

08-971-CD

Leonard Thompson vs Norman Martin al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION LAW

LEONARD THOMPSON and :
JANICE THOMPSON, husband and wife :
Plaintiffs : NO.: 2008-971-CD
:
vs. :
:
NORMAN R. MARTIN and FLORANCE :
MARTIN, husband and wife; :
GERALD DUFOUR and MADELINE S. :
DUFOUR, husband and wife; :
CHARLES R. HENRY, CHARLES WILLIAM :
HENRY; LISA A. McKEE n/k/a LISA A. NOEL :
and JEFFREY A. NOEL, JOHN DOE AND :
JANE DOE 1-999 and ALL THE HEIRS AND :
ASSIGNS OF ALL THE DECEASED PERSONS :
HAVING OR ONCE HAVING HAD AN :
INTEREST BY DIRECT OR SUCCESSIVE :
INHERITANCE IN THE ESTATES OF THEM :
OR ANY OF THEM, AND ALL THE HEIRS, :
DEVISEES, ADMINISTRATORS, EXECUTORS :
AND ASSIGNS OF THE ABOVE MENTIONED :
OR ANY OTHER PERSON, PERSONS, FIRMS, :
PARTNERSHIPS, OR CORPORATE :
ENTITIES IN INTEREST OR ANY ONE :
CLAIMING BY, THROUGH OR UNDER :
THEM OR ANY OF THEM :
Defendants :

FILED

MAY 27 2008
0/12/20/0
William A. Shaw
Prothonotary/Clerk of Courts

7 cent - plus

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 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 plaintiff. You may lose money or property or other rights important to you.

(#1)

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
Clearfield, PA 16830
814-765-2641 ext. 5982

R. Bruce Manchester

R. Bruce Manchester, Esquire
Manchester and Associates
124 W. Bishop Street
Bellefonte, PA 16823
(814) 355-5421
ID# 28535

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION LAW

LEONARD THOMPSON and	:
JANICE THOMPSON, husband and wife	:
Plaintiffs	: NO.:
vs.	:
NORMAN R. MARTIN and FLORANCE	:
MARTIN, husband and wife;	:
GERALD DUFOUR and MADELINE S.	:
DUFOUR, husband and wife;	:
CHARLES R. HENRY, CHARLES WILLIAM	:
HENRY; LISA A. McKEE n/k/a LISA A. NOEL	:
and JEFFREY A. NOEL, JOHN DOE AND	:
JANE DOE 1-999 and ALL THE HEIRS AND	:
ASSIGNS OF ALL THE DECEASED PERSONS	:
HAVING OR ONCE HAVING HAD AN	:
INTEREST BY DIRECT OR SUCCESSIVE	:
INHERITANCE IN THE ESTATES OF THEM	:
OR ANY OF THEM, AND ALL THE HEIRS,	:
DEVISEES, ADMINISTRATORS, EXECUTORS	:
AND ASSIGNS OF THE ABOVE MENTIONED	:
OR ANY OTHER PERSON, PERSONS, FIRMS,	:
PARTNERSHIPS, OR CORPORATE	:
ENTITIES IN INTEREST OR ANY ONE	:
CLAIMING BY, THROUGH OR UNDER	:
THEM OR ANY OF THEM	:
Defendants	:

COMPLAINT IN QUIET TITLE

1. Plaintiffs are Leonard Thompson and Janice Thompson of 70 North Good Street, Houtzdale, Pennsylvania.
2. Defendants are Norman R. Martin and Florance Martin, husband and wife of 12 North Good Street, Houtzdale, Pennsylvania; Gerald M. Dufour and Madeline S. Dufour, husband and wife of 58 North Good Street, Houtzdale, Pennsylvania; Charles R. Henry of 619

Elizabeth Street, Houtzdale, Pennsylvania, Charles William Henry and Anna M. Henry, husband and wife of 806 Sue Street, Houtzdale, Pennsylvania; Lisa A. McKee n/k/a Lisa A. Noel and Jeffrey A. Noel, husband and wife of 75 N. McAteer Street, Houtzdale, Pennsylvania, and all the heirs and assigns of all the deceased persons having or once having had an interest by direct or successive inheritance in the estates of them or any of them, and all the heirs, devisees, administrators, executors and assigns of the above mentioned or any other person, persons, firms, partnerships, or corporate entities in interest or any one claiming by, through or under them or any of them.

3. Plaintiffs for in excess of 21 years openly, notoriously and hostile possessed that parcel as identified as the following description :

LOT 1

Land situate in the Township of Woodward, County of Clearfield, and State of Pennsylvania,

BEGINNING at a point on the south right-of-way line of a 20 foot alley (unopened), said point being the northeast corner of lands now or formerly of Leonard and Janet Thompson, and said point being the northwest corner of lands now or formerly of Gerald and Madeline Dufour; thence crossing the right-of-way of said 20 foot alley North 14° 30' East 20.00 feet to a point; thence along the line of lands now or formerly of Charles R. Henry and Charles William Henry and crossing Pine Alley North 75° 30' West 120.00 feet to a point; thence crossing the right-of-way of said 20 foot alley South 14° 30' West 20.00 feet to a point; thence along the north line of lands now or formerly of Leonard and Janet Thompson and crossing the right-of-way of Pine Alley; South 75° 30' East 120.00 feet to a point and place of beginning. **CONTAINING** 2,400 sq. feet.

LOT 2

Land situate in the Township of Woodward, County of Clearfield, and State of Pennsylvania,

BEGINNING at a point on the north right-of-way line of Dorthea Street (unopened), said point being the northeast corner of the intersection of Dorthea Street and Pine Alley (unopened) and said point being the southwest corner of lands now or formerly of Leonard and Janet Thompson; thence along the west line of lands now or formerly of Leonard and Janet Thompson North 14° 30' East

150.00 feet to a point on the south right-of-way line of a 20 foot Alley (unopened); thence along the south right-of-way line of said 20 foot Alley North 75° 30' West 20.00 feet to a point; thence along the east line of lands now or formerly of Leonard and Janet Thompson South 14° 30' West 150.00 feet to a point; thence along the north right-of-way line of Dorthea Street South 75° 30' East 20.00 feet to a point and the place of beginning. CONTAINING 3,000 sq. feet.

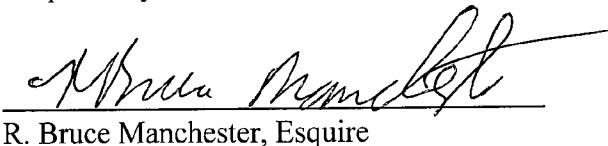
4. Plaintiffs have made a reasonable and diligent search to locate the Defendant heirs and assigns as well as John and/or Jane Doe 1 through 999 but are unable to do so.

5. Plaintiffs have expended sums of money for the upkeep and maintenance of the premises continuously over the course of 21 plus years.

6. Plaintiffs have not received actual knowledge of any adverse claims to the subject property by the Defendants or by any other person other than the Defendants.

WHEREFORE, Plaintiffs request that this Court enter an Order declaring that the Defendants, their heirs, successors, assigns and all persons claiming under, by or through the said Defendants to be forever barred from asserting any right, lien, title, claim or interest in the Plaintiffs' property inconsistent with the interest or claim of the Plaintiffs in said property and that the Plaintiffs are hereby vested with fee simple title to property described within.

Respectfully submitted,



R. Bruce Manchester, Esquire
Attorney for Plaintiffs
Manchester and Associates
124 West Bishop Street
Bellefonte, PA 16823
(814) 355-5421

VERIFICATION

We, Leonard Thompson and Janice Thompson verify that the statements made in the foregoing pleading are true and correct. We understand that false statements herein are made subject to the penalties of 18 PA C.S.A. §4904 relating to unsworn falsification to authorities.

Leonard Thompson
Leonard Thompson

Janice Thompson
Janice Thompson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-971-CD

LEONARD THOMPSON and JANICE THOMPSON
vs
NORMAN R. MARTIN et al

SERVICE # 4 OF 5

COMPLAINT ACTION TO QUIET TITLE

SERVE BY: 06/26/2008 HEARING: PAGE: 104213

DEFENDANT: CHARLES R. HENRY
ADDRESS: 619 ELIZABETH ST.
HOOTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

FILED

03:31:57
JUN 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 6-2-08 AT 1:43 AM/PM SERVED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE ON CHARLES R. HENRY, DEFENDANT

BY HANDING TO Charles R. Henry, Defd.

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM HER THE CONTENTS THEREOF.

ADDRESS SERVED 619 Elizabeth Street
Hautzdale, PA 16651

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE FOR CHARLES R. HENRY

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO CHARLES R. HENRY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James C. Davis
Deputy Signature
James E. Davis
Print Deputy Name

(#2)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-971-CD

LEONARD THOMPSON and JANICE THOMPSON
vs
NORMAN R. MARTIN et al

SERVICE # 2 OF 5

COMPLAINT ACTION TO QUIET TITLE

SERVE BY: 06/26/2008 HEARING: PAGE: 104213

DEFENDANT: GERALD and MADELINE S. DUFOUR
ADDRESS: 58 N. GOOD ST.
HOOTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

FILED
06/23/2008
JUN 02 2008
William A. Shaw
Prothonotary/Clerk of Courts

ATTEMPTS _____

SHERIFF'S RETURN

NOW, 6-2-08 AT 2:05 AM / PM SERVED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE ON GERALD and MADELINE S. DUFOUR, DEFENDANT
BY HANDING TO Madeleine S. Dufour, Wife and Def

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS
THEREOF.

ADDRESS SERVED 58 N. Good ST.
Hootzdale, Pa. 16651

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE FOR GERALD and MADELINE S. DUFOUR

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO GERALD and MADELINE S. DUFOUR

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis
Deputy Signature
James E. Davis
Print Deputy Name

13

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-971-CD

LEONARD THOMPSON and JANICE THOMPSON

VS

NORMAN R. MARTIN et al

SERVICE # 1 OF 5

COMPLAINT ACTION TO QUIET TITLE

SERVE BY: 06/26/2008

HEARING:

PAGE: 104213

DEFENDANT: NORMAN R. and FLORANCE MARTIN

ADDRESS: 12 N. GOOD ST.

HOOTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

FILED

07/03/2008
JUN 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, June 2, 2008 AT 2:02 AM PM SERVED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE ON NORMAN R. and FLORANCE MARTIN, DEFENDANT
BY HANDING TO Florance Martin, Defd

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM /HER THE CONTENTS
THEREOF.

ADDRESS SERVED 12 N. Good Street
Hootzdale, PA 16651

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE FOR NORMAN R. and FLORANCE MARTIN

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO NORMAN R. and FLORANCE MARTIN

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF June 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Dominic Morgillo
Deputy Signature

Dominic Morgillo
Print Deputy Name

#4

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-971-CD

LEONARD THOMPSON and JANICE THOMPSON
vs
NORMAN R. MARTIN et al

SERVICE # 5 OF 5

COMPLAINT ACTION TO QUIET TITLE

SERVE BY: 06/26/2008

HEARING: PAGE: 104213

DEFENDANT: CHARLES W. and ANNA HENRY
ADDRESS: 806 SUE ST.
HOOTZDALE, PA 16651

ALTERNATE ADDRESS

FILED

8:39 a.m. 6/5/08
JUN 05 2008 NOCC

William A. Shaw
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS 6-2-08 - 1:50 P.M. - H-Loft Notes

SHERIFF'S RETURN

NOW, 6-4-08 AT 5:40 AM / PM SERVED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE ON CHARLES W. and ANNA HENRY, DEFENDANT

BY HANDING TO Alex Henry, Son

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 806 Sue Street
Hautzdale, Pa 1665

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE FOR CHARLES W. and ANNA HENRY

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO CHARLES W. and ANNA HENRY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis
Deputy Signature
James E. Davis
Print Deputy Name

85

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-971-CD

LEONARD THOMPSON and JANICE THOMPSON
VS
NORMAN R. MARTIN et al

SERVICE # 3 OF 5

COMPLAINT ACTION TO QUIET TITLE

SERVE BY: 06/26/2008

HEARING:

PAGE: 104213

DEFENDANT: LISA A. McKEE nka LISA A. NOEL and JEFFREY A. NOEL
ADDRESS: 75 N. MCATEER ST.
HOUTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

6-2-08-1:57 PM/H-Left Note

FILED

08:38am CT

JUN 05 2008

cc

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 6-4-08 AT 5:45 AM / PM SERVED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE ON LISA A. McKEE nka LISA A. NOEL and JEFFREY A. NOEL, DEFENDANT

BY HANDING TO Lisa A. Noel

Def

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM/HER THE CONTENTS THEREOF.

ADDRESS SERVED 75 N. MCATEER ST.
Houtzdale, Pa. 16651

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE FOR LISA A. McKEE nka LISA A. NOEL and JEFFREY A. NOEL

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO LISA A. McKEE nka LISA A. NOEL and JEFFREY A. NOEL

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Wain
Deputy Signature

James E. Davis
Print Deputy Name

10

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

GERALD M. DUFOUR
MADELINE S. DUFOUR
(Plaintiff)

CIVIL ACTION

(Street Address)

No. 2008-971-CD

(City, State ZIP)

Type of Case:

Type of Pleading: objection to claim

vs.

Norman R. Martin et al
(Defendant)

Filed on Behalf of:

Norman Martin / Florence Martin
(Plaintiff/Defendant)

(Street Address)

(City, State ZIP)

Florence Martin

(Filed by)

12 N. GOOD ST. HAZZDALE PA
(Address) 16651

814-378-7784
(Phone)

Florence E. Martin
(Signature)

FILED
06032a.MOK
JUN 16 2008
NO CC
William A. Shaw
Prothonotary/Clerk of Courts

81

Norman Martin Florence Martin

12 N. Good St.

Houston, Tex 77005

Born on this property since 9-10-1965 (93 yrs)

Lot 12 bought 9-10-1965 recorded 14th Feb 1966

Lot 11 bought 6-12-1967 recorded 9-9-72

Lot six laid out 11-1-1960, at request of Grandmother and brother Charles Henry. Grandmother kept this ground for brother until he could take care of the ground. Father Melvin Henry bought in 1943, and put Charles Henry also on deed. Melvin Henry died in Burma (since 1945 & MIA).

11-1-1960 ^{done} by ALLEG. Battler Eng. ER Cobb (Rome)

Done again for Norman and Florence Martin. Only to have our lots restaked post stakes were gone on the west side. When we were given our new lot in 1952 it was done by F. K. Van Furen Engt.

Surveyor of Landace I do not know who did the work but we kept up the 20' alley between our properties. When we made the lot it was a 1/2 acre with a 20' lot. The lot at 1/2 acre was 100' x 100'. I will

grown with weeds and jagged bushes. Even an out house. We had to make our own road to get to the property and haul our own shale to put on the road as Woodward Township wouldn't help us. We thought the in between alley belong to both us and the Plaintiffs to use if needed. We never thought they would, decided they had to have it. It's not on the deeds as sold to anyone but a part of the larger piece of ground off of which we and they bought their ground. They Plaintiffs want it all over to our property. We think it should be kept as is for us to use too or if we sell someone else has that option. At least half the ground.

Gerry Dufour ask me to move my dog from under the trees across the alley because his dogs needed shade and that's why the dog pens ended up there and mine was moved to this side on our property.

I also told Gerry Dufour recently that since my 15 year old dog died two yrs ago I would be putting a basketball (free standing) up for my Autistic grandson where we had taken down a big pine tree near the alley. I guess it would both the dog pens. But it was the only

place I could think of to put the basketball stand.

My brother Charles R. Henry ask Gerald Dufoe several times to move the dog pens from the alley but he never moved them.

Florence E. Martin wrote this up and these are true statements

Florence E. Martin
Norman Martin

Also our water line runs across said property Gerald Dufoe's is not on that line. I think it is on line that went to barn in forties. Is in front on his property.

Also on this side of said property we have two apple trees, lilac bush and three large, tall pine trees and a maple tree. Norman Martin also cuts the grass on the alley side and in and out of the trees.

Norman Martin has been on dialysis MON. Wed. and Fri. since Sept 12, 2002. He started in Atlanta and then started in Clearfield on turnpike Ave when it opened. On those days he can't mow as he leaves at 7:40 AM is on dialysis 3 1/2 hr and doesn't get home until anywhere between 1:00 and 2:00 PM sometimes later. Dufoe's mow sometimes on those days.

Florence E. Martin

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

LEONARD THOMPSON and JANICE
THOMPSON, husband and wife,
Plaintiffs,

v.

NORMAN R. MARTIN, and
FLORANCE MARTIN, husband and
wife; GERALD DUFOUR and
MADELINE S. DUFOUR, husband
and wife; CHARLES R. HENRY,
CHARLES WILLIAM HENRY; LISA
A. MCKEE n/k/a LISA A. NOEL
and JEFFREY A. NOEL, JOHN DOE
and JANE DOE 1-999 and ALL THE
HEIRS AND ASSIGNS OF ALL THE
DECEASED PERSONS HAVING OR
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DIRECT OR SUCCESSIVE
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THEM OR ANY OF THEM, AND ALL
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ASSIGNS OF THE ABOVE MENTIONED
OR ANY OTHER PERSON, PERSONS,
FIRMS, PARTNERSHIPS, OR
CORPORATE ENTITIES IN INTEREST
OR ANY ONE CLAIMING BY,
THROUGH OR UNDER THEM OR ANY
OF THEM,

Defendants.

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No. 08 - 971 - CD

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

LEONARD THOMPSON and JANICE *
THOMPSON, husband and wife, *
Plaintiffs, *

v. *

No. 08 - 971 - CD

NORMAN R. MARTIN, and *
FLORANCE MARTIN, husband and *
wife; GERALD DUFOUR and *
MADELINE S. DUFOUR, husband *
and wife; CHARLES R. HENRY, *
CHARLES WILLIAM HENRY; LISA *
A. MCKEE n/k/a LISA A. NOEL *
and JEFFREY A. NOEL, JOHN DOE *
and JANE DOE 1-999 and ALL THE *
HEIRS AND ASSIGNS OF ALL THE *
DECEASED PERSONS HAVING OR *
ONCE HAVING HAD AN INTEREST BY *
DIRECT OR SUCCESSIVE *
INHERITANCE IN THE ESTATES OF *
THEM OR ANY OF THEM, AND ALL *
THE HEIRS, DEVISEES, *

ADMINISTRATORS, EXECUTORS AND *
ASSIGNS OF THE ABOVE MENTIONED *
OR ANY OTHER PERSON, PERSONS, *
FIRMS, PARTNERSHIPS, OR *

CORPORATE ENTITIES IN INTEREST *
OR ANY ONE CLAIMING BY, *

THROUGH OR UNDER THEM OR ANY *

OF THEM, *

Defendants. *

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of all of the above
named Defendants in the above-captioned matter.



James A. Naddeo
Attorney for Defendants

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

LEONARD THOMPSON and JANICE
THOMPSON, husband and wife,
Plaintiffs,

v.

No. 08 - 971 - CD

NORMAN R. MARTIN, and
FLORANCE MARTIN, husband and
wife; GERALD DUFOUR and
MADELINE S. DUFOUR, husband
and wife; CHARLES R. HENRY,
CHARLES WILLIAM HENRY; LISA
A. McKEE n/k/a LISA A. NOEL
and JEFFREY A. NOEL, JOHN DOE
AND JANE DOE 1-999 and ALL THE
HEIRS AND ASSIGNS OF ALL THE
DECEASED PERSONS HAVING OR
ONCE HAVING HAD AN INTEREST BY
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THE HEIRS, DEVISEES,
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OR ANY OTHER PERSON, PERSONS,
FIRMS, PARTNERSHIPS, OR
CORPORATE ENTITIES IN INTEREST
OR ANY ONE CLAIMING BY,
THROUGH OR UNDER THEM OR ANY
OF THEM,

Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praeclipe for Entry of Appearance was served on the following and in the following manner on the 24th day of June, 2008:

First-Class Mail, Postage Prepaid

R. Bruce Manchester, Esquire
Manchester and Associates

124 W. Bishop Street
Bellefonte, PA 16823

NADDEO & LEWIS, LLC

By: 

James A. Naddeo

Attorney for Defendants

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

LEONARD THOMPSON and JANICE
THOMPSON, husband and wife,
Plaintiffs,

v.

NORMAN R. MARTIN, and
FLORANCE MARTIN, husband and
wife; GERALD DUFOUR and
MADELINE S. DUFOUR, husband
and wife; CHARLES R. HENRY,
CHARLES WILLIAM HENRY; LISA
A. McKEE n/k/a LISA A. NOEL
and JEFFREY A. NOEL, JOHN DOE
and JANE DOE 1-999 and ALL THE
HEIRS AND ASSIGNS OF ALL THE
DECEASED PERSONS HAVING OR
ONCE HAVING HAD AN INTEREST BY
DIRECT OR SUCCESSIVE
INHERITANCE IN THE ESTATES OF
THEM OR ANY OF THEM, AND ALL
THE HEIRS, DEVISEES,
ADMINISTRATORS, EXECUTORS AND
ASSIGNS OF THE ABOVE MENTIONED
OR ANY OTHER PERSON, PERSONS,
FIRMS, PARTNERSHIPS, OR
CORPORATE ENTITIES IN INTEREST
OR ANY ONE CLAIMING BY,
THROUGH OR UNDER THEM OR ANY
OF THEM,

Defendants.

* No. 08 - 971 - CD

FILED
06/11/2008 3rd Icc
JUN 25 2008 Atty Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

(60)

Type of Pleading:
**FIRST AMENDED PRAECIPE
FOR ENTRY OF APPEARANCE**

Filed on behalf of:
Defendants
Counsel of Record for
this party:
James A. Naddeo, Esq.
Pa. I.D. 06820
&
Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: June 25, 2008

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

LEONARD THOMPSON and JANICE *
THOMPSON, husband and wife, *
Plaintiffs, *

v.

No. 08 - 971 - CD

NORMAN R. MARTIN, and *
FLORANCE MARTIN, husband and *
wife; GERALD DUFOUR and *
MADELINE S. DUFOUR, husband *
and wife; CHARLES R. HENRY, *
CHARLES WILLIAM HENRY; LISA *
A. MCKEE n/k/a LISA A. NOEL *
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and JANE DOE 1-999 and ALL THE *
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CORPORATE ENTITIES IN INTEREST *

OR ANY ONE CLAIMING BY, *

THROUGH OR UNDER THEM OR ANY *

OF THEM,

Defendants. *

FIRST AMENDED PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of only the following above named Defendants: Norman R. Martin and Florance Martin, Charles R. Henry, Charles William Henry, Lisa A. McKee n/k/a Lisa A. Noel and Jeffrey A. Noel, in the above-captioned matter. Please accept this as a revision of my previously filed

entry of appearance which included the named Defendants, Gerald Dufour and Madeline S. Dufour.



James A. Naddeo
Attorney for Defendants

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

LEONARD THOMPSON and JANICE *
THOMPSON, husband and wife, *
Plaintiffs, *

v. *

No. 08 - 971 - CD

NORMAN R. MARTIN, and *
FLORANCE MARTIN, husband and *
wife; GERALD DUFOUR and *
MADELINE S. DUFOUR, husband *
and wife; CHARLES R. HENRY, *
CHARLES WILLIAM HENRY; LISA *
A. MCKEE n/k/a LISA A. NOEL *
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CORPORATE ENTITIES IN INTEREST *
OR ANY ONE CLAIMING BY, *

THROUGH OR UNDER THEM OR ANY *

OF THEM, *

Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of First Amended Praeclipe for Entry of Appearance was served on the following and in the following manner on the 25th day of June, 2008:

First-Class Mail, Postage Prepaid

R. Bruce Manchester, Esquire
Manchester and Associates

124 W. Bishop Street
Bellefonte, PA 16823

NADDEO & LEWIS, LLC

By:

James A. Naddeo

James A. Naddeo
Attorney for Defendants

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

LEONARD THOMPSON and JANICE
THOMPSON, husband and wife,
Plaintiffs,

v.

NORMAN R. MARTIN, and
FLORANCE MARTIN, husband and
wife; GERALD DUFOUR and
MADELINE S. DUFOUR, husband
and wife; CHARLES R. HENRY,
CHARLES WILLIAM HENRY; LISA
A. McKEE n/k/a LISA A. NOEL
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OF THEM,

Defendants.

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

LEONARD THOMPSON and JANICE *
THOMPSON, husband and wife, *
Plaintiffs, *

v. *

No. 08 - 971 - CD

NORMAN R. MARTIN, and *
FLORANCE MARTIN, husband and *
wife; GERALD DUFOUR and *
MADELINE S. DUFOUR, husband *
and wife; CHARLES R. HENRY, *
CHARLES WILLIAM HENRY; LISA *
A. MCKEE n/k/a LISA A. NOEL *
and JEFFREY A. NOEL, JOHN DOE *
and JANE DOE 1-999 and ALL THE *
HEIRS AND ASSIGNS OF ALL THE *
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FIRMS, PARTNERSHIPS, OR *

CORPORATE ENTITIES IN INTEREST *
OR ANY ONE CLAIMING BY, *

THROUGH OR UNDER THEM OR ANY *

OF THEM, *

Defendants. *

ANSWER

The Defendants, Norma R. Martin and Florance Martin; Charles R. Henry; Charles William Henry; Lisa A. McKee-Noel and Jeffrey A. Noel, by and through their attorney, James A. Naddeo, hereby file the following Answer in accordance with the Pennsylvania Rules of Civil Procedure, and assert in support thereof as follows:

1. Admitted.

2. Admitted.

3. Denied. States a conclusion of law to which no answer is required. To the extent an answer may be required said averment is denied.

4. Denied. After reasonable investigation Defendants are without knowledge or information sufficient to form a belief as to the truth of said averment.

5. Denied. After reasonable investigation Defendants are without knowledge or information sufficient to form a belief as to the truth of said averment.

6. Denied. After reasonable investigation Defendants are without knowledge or information sufficient to form a belief as to the truth of said averment.

WHEREFORE, Defendants, Norma R. Martin and Florance Martin; Charles R. Henry; Charles William Henry; Lisa A. McKee-Noel and Jeffrey A. Noel, request judgment to be entered in their favor and against the Plaintiffs, Leonard Thompson and Janice Thompson.

Respectfully submitted,

NADDEO & LEWIS, LLC

By James A. Naddeo
James A. Naddeo
Attorney for Defendants

COMMONWEALTH OF PENNSYLVANIA)
SS.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared CHARLES R. HENRY, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer to Complaint are true and correct to the best of his knowledge, information and belief.

Charles R. Henry

SWORN and SUBSCRIBED before me this 11th day of June, 2008.

Linda C Lewis

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2011

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

LEONARD THOMPSON and JANICE
THOMPSON, husband and wife,
Plaintiffs,

v.

No. 08 - 971 - CD

NORMAN R. MARTIN, and
FLORANCE MARTIN, husband and
wife; GERALD DUFOUR and
MADELINE S. DUFOUR, husband
and wife; CHARLES R. HENRY,
CHARLES WILLIAM HENRY; LISA
A. McKEE n/k/a LISA A. NOEL
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OR ANY ONE CLAIMING BY,
THROUGH OR UNDER THEM OR ANY
OF THEM,

Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Answer was served on the following and in the
following manner on the 25th day of June, 2008:

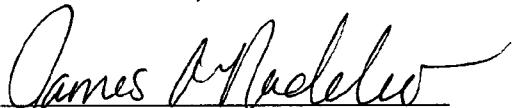
First-Class Mail, Postage Prepaid

R. Bruce Manchester, Esquire
Manchester and Associates

124 W. Bishop Street
Bellefonte, PA 16823

NADDEO & LEWIS, LLC

By:



James A. Naddeo

Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104213
NO: 08-971-CD
SERVICES 5
COMPLAINT ACTION TO QUIET TITLE

PLAINTIFF: LEONARD THOMPSON and JANICE THOMPSON

vs.

DEFENDANT: NORMAN R. MARTIN et al

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	J.THOMPSON	CASH	50.00
SHERIFF HAWKINS	J.THOMPSON	CASH	84.54

FILED
013-0761
SEP 25 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff



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

LEONARD THOMPSON and JANICE
THOMPSON, husband and wife,
Plaintiffs,

v.

NORMAN R. MARTIN, and
FLORANCE MARTIN, husband and
wife; GERALD DUFOUR and
MADELINE S. DUFOUR, husband
and wife; CHARLES R. HENRY,
CHARLES WILLIAM HENRY; LISA
A. MCKEE n/k/a LISA A. NOEL
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CORPORATE ENTITIES IN INTEREST
OR ANY ONE CLAIMING BY,
THROUGH OR UNDER THEM OR ANY
OF THEM,

Defendants.

* No. 08 - 971 - CD

* Type of Pleading:

CERTIFICATE OF SERVICE

* Filed on behalf of:
* Defendants
* Counsel of Record for
this party:
* James A. Naddeo, Esq.
* Pa. I.D. 06820
* &
* Trudy G. Lumadue, Esq.
* Pa I.D. 202049
* NADDEO & LEWIS, LLC
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

03:36 P.M. CR

SEP 25 2008

2cc Atty Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

(610)

Dated: June 25, 2008

102

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

LEONARD THOMPSON and JANICE
THOMPSON, husband and wife,
Plaintiffs,

v.

No. 08 - 971 - CD

NORMAN R. MARTIN, and
FLORANCE MARTIN, husband and
wife; GERALD DUFOUR and
MADELINE S. DUFOUR, husband
and wife; CHARLES R. HENRY,
CHARLES WILLIAM HENRY; LISA
A. MCKEE n/k/a LISA A. NOEL
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CORPORATE ENTITIES IN INTEREST
OR ANY ONE CLAIMING BY,
THROUGH OR UNDER THEM OR ANY
OF THEM,

Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
true and correct copy of Notice of Taking Deposition was served on
the following and in the following manner on the 25th day of
September, 2008:

First-Class Mail, Postage Prepaid

R. Bruce Manchester, Esquire
Manchester and Associates
124 W. Bishop Street
Bellefonte, PA 16823

Maryann Cornelius, Court Reporter
339 Southmont Boulevard
Johnstown, PA 15905

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Defendants

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

LEONARD THOMPSON and JANICE
THOMPSON, husband and wife,
Plaintiffs,

v.

NORMAN R. MARTIN, and
FLORANCE MARTIN, husband and
wife; GERALD DUFOUR and
MADELINE S. DUFOUR, husband
and wife; CHARLES R. HENRY,
CHARLES WILLIAM HENRY; LISA
A. McKEE n/k/a LISA A. NOEL
and JEFFREY A. NOEL, JOHN DOE
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THROUGH OR UNDER THEM OR ANY
OF THEM,

Defendants.

* No. 08 - 971 - CD

* Type of Pleading:
**MOTION FOR PARTIAL
SUMMARY JUDGMENT**

* Filed on behalf of:
* Defendants
* Counsel of Record for
this party:
* James A. Naddeo, Esq.
* Pa. I.D. 06820
* &
* Trudy G. Lumadue, Esq.
* Pa I.D. 202049

* NADDEO & LEWIS, LLC
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

Dated: May 1, 2009

FILED
01/04/09
MAY 01 2009

William A. Shaw
Prothonotary/Clerk of Courts

200
Attn: Naddeo

(64)

*13

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

LEONARD THOMPSON and JANICE *
THOMPSON, husband and wife, *
Plaintiffs, *

v. *

No. 08 - 971 - CD

NORMAN R. MARTIN, and *
FLORANCE MARTIN, husband and *
wife; GERALD DUFOUR and *
MADELINE S. DUFOUR, husband *
and wife; CHARLES R. HENRY, *
CHARLES WILLIAM HENRY; LISA *
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OR ANY ONE CLAIMING BY, *

THROUGH OR UNDER THEM OR ANY *

OF THEM, *

Defendants. *

NOTICE TO PLEAD

TO THE PLAINTIFFS:

You are hereby notified to file a written response to
the enclosed Motion for Summary Judgment within twenty (30) days
from service hereof or a judgment may be entered against you.

NADDEO & LEWIS, LLC

By



James A. Naddeo, Esquire
Attorney for Defendants

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

LEONARD THOMPSON and JANICE *
THOMPSON, husband and wife, *
Plaintiffs, *

v. *

No. 08 - 971 - CD

NORMAN R. MARTIN, and *
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and wife; CHARLES R. HENRY, *
CHARLES WILLIAM HENRY; LISA *
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OF THEM,

Defendants. *

MOTION FOR PARTIAL SUMMARY JUDGMENT

The Defendants, Norma R. Martin and Florance Martin; Charles R. Henry; Charles William Henry; Lisa A. McKee-Noel and Jeffrey A. Noel, by and through their attorney, James A. Naddeo, hereby file the following partial motion for summary judgment as to Plaintiffs' claim of right to Lot 1 and assert in support thereof as follows:

1. Plaintiffs' complaint alleges adverse possession of a 20 foot portion of an unopened alley which adjoins the properties of the parties and is identified by Plaintiffs as Lot 1.

2. The deposition of Janice Thompson was taken on November 7, 2008. True and correct copy of said Deposition is attached hereto as Exhibit "A," and true and correct copy of Map used during depositions is attached as Exhibit "B."

3. That the deposition reveals and evidences that Plaintiffs will not be able to establish the elements of adverse possession.

4. Plaintiff's deposition indicates that Plaintiffs' use of Lot 1 was to initially clear grass and leaves, thereafter planted grass, mowed the grass, trimmed trees, planted a garden approximately 32 years ago that was maintained for three years and is no longer. Deposition of Janice Thompson 9-10.

5. Plaintiffs' use does not constitute actual possession hostile to the owners as required by the law of the Commonwealth of Pennsylvania. (In this instance Defendants Henrys would have a claim of title to one-half of the alley (Lot 1) and all other Defendants would have a private easement over the entire alley to which Plaintiffs claim to have acquired title.) Edmondson v. Dolinich, 307 Pa.Super. 335 (Pa.Super.Ct. 1982); Flannery v. Stump, 2001 Pa.Super. 307 (Pa.Super.Ct. 2001).

6. Plaintiffs' depositions demonstrate that the use was consensual with the surrounding landowners and was not hostile.

See Deposition of Janice Thompson Page 14 (Adjoining landowners used Lot 1 with no objection from Thompsons); Page 16-17 (never put up a fence, never placed no trespassing signs, never informed neighbors not to use Lot 1. Thus the deposition is absent of any subsequent (to permissive use) action of disseizin or open disavowal of the true owner's title.

7. Plaintiffs' use is admittedly sporadic and nonexclusive. Deposition of Janice Thompson Page 11-14 (Henrys have placed numerous items on Lot 1, have walked through it, have a portion of a structure upon Lot 1). See also Edmondson v. Dolinich, 307 Pa.Super. 335 (Pa.Super.Ct. 1982) (Held cleaning up an alley, planting grass, mowing grass and planting a peach tree did not constitute adverse possession.)

8. No material issue of fact exists and Defendants are entitled to judgment as a matter of law.

WHEREFORE, Defendants, Norma R. Martin and Florance Martin; Charles R. Henry; Charles William Henry; Lisa A. McKee-Noel and Jeffrey A. Noel, request the Court grant the herein motion for partial summary judgment and declare Plaintiffs have not acquired prescriptive title to Lot 1.

Respectfully submitted,

NADDEO & LEWIS, LLC

By


James A. Naddeo

Attorney for Defendants

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

LEONARD THOMPSON and JANICE *
THOMPSON, husband and wife, *
Plaintiffs, *

v. *

No. 08 - 971 - CD *

NORMAN R. MARTIN, and *
FLORANCE MARTIN, husband and *
wife; GERALD DUFOUR and *
MADELINE S. DUFOUR, husband *
and wife; CHARLES R. HENRY, *
CHARLES WILLIAM HENRY; LISA *
A. MCKEE n/k/a LISA A. NOEL *
and JEFFREY A. NOEL, JOHN DOE *
AND JANE DOE 1-999 and ALL THE *
HEIRS AND ASSIGNS OF ALL THE *
DECEASED PERSONS HAVING OR *
ONCE HAVING HAD AN INTEREST BY *
DIRECT OR SUCCESSIVE *
INHERITANCE IN THE ESTATES OF *
THEM OR ANY OF THEM, AND ALL *
THE HEIRS, DEVISEES, *
ADMINISTRATORS, EXECUTORS AND *
ASSIGNS OF THE ABOVE MENTIONED *
OR ANY OTHER PERSON, PERSONS, *
FIRMS, PARTNERSHIPS, OR *
CORPORATE ENTITIES IN INTEREST *
OR ANY ONE CLAIMING BY, *
THROUGH OR UNDER THEM OR ANY *
OF THEM, *

Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Motion for Partial Summary Judgment was served on the following and in the following manner on the 1st day of May, 2009:

First-Class Mail, Postage Prepaid

R. Bruce Manchester, Esquire

Manchester and Associates

124 W. Bishop Street

Bellefonte, PA 16823

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Defendants

1 IN THE COURT OF COMMON PLEAS OF
2 CLEARFIELD COUNTY, PENNSYLVANIA

3 GERALD M. DUFOUR and MADELINE S.
4 DUFOUR, husband and wife.
Plaintiffs

5 -vs-

6 NORMAN R. MARTIN and FLORANCE
7 MARTIN, husband and wife;
LEONARD THOMPSON and JANICE
THOMPSON, husband and wife;
CHARLES R. HENRY, CHARLES
WILLIAM HENRY: LISA A. MCKEE
n/k/a LISA A. NOEL and JEFFREY A.
NOEL, JOHN DOE and JANE DOE 1-999
and ALL THE HEIRS AND ASSIGNS OF
ALL THE DECEASED PERSONS HAVING
OR ONCE HAVING HAD AN INTEREST BY
DIRECT OR SUCCESSIVE INHERITANCE
IN THE ESTATES OF THEM OR ANY OF
THEM AND ALL THE HEIRS, DEVISEES,
ADMINISTRATORS, EXECUTORS AND
ASSIGNS OF THE ABOVE MENTIONED OR
ANY OTHER PERSON, PERSONS, FIRMS,
PARTNERSHIPS, OR CORPORATE
ENTITIES IN INTEREST OR ANYONE
CLAIMING BY, THROUGH OR UNDER
THEM OR ANY OF THEM.
Defendants

CIVIL DIVISION
NO. 2008 - 970 - CD

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1 APPEARANCES

2
3 R. BRUCE MANCHESTER, ESQUIRE
Manchester and Associates
4 124 West Bishop Street
Bellefonte, PA, 16823
5 Appearing on behalf of the Plaintiffs
Gerald M. DuFour and Madeline S. DuFour,
6 husband and wife

7
8 JAMES A. NADDEO, ESQUIRE
Naddeo & Lewis, LLC
9 207 East Market Street
P.O. Box 552
10 Clearfield, PA, 16830
11 Appearing on behalf of the Defendants
Norman R. Martin, et al.

1 STIPULATION

2
3 It is hereby stipulated by and between counsel for
4 the respective parties that reading, signing, sealing,
5 certification, and filing are waived, and that all objections
6 except as to the form of the question are reserved to the time
7 of trial.

8
9 JANICE THOMPSON, called as a witness, being
10 sworn, testified as follows:

11 EXAMINATION

12 BY MR. NADDEO:

13 Q Your name, please.
14 A Janice Thompson.
15 Q Where do you reside, Mrs. Thompson?
16 A 70 North Good Street, Houtzdale, PA.
17 Q How long have you lived at that address?
18 A Thirty-five years.
19 Q Who lives at that address with you?
20 A Leonard Thompson.
21 Q And who is Leonard?
22 A Husband. And son, Len Thompson.
23 Q Anyone else?
24 A No.

Exhibit "A"

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1 Q All right. Is Len Thompson your only child or do
2 you have more?
3 A I have a son to my first marriage.
4 Q So the answer is no?
5 A Okay.
6 Q All right. So your son Leonard Thompson currently
7 lives at home with you?
8 A Yes.
9 Q How old is he, please.
10 A Thirty-five, or 34.
11 Q Thirty-four. All right. How long has your son been
12 living with you and your husband?
13 A Ever since he's been born.
14 Q So he was born in this house and he stayed there?
15 A No.
16 Q Oh, I'm sorry. I thought you had been living at
17 that address for 35 years.
18 A We lived in New York for - he was born in New York.
19 Q Okay.
20 A But we moved to Pennsylvania and for 35 years we
21 have been.
22 Q In Pennsylvania?
23 A Uh-huh.
24 Q And he's 34 years old?
25 A Uh-huh.

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1 A Yes.
2 Q All right. Now the descriptions contained in your
3 Complaint are meets and bounds descriptions of the areas that
4 you are claiming. Do you know what I mean?
5 A Yes.
6 Q Okay. Can you tell me where you obtained - strike
7 that.
8 Can you tell me how you obtained the descriptions
9 for those two lots?
10 A The one goes between our two lots.
11 Q Not my question. Where did you get the description,
12 who gave you the - who provided -
13 A On our deed.
14 Q Okay. Let me ask you differently. Did you ever
15 have these areas surveyed?
16 A Yes.
17 Q Who did the survey?
18 A Mr. Martin, Allen Martin.
19 Q Did he survey the alleyway? That's my question.
20 Who surveyed the alley, that part of the alley that you're
21 claiming?
22 A He surveyed around the alleys.
23 Q Who did?
24 A Mr. Martin.
25 Q Okay. Did anybody survey -

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1 Q Okay. But he's been living in the same residence in
2 Pennsylvania with you and your husband since you and your
3 husband moved to Pennsylvania?
4 A Correct.
5 Q All right. Have there been any other members of
6 your household during that period of time?
7 A No.
8 Q Is your son employed?
9 A No.
10 Q Has he ever been employed?
11 A Yes.
12 Q When he works, does he have a regular or usual
13 occupation?
14 A He is a culinary - he's a chef.
15 Q Okay. Has your son been living with you to help you
16 with your husband?
17 A Yes.
18 Q Okay.
19 A That's why he isn't working.
20 Q I assumed that. Okay. Now, Mrs. Thompson, are you
21 familiar with the Complaint filed by you and your husband in
22 this lawsuit?
23 A Yes.
24 Q And that Complaint describes two lots over which you
25 are - you and your husband are claiming ownership?

1 A He just did our lots.
2 Q Did anybody survey the alleys?
3 A To my knowledge, I don't know.
4 Q Are you familiar with a Mr. Opaliski?
5 A No. He was -
6 MR. MANCHESTER: Can we go off the record?
7 MR. NADDEO: Sure.
8 (Discussion held off record.)
9 BY MR. NADDEO:
10 Q Now, Mrs. Thompson, while we were off the record we
11 conferred with your attorney who indicated that the
12 descriptions of the alleyways contained in your Complaint were
13 prepared by a surveyor named Opaliski. Does that help refresh
14 your recollection?
15 A Yes, I remember now.
16 Q Okay. And that's Larry Opaliski --
17 A Yes.
18 Q - and he's from Curwensville?
19 A Yes.
20 Q Now on Exhibit 1 (indicating) I have attempted to
21 take the descriptions of the alleyways contained in your
22 Complaint and place them on the map so I would know what areas
23 that you are claiming, all right?
24 A Okay.
25 Q Now I believe that lot number 1 is that section of

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1 the alley that lies directly to the north of your two lots, am
 2 I correct?
 3 A Correct.
 4 Q Okay. And parcel number 2 is identified as Pine
 5 Alley and intersects the two lots that you and your husband
 6 own?
 7 A Correct.
 8 Q Okay. So I have properly identified the areas on
 9 this map (indicating)?
 10 A Yes.
 11 Q Now you and your husband have lived in this location
 12 on lots 3 and 4 for 35 years?
 13 A Yes.
 14 Q When you moved into the area, what did you do to
 15 appropriate or use the area described as lot 1?
 16 A Could you --
 17 Q Repeat the question?
 18 A Yes, please.
 19 Q Sure. When you and your husband moved into the area
 20 and purchased lots 3 and 4, did you do anything to take
 21 possession of the area identified as lot 1?
 22 A We mowed the grass, we gathered the leaves, we
 23 planted grass seed because it's got brown spots in it.
 24 Q Okay. So the area marked as lot number 1 has been
 25 mowed by you?

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1 Q Anything else?
 2 A No.
 3 Q All right. Now there's been some testimony from
 4 some other -- with the DuFours, that the Henrys have placed
 5 certain debris in the area identified as lot number 1. Would
 6 that be true?
 7 A Yes.
 8 Q What kind of debris have they placed in that
 9 alleyway?
 10 A There's a bunch of rocks, there's tires, there's
 11 cars with the wheels off, a pickup truck with the wheels off,
 12 there's a cart that goes down the alley.
 13 Q Okay. And how do you know it's the Henrys that have
 14 placed those objects on the property?
 15 A I saw them.
 16 Q You saw them do it?
 17 A Saw them.
 18 Q Okay. There's also been some testimony that the
 19 Henrys have placed some kind of structure which partially
 20 protrudes into the area marked as lot number 1. Would that be
 21 true?
 22 A Yes.
 23 Q Could you show me on the map where that structure is
 24 located?
 25 A Can I turn it?

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1 A Yes.
 2 Q You've planted grass seed in the area?
 3 A Yes.
 4 Q Have you done anything else?
 5 A We had a garden in it.
 6 Q When did you have the garden?
 7 A Oh, when we first moved there.
 8 Q All right. How long did you maintain a garden in
 9 that area?
 10 A About three years.
 11 Q Okay. So that would be -- strike that.
 12 Have you had a garden in this area since that time?
 13 A No.
 14 Q Did you do anything else to take possession of lot
 15 number 1?
 16 A We had the trees trimmed, the tree trimmed.
 17 Q Okay. So you cleared -- or not cleared. You have
 18 mowed the area?
 19 A Yes.
 20 Q You've planted grass in the area?
 21 A Yes.
 22 Q And approximately 32 years ago you had a garden?
 23 A Yes.
 24 Q And you've trimmed the trees?
 25 A Yes.

1 Q Sure.
 2 A It's either on this side (indicating) or this side
 3 (indicating).
 4 Q Well, now wait a minute, you're on your own side.
 5 A Okay.
 6 Q You've got to get on the Henrys' side.
 7 A It's either here (indicating) or here (indicating).
 8 It's in the alley, it's their bathroom.
 9 Q Now, am I correct and I'm to understand that the
 10 structure that you have placed on Exhibit 1 protrudes into the
 11 area marked as lot number 1?
 12 A Yes, right in the alley.
 13 Q All right. Now historically since you've moved into
 14 this area, have the Henrys always used lot number 1 to place
 15 debris?
 16 A Not since the building -- only since the building's
 17 been up.
 18 Q Okay. Prior to that did they ever place any type of
 19 vehicles or other objects --
 20 A Yeah. Once in a while they had a -- I think a
 21 pickup truck or something in there, a long time ago.
 22 Q Okay. But do I understand that it's been more that
 23 that activity has been greater since they constructed the
 24 garage?
 25 A Yes.

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1 Q I mean, they did it -- they've always done it, but
 2 not as much, is that --
 3 A Yeah.
 4 Q Is that a fair categorization of what was going on
 5 in this area, and by that I mean lot number 1?
 6 A Could you repeat that?
 7 Q Okay. I don't want to -- you see, I don't want to
 8 put words in your mouth. I understand that the Henrys may
 9 possibly have junk vehicles and other debris placed in this
 10 area which we've described as lot number 1. That's true,
 11 right?
 12 A Yeah, now.
 13 Q Okay. Now they've also put some kind of structure
 14 which has been partially built out into the alley?
 15 A Yes.
 16 Q And I believe that that's been going on for the past
 17 four years or so?
 18 A Yes.
 19 Q Now I want to talk about the time prior to four
 20 years and before the garage was built.
 21 A Okay.
 22 Q Okay. During that period of time, from the time you
 23 bought the property 35 years ago until four years prior to
 24 today, did the Henrys on occasion use the area identified as
 25 lot number 1 to place or store vehicles and debris?

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1 A Yes.
 2 Q Okay. Now let's talk about Pine Alley briefly.
 3 There's an area which we've identified on Exhibit 1 as lot 2.
 4 Do you see that area (indicating)?
 5 A Yeah.
 6 Q Now that is identified on Exhibit 1 as part of it
 7 being the southern part of Pine Alley, and this (indicating)
 8 is north, correct?
 9 A Yeah.
 10 Q Okay. Now Pine Alley actually bisects, or goes
 11 between your two lots, true?
 12 A Yes.
 13 Q Okay. When you and your husband acquired lots 3 and
 14 4, what did you do to take possession of the area marked as
 15 lot number 2?
 16 A We mowed it because it would grow up, you know, and
 17 it would look stupid.
 18 Q Did you do anything besides mow that area?
 19 A We took care of the trees, we -- I had them trimmed
 20 and we took care of the branches that fell and raked the
 21 leaves.
 22 Q Have you ever put any type of structure or --
 23 A I had a swing set on it for my son when he was
 24 little.
 25 Q How long -- how many years ago?

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1 A I can't remember.
 2 Q Okay. Have you ever requested or asked the Henrys
 3 to move the structure or the debris that they have in the area
 4 identified as lot number 1?
 5 A No.
 6 Q Okay. Have you ever informed them or told them to
 7 stay off or away from the area identified as lot number 1?
 8 A No.
 9 Q Have they periodically used the area identified as
 10 lot number 1 for their own purposes since you moved into the
 11 area?
 12 A Like walking through it?
 13 Q Walking through it, storing a trailer --
 14 A Yes.
 15 Q -- or a truck on the area?
 16 A They would walk through it once in a while.
 17 Q Did you ever object to them walking --
 18 A No.
 19 Q -- through the area?
 20 A No.
 21 Q Did they ever mow any of this area?
 22 A No.
 23 Q You and your family are the only ones that ever --
 24 A Yes.
 25 Q -- mowed it, is that right?

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1 A About 30.
 2 Q Okay. So that swing set has been gone for the last
 3 30 years --
 4 A Yeah.
 5 Q -- is that right?
 6 A Yes.
 7 Q Okay. Have you done anything else within that area
 8 marked as lot number 2?
 9 A No.
 10 Q Have you placed any structures in that area?
 11 A No.
 12 Q Have you placed any fences in that area?
 13 A No.
 14 Q Have you put in any no trespassing signs --
 15 A No.
 16 Q -- in that area?
 17 A No.
 18 Q Have you ever informed your neighbors that they
 19 couldn't enter or walk on that area?
 20 A No.
 21 Q Okay. Now let's talk about lot number 1, the same
 22 questions. Did you ever put a fence -- have you ever placed a
 23 fence around the area marked as lot number 1?
 24 A No, sir. I have a little fence behind our trailer
 25 because the kids were running four wheelers right next to our

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1 trailer.
 2 Q Can you show me where the fence is?
 3 A (Witness complies).
 4 Q Do you mind if I mark that fence?
 5 A You can.
 6 Q Now your diagram would place that fence wholly
 7 within the property identified as lot number 3 on Exhibit 1?
 8 A Yes.
 9 Q Is that where you meant to place it?
 10 A Uh-huh.
 11 Q Okay. Does that fence extend into the alleyway
 12 marked as lot number 1?
 13 A No, just on our property.
 14 Q All right. Have you ever placed a fence in the area
 15 marked as lot number 1?
 16 A No.
 17 Q Have you ever placed no trespassing signs --
 18 A No.
 19 Q -- in that area?
 20 A No.
 21 Q Have you ever informed any of your neighbors that
 22 they could not use that area?
 23 A No.
 24 Q Have your neighbors used that area, if not for
 25 vehicles, at least for pedestrian type travel, walk?

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1 Q Would that be true as to the southern, or lower
 2 part?
 3 A No.
 4 Q There's no shale on that part?
 5 A No.
 6 Q And it would not appear as though vehicles have
 7 traveled on the --
 8 A No.
 9 Q -- lower part of Pine Alley?
 10 A No.
 11 Q Now since your son has lived at this address with
 12 you --
 13 A Yes.
 14 Q -- would he have information pertinent to your use
 15 of lot number 1 and lot number 2?
 16 A Yes, he mows it.
 17 Q Is there anyone besides you and your son who could
 18 document or attest to your use of Pine Alley and the 20 foot
 19 strip of land to the north of your property?
 20 A Can you explain that?
 21 Q Know what -- know what was going on --
 22 A Okay.
 23 Q -- and know how you've used it. Can you think of
 24 anyone else that would know -- have that information?
 25 A My neighbors.

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1 A No.
 2 Q Have you ever seen anybody walk through there?
 3 A Not up that far, no.
 4 Q Okay. How about the Henrys, if they're storing
 5 things on the property, they've got to walk, don't they?
 6 A They have roads, macadam roads out around their
 7 buildings.
 8 Q Okay. Now the northern part of Pine Alley, that
 9 would be from what I'm going to refer to as the northern part
 10 would be from the 20 foot alley in this direction
 11 (indicating), right?
 12 A Yeah.
 13 Q Now Pine Alley bisects the Henry property the same
 14 way it does you and your husband's property, is that right?
 15 A Correct.
 16 Q Now, does the northern part of Pine Alley appear to
 17 be a roadway or access road?
 18 A They have shale on their part.
 19 Q All right. So, if I were to go and make a physical
 20 inspection of the northern part of Pine Alley, it would look
 21 like a road, correct?
 22 A Correct.
 23 Q And it would be obvious that people use vehicles to
 24 travel on the upper portion of the alley?
 25 A Correct.

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1 Q Okay. Would your neighbors be the people you sued?
 2 A It could be them, it could be the DuFours.
 3 Q Anyone else?
 4 A No.
 5 Q Now, Mrs. Thompson, you indicated before the
 6 deposition that you had made some notes and asked me if you
 7 could refer to them.
 8 A Yes.
 9 Q Okay. Do those notes have anything to do with your
 10 use of lot number 1 and lot number 2 on Exhibit 1?
 11 A No.
 12 Q Okay. You made the notes to prepare for this
 13 deposition?
 14 A I put dates down in case you asked me questions
 15 about some of these things --
 16 Q All right.
 17 A -- but you haven't asked any questions.
 18 Q Okay. What dates have you written down?
 19 A The date Lenny was born.
 20 THE WITNESS: Could this be off record?
 21 MR. NADDEO: Sure.
 22 MR. MANCHESTER: That's fine.
 23 MR. NADDEO: We're done.
 24 MR. MANCHESTER: We'll waive.
 25 (The deposition was concluded at 12:45 p.m.)

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1 COMMONWEALTH OF PENNSYLVANIA:

2 COUNTY OF CAMBRIA :

3

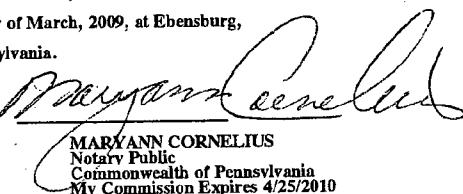
4 I, MARYANN CORNELIUS, Freelance Court Reporter and Notary

5 Public, Commonwealth of Pennsylvania,

6 DO HEREBY CERTIFY, that the foregoing deposition was
7 taken before me at the time and place stated herein; that I
8 administered unto the deponent his oath to testify to the
9 truth, the whole truth, and nothing but the truth; that he was
10 there and then orally examined and testified as herein set
11 forth; that I reported said examination and testimony
12 stenographically, and that this transcript of deposition
13 constitutes a true and correct transcription of the shorthand
14 report of said deposition.

15 I FURTHER CERTIFY that I am neither related to nor
16 employed by any counsel or party to the cause pending, nor
17 interested in the event thereof.

18 IN WITNESS WHEREOF, I have hereunto affixed my hand and
19 official seal this 27th day of March, 2009, at Ebensburg,
20 Cambria County, Pennsylvania.



21
22
23 MARYANN CORNELIUS
24 Notary Public
Commonwealth of Pennsylvania
My Commission Expires 4/25/2010
25

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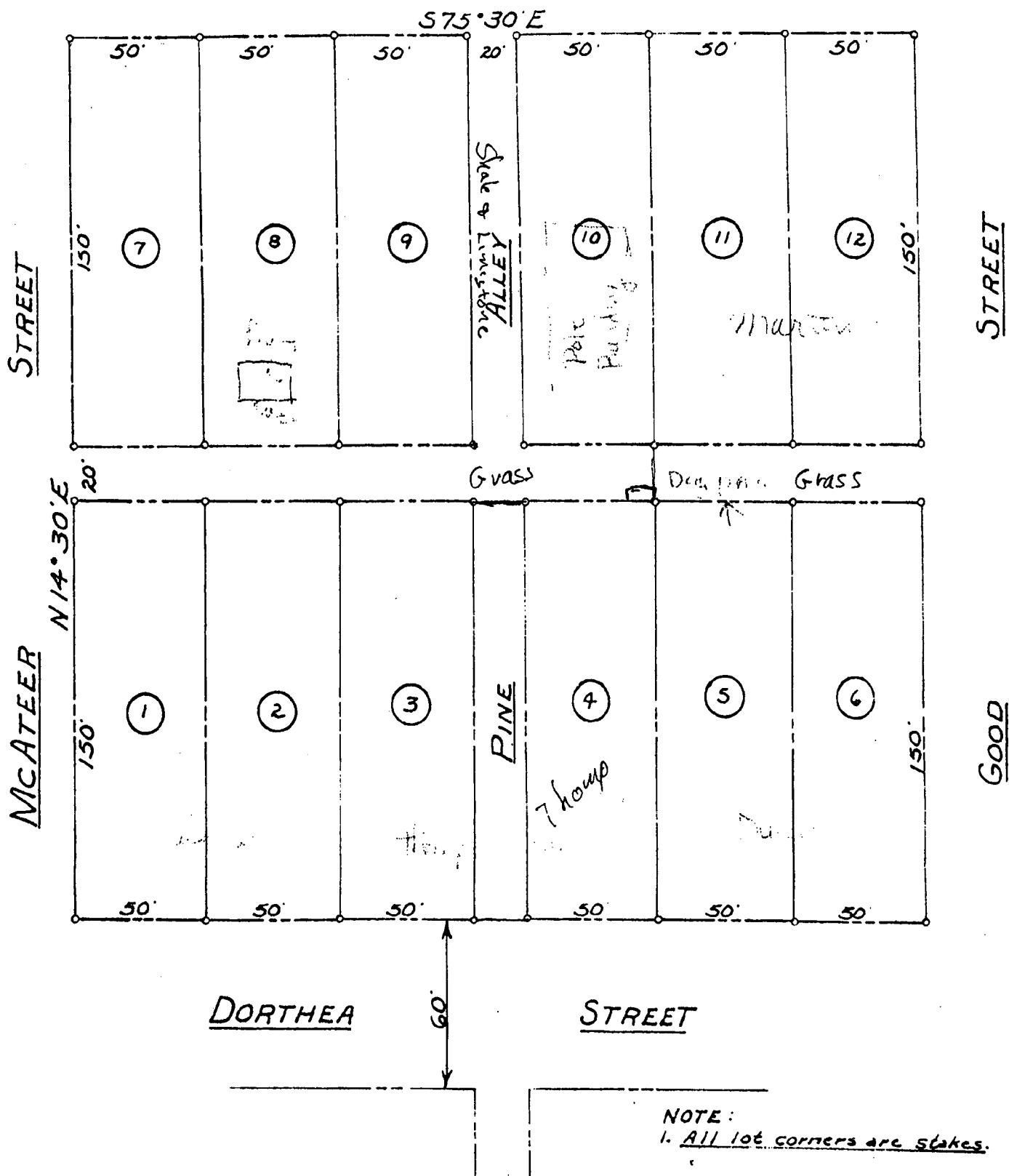


Exhibit "B"

NOTE:
1. All lot corners are stakes.

Plot of survey in Woodward
Twp, Clearfield Co., Pa.

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

LEONARD THOMPSON and JANICE *
THOMPSON, husband and wife, *
Plaintiffs, *

v.

No. 08 - 971 - CD

NORMAN R. MARTIN, and *
FLORANCE MARTIN, husband and *
wife; GERALD DUFOUR and *
MADELINE S. DUFOUR, husband *
and wife; CHARLES R. HENRY, *
CHARLES WILLIAM HENRY; LISA *
A. MCKEE n/k/a LISA A. NOEL *
and JEFFREY A. NOEL, JOHN DOE *
and JANE DOE 1-999 and ALL THE *
HEIRS AND ASSIGNS OF ALL THE *
DECEASED PERSONS HAVING OR *
ONCE HAVING HAD AN INTEREST BY *
DIRECT OR SUCCESSIVE *
INHERITANCE IN THE ESTATES OF *
THEM OR ANY OF THEM, AND ALL *
THE HEIRS, DEVISEES, *
ADMINISTRATORS, EXECUTORS AND *
ASSIGNS OF THE ABOVE MENTIONED *
OR ANY OTHER PERSON, PERSONS, *
FIRMS, PARTNERSHIPS, OR *
CORPORATE ENTITIES IN INTEREST *
OR ANY ONE CLAIMING BY, *
THROUGH OR UNDER THEM OR ANY *
OF THEM, *

Defendants. *

FILED

MAY 05 2009

6/3/2009
William A. Shaw
Prothonotary/Clerk of Courts

3 cbs to Att

ORDER

AND NOW this 5th day of MAY, 2009, upon
consideration of Defendants' Motion for Partial Summary Judgment
filed by James A. Naddeo, attorney of record for Defendants, it is
the Order of this Court that this case will be heard before the
Court on the 10th day of June, 2009, at 9:30 A.M., at
the Clearfield County Courthouse, Clearfield, Pennsylvania,
Courtroom No. 1.

BY THE COURT,


Judge J. Klemmer

#14

5-07

DATE: 5-1-07 for serving all appropriate parties. Other _____

You are responsible for serving all appropriate parties. Other _____

The Plaintiff's Attorney _____ Plaintiff(s) Attorney _____

Defendant(s) _____ Defendant(s) Attorney _____

Special Instructions: _____

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

LEONARD THOMPSON and JANICE
THOMPSON, husband and wife,
Plaintiffs,

v.

NORMAN R. MARTIN, and
FLORANCE MARTIN, husband and
wife; GERALD DUFOUR and
MADELINE S. DUFOUR, husband
and wife; CHARLES R. HENRY,
CHARLES WILLIAM HENRY; LISA
A. MCKEE n/k/a LISA A. NOEL
and JEFFREY A. NOEL, JOHN DOE
and JANE DOE 1-999 and ALL THE
HEIRS AND ASSIGNS OF ALL THE
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OR ANY OTHER PERSON, PERSONS,
FIRMS, PARTNERSHIPS, OR
CORPORATE ENTITIES IN INTEREST
OR ANY ONE CLAIMING BY,
THROUGH OR UNDER THEM OR ANY
OF THEM,

Defendants.

* No. 08 - 971 - CD

* Type of Pleading:

CERTIFICATE OF SERVICE

* Filed on behalf of:

* Defendants

* Counsel of Record for
this party:

* James A. Naddeo, Esq.

* Pa. I.D. 06820

*

* Trudy G. Lumadue, Esq.

* Pa I.D. 202049

* NADDEO & LEWIS, LLC

* 207 E. Market Street

* P.O. Box 552

* Clearfield, PA 16830

* (814) 765-1601

5
FILED *10cc*
03/34/09
MAY 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

#15

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

LEONARD THOMPSON and JANICE
THOMPSON, husband and wife,
Plaintiffs,

v.

No. 08 - 971 - CD

NORMAN R. MARTIN, and
FLORANCE MARTIN, husband and
wife; GERALD DUFOUR and
MADELINE S. DUFOUR, husband
and wife; CHARLES R. HENRY,
CHARLES WILLIAM HENRY; LISA
A. MCKEE n/k/a LISA A. NOEL
and JEFFREY A. NOEL, JOHN DOE
AND JANE DOE 1-999 and ALL THE
HEIRS AND ASSIGNS OF ALL THE
DECEASED PERSONS HAVING OR
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OR ANY OTHER PERSON, PERSONS,
FIRMS, PARTNERSHIPS, OR
CORPORATE ENTITIES IN INTEREST
OR ANY ONE CLAIMING BY,
THROUGH OR UNDER THEM OR ANY
OF THEM,

Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Order dated May 5, 2009 was served on the following and in the following manner on the 6th day of May, 2009:

First-Class Mail, Postage Prepaid

R. Bruce Manchester, Esquire
Manchester and Associates
124 W. Bishop Street
Bellefonte, PA 16823

NADDEO & LEWIS, LLC

By: James A. Naddeo

James A. Naddeo

Attorney for Defendants

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MAY 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

LEONARD THOMPSON and)
JANICE THOMPSON)
VS.) NO. 08-971-CD
NORMAN R. MARTIN and)
FLORANCE MARTIN, et al)

O R D E R

NOW this 10th day of June, 2009, following argument on the Motion for Partial Summary Judgment, it is the ORDER of this Court that counsel for both parties have no more than twenty (20) days from this date in which to submit letter brief to the Court. Counsel shall, upon receipt of the same, have no more than five (5) days thereafter to submit a reply, if desired.

BY THE COURT,


President Judge

FILED ⁽⁶¹⁰⁾
JUN 10 2009
2CCAtts:
JUN 10 2009
Manchester
Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

1CC Gerald M. Defour
Madelaine S. Defour
58 North Good St.
Houtzdale, PA 16051

214

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JUN 10 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/10/09

____ 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
X Defendant(s) X Defendant(s) Attorney Other

 Special Instructions:

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

LEONARD THOMPSON, and
JANICE THOMPSON, his wife

Plaintiffs

No. 2008-971-CD

vs.

NORMAN R. MARTIN, and FLORANCE
MARTIN, his wife; et al.,

Defendants

O P I N I O N

A dispute over the ownership and use of an unopened alley brings the Plaintiffs and Defendants before this Court. Plaintiffs, thirty-five (35) year residents of a property which has as its northern border an unopened alley, seek to quiet title to the full width of that portion of the alley which runs the length of Plaintiffs' northern border and westward for 120.00 feet, with it being declared as unencumbered by any easements or other rights of the Defendants (hereinafter "Lot 1" of the two lots in claimed in the Plaintiff's Complaint). The Defendants' property is opposite said alley from the Plaintiffs'; the alley forms the southern border of the Defendants' property for the same length as it serves as the Plaintiffs' northern boundary. Following discovery, the Defendants moved for partial summary judgment, asserting that the Plaintiffs cannot satisfy the Commonwealth's definition of adverse possession, that Plaintiff's may only take title in fee simple to one-half of the width of the alley (with the Defendants also taking title in fee simple to the other one-half of the width of the alley), and that the Defendants retain a private easement over the entire width of the alley.

FILED

ICC Atlys: Nadeau
0/9/47/09 Manchester (6)

JUL 21 2009

ICC Gerald & Madeline Jufour - 58 N. Good St., Hutzdale, PA 16651

William A. Shaw
Prothonotary/Clerk of Courts

ICC - D. Mike Sell
Law Library

(8/1)

Following argument and the submission of briefs, this Court has no choice but to GRANT the Defendants' Motion for Summary Judgment.

Summary judgment is appropriate when there is no genuine issue as to any material fact as to a necessary element of the cause of action. Pa. R. Civ. P. 1035.2(1). All facts and inferences are viewed in the light most favorable to the non-moving party. Pa. State Univ. v. County of Centre, 532 Pa. 142, 145, 615 A.2d 303, 304 (1992). The granting of summary judgment is only appropriate when such granting is clear and free from doubt. Marks v. Tasman, 527 Pa. 132, 134-35, 589 A.2d 205, 206 (1991).

In the instant case, Plaintiffs allege that they have acquired title to the entire width of Lot 1 by adverse possession. Adverse possession of real property confers title of the property to the adverse possessor, provided such possessor can prove he had actual, continuous, exclusive, visible, notorious, distinct, and hostile possession of the land for twenty-one years. Conneaut Lake Park, Inc. v. Klingensmith, 362 Pa. 592, 594, 66 A.2d 828, 829 (1949). Each element of adverse possession must exist for the title to transfer to the possessor. Id.

Plaintiffs' adverse possession claim fails, because they have adduced no evidence that their possession of the alley was hostile or exclusive. To satisfy the hostility element of adverse possession, rights of ownership adverse to the true owner and all others must be asserted, though not necessarily through actual malice or ill will. Brennan v. Manchester Crossings, Inc., 708 A.2d 815, 818 (Pa. Super. Ct. 1998). This can be demonstrated by actions or possession which is inconsistent with the "possession or right of possession of another." Hutchison v. Little Four Oil & Gas Co., 275 Pa. 380, 387-88, 119 A. 534, 536 (1923). Here, Plaintiffs assert that they originally cleared some leaves from the alley and planted grass to cover some "brown spots." Deposition of Janice Thompson, 11/07/2008

("Deposition") at 9-10. They thereafter mowed the grass and maintained the alley as an extension of their yard; for their first three (3) years of residence on the property they maintained a garden which was located in whole or in part on the alley. Id. Plaintiffs did not post any "No Trespassing" signs or tell any neighbors (including the Defendants) to stay off of the alley, nor did they install any fence or other obstruction to segregate the area of the alley they were treating as an extension of their yard. Deposition at 17. Even if, as Plaintiffs allege, no one walked upon the alley abutting their property and forming Lot 1, Deposition at 17-18, the Plaintiffs took no action whatsoever to exclude others (including the Defendants) from using the alley for ingress and egress. As the Defendants were not excluded by the Plaintiffs, the possession of the alley by the Plaintiffs cannot be hostile or exclusive. The adverse possession claim must fail.

This is not to say that the Plaintiffs have acquired no title to any additional land. The alley in question has not been opened for over twenty-one (21) years since originally planned. As the public has not accepted the alley, the two abutting landowners take title to the mid-point of the alley. 36 Pa. Cons. Stat. § 1961; Rahn v. Hess, 378 Pa. 264, 270, 106 A.2d 461, 464 (1954). Therefore, both Plaintiff and Defendant landowners with land abutting Lot 1 have acquired title to one half of the width of the alley for the length of their respective properties.

The title to land is not the only right of access to land, however. Despite a municipality's failure to open a street originally on a plan after twenty-one (21) years giving title to the abutting landowners, all property owners in the community retain private rights of easement for ingress and egress over the unopened streets. Estojak v. Mazsa, 522 Pa. 353, 359, 562 A.2d 271, 274 (1989). Such an easement may be extinguished by adverse

possession, with the definition as set out in Conneaut Lake Park, *supra*, but with a use of the land inconsistent with the use and rights of the easement holder. Estojak, 522 Pa. at 360, 562 A.2d at 275. A complete lack of use or the passage of time is not sufficient to extinguish this private easement over the alley. Riek v. Binnie, 352 Pa. Super. 246, 249, 507 A.2d 865, 867 (1986). The Plaintiffs have adduced no evidence, in their depositions or otherwise, showing that their use of the alley was adverse to the purpose of the Defendant's private easement over the same, namely, providing for ingress and egress. The fact that the Defendants may not have used the alley for such purposes ever, or until recently, is of no importance; Defendants' easement cannot be extinguished by mere non-use. Id.

Viewing all of the evidence presented by the Plaintiffs (as the non-moving party) as true, and taking all valid inferences in favor of the Plaintiffs, Pa. State. Univ., *supra*, this Court sees no dispute as to any material fact that would prevent judgment being granted to the Defendants as a matter of law. No rational fact finder could find that the Plaintiffs had acquired title to the entire width of the alley nor extinguished the Defendant Martins' private right of easement over the same.

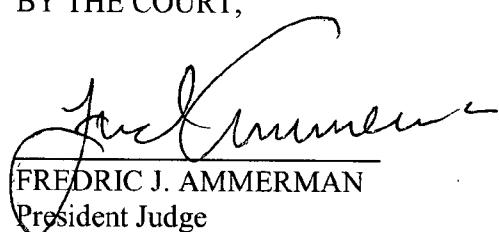
ORDER

AND NOW, this 16th day of July, 2009, it is the Order of this Court that the Defendants' Motion for Partial Summary Judgment be and hereby is GRANTED. Plaintiffs and any Defendant owning land abutting Lot 1 as described above each take title to one-half of the width of the alley which abuts their respective properties, said alley being that alley

immediately north of Dorthea Street, Houtzdale, Clearfield County, Pennsylvania, and running west from Good Street, for the length of the respective parties' properties.

FURTHERMORE it is the Order of this Court that both Plaintiffs and Defendants shall continue to enjoy private easement rights over the full width of said alley for ingress and egress.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

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

LEONARD THOMPSON, and
JANICE THOMPSON, his wife

Plaintiffs : No. 2008-971-CD

Vs.

NORMAN R. MARTIN, and FLORANCE :
MARTIN, his wife; et al.,

Defendants :

FILED

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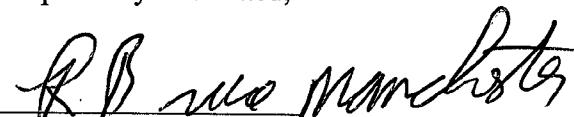
William A. Shaw
Prothonotary/Clerk of Courts

I went to Superior
Court + 5 Clerk
To Plaintiff,

NOTICE OF APPEAL

Notice is hereby given that Leonard Thompson and Janice Thompson above named, hereby appeals to the Superior Court of Pennsylvania from the Opinion and Order of Summary Judgment dated on July 16, 2009 and filed on July 17, 2009.

Respectfully Submitted,


R. Bruce Manchester, ESQ.
Attorney ID Number 28535
Attorney Plaintiffs/Appellant
124 W. Bishop St.
Bellefonte, Pa 16823
814-355-5421

Filed:
Office of the Prothonotary
Court of Common Pleas
Clearfield, Pa 16830

18

18

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

LEONARD THOMPSON, and :
JANICE THOMPSON, his wife :

Plaintiffs : No. 2008-971-CD

Vs.

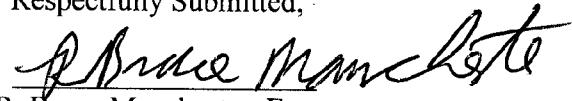
Norman R. Martin, Florence :
Martin, his wife; et al. :

Defendants :

REQUEST FOR TRANSCRIPT UNDER PENNSYLVANIA RULE OF APPELLATE
PROCEDURE 1911

A Notice of Appeal having been filed in this matter, the official court reporter is hereby requested to produce, and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

Respectfully Submitted,


R. Bruce Manchester, Esq.
Attorney ID Number: 28535
Attorney for Plaintiffs/Appellant
124 W. Bishop St.
Bellefonte, Pa 16823
Telephone: 814-355-5421

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

LEONARD THOMPSON, and
JANICE THOMPSON, his wife

Plaintiffs

No. 2008-971-CD

vs.

NORMAN R. MARTIN, and FLORANCE
MARTIN, his wife; et al.,

Defendants

JUL 22 2009

O P I N I O N

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Plaintiffs' adverse possession claim fails, because they have adduced no evidence that their possession of the alley was hostile or exclusive. To satisfy the hostility element of adverse possession, rights of ownership adverse to the true owner and all others must be asserted, though not necessarily through actual malice or ill will. Brennan v. Manchester Crossings, Inc., 708 A.2d 815, 818 (Pa. Super. Ct. 1998). This can be demonstrated by actions or possession which is inconsistent with the "possession or right of possession of another." Hutchison v. Little Four Oil & Gas Co., 275 Pa. 380, 387-88, 119 A. 534, 536 (1923). Here, Plaintiffs assert that they originally cleared some leaves from the alley and planted grass to cover some "brown spots." Deposition of Janice Thompson, 11/07/2008

("Deposition") at 9-10. They thereafter mowed the grass and maintained the alley as an extension of their yard; for their first three (3) years of residence on the property they maintained a garden which was located in whole or in part on the alley. Id. Plaintiffs did not post any "No Trespassing" signs or tell any neighbors (including the Defendants) to stay off of the alley, nor did they install any fence or other obstruction to segregate the area of the alley they were treating as an extension of their yard. Deposition at 17. Even if, as Plaintiffs allege, no one walked upon the alley abutting their property and forming Lot 1, Deposition at 17-18, the Plaintiffs took no action whatsoever to exclude others (including the Defendants) from using the alley for ingress and egress. As the Defendants were not excluded by the Plaintiffs, the possession of the alley by the Plaintiffs cannot be hostile or exclusive. The adverse possession claim must fail.

This is not to say that the Plaintiffs have acquired no title to any additional land. The alley in question has not been opened for over twenty-one (21) years since originally planned. As the public has not accepted the alley, the two abutting landowners take title to the mid-point of the alley. 36 Pa. Cons. Stat. § 1961; Rahn v. Hess, 378 Pa. 264, 270, 106 A.2d 461, 464 (1954). Therefore, both Plaintiff and Defendant landowners with land abutting Lot 1 have acquired title to one half of the width of the alley for the length of their respective properties.

The title to land is not the only right of access to land, however. Despite a municipality's failure to open a street originally on a plan after twenty-one (21) years giving title to the abutting landowners, all property owners in the community retain private rights of easement for ingress and egress over the unopened streets. Estojak v. Mazsa, 522 Pa. 353, 359, 562 A.2d 271, 274 (1989). Such an easement may be extinguished by adverse

possession, with the definition as set out in Conneaut Lake Park, *supra*, but with a use of the land inconsistent with the use and rights of the easement holder. Estojak, 522 Pa. at 360, 562 A.2d at 275. A complete lack of use or the passage of time is not sufficient to extinguish this private easement over the alley. Riek v. Binnie, 352 Pa. Super. 246, 249, 507 A.2d 865, 867 (1986). The Plaintiffs have adduced no evidence, in their depositions or otherwise, showing that their use of the alley was adverse to the purpose of the Defendant's private easement over the same, namely, providing for ingress and egress. The fact that the Defendants may not have used the alley for such purposes ever, or until recently, is of no importance; Defendants' easement cannot be extinguished by mere non-use. Id.

Viewing all of the evidence presented by the Plaintiffs (as the non-moving party) as true, and taking all valid inferences in favor of the Plaintiffs, Pa. State. Univ., *supra*, this Court sees no dispute as to any material fact that would prevent judgment being granted to the Defendants as a matter of law. No rational fact finder could find that the Plaintiffs had acquired title to the entire width of the alley nor extinguished the Defendant Martins' private right of easement over the same.

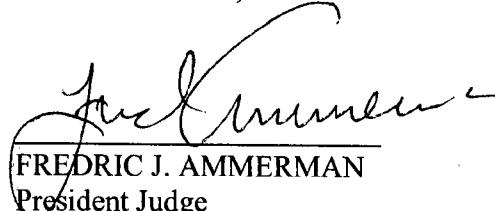
ORDER

AND NOW, this 16th day of July, 2009, it is the Order of this Court that the Defendants' Motion for Partial Summary Judgment be and hereby is GRANTED. Plaintiffs and any Defendant owning land abutting Lot 1 as described above each take title to one-half of the width of the alley which abuts their respective properties, said alley being that alley

immediately north of Dorthea Street, Houtzdale, Clearfield County, Pennsylvania, and running west from Good Street, for the length of the respective parties' properties.

FURTHERMORE it is the Order of this Court that both Plaintiffs and Defendants shall continue to enjoy private easement rights over the full width of said alley for ingress and egress.

BY THE COURT,


FREDRIC J. AMMERMAN

President Judge

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

JUL 21 2009

Attest,


Prothonotary/
Clerk of Courts

Date: 8/12/2009
Time: 10:54 AM
Page 1 of 2

Cle~~a~~ Old County Court of Common Pleas

User: SEARCH

ROA Report

Case: 2008-00971-CD

Current Judge: Fredric Joseph Ammerman

Leonard Thompson, et alvs.Norman R. Martin, et al

Civil Other-COUNT

Date	Judge
5/27/2008	New Case Filed. No Judge
	Filing: Quiet Title Action (Property located in Woodward Twp.) Paid by: No Judge
	Thompson, Leonard (plaintiff) Receipt number: 1924217 Dated: 5/27/2008
	Amount: \$105.00 (Cash) 7 Cert. to Plaintiff.
6/2/2008	Sheriff Return, Now, 6/2/08 at 1:43 pm Served the within Complaint Action to No Judge
	Quiet Title on Charles R. Henry by handing to Charles R. Henry So
	Answers, Chester A. Hawkins, Sheriff by s/James C. Davis, deputy.
	Sheriff Return, Now, 6/2/08 at 2:05 pm Served the within Complaint Action to No Judge
	Quiet Title on Gerald and Madeline S. Dufour by handing to Madeline S.
	Dufour. So Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy.
	Sheriff Return, Now, June 2, 2008 at 2:02 pm Served the within Complaint No Judge
	Action to Quiet Title on Norman R. and Florance Martin by handing to
	Florance Martin. So Answers, Chester A. Hawkins, Sheriff by s/ Dominic
	Morgillo, deputy.
6/5/2008	Sheriff Return, Now, 6-4-08 at 5:40 PM served the within Complaint Action to No Judge
	Quiet Title on Charles W. and Anna Henry by handing to Alex Henry. So
	Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy.
	Sheriff Return, Now, 6-4-08 at 5:45 pm Served the within Complaint Action to No Judge
	Quiet Title on Lisa A. McKee nka Lisa A. Noel and Jeffrey A. Noel by
	handing to Lisa A. Noel. So Answers, Chester A. Hawkins, Sheriff by
	s/James E. Davis, deputy.
6/16/2008	Response, filed by s/ Florence Martin, Defendant. no cc No Judge
6/24/2008	Praecipe for Entry of Appearance, filed. Kindly enter my appearance on No Judge
	behalf of all of the above named defendants in the above-captioned matter,
	filed by s/ James A. Naddeo Esq. 1CC Atty Naddeo.
6/25/2008	First Amended Praecipe For Entry of Appearance, filed by s/ James A. No Judge
	Naddeo, Esquire. Enter appearance of James A. Naddeo, Esquire, on beha
	of Defendants Norman R. Martin and Florance Martin, Charles R. Henry,
	Charles William Henry, Lisa A. McKee n/k/a Lisa A. Noel, and Jeffrey A.
	Noel. Please accept this as a revision of my previously filed entry of
	appearance which included the named Defendants, Gerald DuFour and
	Madeline S. DuFour. 1CC Atty. Naddeo
	Answer, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo No Judge
9/25/2008	Sheriff Return, RETURN COSTS So Answers, Chester A. Hawkins, Sheriff No Judge
	by s/Marilyn Hamm
	Shff Hawkins costs pd by J. Thompson \$134.54
	Certificate of Service, a copy of Notice of Taking Deposition was served on No Judge
	the 25th day of Sept., 2008, upon R. Bruce Manchester, Esquire, and
	Maryann Cornelius, Court Reporter, by First-Class Mail. filed by s/ James A
	Naddeo, Esquire. 2CC Atty. Naddeo
5/1/2009	Motion For Partial Summary Judgment, filed by s/ James A. Naddeo, No Judge
	esquire. 2CC Atty. Naddeo
5/5/2009	Order AND NOW, this 5th day of May 2009, upon consideration of Fredric Joseph Ammerman
	Defendants' Motion for Partial Summary Judgment filed by James A. Nadde
	Esq., it is the Order of this Court that this case will be heard before the Cour
	on the 10th day of June 2009 at 9:30 a.m. in Courtroom No. 1. BY THE
	COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty.

Date: 8/12/2009
Time: 10:54 AM
Page 2 of 2

Cle~~a~~ Old County Court of Common Pleas

User: SEARCH

ROA Report

Case: 2008-00971-CD

Current Judge: Fredric Joseph Ammerman

Leonard Thompson, et alvs.Norman R. Martin, et al

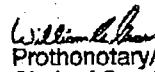
Civil Other-COUNT

Date	Judge
5/6/2009	Certificate of Service, filed. That a certified copy of Order dated May 5, 2009 Fredric Joseph Ammerman was served on the 6th day of May 2009 by first class mail to R. Bruce Manchester Esq., filed by s/ James A. Naddeo Esq. No CC.
6/10/2009	Order, this 10th day of June, 2009, following argument on the Motion for Partial Summary Judgment, it is Ordered that counsel for both parties have no more than 20 days from this date in which to submit letter brief to the Court. Counsel shall, upon receipt of the same, have no more than 5 days to submit a reply, if desired. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Manchester, Naddeo; 1CC Gerald M. Dufour and Madeline S. Dufour, 58 North Good St., Houtzdale, PA 16651
7/21/2009	Opinion and Order, this 16th day of July, 2009, Defendants' Motion for Partial Summary Judgment is GRANTED.(see original). By the Court, /s/ Fredric J Ammerman, Pres. Judge. 1CC Attys; Naddeo, Manchester; 1CC Gerald & Madelin DuFour - 58 N. Good St., Houtzdale, PA 16651; 1CC D. Mikesell, and Law Library

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

AUG 12 2009

Attest.


William J. Ammerman
Prothonotary/
Clerk of Courts

CERTIFICATION OF SERVICE

It is hereby certified that on this date, August 14, 2009, copies of the foregoing Notice of Appeal were served on the following individuals and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

SERVICE BY FIRST CLASS MAIL:

James A. Naddeo, Esq.
207 E. Martket St.
P. O. Box 522
Clearfield, Pa 16830

SERVICE IN PERSON:

Honorable Frederic J. Ammerman
Court of Common Pleas of Clearfield County
Clearfield County Courthouse
230 E. Market St.
Clearfield, Pa 16830

Court Reporter's Office
Court of Common Pleas of Centre County
Clearfield County Courthouse
230 E. Market St.
Clearfield, Pa 16830

Respectfully Submitted,



Catherine Manchester
Legal Assistant
124 W. Bishop St.
Bellefonte, Pa 16823

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

LEONARD THOMPSON and
JANICE THOMPSON, his wife,

No. 08-971-CD

vs.

NORMAN R. MARTIN and FLORANCE
MARTIN, his wife, et al.

ORDER

NOW, this 14th day of August, 2009, this Court having been notified of Appeal to the Superior Court of Pennsylvania in the above-captioned matter; it is the ORDER of this Court that Leonard Thompson and Janice Thompson, Appellants, file a concise statement of the matters complained of on said Appeal no later than twenty-one (21) days herefrom, as set forth in Rule 1925(b) of the Rules of Appellate Procedure.

BY THE COURT,

Frederick C. Zimmerman

~~FREDRIC J. AMMERMAN~~
President Judge

4 **FILED**
1cc Atty:
of 4:00pm
AUG 14 2009
William A. Shaw
Prothonotary/Clerk of Courts
15
Manchester
Nadeso

ICC Gerald Dufour
Madeline Dufour
58 North Good St.
Hartdale, PA 1101651

FILED

AUG 14 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/14/09

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
 All Defendants Defendants(s) Attorney

Special Instructions:

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

LEONARD THOMPSON and
JANICE THOMPSON, husband and wife
Plaintiffs

vs.

NORMAN R. MARTIN and FLORANCE
MARTIN, husband and wife;
GERALD DUFOUR and MADELINE S.
DUFOUR, husband and wife;
CHARLES R. HENRY, CHARLES WILLIAM
HENRY; LISA A. McKEE n/k/a LISA A. NOEL
and JEFFREY A. NOEL, JOHN DOE AND
JANE DOE 1-999 and ALL THE HEIRS AND
ASSIGNS OF ALL THE DECEASED PERSONS
HAVING OR ONCE HAVING HAD AN
INTEREST BY DIRECT OR SUCCESSIVE
INHERITANCE IN THE ESTATES OF THEM
OR ANY OF THEM, AND ALL THE HEIRS,
DEVISEES, ADMINISTRATORS, EXECUTORS
AND ASSIGNS OF THE ABOVE MENTIONED
OR ANY OTHER PERSON, PERSONS, FIRMS,
PARTNERSHIPS, OR CORPORATE
ENTITIES IN INTEREST OR ANY ONE
CLAIMING BY, THROUGH OR UNDER
THEM OR ANY OF THEM
Defendants

NO.: 2008-971-CD

FILED

AUG 26 2009
n 12:00 pm
William A. Shaw
Prothonotary/Clerk of Courts

1 copy w/ check to
Superior Court

NOTICE OF APPEAL

Notice is hereby given that Leonard Thompson and Janice Thompson above named, hereby appeals to the Superior Court of Pennsylvania from the Opinion and Order of Summary Judgement dated July 16, 2009 and filed on July 17, 2009.

Respectfully submitted,
R. Bruce Manchester
R. Bruce Manchester, Esquire
Attorney for Plaintiffs/Appellants
124 West Bishop Street
Bellefonte, PA 16823
(814) 355-5421
ID# 28535

8/20

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

LEONARD THOMPSON, and :
JANICE THOMPSON, his wife :

Plaintiffs : No. 2008-971-CD

Vs.

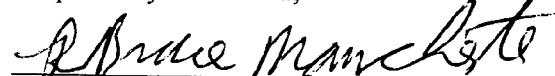
Norman R. Martin, Florence :
Martin, his wife; et al. :

Defendants :

REQUEST FOR TRANSCRIPT UNDER PENNSYLVANIA RULE OF APPELLATE
PROCEDURE 1911

A Notice of Appeal having been filed in this matter, the official court reporter is hereby requested to produce, and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

Respectfully Submitted,



R. Bruce Manchester, Esq.
Attorney ID Number: 28535
Attorney for Plaintiffs/Appellant
124 W. Bishop St.
Bellefonte, Pa 16823
Telephone: 814-355-5421

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

LEONARD THOMPSON, and
JANICE THOMPSON, his wife

Plaintiffs

\ / No. 2008-971-CD

vs.

NORMAN R. MARTIN, and FLORANCE
MARTIN, his wife; et al.,

Defendants

\ / JUL 22 2009

O P I N I O N

A dispute over the ownership and use of an unopened alley brings the Plaintiffs and Defendants before this Court. Plaintiffs, thirty-five (35) year residents of a property which has as its northern border an unopened alley, seek to quiet title to the full width of that portion of the alley which runs the length of Plaintiffs' northern border and westward for 120.00 feet, with it being declared as unencumbered by any easements or other rights of the Defendants (hereinafter "Lot 1" of the two lots in claimed in the Plaintiff's Complaint). The Defendants' property is opposite said alley from the Plaintiffs'; the alley forms the southern border of the Defendants' property for the same length as it serves as the Plaintiffs' northern boundary. Following discovery, the Defendants moved for partial summary judgment, asserting that the Plaintiffs cannot satisfy the Commonwealth's definition of adverse possession, that Plaintiff's may only take title in fee simple to one-half of the width of the alley (with the Defendants also taking title in fee simple to the other one-half of the width of the alley), and that the Defendants retain a private easement over the entire width of the alley.

Following argument and the submission of briefs, this Court has no choice but to GRANT the Defendants' Motion for Summary Judgment.

Summary judgment is appropriate when there is no genuine issue as to any material fact as to a necessary element of the cause of action. Pa. R. Civ. P. 1035.2(1). All facts and inferences are viewed in the light most favorable to the non-moving party. Pa. State Univ. v. County of Centre, 532 Pa. 142, 145, 615 A.2d 303, 304 (1992). The granting of summary judgment is only appropriate when such granting is clear and free from doubt. Marks v. Tasman, 527 Pa. 132, 134-35, 589 A.2d 205, 206 (1991).

In the instant case, Plaintiffs allege that they have acquired title to the entire width of Lot 1 by adverse possession. Adverse possession of real property confers title of the property to the adverse possessor, provided such possessor can prove he had actual, continuous, exclusive, visible, notorious, distinct, and hostile possession of the land for twenty-one years. Conneaut Lake Park, Inc. v. Klingensmith, 362 Pa. 592, 594, 66 A.2d 828, 829 (1949). Each element of adverse possession must exist for the title to transfer to the possessor. Id.

Plaintiffs' adverse possession claim fails, because they have adduced no evidence that their possession of the alley was hostile or exclusive. To satisfy the hostility element of adverse possession, rights of ownership adverse to the true owner and all others must be asserted, though not necessarily through actual malice or ill will. Brennan v. Manchester Crossings, Inc., 708 A.2d 815, 818 (Pa. Super. Ct. 1998). This can be demonstrated by actions or possession which is inconsistent with the "possession or right of possession of another." Hutchison v. Little Four Oil & Gas Co., 275 Pa. 380, 387-88, 119 A. 534, 536 (1923). Here, Plaintiffs assert that they originally cleared some leaves from the alley and planted grass to cover some "brown spots." Deposition of Janice Thompson, 11/07/2008

("Deposition") at 9-10. They thereafter mowed the grass and maintained the alley as an extension of their yard; for their first three (3) years of residence on the property they maintained a garden which was located in whole or in part on the alley. Id. Plaintiffs did not post any "No Trespassing" signs or tell any neighbors (including the Defendants) to stay off of the alley, nor did they install any fence or other obstruction to segregate the area of the alley they were treating as an extension of their yard. Deposition at 17. Even if, as Plaintiffs allege, no one walked upon the alley abutting their property and forming Lot 1, Deposition at 17-18, the Plaintiffs took no action whatsoever to exclude others (including the Defendants) from using the alley for ingress and egress. As the Defendants were not excluded by the Plaintiffs, the possession of the alley by the Plaintiffs cannot be hostile or exclusive. The adverse possession claim must fail.

This is not to say that the Plaintiffs have acquired no title to any additional land. The alley in question has not been opened for over twenty-one (21) years since originally planned. As the public has not accepted the alley, the two abutting landowners take title to the mid-point of the alley. 36 Pa. Cons. Stat. § 1961; Rahn v. Hess, 378 Pa. 264, 270, 106 A.2d 461, 464 (1954). Therefore, both Plaintiff and Defendant landowners with land abutting Lot 1 have acquired title to one half of the width of the alley for the length of their respective properties.

The title to land is not the only right of access to land, however. Despite a municipality's failure to open a street originally on a plan after twenty-one (21) years giving title to the abutting landowners, all property owners in the community retain private rights of easement for ingress and egress over the unopened streets. Estojak v. Mazsa, 522 Pa. 353, 359, 562 A.2d 271, 274 (1989). Such an easement may be extinguished by adverse

possession, with the definition as set out in Conneaut Lake Park, *supra*, but with a use of the land inconsistent with the use and rights of the easement holder. Estojak, 522 Pa. at 360, 562 A.2d at 275. A complete lack of use or the passage of time is not sufficient to extinguish this private easement over the alley. Riek v. Binnie, 352 Pa. Super. 246, 249, 507 A.2d 865, 867 (1986). The Plaintiffs have adduced no evidence, in their depositions or otherwise, showing that their use of the alley was adverse to the purpose of the Defendant's private easement over the same, namely, providing for ingress and egress. The fact that the Defendants may not have used the alley for such purposes ever, or until recently, is of no importance; Defendants' easement cannot be extinguished by mere non-use. Id.

Viewing all of the evidence presented by the Plaintiffs (as the non-moving party) as true, and taking all valid inferences in favor of the Plaintiffs, Pa. State. Univ., *supra*, this Court sees no dispute as to any material fact that would prevent judgment being granted to the Defendants as a matter of law. No rational fact finder could find that the Plaintiffs had acquired title to the entire width of the alley nor extinguished the Defendant Martins' private right of easement over the same.

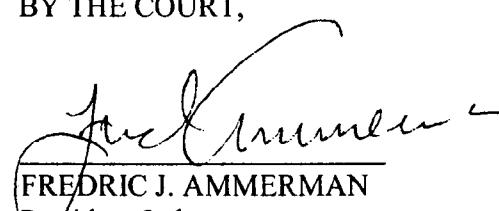
ORDER

AND NOW, this 16th day of July, 2009, it is the Order of this Court that the Defendants' Motion for Partial Summary Judgment be and hereby is GRANTED. Plaintiffs and any Defendant owning land abutting Lot 1 as described above each take title to one-half of the width of the alley which abuts their respective properties, said alley being that alley

immediately north of Dorthea Street, Houtzdale, Clearfield County, Pennsylvania, and running west from Good Street, for the length of the respective parties' properties.

FURTHERMORE it is the Order of this Court that both Plaintiffs and Defendants shall continue to enjoy private easement rights over the full width of said alley for ingress and egress.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

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

JUL 21 2009.

Attest,



William J. Ammerman
Prothonotary/
Clerk of Courts

Date: 8/12/2009

Time: 10:54 AM

Page 1 of 2

Clearfield County Court of Common Pleas

ROA Report

User: SEARCH

Case: 2008-00971-CD

Current Judge: Fredric Joseph Ammerman

Leonard Thompson, et al vs. Norman R. Martin, et al

Civil Other-COUNT

Date	Judge
5/27/2008	New Case Filed. No Judge
	Filing: Quiet Title Action (Property located in Woodward Twp.) Paid by: No Judge Thompson, Leonard (plaintiff) Receipt number: 1924217 Dated: 5/27/2008 Amount: \$105.00 (Cash) 7 Cert. to Plaintiff.
6/2/2008	Sheriff Return, Now, 6/2/08 at 1:43 pm Served the within Complaint Action t No Judge Quiet Title on Charles R. Henry by handing to Charles R. Henry So Answers, Chester A. Hawkins, Sheriff by s/James C. Davis, deputy. Sheriff Return, Now, 6/2/08 at 2:05 pm Served the within Complaint Action t No Judge Quiet Title on Gerald and Madeline S. Dufour by handing to Madeline S. Dufour. So Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy. Sheriff Return, Now, June 2, 2008 at 2:02 pm Served the within Complaint No Judge Action to Quiet Title on Norman R. and Florance Martin by handing to Florance Martin. So Answers, Chester A. Hawkins, Sheriff by s/ Dominic Morgillo, deputy.
6/5/2008	Sheriff Return, Now, 6-4-08 at 5:40 PM served the within Complaint Action t No Judge Quiet Title on Charles W. and Anna Henry by handing to Alex Henry. So Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy. Sheriff Return, Now, 6-4-08 at 5:45 pm Served the within Complaint Action t No Judge Quiet Title on Lisa A. McKee nka Lisa A. Noel and Jeffrey A. Noel by handing to Lisa A. Noel. So Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy.
6/16/2008	Response, filed by s/ Florence Martin, Defendant. no cc No Judge
6/24/2008	Praecipe for Entry of Appearance, filed. Kindly enter my appearance on No Judge behalf of all of the above named defendants in the above-captioned matter, filed by s/ James A. Naddeo Esq. 1CC Atty Naddeo.
6/25/2008	First Amended Praecipe For Entry of Appearance, filed by s/ James A. No Judge Naddeo, Esquire. Enter appearance of James A. Naddeo, Esquire, on beha of Defendants Norman R. Martin and Florance Martin, Charles R. Henry, Charles William Henry, Lisa A. McKee n/k/a Lisa A. Noel, and Jeffrey A. Noel. Please accept this as a revision of my previously filed entry of appearance which included the named Defendants, Gerald DuFour and Madeline S. DuFour. 1CC Atty. Naddeo
	Answer, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo No Judge
9/25/2008	Sheriff Return, RETURN COSTS So Answers, Chester A. Hawkins, Sheriff No Judge by s/Marilyn Hamm Shff Hawkins costs pd by J. Thompson \$134.54 Certificate of Service, a copy of Notice of Taking Deposition was served on No Judge the 25th day of Sept., 2008, upon R. Bruce Manchester, Esquire, and Maryann Cornelius, Court Reporter, by First-Class Mail. filed by s/ James A Naddeo, Esquire. 2CC Atty. Naddeo
5/1/2009	Motion For Partial Summary Judgment, filed by s/ James A. Naddeo, No Judge esquire. 2CC Atty. Naddeo
5/5/2009	Order AND NOW, this 5th day of May 2009, upon consideration of Fredric Joseph Ammerman Defendants' Motion for Partial Summary Judgment filed by James A. Nadde Esq., it is the Order of this Court that this case will be heard before the Cour on the 10th day of June 2009 at 9:30 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty.

Date: 8/12/2009

Time: 10:54 AM

Page 2 of 2

Clearfield County Court of Common Pleas

ROA Report

Case: 2008-00971-CD

User: SEARCH

Current Judge: Fredric Joseph Ammerman

Leonard Thompson, et alvs. Norman R. Martin, et al

Civil Other-COUNT

Date	Judge
5/6/2009	Certificate of Service, filed. That a certified copy of Order dated May 5, 2009 Fredric Joseph Ammerman was served on the 6th day of May 2009 by first class mail to R. Bruce Manchester Esq., filed by s/ James A. Naddeo Esq. No CC.
6/10/2009	Order, this 10th day of June, 2009, following argument on the Motion for Partial Summary Judgment, it is Ordered that counsel for both parties have no more than 20 days from this date in which to submit letter brief to the Court. Counsel shall, upon receipt of the same, have no more than 5 days to submit a reply, if desired. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty's: Manchester, Naddeo; 1CC Gerald M. Dufour and Madeline S. Dufour, 58 North Good St., Houtzdale, PA 16651
7/21/2009	Opinion and Order, this 16th day of July, 2009, Defendants' Motion for Partial Summary Judgment is GRANTED.(see original). By the Court, /s/ Fredric J Ammerman, Pres. Judge. 1CC Atty's; Naddeo, Manchester; 1CC Gerald & Madelin DuFour - 58 N. Good St., Houtzdale, PA 16651; 1CC D. Mikesell, and Law Library

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

AUG 12 2009

Attest.

William L. Hause
Prothonotary/
Clerk of Courts

CERTIFICATION OF SERVICE

It is hereby certified that on this date, August 14, 2009, copies of the foregoing Notice of Appeal were served on the following individuals and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

SERVICE BY FIRST CLASS MAIL:

James A. Naddeo, Esq.
207 E. Martket St.
P. O. Box 522
Clearfield, Pa 16830

SERVICE IN PERSON:

Honorable Frederic J. Ammerman
Court of Common Pleas of Clearfield County
Clearfield County Courthouse
230 E. Market St.
Clearfield, Pa 16830

Court Reporter's Office
Court of Common Pleas of Centre County
Clearfield County Courthouse
230 E. Market St.
Clearfield, Pa 16830

Respectfully Submitted,



Catherine Manchester
Legal Assistant
124 W. Bishop St.
Bellefonte, Pa 16823



The Superior Court of Pennsylvania
Office of the Prothonotary

RECEIVED
PROTHONOTARY'S OFFICE
8-20-09
S WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS
2008-971-CD

KAREN REID BRAMBLETT, ESQUIRE
PROTHONOTARY

ELEANOR R. VALECKO
DEPUTY PROTHONOTARY

GRANT BUILDING
310 GRANT STREET, SUITE 600
PITTSBURGH, PA 15219-2297

(412) 565-7592

FAX: (412) 565-7711

WEBSITE: www.superior.pacourts.us

August 18, 2009

William A. Shaw, Prothonotary
Court House
Second & Market Streets
Clearfield, Pa. 16830

In Re: Thompson v Martin
No. 2008-971-CD

Dear Mr. Shaw:

The use of "et al" is not permitted in Superior Court. The caption on the notice of appeal must be identical to the caption on the original complaint. When counsel amends his appeal to reflect the full caption, kindly return this appeal to our office.

Very truly yours,

DEPUTY PROTHONOTARY

ERV/sm
Cc: R. Bruce Manchester, Esquire

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

LEONARD THOMPSON, and
JANICE THOMPSON, his wife

Plaintiffs : No. 2008-971-CD

Vs.

NORMAN R. MARTIN, and FLORANCE :
MARTIN, his wife; et al.,

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

AUG 14 2009

Defendants :

Attest.

William L. Hause
Prothonotary/
Clerk of Courts

NOTICE OF APPEAL

Notice is hereby given that Leonard Thompson and Janice Thompson above named, hereby appeals to the Superior Court of Pennsylvania from the Opinion and Order of Summary Judgment dated on July 16, 2009 and filed on July 17, 2009.

Respectfully Submitted,

R. Bruce Manchester
R. Bruce Manchester, ESQ.
Attorney ID Number 28535
Attorney Plaintiffs/Appellant
124 W. Bishop St.
Bellefonte, Pa 16823
814-355-5421

Filed:
Office of the Prothonotary
Court of Common Pleas
Clearfield, Pa 16830

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

LEONARD THOMPSON, and :
JANICE THOMPSON, his wife :
Plaintiffs :
No. 2008-971-CD

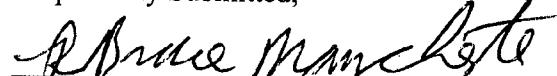
Vs.

Norman R. Martin, Florence :
Martin, his wife; et al. :
Defendants :
Plaintiffs :
No. 2008-971-CD

REQUEST FOR TRANSCRIPT UNDER PENNSYLVANIA RULE OF APPELLATE
PROCEDURE 1911

A Notice of Appeal having been filed in this matter, the official court reporter is hereby requested to produce, and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

Respectfully Submitted,



R. Bruce Manchester, Esq.
Attorney ID Number: 28535
Attorney for Plaintiffs/Appellant
124 W. Bishop St.
Bellefonte, Pa 16823
Telephone: 814-355-5421

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

LEONARD THOMPSON, and \
JANICE THOMPSON, his wife /
\
Plaintiffs / No. 2008-971-CD
\
vs. /
\
NORMAN R. MARTIN, and FLORANCE /
MARTIN, his wife; et al., \
/
Defendants \ JUL 22 2009

OPINION

A dispute over the ownership and use of an unopened alley brings the Plaintiffs and Defendants before this Court. Plaintiffs, thirty-five (35) year residents of a property which has as its northern border an unopened alley, seek to quiet title to the full width of that portion of the alley which runs the length of Plaintiffs' northern border and westward for 120.00 feet, with it being declared as unencumbered by any easements or other rights of the Defendants (hereinafter "Lot 1" of the two lots in claimed in the Plaintiff's Complaint). The Defendants' property is opposite said alley from the Plaintiffs'; the alley forms the southern border of the Defendants' property for the same length as it serves as the Plaintiffs' northern boundary. Following discovery, the Defendants moved for partial summary judgment, asserting that the Plaintiffs cannot satisfy the Commonwealth's definition of adverse possession, that Plaintiff's may only take title in fee simple to one-half of the width of the alley (with the Defendants also taking title in fee simple to the other one-half of the width of the alley), and that the Defendants retain a private easement over the entire width of the alley.

Following argument and the submission of briefs, this Court has no choice but to GRANT the Defendants' Motion for Summary Judgment.

Summary judgment is appropriate when there is no genuine issue as to any material fact as to a necessary element of the cause of action. Pa. R. Civ. P. 1035.2(1). All facts and inferences are viewed in the light most favorable to the non-moving party. Pa. State Univ. v. County of Centre, 532 Pa. 142, 145, 615 A.2d 303, 304 (1992). The granting of summary judgment is only appropriate when such granting is clear and free from doubt. Marks v. Tasman, 527 Pa. 132, 134-35, 589 A.2d 205, 206 (1991).

In the instant case, Plaintiffs allege that they have acquired title to the entire width of Lot 1 by adverse possession. Adverse possession of real property confers title of the property to the adverse possessor, provided such possessor can prove he had actual, continuous, exclusive, visible, notorious, distinct, and hostile possession of the land for twenty-one years. Conneaut Lake Park, Inc. v. Klingensmith, 362 Pa. 592, 594, 66 A.2d 828, 829 (1949). Each element of adverse possession must exist for the title to transfer to the possessor. Id.

Plaintiffs' adverse possession claim fails, because they have adduced no evidence that their possession of the alley was hostile or exclusive. To satisfy the hostility element of adverse possession, rights of ownership adverse to the true owner and all others must be asserted, though not necessarily through actual malice or ill will. Brennan v. Manchester Crossings, Inc., 708 A.2d 815, 818 (Pa. Super. Ct. 1998). This can be demonstrated by actions or possession which is inconsistent with the "possession or right of possession of another." Hutchison v. Little Four Oil & Gas Co., 275 Pa. 380, 387-88, 119 A. 534, 536 (1923). Here, Plaintiffs assert that they originally cleared some leaves from the alley and planted grass to cover some "brown spots." Deposition of Janice Thompson, 11/07/2008

(“Deposition”) at 9-10. They thereafter mowed the grass and maintained the alley as an extension of their yard; for their first three (3) years of residence on the property they maintained a garden which was located in whole or in part on the alley. Id. Plaintiffs did not post any “No Trespassing” signs or tell any neighbors (including the Defendants) to stay off of the alley, nor did they install any fence or other obstruction to segregate the area of the alley they were treating as an extension of their yard. Deposition at 17. Even if, as Plaintiffs allege, no one walked upon the alley abutting their property and forming Lot 1, Deposition at 17-18, the Plaintiffs took no action whatsoever to exclude others (including the Defendants) from using the alley for ingress and egress. As the Defendants were not excluded by the Plaintiffs, the possession of the alley by the Plaintiffs cannot be hostile or exclusive. The adverse possession claim must fail.

This is not to say that the Plaintiffs have acquired no title to any additional land. The alley in question has not been opened for over twenty-one (21) years since originally planned. As the public has not accepted the alley, the two abutting landowners take title to the mid-point of the alley. 36 Pa. Cons. Stat. § 1961; Rahn v. Hess, 378 Pa. 264, 270, 106 A.2d 461, 464 (1954). Therefore, both Plaintiff and Defendant landowners with land abutting Lot 1 have acquired title to one half of the width of the alley for the length of their respective properties.

The title to land is not the only right of access to land, however. Despite a municipality’s failure to open a street originally on a plan after twenty-one (21) years giving title to the abutting landowners, all property owners in the community retain private rights of easement for ingress and egress over the unopened streets. Estojak v. Mazsa, 522 Pa. 353, 359, 562 A.2d 271, 274 (1989). Such an easement may be extinguished by adverse

possession, with the definition as set out in Conneaut Lake Park, *supra*, but with a use of the land inconsistent with the use and rights of the easement holder. Estojak, 522 Pa. at 360, 562 A.2d at 275. A complete lack of use or the passage of time is not sufficient to extinguish this private easement over the alley. Riek v. Binnie, 352 Pa. Super. 246, 249, 507 A.2d 865, 867 (1986). The Plaintiffs have adduced no evidence, in their depositions or otherwise, showing that their use of the alley was adverse to the purpose of the Defendant's private easement over the same, namely, providing for ingress and egress. The fact that the Defendants may not have used the alley for such purposes ever, or until recently, is of no importance; Defendants' easement cannot be extinguished by mere non-use. Id.

Viewing all of the evidence presented by the Plaintiffs (as the non-moving party) as true, and taking all valid inferences in favor of the Plaintiffs, Pa. State. Univ., *supra*, this Court sees no dispute as to any material fact that would prevent judgment being granted to the Defendants as a matter of law. No rational fact finder could find that the Plaintiffs had acquired title to the entire width of the alley nor extinguished the Defendant Martins' private right of easement over the same.

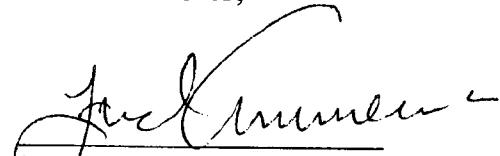
O R D E R

AND NOW, this 16th day of July, 2009, it is the Order of this Court that the Defendants' Motion for Partial Summary Judgment be and hereby is GRANTED. Plaintiffs and any Defendant owning land abutting Lot 1 as described above each take title to one-half of the width of the alley which abuts their respective properties, said alley being that alley

immediately north of Dorthea Street, Houtzdale, Clearfield County, Pennsylvania, and running west from Good Street, for the length of the respective parties' properties.

FURTHERMORE it is the Order of this Court that both Plaintiffs and Defendants shall continue to enjoy private easement rights over the full width of said alley for ingress and egress.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

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

JUL 21 2009

Attest.




William J. Ammerman
Prothonotary/
Clerk of Courts

Civil Other-COUNT

Date		Judge
5/27/2008	New Case Filed. Filing: Quiet Title Action (Property located in Woodward Twp.) Paid by: Thompson, Leonard (plaintiff) Receipt number: 1924217 Dated: 5/27/2008 Amount: \$105.00 (Cash) 7 Cert. to Plaintiff.	No Judge
6/2/2008	Sheriff Return, Now, 6/2/08 at 1:43 pm Served the within Complaint Action to No Judge Quiet Title on Charles R. Henry by handing to Charles R. Henry So Answers, Chester A. Hawkins, Sheriff by s/James C. Davis, deputy. Sheriff Return, Now, 6/2/08 at 2:05 pm Served the within Complaint Action to No Judge Quiet Title on Gerald and Madeline S. Dufour by handing to Madeline S. Dufour. So Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy. Sheriff Return, Now, June 2, 2008 at 2:02 pm Served the within Complaint Action to No Judge Action to Quiet Title on Norman R. and Florance Martin by handing to Florance Martin. So Answers, Chester A. Hawkins, Sheriff by s/ Dominic Morgillo, deputy.	No Judge
6/5/2008	Sheriff Return, Now, 6-4-08 at 5:40 PM served the within Complaint Action to No Judge Quiet Title on Charles W. and Anna Henry by handing to Alex Henry. So Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy. Sheriff Return, Now, 6-4-08 at 5:45 pm Served the within Complaint Action to No Judge Quiet Title on Lisa A. McKee nka Lisa A. Noel and Jeffrey A. Noel by handing to Lisa A. Noel. So Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy.	No Judge
6/16/2008	Response, filed by s/ Florence Martin, Defendant. no cc	No Judge
6/24/2008	Praecipe for Entry of Appearance, filed. Kindly enter my appearance on behalf of all of the above named defendants in the above-captioned matter, filed by s/ James A. Naddeo Esq. 1CC Atty Naddeo.	No Judge
6/25/2008	First Amended Praecipe For Entry of Appearance, filed by s/ James A. Naddeo, Esquire. Enter appearance of James A. Naddeo, Esquire, on behalf of Defendants Norman R. Martin and Florance Martin, Charles R. Henry, Charles William Henry, Lisa A. McKee n/k/a Lisa A. Noel, and Jeffrey A. Noel. Please accept this as a revision of my previously filed entry of appearance which included the named Defendants, Gerald Dufour and Madeline S. DuFour. 1CC Atty. Naddeo	No Judge
9/25/2008	Answer, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo Sheriff Return, RETURN COSTS So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by J. Thompson \$134.54 Certificate of Service, a copy of Notice of Taking Deposition was served on No Judge the 25th day of Sept., 2008, upon R. Bruce Manchester, Esquire, and Maryann Cornelius, Court Reporter, by First-Class Mail. filed by s/ James A Naddeo, Esquire. 2CC Atty. Naddeo	No Judge
5/1/2009	Motion For Partial Summary Judgment, filed by s/ James A. Naddeo, Esquire. 2CC Atty. Naddeo	No Judge
5/5/2009	Order AND NOW, this 5th day of May 2009, upon consideration of Defendants' Motion for Partial Summary Judgment filed by James A. Naddeo Esq., it is the Order of this Court that this case will be heard before the Court on the 10th day of June 2009 at 9:30 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty.	Fredric Joseph Ammerman

Date: 8/12/2009

Time: 10:54 AM

Page 2 of 2

Clearfield County Court of Common Pleas

ROA Report

Case: 2008-00971-CD

User: SEARCH

Current Judge: Fredric Joseph Ammerman

Leonard Thompson, et alvs. Norman R. Martin, et al

Civil Other-COUNT

Date	Judge
5/6/2009	Certificate of Service, filed. That a certified copy of Order dated May 5, 2009 Fredric Joseph Ammerman was served on the 6th day of May 2009 by first class mail to R. Bruce Manchester Esq., filed by s/ James A. Naddeo Esq. No CC.
6/10/2009	Order, this 10th day of June, 2009, following argument on the Motion for Partial Summary Judgment, it is Ordered that counsel for both parties have no more than 20 days from this date in which to submit letter brief to the Court. Counsel shall, upon receipt of the same, have no more than 5 days to submit a reply, if desired. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty's: Manchester, Naddeo; 1CC Gerald M. Dufour and Madeline S. Dufour, 58 North Good St., Houtzdale, PA 16651
7/21/2009	Opinion and Order, this 16th day of July, 2009, Defendants' Motion for Partial Summary Judgment is GRANTED.(see original). By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty's; Naddeo, Manchester; 1CC Gerald & Madelin DuFour - 58 N. Good St., Houtzdale, PA 16651; 1CC D. Mikesell, and Law Library

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

AUG 12 2009

Attest.


Prothonotary/
Clerk of Courts

CERTIFICATION OF SERVICE

It is hereby certified that on this date, August 14, 2009, copies of the foregoing Notice of Appeal were served on the following individuals and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

SERVICE BY FIRST CLASS MAIL:

James A. Naddeo, Esq.
207 E. Martket St.
P. O. Box 522
Clearfield, Pa 16830

SERVICE IN PERSON:

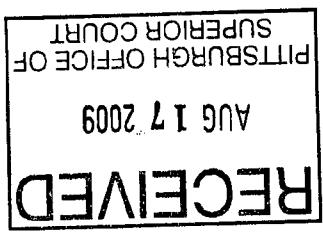
Honorable Frederic J. Ammerman
Court of Common Pleas of Clearfield County
Clearfield County Courthouse
230 E. Market St.
Clearfield, Pa 16830

Court Reporter's Office
Court of Common Pleas of Centre County
Clearfield County Courthouse
230 E. Market St.
Clearfield, Pa 16830

Respectfully Submitted,



Catherine Manchester
Legal Assistant
124 W. Bishop St.
Bellefonte, Pa 16823



AMENDED COVER PAGE

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

LEONARD THOMPSON & JANICE THOMPSON)
)
)
VS.)
)
)
NORMAN R. MARTIN & FLORANCE MARTIN)

7 **FILED**
03:52 PM
SEP 14 2009

William A. Shaw
Prothonotary/Clerk of Courts

and

GERALD M. DUFOUR & MADELINE S.)
DUFOUR)
)
)
VS.)
)
)
NORMAN R. MARTIN & FLORANCE MARTIN)
TRANSCRIPT OF PROCEEDINGS

MOTION FOR PARTIAL SUMMARY JUDGMENT

HELD BEFORE THE HONORABLE

FREDRIC J. AMMERMAN, PRESIDENT JUDGE

on Wednesday, June 10, 2009

A P P E A R A N C E S:

FOR THE PLAINTIFF:

R. BRUCE MANCHESTER, ESQUIRE

FOR THE DEFENDANT:

JAMES A. NADDEO, ESQUIRE

Reported by: Cathy Warrick Provost, RMR

Official Court Reporter

822

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1465 WDA 2009

Page 1 of 5

Secure



September 15, 2009

CAPTION

Leonard Thompson and Janice Thompson, husband and wife
Appellants

08-971-CD

v.

Norman R. Martin and Florance Martin, husband and wife; Gerald Dufour and Madeline S. Dufour, husband and wife; Charles R. Henry, Charles William Henry; Lisa A. McKee n/k/a Lisa A. Noel and Heffrey A. Noel, John Doe and Jane Doe 1-999 and All the Heirs and Assigns of all the deceased persons having or once having had an interest by direct or successive inheritanince in the the estates of them or any of them, and all the heirs, devises, administrators, executors and assigns of the above mentioned or any other person, persons, firms, partnerships, or corporate entities in interest or any one claiming by, through or under them or any of them

CASE INFORMATION

FILED

Initiating Document: Notice of Appeal

SEP 17 2009

Case Status: Active

Case Processing Status: August 26, 2009 Awaiting Original Record

William A. Shaw
Prothonotary/Clerk of Courts

Journal Number:

Case Category: Civil

Case Type(s): Quiet Title

CONSOLIDATED CASES

RELATED CASES

Docket Number	Type
1464 WDA 2009	Related
Same Issue(s)	

SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: September 29, 2009

Next Event Type: Original Record Received

Next Event Due Date: October 26, 2009

COUNSEL INFORMATION

Appellant Thompson, Leonard

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Manchester, Robert Bruce

Bar No: 028535

Address: 124 W Bishop St
Bellefonte, PA 16823

Phone No: (814) 355-5421 Fax No: (814) 355-1499

Receive Mail: Yes

Receive EMail: No EMail Address: bmann44@aol.com

FILED
m10/3/2009
SEP 17 2009
B&G
William A. Shaw
Prothonotary/Clerk of Courts

#23

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1465 WDA 2009

Page 2 of 5

Secure



September 15, 2009

COUNSEL INFORMATION

Appellant **Thompson, Janice**

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Manchester, Robert Bruce

Bar No: 028535

 Address: 124 W Bishop St
 Bellefonte, PA 16823

Phone No: (814) 355-5421 Fax No: (814) 355-1499

Receive Mail: Yes

Receive EMail: No EMail Address: bmann44@aol.com

Appellee **Noel, Lisa**

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Naddeo, James A.

Bar No: 006820

 Address: 207 E MARKET ST
 PO BOX 552
 CLEARFIELD, PA 16830

Phone No: (814) 765-1601 Fax No: (814) 765-8142

Receive Mail: Yes

Receive EMail: No EMail Address:

Appellee **Noel, Jeffrey A.**

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Naddeo, James A.

Bar No: 006820

 Address: 207 E MARKET ST
 PO BOX 552
 CLEARFIELD, PA 16830

Phone No: (814) 765-1601 Fax No: (814) 765-8142

Receive Mail: Yes

Receive EMail: No EMail Address:

Appellee **McKee, Lisa A.**

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Naddeo, James A.

Bar No: 006820

 Address: 207 E MARKET ST
 PO BOX 552
 CLEARFIELD, PA 16830

Phone No: (814) 765-1601 Fax No: (814) 765-8142

Receive Mail: Yes

Receive EMail: No EMail Address:

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 1465 WDA 2009****Page 3 of 5****September 15, 2009****Secure****COUNSEL INFORMATION****Appellee Martin, Norman R.**

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Naddeo, James A.

Bar No: 006820

Address: 207 E MARKET ST

PO BOX 552

CLEARFIELD, PA 16830

Phone No: (814) 765-1601

Fax No: (814) 765-8142

Receive Mail: Yes

Receive EMail: No EMail Address:

Appellee Martin, Florence

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Naddeo, James A.

Bar No: 006820

Address: 207 E MARKET ST

PO BOX 552

CLEARFIELD, PA 16830

Phone No: (814) 765-1601

Fax No: (814) 765-8142

Receive Mail: Yes

Receive EMail: No EMail Address:

Appellee Henry, Charles R.

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Naddeo, James A.

Bar No: 006820

Address: 207 E MARKET ST

PO BOX 552

CLEARFIELD, PA 16830

Phone No: (814) 765-1601

Fax No: (814) 765-8142

Receive Mail: Yes

Receive EMail: No EMail Address:

Appellee Dufour, Gerald M.

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Naddeo, James A.

Bar No: 006820

Address: 207 E MARKET ST

PO BOX 552

CLEARFIELD, PA 16830

Phone No: (814) 765-1601

Fax No: (814) 765-8142

Receive Mail: Yes

Receive EMail: No EMail Address:

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1465 WDA 2009

Page 4 of 5

Secure



September 15, 2009

COUNSEL INFORMATION

Appellee Doe, John

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Naddeo, James A.

Bar No: 006820

Address: 207 E MARKET ST

PO BOX 552

CLEARFIELD, PA 16830

Phone No: (814) 765-1601

Fax No: (814) 765-8142

Receive Mail: Yes

Receive EMail: No EMail Address:

Appellee Doe, Jane

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Naddeo, James A.

Bar No: 006820

Address: 207 E MARKET ST

PO BOX 552

CLEARFIELD, PA 16830

Phone No: (814) 765-1601

Fax No: (814) 765-8142

Receive Mail: Yes

Receive EMail: No EMail Address:

Appellee Defour, Madeline S.

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Naddeo, James A.

Bar No: 006820

Address: 207 E MARKET ST

PO BOX 552

CLEARFIELD, PA 16830

Phone No: (814) 765-1601

Fax No: (814) 765-8142

Receive Mail: Yes

Receive EMail: No EMail Address:

FEE INFORMATION

Date	Name	Receipt Number	Fee Amt	Paid Amt
08/26/2009	Notice of Appeal	2009-SPR-W-000839	\$ 60.00	\$ 60.00

AGENCY/TRIAL COURT INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division:

Clearfield County Civil Division

OrderAppealed From: July 16, 2009

Judicial District:

46

Documents Received: August 27, 2009

Notice of Appeal Filed:

August 26, 2009

Order Type: Order Dated

Judge, Title: Ammerman, Fredric J., President Judge

Lower Court Docket No

2008-971-CD

OTN

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1465 WDA 2009

Page 5 of 5

Secure

September 15, 2009



ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
----------------------	------------	---------------------

Date of Remand of Record:

BRIEFING SCHEDULE

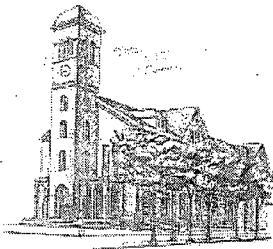
None	None
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DOCKET ENTRY

Filed Date	Docket Entry	Participant Type	Filed By
August 26, 2009	Notice of Appeal Docketed	Appellant	Thompson, Leonard

September 15, 2009 Docketing Statement Exited (Civil)

Superior Court of Pennsylvania



COPY

Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ www.clearfieldco.org

September 17, 2009

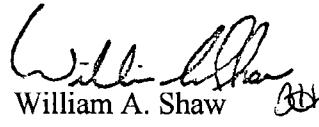
Superior Court of Pennsylvania
310 Grant St., Ste. 600
Pittsburgh, PA 15219-2297

In Re: 1465 WDA 2009
Leonard Thompson et al vs. Norman R. Martin et al

Dear Ms. Eleanor R. Valecko:

Upon review of the Appeal Docket Sheet for the above-referenced case, I have noted that Attorney James A. Naddeo is listed as representing all the defendants. Attorney Naddeo filed an entry of appearance on behalf of all defendants June 24, 2008, but amended it June 25, 2008. The amended entry of appearance excludes Gerald M. Dufour and Madeline S. Dufour from his representation. If you have any questions, please contact me at (814) 765-2641, ext. 1331.

Sincerely,


William A. Shaw
Prothonotary

In the Superior Court of
Pennsylvania

Sitting at Pittsburgh

No. 1465 WDA 2009

FILED

OCT 08 2009
S 11:00 AM
William A. Shaw
Prothonotary/Clerk of Courts

Leonard Thompson and Janice Thomson,
husband and wife,
Appellants

v.
Norman R. Martin and Florence Martin,
husband and wife, Gerald Dufour and
Madeline S. Dufour, husband and wife, etc.,
et al.

Appeal from the order entered in this matter
by the Honorable Fredric J. Ammerman, P.J.,
on July 16, 2009, Court of Common Pleas,
Civil Division of the County of Clearfield at
NO. 2008-971-CD

CERTIFIED FROM THE RECORD

October 6, 2009 – Praecipe for Discontinuance filed. Appeal

Discontinued

Testimony Whereof, I have hereunto set my hand and the seal of said Court at
Pittsburgh, Pennsylvania

this 6th Day of October 2009

Eleana R. Valechko
Deputy Prothonotary



Superior Court of Pennsylvania

Western District

Karen Reid Bramblett, Esq.
Prothonotary
Eleanor R. Valecko
Deputy Prothonotary

310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
(412) 565-7592
www.superior.court.state.pa.us

October 6, 2009

NOTICE OF DISCONTINUANCE OF ACTION

RE: Thompson, L. v. Martin, N.
1465 WDA 2009
Appeal of: Mr. Leonard Thompson
Janice Thompson
Initiating Document: Notice of Appeal
Trial Court: Clearfield County Court of Common Pleas
Associated Case(s): 1464 WDA 2009 Related
Trial Court Docket No: 2008-971-CD

FILED
OCT 08 2009
11:00 AM
William A. Shaw
Prothonotary/Clerk of Courts

The above-captioned matter has been marked "Discontinued" with this court. Certification is being sent to the lower court.

Attorney Name	Participant Name	Participant Type
Robert Bruce Manchester, Esq.	Janice Thompson	Appellant
Robert Bruce Manchester, Esq.	Gerald M. Dufour	Appellee
Robert Bruce Manchester, Esq.	Madeline S. Defour	Appellee
Robert Bruce Manchester, Esq.	Mr. Leonard Thompson	Appellant
James A. Naddeo, Esq.	John Doe	Appellee
James A. Naddeo, Esq.	Lisa Noel	Appellee
James A. Naddeo, Esq.	Lisa A. McKee	Appellee
James A. Naddeo, Esq.	Jane Doe, Esq.	Appellee
James A. Naddeo, Esq.	Florence Martin	Appellee
James A. Naddeo, Esq.	Jeffrey A. Noel	Appellee
James A. Naddeo, Esq.	Charles R. Henry	Appellee
James A. Naddeo, Esq.	Norman R. Martin	Appellee



Superior Court of Pennsylvania

Karen Reid Bramblett, Esq.
Prothonotary
Eleanor R. Valecko
Deputy Prothonotary

Western District

310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
(412) 565-7592
www.superior.court.state.pa.us

October 6, 2009

Mr. William A. Shaw
Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

RE: Thompson, L. v. Martin, N.
1465 WDA 2009
Associated Case(s): 1464 WDA 2009 Related
Trial Court Docket No: 2008-971-CD

Dear Mr. Shaw:

October 8, 2009, received from the Superior Court of Pennsylvania, Western District Office, the certificate of discontinuance of the court, in the above entitled case.

Return to: Superior Court of Pennsylvania
Office of the Prothonotary
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
412-565-7592

/bml

Date: 8/27/2009
Time: 01:28 PM
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Clearfield County Court of Common Pleas

User: BHUDSON

ROA Report

Case: 2008-00971-CD

Current Judge: Fredric Joseph Ammerman

Leonard Thompson, et al vs. Norman R. Martin, et al

Civil Other-COUNT

Date		Judge
5/27/2008	New Case Filed.	No Judge
①	Filing: Quiet Title Action (Property located in Woodward Twp.) Paid by: Thompson, Leonard (plaintiff) Receipt number: 1924217 Dated: 5/27/2008 Amount: \$105.00 (Cash) 7 Cert. to Plaintiff.	No Judge 6
6/2/2008	② Sheriff Return, Now, 6/2/08 at 1:43 pm Served the within Complaint Action to No Judge Quiet Title on Charles R. Henry by handing to Charles R. Henry So Answers, Chester A. Hawkins, Sheriff by s/James C. Davis, deputy.	/
③	Sheriff Return, Now, 6/2/08 at 2:05 pm Served the within Complaint Action to No Judge Quiet Title on Gerald and Madeline S. Dufour by handing to Madeline S. Dufour. So Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy.	/
④	Sheriff Return, Now, June 2, 2008 at 2:02 pm Served the within Complaint Action to No Judge Action to Quiet Title on Norman R. and Florence Martin by handing to Florence Martin. So Answers, Chester A. Hawkins, Sheriff by s/ Dominic Morgillo, deputy.	/
6/5/2008	⑤ Sheriff Return, Now, 6-4-08 at 5:40 PM served the within Complaint Action to No Judge Quiet Title on Charles W. and Anna Henry by handing to Alex Henry. So Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy.	/
⑥	Sheriff Return, Now, 6-4-08 at 5:45 pm Served the within Complaint Action to No Judge Quiet Title on Lisa A. McKee nka Lisa A. Noel and Jeffrey A. Noel by handing to Lisa A. Noel. So Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy.	/
6/16/2008	⑦ Response, filed by s/ Florence Martin, Defendant. no cc	No Judge 4
6/24/2008	⑧ Praeclipe for Entry of Appearance, filed. Kindly enter my appearance on behalf of all of the above named defendants in the above-captioned matter, filed by s/ James A. Naddeo Esq. 1CC Atty Naddeo.	No Judge 4
6/25/2008	⑨ First Amended Praeclipe For Entry of Appearance, filed by s/ James A. Naddeo, Esquire. Enter appearance of James A. Naddeo, Esquire, on behalf of Defendants Norman R. Martin and Florence Martin, Charles R. Henry, Charles William Henry, Lisa A. McKee n/k/a Lisa A. Noel, and Jeffrey A. Noel. Please accept this as a revision of my previously filed entry of appearance which included the named Defendants, Gerald DuFour and Madeline S. DuFour. 1CC Atty. Naddeo	No Judge 5
⑩	Answer, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo	No Judge 6
9/25/2008	⑪ Sheriff Return, RETURN COSTS So Answers, Chester A. Hawkins, Sheriff No Judge by s/Marilyn Hamm Shff Hawkins costs pd by J. Thompson \$134.54	⑬ 1
⑫	Certificate of Service, a copy of Notice of Taking Deposition was served on No Judge the 25th day of Sept., 2008, upon R. Bruce Manchester, Esquire, and Maryann Cornelius, Court Reporter, by First-Class Mail. filed by s/ James A Naddeo, Esquire. 2CC Atty. Naddeo	3
5/1/2009	⑬ Motion For Partial Summary Judgment, filed by s/ James A. Naddeo, esquire. 2CC Atty. Naddeo	No Judge 18
5/5/2009	⑭ Order AND NOW, this 5th day of May 2009, upon consideration of Defendants' Motion for Partial Summary Judgment filed by James A. Nadde Esq., it is the Order of this Court that this case will be heard before the Cour on the 10th day of June 2009 at 9:30 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty.	Fredric Joseph Ammerman 1

Date: 8/27/2009

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 01:28 PM

ROA Report

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Case: 2008-00971-CD

Current Judge: Fredric Joseph Ammerman.

Leonard Thompson, et alvs. Norman R. Martin, et al

Civil Other-COUNT

Date	Judge
5/6/2009 <i>(15)</i>	Certificate of Service, filed. That a certified copy of Order dated May 5, 2009 Fredric Joseph Ammerman was served on the 6th day of May 2009 by first class mail to R. Bruce Manchester Esq., filed by s/ James A. Naddeo Esq. No CC. <i>3</i>
6/10/2009 <i>(16)</i>	Order, this 10th day of June, 2009, following argument on the Motion for Partial Summary Judgment, it is Ordered that counsel for both parties have no more than 20 days from this date in which to submit letter brief to the Court. Counsel shall, upon receipt of the same, have no more than 5 days to submit a reply, if desired. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty: Manchester, Naddeo; 1CC Gerald M. Dufour and Madeline S. Dufour, 58 North Good St., Houtzdale, PA 16651 <i>1</i>
7/21/2009 <i>(17)</i>	Opinion and Order, this 16th day of July, 2009, Defendants' Motion for Partial Summary Judgment is GRANTED.(see original). By the Court, /s/ Fredric J Ammerman, Pres. Judge. 1CC Atty: Naddeo, Manchester; 1CC Gerald & Madelin DuFour - 58 N. Good St., Houtzdale, PA 16651; 1CC D. Mikesell, and Law Library <i>5</i>
8/14/2009 <i>(18)</i>	Filing: Appeal to High Court. filed by Atty. Manchester Paid by: Dufour, Madeline S. (defendant) Receipt number: 1930749 Dated: 8/14/2009 Amount: \$50.00 (Check) For: Dufour, Gerald M. (defendant) 1 Cert. to Superior Court and 5 Cert. to Plaintiffs <i>10</i>
8/14/2009 <i>(19)</i>	Order, this 14th day of August 2009, this Court having been notified of Appeal to the Superior Court of Pennsylvania in the above-captioned matter it is the ORDER of this Court that Leonard Thompson and Janice Thompson, Appellants, file a concise statement of the matter complaint of on Appeal no later than twenty-one (21) days herefrom, as set forth in Rule 1925(b) of the Rule of Appellate Procedure. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty: Manchester and Naddeo and 1CC Gerald DuFour and Madeline DuFour @ 58 North Good St., Houtzdale, PA 16651 <i>1</i>
8/20/2009 <i>(20)</i>	Received letter & Cert. copy of Appeal with \$60.00 from Superior. Counsel Fredric Joseph Ammerman to amend appeal and return. <i>xx</i>
8/26/2009 <i>(20)</i>	Notice of Appeal, filed by Atty. Manchester 1 Cert. to Superior Court with \$60.00 Check <i>10</i>

Date: 9/10/2009
Time: 01:16 PM
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Clearfield County Court of Common Pleas
ROA Report
Case: 2008-00971-CD

User: BHUDSON

Current Judge: Fredric Joseph Ammerman
Leonard Thompson, et al vs. Norman R. Martin, et al

Civil Other-COUNT

Date	Selected Items	Judge
9/4/2009	Transcript of Proceedings, filed. Motion for Partial Summary Judgment, held Fredric Joseph Ammerman before the Honorable Paul E. Cherry, Judge, on June 10, 2009. Original file to 08-971-CD	SJC <i>(2)</i>

Date: 9/28/2009
Time: 02:24 PM

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Clearfield County Court of Common Pleas
ROA Report
Case: 2008-00971-CD

User: BHUDSON

Current Judge: Fredric Joseph Ammerman
Leonard Thompson, et alvs.Norman R. Martin, et al

Civil Other-COUNT

Date	Selected Items	Judge
9/14/2009	⑩ Amended Cover Page, filed.	✓ Fredric Joseph Ammerman
9/17/2009	Appeal Docket Sheet, 1465 WDA 2009, filed. Correction letter sent to Superior Court. ⑩	✓ Fredric Joseph Ammerman