Office 409 N. Front Street P. O. Box 28 Philipsburg, PA 16866 Fax: (814) 342-5318	U.S. First Class Mail and Facsimile Transmission	March 11, 2010
Mary Anne Jackson 428 Ogden Avenue Clearfield, PA 16830	U.S. First Class Mail, Certified Mail, Return Receipt #7007 0710 0001 3287 0825	March 11, 2010

GRECO & LANDER, P.C.:

By: 
NATHANIEL PARKER, ESQ.

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC.

Plaintiff

vs.

WILLIAM B. REILLY, individually, and
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER, their
heirs, successors and assigns and ALL
other persons claiming any interest in
the property described in this action,

Defendants

*
* No. 2008-840-CD

*

*

* TYPE OF CASE:
* Action to Quiet Title

*

* TYPE OF PLEADING: Certificate of
* Service

*

*

* FILED ON BEHALF OF: Defendants
*
* COUNSEL OF RECORD FOR
* DEFENDANTS:

*

* David C. Mason, Esquire
* I. D. No. 39180
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

*

* COUNSEL OF RECORD FOR PLAINTIFF:

*

* Al Lander, Esquire
* I.D. No. 25821
* Nathaniel Parker, Esquire
* I.D. No. 90993
* 1390 East Main Street, Suite 2
* P.O. Box 667
* Clarion, PA 16214
* (814) 226-6853

FILED
M 19 2010
MAR 17 2010
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William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC.

Plaintiff

vs.

WILLIAM B. REILLY, individually, and
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER, their *
heirs, successors and assigns and ALL
other persons claiming any interest in
the property described in this action,

Defendants

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of **DEFENDANTS' ANTICIPATED EXHIBITS** filed to the above captioned action, by placing the same in the United States mail, postage prepaid and addressed as follows:

Nathaniel Parker, Esquire
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214

MASON LAW OFFICE

DATED: 3/16/10

BY:

David C. Mason, Esquire

FILED

MAR 17 2010

William A. Shaw
Prothonotary/Clerk C: Courts

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC.

Plaintiff

vs.

WILLIAM B. REILLY, individually, and
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER, their
heirs, successors and assigns and ALL
other persons claiming any interest in
the property described in this action,

Defendants

* No. 2008-840-CD

*

*

* TYPE OF CASE:

* Action to Quiet Title

*

* TYPE OF PLEADING: Certificate of
Service

*

*

*

*

*

* FILED ON BEHALF OF: Defendants

*

* COUNSEL OF RECORD FOR
DEFENDANTS:

*

* David C. Mason, Esquire
* I. D. No. 39180
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

*

* COUNSEL OF RECORD FOR PLAINTIFF:

*

* Al Lander, Esquire
* I.D. No. 25821
* Nathaniel Parker, Esquire
* I.D. No. 90993
* 1390 East Main Street, Suite 2
* P.O. Box 667
* Clarion, PA 16214
* (814) 226-6853

FILED NO CC
M 10/05/09
MAR 26 2010
S

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

QUEENSTOWN HUNT CLUB, INC.

*
* No. 2008-840-CD

Plaintiff

vs.

WILLIAM B. REILLY, individually, and *
t/d/b/a KEYSTONE LAND AND TIMBER*
CO., and TROY P. GRASSMYER, their *
heirs, successors and assigns and ALL *
other persons claiming any interest in *
the property described in this action, *

Defendants

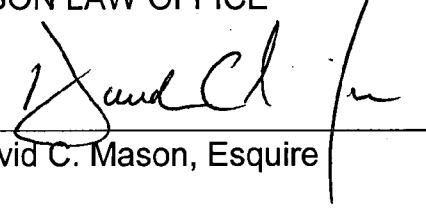
CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of **DEFENDANTS' SUPPLEMENTAL EXHIBIT LIST** relative to the above captioned action, by placing the same in the United States mail, postage prepaid and addressed as follows:

Nathaniel Parker, Esquire
1390 East Main Street, Suite 2
P.O. Box 667
Clarion, PA 16214

DATED: 3/25/10

MASON LAW OFFICE

BY: 

David C. Mason, Esquire

FILED

MAR 26 2010

*William A. Shaw,
Prothonotary/Clerk of Courts*

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

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff,

vs.

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND
TIMBER CO., and TROY P.
GRASSMYER, Their Heirs, Successors
and Assigns and All Other Persons
Claiming Any Interest In The Property
Described In This Action,

Defendants.

FILED

MAR 29 2010

William A. Shaw

Prothonotary/Clerk of Courts

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Type of Case:

Action to Quiet Title

Type of Filing:

Plaintiff's Motion in Limine

Filed of Behalf of Plaintiff

Counsel of Record for Plaintiff:

AL LANDER, ESQ.

Pa. Id. # 25821

NATHANIEL PARKER, ESQ.

Pa. Id. # 90993

Law Offices of Greco & Lander, P.C.

1390 East Main Street, Suite 2

P. O. Box 667

Clarion, PA 16214

(814) 226-6853

Fax: (814) 226-4951

Date: March 29, 2010

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

QUEENSTOWN HUNT CLUB, INC.,	:	
Plaintiff,	:	CIVIL ACTION - LAW
vs.	:	
WILLIAM B. REILLY, Individually, and	:	
t/d/b/a KEYSTONE LAND AND	:	
TIMBER CO., and TROY P.	:	
GRASSMYER, Their Heirs, Successors	:	
and Assigns and All Other Persons	:	
Claiming Any Interest In The Property	:	
Described In This Action,	:	
Defendants.	:	
	:	No. 2008-840-CD

PLAINTIFF'S MOTION IN LIMINE

AND NOW, comes the Plaintiff, Queenstown Hunt Club, Inc., ("Queenstown") by and through its undersigned legal counsel, and hereby files the within Motion in Limine respectfully requesting that this Honorable Court issue an order declaring that the following proffered defense witness/exhibits are inadmissible at the time of trial:

- Defense witness, Nancy Collins, who was first disclosed to Queenstown on March 25, 2010;
- Layman drawings/sketches purportedly of various properties prepared by the Defendant;
- Various deed instruments prior to 1995 that are unsupported by any chain of title or explanation as to their relevance.

In support thereof, Queenstown avers as follows:

1. This case is a quiet title action concerning property situate in Lawrence Township, Clearfield County, Pennsylvania.
2. Queenstown has produced title documents dating back to 1873 in support of Queenstown's claim to ownership of the subject property.
3. Since January of 2009, Queenstown has been conducting discovery to understand the nature and basis of the Defendants' claim of title.
4. Defendants claim title via a tax claim bureau deed dated December 8, 1995, recorded in Clearfield County at Volume 1725, Page 384, or at Instrument #199514537.
5. Defendants first disclosed their intention to call Ms. Nancy Collins as a trial witness via correspondence dated March 25, 2010.
6. Previously in discovery, Queenstown had requested that Defendants identify their trial witnesses, and Nancy Collins was not disclosed.
7. The Court's pre-trial Order of January 28, 2010, ¶5, specifically requires that each party shall provide a final list of witnesses to be called at the time of trial no later than 20 days prior to trial. 20 days prior to trial was March 24, 2010.
8. Defendants intend to rely at the time of trial upon sketches of property boundaries prepared by Defendant William B. Reilly.
9. Defendant William B. Reilly is not a licensed surveyor, engineer, or other professional qualified to offer expert opinion testimony as to boundary descriptions.

10. Defendants intend to rely at the time of trial upon various deeds dated prior to 1995, without providing any explanation as to the relevance of the deeds, or any chain of title.
11. Queenstown specifically sought in discovery to require Defendants to provide a chain of title, and specifically sought to inquire at the time of deposition as to the relevance or significance of the various deeds identified as trial exhibits by Defendants.
12. At all times relevant hereto, Defendants have objected to such discovery and willfully failed or refused to provide any chain of title prior to 1995, or to indicate the relevance or significance of any deed dated prior to 1995.

WHEREFORE, Queenstown respectfully requests that this Honorable Court issue an Order decreeing that the following proffered defense witness/exhibits are inadmissible at the time of trial:

- Defense witness, Nancy Collins, who was first disclosed to Queenstown on March 25, 2010;
- Layman drawings/sketches purportedly of various properties prepared by the Defendant;
- Various deed instruments prior to 1995 that are unsupported by any chain of title or explanation as to their relevance.

RESPECTFULLY SUBMITTED:



Nathaniel Parker (SEAL)

AL LANDER, ESQ.
Pa. Id. # 25821
NATHANIEL PARKER, ESQ.
Pa. Id. # 90993
Attorneys for Plaintiff
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P. O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

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

QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, : CIVIL ACTION - LAW
:
vs. :
: No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND :
TIMBER CO., and TROY P. :
GRASSMYER, Their Heirs, Successors :
and Assigns and All Other Persons :
Claiming Any Interest In The Property :
Described In This Action, :
Defendants. :

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "***Plaintiff's Motion in Limine***" was sent by U.S. first class mail, postage prepaid, on March 29, 2010, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
409 N. Front Street
P. O. Box 28
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By: 
NATHANIEL PARKER, ESQ.

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

QUEENSTOWN HUNT CLUB, INC.,	:	
Plaintiff,	:	CIVIL ACTION - LAW
vs.	:	
	:	No. 2008-840-CD
WILLIAM B. REILLY, Individually, and	:	
t/d/b/a KEYSTONE LAND AND TIMBER	:	
CO., and TROY P. GRASSMYER, Their	:	
Heirs, Successors and Assigns and All	:	
Other Persons Claiming Any Interest In	:	
The Property Described In This Action,	:	
Defendants.	:	

ORDER OF COURT

AND NOW, this _____ day of _____, 2010, upon consideration of the Plaintiff's Motion in Limine to exclude Defendants' witness and exhibits, the Defendants' response thereto, and for good cause shown, it is hereby ORDERED, ADJUDGED, and DECREED that the following proposed defense witness and exhibits are PRECLUDED from evidence:

- Defense witness, Nancy Collins;
- Drawings/sketches prepared by the Defendant which were not prepared by a licensed surveyor;
- Deed instruments prior to 1995.

BY THE COURT:

HON. FREDRIC J. AMMERMAN, P.J.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

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MAR 29 2010
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William A. Shaw
Prothonotary/Clerk of Courts
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QUEENSTOWN HUNT CLUB, INC., :
Plaintiff, : CIVIL ACTION - LAW
vs. :
: No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND :
TIMBER CO., and TROY P. :
GRASSMYER, Their Heirs, Successors :
and Assigns and All Other Persons :
Claiming Any Interest In The Property :
Described In This Action, :
Defendants. :

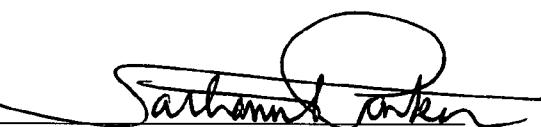
CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "***Brief in Support of Plaintiff's Motion in Limine***" was sent by U.S. first class mail, postage prepaid, on March 29, 2010, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
409 N. Front Street
P. O. Box 28
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By:


NATHANIEL PARKER, ESQ.

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

QUEENSTOWN HUNT CLUB, INC.,	:	
Plaintiff,	:	CIVIL ACTION - LAW
	:	
vs.	:	
	:	
WILLIAM B. REILLY, Individually, and	:	No. 2008-840-CD
t/d/b/a KEYSTONE LAND AND TIMBER	:	
CO., and TROY P. GRASSMYER, Their	:	
Heirs, Successors and Assigns and All	:	
Other Persons Claiming Any Interest In	:	
The Property Described In This Action,	:	
Defendants.	:	

FILED

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MAR 31 2010

William A. Shaw
Prothonotary/Clerk of Courts

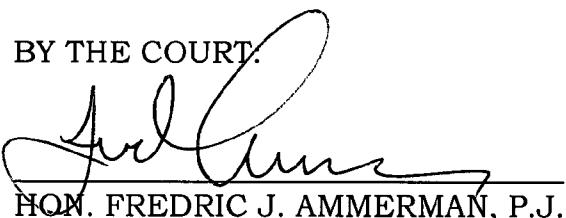
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ORDER OF COURT

AND NOW, this 30 day of March, 2010, upon consideration of the Plaintiff's Motion in Limine to exclude Defendants' witness and exhibits, it is hereby ORDERED, as follows:

1. a Rule is issued upon Defendants to show cause why the requested relief should not be granted.
2. The Defendants shall file an Answer to Plaintiff's Motion within _____ days of the date of this Order.
3. Argument shall be held on Monday, April 5, 2010, at 9:00 a.m./p.m. in Courtroom No. 1, in the Clearfield County Courthouse, Clearfield, Pennsylvania.
4. Notice of the entry of this Order shall be provided to all parties by the Plaintiff.

BY THE COURT


HON. FREDRIC J. AMMERMAN, P.J.

FILED

MAR 31 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

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William A. Shaw
Prothonotary/Clerk of Courts

QUEENSTOWN HUNT CLUB, INC.,

:

Plaintiff, : No. 2008-840-CD

:

vs.

WILLIAM B. REILLY, Individually, and
t/d/b/a KEYSTONE LAND AND
TIMBER CO., and TROY P.
GRASSMYER, Their Heirs, Successors
and Assigns and All Other Persons
Claiming Any Interest In The Property
Described In This Action,

Defendants.

:

Type of Case: Action to Quiet Title

:

Type of Pleading: **Certificate of Service**

:

Filed of Behalf of Plaintiff
Counsel of Record for Plaintiff:
AL LANDER, ESQ.
Pa. Id. # 25821
NATHANIEL PARKER, ESQ.
Pa. Id. # 90993
Law Offices of Greco & Lander, P.C.
1390 East Main Street, Suite 2
P. O. Box 667
Clarion, PA 16214
(814) 226-6853
Fax: (814) 226-4951

Date: MARCH 30, 2010

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC., :
: Plaintiff, : CIVIL ACTION - LAW
: vs. : No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND :
TIMBER CO., and TROY P. :
GRASSMYER, Their Heirs, Successors :
and Assigns and All Other Persons :
Claiming Any Interest In The Property :
Described In This Action, :
: Defendants. :

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the "**March 30, 2010 Order of Court**" was sent by Facsimile Transmission and U.S. First Class Mail, postage prepaid, on March 30, 2010, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
P. O. Box 28
409 N. Front Street
Philipsburg, PA 16866
Fax: (814) 342-5318

GRECO & LANDER, P.C.:

By: 
NATHANIEL PARKER, ESQ.

FILED

APR 16 2010

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William A. Shaw
Vice-Chancellor/Clark of S

Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

QUEENSTOWN HUNT CLUB, INC.)
VS.) NO. 08-840-CD
WILLIAM B. REILLY, Indiv. and)
t/d/b/a KEYSTONE LAND AND)
TIMBER CO., and TROY P.)
GRASSMYER, et al)

O R D E R

NOW this 14th day of April, 2010, following the conclusion of nonjury trial and following the Court discussing appropriate time tables for submission of legal documents with counsel, it is the ORDER of this Court that the parties have until no later than July 1, 2010, in which to submit appropriate briefs to the Court which shall contain proposed Findings of Fact, Conclusions of Law and Discussion. The briefs will also make reference to the various objections and the motions which have been taken under advisement by the Court as part of the proceedings.

BY THE COURT,

Judge J. Kammeyer
President Judge

FILED

APR 16 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4-16-10

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

QUEENSTOWN HUNT CLUB, INC.,

Plaintiff, : No. 2008-840-CD

vs.

WILLIAM B. REILLY, Individually, and : Type of Case:
t/d/b/a KEYSTONE LAND AND :
TIMBER CO., and TROY P. : Action to Quiet Title
GRASSMYER, Their Heirs, Successors :
and Assigns and All Other Persons :
Claiming Any Interest In The Property :
Described In This Action,

Defendants.

Certificate of Service

Filed of Behalf of Plaintiff

Counsel of Record for Plaintiff

AL LANDER, ESQ.

Pa. Id. # 25821

NATHANIEL PARKER, ESQ.

Pa. Id. # 90993

Law Offices of Greco & Lander, P.C.

1390 East Main Street, Suite 2

P. O. Box 667

Clarion, PA 16214

(814) 226-6853

Fax: (814) 226-4951

Date: JULY 1, 2010

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

QUEENSTOWN HUNT CLUB, INC. :
Plaintiff, : CIVIL ACTION - LAW
:
vs. :
: No. 2008-840-CD
WILLIAM B. REILLY, Individually, and :
t/d/b/a KEYSTONE LAND AND :
TIMBER CO., and TROY P. :
GRASSMYER, Their Heirs, Successors :
and Assigns and All Other Persons :
Claiming Any Interest In The Property :
Described In This Action, :
Defendants. :
:

CERTIFICATE OF SERVICE

I, Nathaniel Parker, Esq., hereby certify that a true and correct copy of the foregoing "***Brief in Support of Plaintiff's Quiet Title Action: Proposed Findings of Fact and Conclusions of Law***" was sent by U.S. first class mail, postage prepaid, on July 1, 2010, to other counsel of record addressed as follows:

David C. Mason, Esq.
Mason Law Office
409 N. Front Street
P. O. Box 28
Philipsburg, PA 16866

GRECO & LANDER, P.C.:

By: 
NATHANIEL PARKER, ESQ.

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

QUEENSTOWN HUNT CLUB, INC.,
Plaintiff,

vs.

NO. 2008-840-CD

WILLIAM B. REILLY, individually, and
t/d/b/a KEYSTONE LAND AND TIMBER
CO., and TROY P. GRASSMYER, their
heirs, successors and assigns and ALL
other persons claiming any interest in the
property described in this action,
Defendants.

FILED
07/29/2010
JUL 29 2010

2cc Atlys: Parker
Mason
1cc: D. M. Kesell
William A. Shaw
Prothonotary/Clerk of Courts
Law Library
(without memo)

OPINION

On May 5, 2008, Queenstown Hunt Club, Inc., (hereinafter "Plaintiff"), filed this action to quiet title to a certain 9.9 acre parcel of land, (hereinafter "parcel #32"), in Lawrence Township, Clearfield County. The Defendants in this action are William B. Reilly, individually and t/d/b/a Keystone Land and Timber Co., and Troy P. Grassmyer, their heirs, successors and assigns and all other persons claiming any interest in the property described in this action, (hereinafter "Defendants"). On December 5, 2008, Defendants filed a counterclaim in this matter, seeking that an order of this Court that quiet title's in their favor. A nonjury trial was held in regards to this matter on April 14, 2010, and the Court took various objections and motions under advisement. Thereafter each party timely filed brief, findings of facts, and conclusions of law, and the matter is now ripe for decision.

A. Trial Matters Taken Under Advisement

During trial the Court took several matters under advisement, with the first of these issues relating to Plaintiff's Exhibit 2. Plaintiff's Exhibit 2 was a photocopy of a mining map, and was purported to be an ancient document. Plaintiff's Exhibit 2 is undated, has no

indication of a name of an author, does not specify whether it was based upon a field survey, or the extent to which it can be relied in the area of the Court's inquiry. Plaintiff presented the testimony of David Nelson, of Shannon Land and Mining Company, who testified that Plaintiff's Exhibit 2 is a copy of a map that hangs in his office, that he is unsure of the origin of the map, but that he came into possession of the map when he began working for Shannon Land and Mining Co. in 1973. *Transcript of Proceedings*, April 14, 2010, pp. 63-64. Plaintiff offered the map as an "ancient document" pursuant to Pennsylvania Rules of Evidence [Hearsay Exceptions] 803(16) and 803(20).

To qualify as an ancient document, it is necessary to show that the document is (a) over 30 years old; (b) free of erasures, alterations, etc., and (c) in proper custody. *Louden v. Apollo Gas Co.*, 417 A.2d 1185 (1980). In *Lesnick v. Chartiers Natural Gas Co.*, the Superior Court upheld the trial court's refusal to allow the admission into evidence of a purported "ancient document." 889 A.2d 1282 (2005). In regards to the purported ancient document, which had had "1948" written on it, the Superior Court noted that:

[t]he document itself contains no indicia of reliability. It is not notarized. The signatures are not dated. There are, as far as we can discern, no dated official stamps or seals. Finally, there is no indication of where the document was between its alleged creation in 1948 and the purported delivery to Chartiers in 1980. With no other indication of reliability of the age of the document, some certainty in the chain of custody of the document might provide a clue to the age of the document.

Id. at 1284.

The Court finds that Plaintiff's Exhibit 2 is very similar to the document in *Lesnick*, as the mining map is not dated, not signed, not notarized, not identified by author, and no evidence regarding the possession of the document prior to Shannon Land and Mining Co.'s receipt was presented. Accordingly, the Court denies Plaintiff's request to admit Plaintiff's Exhibit 2.

A second issue taken under advisement by the Court was the Defendants' objection to a portion of the testimony of Plaintiff's expert witness Al Lander, Esquire, (hereinafter "Lander"). At trial Lander was qualified as an expert in the area of title examinations. Defendants objected when Lander was asked for an opinion on the location of parcel #32, or alternatively, the location of the boundary of the adjoiners. Lander is not a surveyor, had not surveyed the land in question, and was not testifying from a field survey of the lands in question. Lander was offering an opinion that parcel #32 could not exist merely because there was no deed in the Recorder's office to support the assessment of the real estate taxes.

However, the Court finds that Lander was attempting to testify that by reading deeds he could identify the parameters of the lands which Queenstown Hunt Club purchased from Shannon Land and Mining Co. Lander stated that he had someone in his firm plot deeds, yet no plotted descriptions were offered by the witness, nor was the software that his office purportedly used identified at trial. The Court finds that Lander, as an expert witness in the area of title examination, could properly testify as to title, but could not properly testify as to the location of parcel #32 in this matter. Consequently, any testimony given at trial regarding the same will be disregarded by the Court.

A third issue which the Court took under advisement was Defendant's motion for compulsory nonsuit pursuant to Pa. R.Civ.P. 230.1. A motion for compulsory non-suit allows a defendant to test the sufficiency of a plaintiffs' evidence and may be entered only in cases where it is clear that the plaintiff has not established a cause of action; in making this determination, the plaintiff must be given the benefit of all reasonable inferences arising from the evidence. *Poleri v. Salkind*, 683 A.2d 649, 653 (1996), *appeal denied*, 548 Pa. 672, 698 A.2d 595 (1997) (internal citations omitted). When so viewed, a non-suit is properly entered if the plaintiff has not introduced sufficient evidence to establish the necessary elements to maintain a cause of action; it is the duty of the trial court to make this

determination prior to the submission of the case to the jury. *Id.* “A compulsory non-suit is proper only where the facts and circumstances compel the conclusion that the defendants are not liable upon the cause of action pleaded by the plaintiff.” *Id.*; *see also, Reider v. Martin*, 519 A.2d 507, 509 (1987), *appeal denied*, 517 Pa. 594, 535 A.2d 83 (1987).

In the present matter, the Court finds that in giving the Plaintiff the benefit of all reasonable inferences arising from the evidence, Plaintiff has introduced sufficient evidence to establish the necessary elements to maintain an action to quiet title, and that granting the Defendants’ motion for compulsory nonsuit would be improper. Therefore, Defendant’s motion for compulsory nonsuit is hereby denied.

The last issue take under advisement by this Court was Plaintiff’s motion to dismiss Defendants’ counterclaim and motion to dismiss Defendants’ claim to any interest in the property in question, done orally at the close of Defendants’ evidence and testimony. The Court notes that Plaintiff’s counsel merely stated: “...I would make a motion similar to what the defense made. I make a motion to dismiss the defendant’s counterclaim and defendant’s claim to any interest in this property, Your Honor.” *Transcript of Proceedings*, April 14, 2010, p. 135. However, Plaintiff did not specify on what legal basis he was asserting said motion, nor did Plaintiff present any argument upon the same. It is not this Court’s duty to ascertain what legal basis Plaintiff asserts the motion to dismiss. Accordingly, the Court will not address the merits of such a vague motion, and said motion is denied.

B. Action to Quiet Title

To prevail in an action to quiet title, the plaintiff must demonstrate title by a fair preponderance of the evidence, which places upon the plaintiff the burden of proving a *prima facie* title, which proof is sufficient until a better title is shown in the adverse party. *Poffenberger v. Goldstein*, 776 A.2d 1037, 1041 (Pa. Cmmw. Ct. 2001). Further, in an

action to quiet title, a party asserting an interest must recover on the strength of their own title, and not upon the weakness of an opposing party's title. *Albert v. Lehigh Coal & Nav. Co.*, 431 Pa. 600, 607, 246 A.2d 840, 843 (1968).

1. Plaintiff's Chain of Title

Plaintiff obtained an interest in a number of parcels of land in Lawrence Township, Clearfield County, Pennsylvania, by virtue of a Deed from C. Alan Walker, et. al, partners t/d/b/a Shannon Land and Mining Co., dated February 19, 2008, and recorded February 21, 2008, as Instrument No. 200802359. Prior to said transfer Nadine F. Stafford, et. al, (the Stafford heirs), sold 123-K10-18, (hereinafter "parcel #18), to C. Alan Walker, et. al, partners t/d/b/a Shannon Land and Mining Co.

In this action, Plaintiff is essentially claiming ownership to the parcel identified by the tax assessment office as 123-K10-32. Parcel #32 was sold by the Clearfield County Tax Claim Bureau to the Keystone Land & Timber Co. in 1995, however Plaintiff claims that said parcel was actually a part of lands then owned by the Stafford heirs, thus claiming that the subject parcel was a double assessment. Additionally, or alternatively, the Plaintiff argues that the posting of lands to be sold at the tax sale were not visible from a paved or publicly maintained road. *Transcript of Proceedings*, April 14, 2010, pp. 123-24. Plaintiff's seeks relief in the form of an Order of this Court that the Clearfield County assessment office include parcel #32 in the assessment for parcel #18.

The sale of lands for non-payment of real estate taxes is controlled by title 72 P.S. 5860.101, et seq. In all cases, including cases of defective notice, the procedural requirements of Title 72 requires the "owner" to seek "...an order nunc pro tunc for cause and, upon proof of prejudice, shall grant the owner leave to file objections and exceptions." *Id.* at § 5860.607(b.1). Even if the notice to the owner is defective, upon discovery of the sale of his land for non-payment of real estate taxes, the owner is still required to petition

the Court for relief, and “upon proof of prejudice” the Court shall grant leave to file exceptions to the sale.

In the present matter, David Nelson of Shannon Land and Mining Co., Plaintiff’s predecessor in title, testified that he was aware of the impending sale of parcel #32, as he “saw it advertised in the local paper.” *Transcript of Proceedings*, April 14, 2010, p. 71. Nelson further testified that Shannon Land and Mining Co. took no action with respect to the proposed sale of parcel #32 because it was not the owner of the Stafford property, to which Plaintiff now alleges parcel #32 once belonged. *Id.* When Shannon Land and Mining Co. did become the owner of the Stafford property, they did not file for leave to appeal the tax sale nunc pro tunc, as mandated by 72 P.S. 5860.607 (b.1). Moreover, Shannon Land and Mining Co. would not have standing to do so. *See Plank v. Monroe County Tax Claim Bureau*, 735 A.2d 178, 181 (Pa. Cmmw. Ct. 1999)(finding that since “Purchasers were not owners or lien creditors at the time of the tax sale, they lack standing to file objections or exceptions under section 607(b) of the Law.”).

The deed from the Nadine F. Stafford, et. al, to C. Alan Walker, et. al, partners t/d/b/a Shannon Land and Mining Co. [Plaintiff’s Exhibit 3] does not convey to Shannon anything other than the tract “heretofore described”, which is described by metes and bounds and recited to contain 100 acres, less 35 acres, dated February 19, 2008, and recorded February 21, 2008, as Instrument No. 200802359. The Stafford to Shannon Land and Mining Co. deed makes no reference to, nor claim of a 9.9 acre tract which is Tax Map Parcel No. 123-K10-032. The deed description of Tract #1 of the Shannon to Queenstown deed contains the call “...thence by John McGlaughin and Daugherty Estate, South 64 East...” Defendants’ Exhibit 13. Correcting one call from South 64 to North 64 East is

depicted in Defendants' Exhibits 14, 16, 18, and 19.¹ Plotting the description of Tract #1 of the Shannon to Queenstown deed exactly as written in the deed, by hand or by computer program, of any kind, would have revealed the error in the type written deed description.

See Transcript of Proceedings, April 14, 2010, p. 104-06.

The deed description of Tract #6, the 100 acre parcel referenced in Instrument No. 200802359, of the Shannon to Queenstown deed contains the call "...thence by lands of John and James Daugherty..." This call is at the southernmost end of the long, rectangular tract in Defendants' Exhibit 12. This deed description reads the same in the Shannon to Queenstown deed (Instrument No. 200802359) as it did in 1919. *See* Defendants' Exhibit 9. Read together, testimony presented at trial showed that the two (2) descriptions of Tract #1 and Tract #6 of Instrument No. 200802359 reveal that there exists a parcel of land between the two (2) tracts which is identified in each of the descriptions as being the Daugherty tract, which name is also referenced on the tax map of Lawrence Township in parcel no. 123-K10-32. *Transcript of Proceedings, April 14, 2010, p. 104-06.* The Shannon to Plaintiff deed (Instrument No. 200802359) tract does not convey any interest to Plaintiff in the 9.9 acre tract (parcel #32).

Acceptance of a deed describing boundary lines confines the premises conveyed to the area within those boundaries, and does not convey "inchoate rights" to land outside its boundaries. *Gerhart v. Hilsonbeck*, 63 A.2d 124 (1949). Each predecessor must have claimed title to the property in dispute, and in transferring to his successors must have purported to include it. *Wolfe v. Porter*, 592 A.2d 716 (1991)(citation omitted). Hence, the

¹ Defendants' presented the testimony of William B. Reilly who, in relation to his business as a real estate buyer and seller, utilizes a computer program to plot deed descriptions, and has done so for more than twenty (20) years. In regards to the present matter, Mr. Reilly testified that in plotting the deed descriptions found in the Plaintiff's deeds there was a clear error, in that the descriptions would go "south down across itself, and it would go up in the middle of tract, or plot, no. 18." *Transcript of Proceedings, April 14, 2010, p. 103-05.* In addition Mr. Reilly testified that he physically surveyed the land in question. *Id.* at 121. The Court found the testimony of Mr. Reilly to be credible.

deed from Stafford to Shannon Land and Mining Co., and in turn from Shannon Land and Mining Co. to Plaintiff, does not create privity as to land outside its calls. When Shannon Land and Mining Co. conveyed to Plaintiff, it conveyed only the land for which it had record title. The deed contained a metes and bounds description of the land; and this description did not include any part of the land now in dispute.

2. Defendants' Chain of Title

Defendants' chain of title originates from its predecessor in title Keystone Land & Timber Co., who purchased the subject parcel at the upset tax sale. By deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated December 1, 1995, and recorded December 19, 1995 in Deed Book Volume 1725 at Page 384, the subject parcel was transferred to Keystone Land & Timber Co. *See* Defendants' Exhibit 1. The aforesaid Tax Claim Bureau recites the approval of the return of the said sale by the Court of Common Pleas of Clearfield County and the confirmation of the said sale by the same court prior to the December 12, 1999, deed, said confirmation is filed in Miscellaneous Docket 52, Page 10. *Id.*

The subject parcel was identified by the Clearfield County Tax Assessment Office and was assessed as "unknown" for a number of years prior to September 12, 1995. The tax assessment map dated 1956 and last updated March 2, 1995, for this parcel is identified as unknown and in faint letters the name "Daugherty" can be seen printed within the subject parcel identified as No. 123-K10-32. *See* Defendants' Exhibit 5. The taxes assessed against this parcel were unpaid for a period of time of at least five (5) years prior to 1995, and for a period of at least five (5) years, the property was posted to be offered for sale at the upset tax sale held in Clearfield County.

Starting in 1995, the subject parcel has been assessed to Keystone Land & Timber Co., as 9.9 acres, Tax Map No. 123-K10-32, in Lawrence Township. David P. Rightenour,

one of the partners of Keystone Land & Timber Co., sold his interest in the subject parcel to the other partner, William B. Reilly, by a Deed recorded on October 27, 1999, and filed to Instrument No. 199917811. William B. Reilly sold the subject parcel to Troy P. Grassmyer by Deed dated March 18, 2008, and recorded on June 18, 2008, to Instrument No. 200809515.

The doctrine of *omnia praesumuntur rite esse acta* appears in various forms, but all stand for the proposition that a *prima facie* presumption of the regularity of the acts of public officers exists until the contrary appears. *Beacom v. Robinson*, 43 A.2d 640, 643 (1945). Basically, “[i]t is, as a general rule, presumed that a public official properly and regularly discharges his duties, or performs acts required by law, in accordance with the law and the authority conferred on him, and that he will not do any act contrary to his official duty or omit to do anything which such duty may require.” *Id.* (internal citation omitted). The Pennsylvania Supreme Court applied the same to tax sales and tax deeds in *Morton v. Harris*, 9 Watts 319 (1840).

The *prima facie* proof of the regularity of the acts of the assessors and other officials appear in the recitals of the tax deeds, and stand until contrary evidence overcomes the presumption. *Peters v. Hawley*, 10 Watts 208 (1840). Further in *Meyers v. Manufacturers and Traders National Bank of Buffalo*, it was stated that the recitals showing that the Grantor was the Treasurer and that he did sell the lands to the Commissioners is sufficient until better proof of deficiency in any of the procedures is proved. 332 Pa. 180, 2 A.2d 768 (1938). The Court finds that no deficiency in the procedures taken for the tax sale of the subject parcel was ever shown in this matter.

3. Conclusion

In conclusion, the Court finds that Plaintiff has not met its burden of proof that the deed it accepted from Shannon Land and Mining Co. included a parcel of land separately

assessed, taxed, and sold to Defendant by the Clearfield County Tax Claim Bureau thirteen (13) years before Plaintiff acquired its interest in adjoining lands. Defendants have presented proof of a title in the 9.9 acre tract of land, identified as tax map parcel no. 123-K10-32, with its deed from the Tax Claim Bureau. The Defendant's title obtained through this deed is valid, and is superior to Plaintiff's claim for the reasons set forth herein, as Plaintiff did not present evidence of superior title.

Based on the foregoing, the Court enters the following Order:

ORDER

AND NOW, this 28th day of July, 2010, following civil nonjury trial, the timely receipt of briefs, and upon consideration of the record, it is the ORDER of this Court as follows:

1. Plaintiff, Queenstown Hunt Club, Inc., be and is hereby forever barred from asserting any right, lien, title in or to the property identified by the Clearfield County Tax Assessment Office as Parcel # 123-K10-0-032, or in any way attacking Defendants' title to the said property; from issuing or maintain any action attacking the same; from encumbering, mortgaging, or conveying the same or any part thereof.
2. Defendant Troy P. Grassmyer is the sole owner, and has sole possession, of the premises identified by the Clearfield County Tax Assessment Office as Parcel # 123-K10-0-032.

BY THE COURT,


FREDERICK J. AMMERMAN
President Judge

FILED

JUL 29 2010

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 7/29/10

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Attorney _____ Other _____
 Plaintiff(s) _____
 Defendant(s) Attorney _____ Defendant(s) Attorney _____
 Special Instructions: