

08-1088-CD
Danny Gilbert al vs Fred Cole et al

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

DANNY N. GILBERT, SR. and :
MISSY L. GILBERT, :
Plaintiffs :
vs. :
:

FRED COLE and VIRGINIA COLE, :
FIRST COMMONWEALTH BANK - :
TRUST DIVISION, EXECUTOR OF :
THE ESTATE OF CLETAS M. HELLER :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendant; and any other person, :
persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described,
Defendants :
:

No. 2008-1088-CD

QUIET TITLE ACTION

Type of Pleading: Complaint

Filed on behalf of: Danny N. Gilbert, Sr.
and Missy L. Gilbert, Plaintiffs

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law

Supreme Court No. 42519
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED 1cc Atty
01/12/05 cm Hopkins
JUN 13 2008
WM pd \$105.00
William A. Shaw
Prothonotary/Clerk of Courts Atty

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

DANNY N. GILBERT, SR. and	:	
MISSY L. GILBERT,	:	
Plaintiffs	:	
	:	
vs.	:	No.
	:	
	:	
FRED COLE and VIRGINIA COLE,	:	
FIRST COMMONWEALTH BANK -	:	
TRUST DIVISION, EXECUTOR OF	:	
THE ESTATE OF CLETAS M. HELLER	:	
and any heir, persons claiming or who	:	
might claim title under the aforesaid	:	
defendant; and any other person,	:	
persons, firms, partnerships,	:	
or corporate entities who might claim	:	
title to the premises herein described,	:	
Defendant	:	

NOTICE

TO DEFENDANT:

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

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

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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

DANNY N. GILBERT, SR. and :
MISSY L. GILBERT, :
Plaintiffs :
vs. :
No.
QUIET TITLE ACTION
FRED COLE and VIRGINIA COLE, :
FIRST COMMONWEALTH BANK - :
TRUST DIVISION, EXECUTOR OF :
THE ESTATE OF CLETAS M. HELLER :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendant; and any other person, :
persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :

COMPLAINT

NOW COMES, Plaintiffs, Danny N. Gilbert, Sr. and Missy L. Gilbert, by and through their attorneys, Hopkins Heltzel LLP, and files the within quiet title action and in support thereof says as follows:

COUNT I

1. Plaintiffs are Danny N. Gilbert, Sr. and Missy L. Gilbert, husband and wife, adult individuals, who resides at 301 Hemlock Road, DuBois, Pennsylvania 15801.
2. Defendants Fred Cole and Virginia Cole are husband and wife. Their whereabouts are unknown and believed to have died many years ago.
3. Defendant First Commonwealth Bank, Trust Division, Executor of the Estate of Cletas M. Heller. The principal business location of Defendant is Shaffer Road and Beaver Drive, DuBois, Pennsylvania 15801.

4. Cletas M. Heller died on June 7, 2006. His Last Will and Testament was duly admitted to probate by the Register of Wills of Clearfield County, Pennsylvania and First Commonwealth Bank - Trust Division was granted Letters Testamentary.

5. The property subject to this quiet title action is located in Union Township, Clearfield County, identified as Tax Parcel No. 129-0E05 - 0000038.6 and more fully described as follows:

All that certain tract of land situate in Union Township, Clearfield County, Pennsylvania, bounded as described as follows:

Beginning at a point in the centerline of Township Road T-360 leading from Home Camp to Narrows Creek, said point being the Northwest corner of lands now or formerly of Ruth and Clayton Bernard;

Thence by the centerline of said Township Road, North 3° 25' East, 59 feet, more or less to a point being the southwest corner of lands, now or formerly of Floyd and Ruth Wing;

Thence by the Southerly line of property now or formerly of Floyd and Ruth Wing, South 86° 35' East 421 feet, more or less to a point, said point being the Northwest corner of lands, now or formerly of Elmer Savage;

Thence by the Westerly line of Savage, South 3° 25' West 59 feet, more or less, to a point in the Northerly line, now or formerly of Reiland;

Thence by said Northerly and the Northerly line, now or formerly of Bernard, North 86° 35' West 421 feet, more or less, to a point and the place of beginning.

Containing 0.59 acres, more or less, and being identified on the Clearfield County Tax Assessment Map as Map No. 129-E05-000-038.6.

6. By Deed dated July 1, 1957 and recorded in the Office of the Recorder of Deeds of Clearfield County in Book 400, at page 299, Edith J. Wing, et al., conveyed the property to Defendants, Fred Cole and Virginia Cole, husband and wife.

7. It is suspected and therefore averred, Fred Cole and Virginia Cole, husband and wife, may have conveyed the property, or an interest in the property, to Cletas Heller. The basis of this belief is that Cletas Heller may have paid the real estate taxes assessed against the property for a number of years.

8. Notwithstanding the preceding paragraph, the property was returned for unpaid real estate taxes for the years 2004 and 2005 to the Tax Claim Bureau of Clearfield County, Pennsylvania.

9. By Deed dated April 18, 2007, and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2007-06380, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee, under the provisions of the Act of July 7, 1947, P. L. 1368, and amendments thereto, conveyed the property to Mark C. Resch. At that time, the property was assessed in the name of Virginia Cole.

10. By Deed dated June 11, 2007, and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2007-10052, Mark C. Resch conveyed the property to Plaintiffs, Danny N. Gilbert, Sr. and Missy L. Gilbert.

11. The purpose of this quiet title action is to remove and terminate any claims of Defendants, Fred Cole and Virginia Cole their heirs, devisees, executors, administrators and assigns, may possess in the property.

12. The further purpose of this quiet title action is to remove and terminate any claims of Defendant Estate of Cletas Heller, his heirs, devisees, executors, administrators and assigns, may possess in the property in the event an unrecorded Deed is in existence or from Cletas

Heller's payment of real estate taxes. Pennsylvania being a race record state, the unrecorded Deed, if any, of Cletas Heller is invalid as to the subsequent Deeds to Mark C. Resch and Plaintiffs.

WHEREFORE, the Plaintiffs request the Court to decree that title to the premises described in paragraph five (5) of the Complaint be granted unto Plaintiffs, Danny N. Gilbert, Sr. and Missy L. Gilbert, in fee simple absolute; and that Defendants, Fred Cole, Virginia Cole and Estate of Cletas Heller, their heirs, devisees, executors, administrators and assigns, and all other person, persons, partnerships, limited liability companies or corporate entities in interest, or their legal representatives be forever barred from asserting any right, lien or interest inconsistent with the interest or claim of the Plaintiffs.

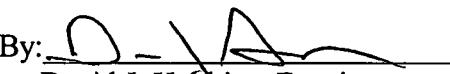
Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiffs

VERIFICATION

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

By: 

David J. Hopkins, Esquire

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

DANNY N. GILBERT, SR. and
MISSY L. GILBERT,
Plaintiffs

vs.

FRED COLE and VIRGINIA COLE,
FIRST COMMONWEALTH BANK -
TRUST DIVISION, EXECUTOR OF
THE ESTATE OF CLETAS M. HELLER
and any heir, persons claiming or who
might claim title under the aforesaid
defendant; and any other person,
persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendant

No. 2008-1088-CD

FILED 1cc Atty
6/12/05 am Hopkins
JUN 13 2006
William A. Shaw
Notary/Clerk of Court

AFFIDAVIT OF UNKNOWN WHEREABOUTS

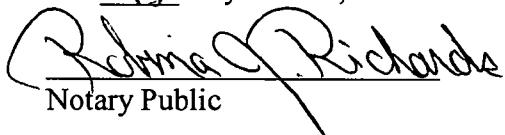
David J. Hopkins, being duly sworn according to law, hereby certifies:

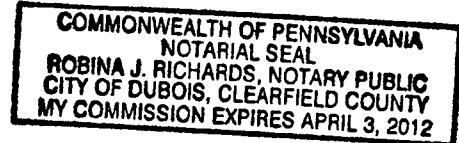
1. I have made a search for Defendants, Fred Cole and Virginia Cole. At some point prior to 2005, the Clearfield County Assessment Office changed its assessment card from Fred Cole and Virginia Cole to Virginia Cole leading your Affiant to believe that Fred Cole died. The Cole's were from Armstrong County. A search of the Prothonotary's office and the Office of the Recorder of Deeds does not give an indication as to the whereabouts of Fred Cole or Virginia Cole. The Armstrong County Register of Wills has no record of their deaths.
 2. The Clearfield County assessment card identifies Virginia Cole as residing in Bay Shore, New York. I conducted a search of the telephone records of Bay Shore, New York and conducted a Google search and was unable to locate any individual by the name of Virginia Cole residing in Bay Shore, New York.

As a result of the above search, the whereabouts of the Defendants, Fred Cole and Virginia Cole, are unknown.


David J. Hopkins, Esquire
Attorney for Plaintiffs

Sworn to and subscribed by me
this 13th day of June, 2008.


Robina J. Richards
Notary Public



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

DANNY N. GILBERT, SR. and :
MISSY L. GILBERT, :
Plaintiffs :
vs. :
: :
FRED COLE and VIRGINIA COLE, :
FIRST COMMONWEALTH BANK - :
TRUST DIVISION, EXECUTOR OF :
THE ESTATE OF CLETAS M. HELLER :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendant; and any other person, :
persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendant :
:

No. 2008-1088-CP

FILED *1cc Atty*
9/2/08 cm Hopkins
JUN 13 2008
cm

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR PUBLICATION

AND NOW, this 13th day of June, 2008, an Affidavit having been executed and filed on behalf of Danny N. Gilbert and Missy L. Gilbert, and that the whereabouts of Defendants, Fred Cole and Virginia Cole, their accumulative heirs, devisees, administrators, executors, successors or assigns, and all other person, persons, firms, partnerships, or corporate entities in interest are unknown. The Plaintiffs, by their counsel, Hopkins Heltzel LLP, requests the Court for leave to serve the Complaint on the above mentioned Defendants, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entity in interest, or their legal representatives, generally, by publication in such manner as the Court shall direct and as provided by Pa. R.C.P. Rule 410, and Pa.R.C.P. Rule 430.

Respectfully submitted,



David J. Hopkins, Esquire

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

DANNY N. GILBERT, SR. and
MISSY L. GILBERT,
Plaintiffs
vs.
FRED COLE and VIRGINIA COLE,
FIRST COMMONWEALTH BANK -
TRUST DIVISION, EXECUTOR OF
THE ESTATE OF CLETAS M. HELLER
and any heir, persons claiming or who
might claim title under the aforesaid
defendant; and any other person,
persons, firms, partnerships,
or corporate entities who might claim
title to the premises herein described,
Defendant

No. 2008-1088-C

FILED

JUN 17 2008
0111-301 (6)
William A. Shaw
Prothonotary/Clerk of Courts
1 Client to Attys

ORDER FOR PUBLICATION

AND NOW, this 16 day of June, 2008, upon the consideration of the foregoing Motion, the Plaintiffs are granted leave to make service of the Complaint on Defendants, Fred Cole and Virginia Cole, their heirs, devisees, administrators, executors, assigns, and all other person, persons, firms, partnerships, or corporate entities in interest, or their legal representatives, by publication one time in the Courier Express and one time in the Clearfield County Legal Journal.

BY THE COURT.

BY THE COURT,

JUDGE

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

DANNY N. GILBERT, SR. and :
MISSY L. GILBERT, :
Plaintiffs :
vs. : No. 2008-1088 C.D.
: QUIET TITLE ACTION
:
FRED COLE and VIRGINIA COLE, :
FIRST COMMONWEALTH BANK - :
TRUST DIVISION, EXECUTOR OF :
THE ESTATE OF CLETAS M. HELLER :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendant; and any other person, :
persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :

TO: First Commonwealth Bank - Trust Division
Executor of the Estate of Cletas M. Heller
c/o David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801

DATE OF NOTICE: July 22, 2008

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION
REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS
FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED
AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY
OR OTHER IMPORTANT RIGHTS.

FILED
01/23/08 NO CC
JUL 23 2008
60

William A. Shaw
Prothonotary/Clerk of Courts

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

Office of the Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, Pennsylvania 16830
(814) 765-2641


DAVID J. HOPKINS, ESQUIRE
Attorney for Plaintiffs
Supreme Court No. 42519
100 Meadow Lane, Suite 5
DuBois, PA 15801
(814) 375-0300

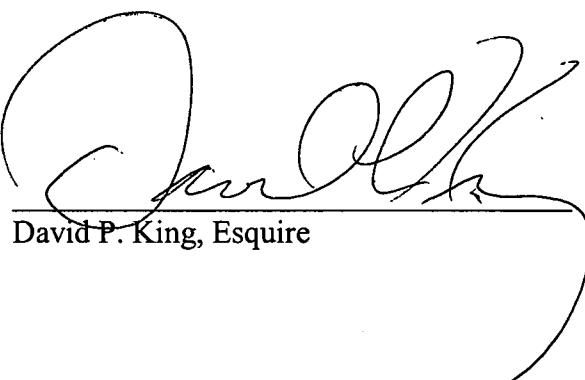
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

(CIVIL DIVISION)

DANNY N. GILBERT, SR. and :
MISSY L. GILBERT, :
Plaintiffs :
: :
vs. : No. 2008-1088 C.D.
: :
: QUIET TITLE ACTION
: :
FRED COLE and VIRGINIA COLE, :
FIRST COMMONWEALTH BANK - :
TRUST DIVISION, EXECUTOR OF :
THE ESTATE OF CLETAS M. HELLER :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendant; and any other person, :
persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :
:

ACCEPTANCE OF SERVICE

I, David P. King, Esquire, hereby accept service of the Complaint on behalf of my client,
First Commonwealth Bank - Trust Division, Executor of the Estate of Cletas M. Heller, this
18 day of June, 2008.



David P. King, Esquire

FILED NO
01:53:30
AUG 08 2008
LM

William A. Shaw
Prothonotary/Clerk of Courts

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

DANNY N. GILBERT, SR. and :
MISSY L. GILBERT, :
Plaintiffs :
: :
vs. : No. 2008-1088 C.D.
: :
: QUIET TITLE ACTION
: :
FRED COLE and VIRGINIA COLE, :
FIRST COMMONWEALTH BANK - :
TRUST DIVISION, EXECUTOR OF :
THE ESTATE OF CLETAS M. HELLER :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendant; and any other person, :
persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :
:

FILED

AUG 11 2008
63:35 (wms)
William A. Shaw
Prothonotary/Clerk of Courts
No 41C

MOTION FOR JUDGMENT

AND NOW, this 11th day of August, 2008, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiffs, Danny N. Gilbert and Missy L. Gilbert, that the Complaint with Notice to Plead was served on Defendants pursuant to the Rules of Civil Procedure and Defendants have failed to file an answer. The Plaintiffs, by and through their attorney, move the Court to enter judgment in favor of the Plaintiffs and against the Defendants in the above named case and to grant to the Plaintiffs the relief prayed for in accordance with Rules of Civil Procedure 1066. Plaintiffs further requests that the Honorable Court modify in

accordance with Rules of Civil Procedure, Rule 248, the thirty (30) day period provided Defendants by Rules of Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiffs set forth in their Complaint.

Respectfully submitted,



David J. Hopkins, Esquire

**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT
PUBLISHED BY McLEAN PUBLISHING COMPANY,
DUBOIS PENNSYLVANIA
Under act 587, Approved May 16, 1929, P.L. 1784**

**STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

SS:

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat** of the County and State aforesaid, being duly sworn, deposes and says that the **Courier Express**, a daily newspaper, the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

7th

day of

July

A.D.,

2008

Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

**McLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

By Linda Smith

Sworn and subscribed to before me this 14th day of July, 2008

Robin M. Duttry
NOTARY PUBLIC



Statement of Advertising Cost
McLEAN PUBLISHING COMPANY

Publisher of
**COURIER-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT**

DuBois, PA

NOTARIAL SEAL
ROBIN M. DUTTRY, NOTARY PUBLIC
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES APRIL 16, 2010

TO

Hopkins Heltzel LLP

For publishing the notice or advertisement attached hereto on the above stated dates.....	<u>\$396.68</u>
Probating same.....	<u>\$7.50</u>
Total.....	<u>\$404.18</u>

Publisher's Receipt for Advertising Costs

The **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
No. 2008-1088C.D.
QUIET TITLE ACTION

DANNY N. GILBERT, SR. and MISSY L. GILBERT,

Plaintiffs

vs.

FRED COLE and VIRGINIA COLE, FIRST COMMONWEALTH
BANK -TRUST DIVISION, EXECUTOR OF THE ESTATE OF CLE-
TAS M. HELLER and any heir, persons claiming or who might claim
title under the aforesaid defendant; and any other person, persons,
firms, partnerships, or corporate entities who might claim title to the
premises herein described,

Defendants

QUIET TITLE ACTION NOTICE

TO: Fred Cole and Virginia Cole, their heirs, devisees, administrators, executors, successors or assigns and all other person, persons, firms, partnerships or corporate entities in interest.

You are hereby notified that an action to quiet title to the premises situate, lying and being in Union Township, Clearfield County, Pennsylvania has been commenced against you. Said premises is more fully described as follows:

All that certain tract of land situate in Union Township, Clearfield County, Pennsylvania, bounded as described as follows:

Beginning at a point in the centerline of Township Road T-360 leading from Home Camp to Narrows Creek, said point being the Northwest corner of lands now or formerly of Ruth and Clayton Bernard;

Thence by the centerline of said Township Road, North 3° 25' East, 59 feet, more or less to a point being the southwest corner of lands, now or formerly of Floyd and Ruth Wing;

Thence by the Southerly line of property now or formerly of Floyd and Ruth Wing, South 86° 35' East 421 feet, more or less to a point, said point being the Northwest corner of lands, now or formerly of Elmer Savage;

Thence by the Westerly line of Savage, South 3° 25' West 59 feet, more or less, to a point in the Northerly line, now or formerly of Reid;

Thence by said Northerly and the Northerly line, now or formerly of Bernard, North 86° 35' West 421 feet, more or less, to a point and the place of beginning.

Containing 0.59 acres, more or less, and being identified on the Clearfield County Tax Assessment Map as Map No. 129-E05-000-038.6.

You have been sued in Court. The purpose of this quiet title action is to extinguish any right or equity that the Defendants above named and their successors or assigns may have in the property described above. The Plaintiffs in this action, after a diligent search, has been unable to locate the Defendants or their successors and assigns.

Whereupon the Court Ordered that notice of said action be served on the Defendants and their successors and assigns by publication.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY TO FILE YOUR DEFENSE OR OBJECTIONS IN WRITING WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFFS. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, Pennsylvania 16830
(814) 765-2641

David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801
(814) 375-0300

Clearfield County Legal Journal

The Official Legal Journal of the Courts of Clearfield County, PA

CLEARFIELD COUNTY	
LEGAL JOURNAL	
P. O. Box 521, Clearfield, PA	
Owned and Published Weekly	
by the	
Clearfield County	
Bar Association	

Fredric Ammerman	President
Paul Cherry	Judge
Robin Foor	President
Peter Smith	Vice President
Linda C. Lewis	Secretary
Paul Colavecchi	Treasurer

Joseph Colavecchi	Exec. Editor
Gary A. Knaretsky	Editor

Executive Committee	
Barbara J. Hugney-Shope	John R. Ryan
Linda C. Lewis	R. Denning Gearhart
Ann B. Wood	Earle D. Lees, Jr.
Jeffrey S. DuBois	

All advertisements must be in the hands
of the editor by 4:00 P.M. Friday of each week.

Annual Subscription	\$35.00
Single Copies	\$7.75

REPORT OF DEEDS

July 8, 2008

Beneficial Cons Disc Co	to Jesse
Trucker	200810758 \$12,000
Robert Johnson	to Johnson Motors Inc
200810759 \$150,000	
John Rideout	to Stephanie Leisure Time
200810760 \$250	
John Rideout	to Stephanie Leisure Time
200810761 \$250	
Alan Walker	to Stephen Keller Jr.
200810778 \$14,382	
William Workman	to William Kolceski
200810781 \$168,000	
Lori Hanslovan	to Melinda Smith
200810783 \$68,264	
Shawn McCracken	to Thomas Stewart
200810798 \$18,500	

REPORT OF DEEDS

July 11, 2008

Angelo Dipiazza	to Rustie McCleary
200810957 \$33,550	
David Commons	to Kristie Commons
200810979 \$1	
Carl Ellinger	to Carl Ellinger
200810994	
Bernard Walkowiak	to Stephen
Hunsberger	200810996 \$122,000
Robert Ray	to Kristina Kline
200811003	
Deborah Guthridge	to Deborah
Guthridge	200811020 \$10
Donald Hoppe	to Crown Resorts LTD
200811022 \$10	
Pamela Stellute	to Crown Resorts LTD
200811023 \$300	
Crown Resorts	to Remy Burgunder
200811024 \$1,799	
Nancy Watson	to Crown Resorts LTD
200811025 \$10	

REPORT OF DEEDS

July 8, 2008

Mark Rorbaugh	to CNB
200810764 \$28,150	
John McDonald	to CNB
200810765 \$50,000	
Randy Mitchell	to Northwest Savings
Bank	200810779 \$75,000
David Wilson	to State Farm Bank
200810780 \$30,000	
William Kolceski	to CNB
200810782 \$134,400	
Melinda Smith	to Mortgage Electronic
Registration Systems Inc	200810791 \$44,000
Andrew Park	to Elk County Savings &
Loan Assn	200810791 \$44,000

REPORT OF MORTGAGES	
July 8, 2008	
Delores Sudik	to Kathleen Howe
20081028 \$134	
Crown Resorts	to Neil Vangelder
20081029 \$134	
Crown Resorts	to Stephen Esh
20081030 \$1,199	
Crown Resorts	to Gary Snyder
20081031 \$499	
Crown Resorts	to Glenn Lytle
20081032 \$499	
Crown Resorts	to Larry Armstrong
20081033 \$1,599	

Frank Arabia	to Crown Resorts LTD
200811035 \$10	
Crown Resorts	to Frank Arabia
200811035 \$10	
Kye Mir	to Key Mir
200811036 \$10	
Terry Dermo	to Crown Resorts LTD
200811038 \$10	
Frederick McLaughlin	to Roger Peters
200811049 \$160,000	

REPORT OF MORTGAGES	
July 7, 2008	
Kathryn Brown	to Kathryn Brown
200810643 \$1	
Richard Schrecengost	to VI Network Inc
200810647 \$200	
VI Network Inc	to Yisroel Persky
200810648 \$275	
Thomas Neff Sr.	to Guardian Elder Care
200810655 \$280,000	
HSBC Mortgage Services Inc	to Janice Weaver
200810664 \$55,000	
Ricci Bush	to Ricci Bush
200810679 \$1	
John Saggese Sr.	to John Saggese Sr.
200810683 \$1	

REGISTER & ORPHANS' COURT

NOTICES

Notice is hereby given that the following First and Final Accounts have been examined by me and remain in the Office of Maureen E. Inlow, Register of Wills for the inspection of the heirs, legatees and creditors and all others interested and will be presented to the Orphans' Court of Clearfield County, PA on the first Monday in July, 2008.

The Accounts will be presented to the Orphans' Court for Confirmation NIS on the first Monday in August, 2008, and if no Objections or Exceptions are filed to the Account, it will be Confirmed Absolutely, as of course, without further notice by the Court in 10 days.

Darwin L. Ditty, Executor, Estate of Harold Leroy Ditty, late of Pottersdale, Clearfield County.

Mary Walker, Executrix, Estate of Charles E. Walker aka Charles E. Welker, late of Clearfield, Clearfield County.

Margaret A. Klein, Executrix, Estate of Virginia May Berardini aka Virginia M. Berardini, late of Smithmill, Clearfield County.

Emily N. Barnhart, Administratrix, Estate of Paul D. Barnhart, late of Clearfield, Clearfield County.

Enos Alien Crowe, Executor, Estate of Jennie E. Crowe, late of Brockway, Jefferson County.

Fourth & Partial Account of S & T Bank, Trustee, Roger C. Bojalad Trust A, late of DuBois, Clearfield County.

Second & Partial Account of S & T Bank, Trustee, George R. Sonnie T/UNL, late of DuBois, Clearfield County.

S & T Bank, Trustee of Francis E. Vail, Irrevocable Trust, late of DuBois, Clearfield County.

Michelle J. Mahaffey, Administratrix, Estate of Gary Warren Vincent aka Gary W. Vincent, late of DuBois, Clearfield County.

Fourth & Partial Account of S & T Bank, Trustee, Donald B. Kiel FBO Laura Alien Hindawy Trust, late of DuBois, Clearfield County.

MAURENE E. INLOW, REGISTER OF WILLS & CLERK OF ORPHANS' COURT
ADV: July 11 & 18, 2008.

NOTICE

NOTICE IS HEREBY GIVEN, that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on the 3rd day of June, 2008 for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the Corporation Law of the Commonwealth of Pennsylvania of 1988.

The name of the corporation is BASH CONTRACTING, INC. The purpose for which it is to be organized is to have unlimited power to engage in and to do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Corporation Law of 1988.

Naddeo & Lewis, LLC, 207 East Market Street, P.O. Box 552, Clearfield, PA 16830.

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

No. 2008-1088 C.D.
QUIET TITLE ACTION

DANNY N. GILBERT, SR. and MISSY L. GILBERT, Plaintiffs vs. FRED COLE and VIRGINIA COLE, FIRST COMMONWEALTH BANK - TRUST DIVISION, EXECUTOR OF THE ESTATE OF CLESTAS M. HELLER and any heir, persons claiming or who might claim title under the aforesaid defendant; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described, Defendants.

QUIET TITLE ACTION NOTICE
TO: Fred Cole and Virginia Cole, their heirs, devisees, administrators, executors, successors or assigns and all other persons, firms, partnerships or corporate entities in interest.

You are hereby notified that an action to quiet title to the premises situate, lying and being in Union Township, Clearfield County, Pennsylvania has been commenced against you. Said premises is more fully described as follows:

All that certain tract of land situate in Union Township, Clearfield County, Pennsylvania, bounded as described as follows:

Beginning at a point in the centerline of Township Road No. 3° 25' East, 59 feet, more or less to a point being the southwest corner of lands, now or formerly of Floyd and Ruth Wing;

Thence by the Southerly line of property now or formerly of Floyd and Ruth Wing, South 86° 35' East 421 feet, more or less to a point, said point being the Northwest corner of lands, now or formerly of Elmer Savage;

South 3° 25' West 59 feet, more or less, to a point in the Northerly line, now or formerly of Reiland;

Thence by said Northerly and the Northwesterly line, now or formerly of Bernard, North 86° 35' West 421 feet, more or less, to a point and the place of beginning. Containing 0.59 acres, more or less, and being identified on the Clearfield County Tax Assessment Map as Map No. 128-E05-000.

You have been sued in Court. The purpose of this quiet title action is to extinguish any right or equity that the Defendants above named and their successors or assigns may have in the property described above. The Plaintiffs in this action, after a diligent search, has been unable to locate the Defendants or their successors and assigns.

Whereupon the Court Ordered that notice of said action be served on the Defendants and their successors and assigns by publication.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY TO FILE YOUR DEFENSE OR OBJECTIONS IN WRITING WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFFS. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

Court Administrator Clearfield County Courthouse, 230 E. Market Street, Clearfield, Pennsylvania 16830, (814) 765-2641.

BY VIRTUE OF: Writ of Execution issued out of the Court of Common Pleas of Clearfield County, Pennsylvania and to me directed, there will be exposed to public sale in the Sheriff's Office in the Courthouse in the Borough of Clearfield on Friday, August 1, 2008, 10:00 A.M. THE FOLLOWING DESCRIBED PROPERTY TO WIT: (SEE ATTACHED DESCRIPTION) TERMS OF SALE

The price of sum at which the property shall be struck off must be paid at the time of sale or such other arrangements made as will be approved, otherwise the property will be immediately put up and sold again at the expense and risk of the person to whom it was struck off and who in case of deficiency of such resale shall make good for the same and in no instance will the deed be presented for confirmation unless the money is actually paid to the Sheriff.

TO all parties in interest and claimants: A schedule of distribution will be filed by the Sheriff in his office the first Monday following the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter.

LEGAL DESCRIPTION

ALL that certain lot with improvements thereon situate in the Borough of Curwensville, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at East corner of lot, now or formerly of W. A. Dill and Filbert Street, thence by said lot Westward one hundred and ninety (190) feet to an alley; thence by said alley Northward, sixty (60) feet to lot, now or formerly of E. A. Irvin; thence by said lot, Eastward one hundred and ninety (190) feet to Filbert Street; thence by said street Southward, sixty (60) feet to place of beginning.

UNDER and SUBJECT to all existing easements, covenants, conditions and restrictions of record. BEING known as Tax Parcel #6.1-H10-280-5.

BEING the same premises which Daniel J. Russell and Cynthia E. Russell, husband and wife, by Deed dated April 29, 1996 and recorded May 2, 1996 in Clearfield County in Deed Book Volume 1755 at Page 101, granted and conveyed unto Darrin L. Swanson and Lesa M. Swanson, husband and wife.

PARCEL IDENTIFICATION NO. H10-280-0005 CONTROL: 006108835

TITLE TO SAID PREMISES IS VESTED IN James A. Demchak, by Deed from Darin L. Swanson and Lesa M.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

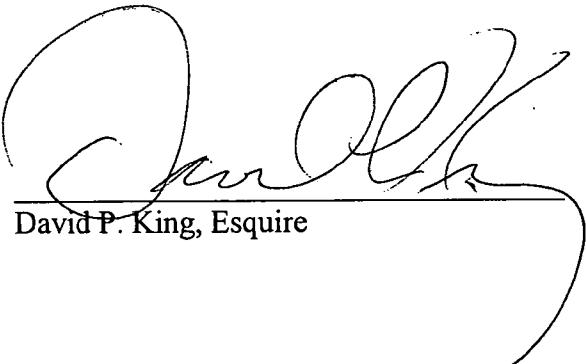
(CIVIL DIVISION)

DANNY N. GILBERT, SR. and :
MISSY L. GILBERT, :
Plaintiffs :
: :
vs. : No. 2008-1088 C.D.
: :
: QUIET TITLE ACTION
: :
FRED COLE and VIRGINIA COLE, :
FIRST COMMONWEALTH BANK - :
TRUST DIVISION, EXECUTOR OF :
THE ESTATE OF CLETAS M. HELLER :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendant; and any other person, :
persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :
:

ACCEPTANCE OF SERVICE

I, David P. King, Esquire, hereby accept service of the Complaint on behalf of my client,
First Commonwealth Bank - Trust Division, Executor of the Estate of Cletas M. Heller, this

18 day of June, 2008.


David P. King, Esquire

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

DANNY N. GILBERT, SR. and :
MISSY L. GILBERT, :
Plaintiffs :
vs. :
No. 2008-1088 C.D.
QUIET TITLE ACTION
FRED COLE and VIRGINIA COLE, :
FIRST COMMONWEALTH BANK - :
TRUST DIVISION, EXECUTOR OF :
THE ESTATE OF CLETAS M. HELLER :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendant; and any other person, :
persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :

TO: First Commonwealth Bank - Trust Division
Executor of the Estate of Cletas M. Heller
c/o David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801

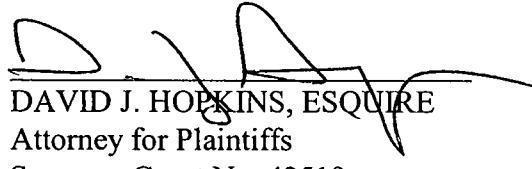
DATE OF NOTICE: July 22, 2008

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION
REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS
FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED
AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY
OR OTHER IMPORTANT RIGHTS.

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

Office of the Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, Pennsylvania 16830
(814) 765-2641


DAVID J. HOPKINS, ESQUIRE
Attorney for Plaintiffs
Supreme Court No. 42519
100 Meadow Lane, Suite 5
DuBois, PA 15801
(814) 375-0300

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

DANNY N. GILBERT, SR. and :
MISSY L. GILBERT, :
Plaintiffs :
vs. :
No. 2008-1088 C.D.
: QUIET TITLE ACTION
:
FRED COLE and VIRGINIA COLE, :
FIRST COMMONWEALTH BANK - :
TRUST DIVISION, EXECUTOR OF :
THE ESTATE OF CLETAS M. HELLER :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendant; and any other person, :
persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :
:

FILED

AUG 11 2008
0133s/w
William A. Shaw
Prothonotary/Clerk of Courts

NO C/C

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

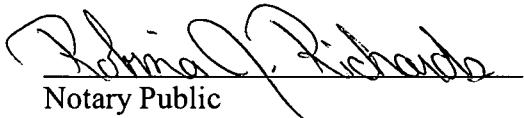
Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for Plaintiffs, Danny N. Gilbert and Missy L. Gilbert, who, being duly sworn according to law, deposes and says that the service of the foregoing Complaint to Quiet Title, endorsed with Notice to Plead, has been served upon all Defendants. Defendants, Fred Cole and Virginia Cole, were served by publication, and more than twenty (20) days have elapsed since said service; and Plaintiffs have served a "10 Day Notice" pursuant to PaR.C.P. No. 237.1 upon Defendants, First

Commonwealth Bank - Trust Division, Executor of the Estate of Cletas M. Heller, and the said Defendants have not filed an appearance or any answer to the Complaint, although the time in which to do so has expired.



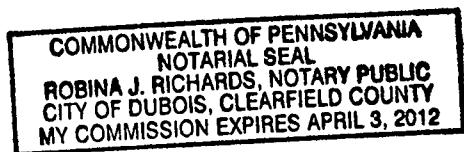
David J. Hopkins, Esquire

Sworn to and subscribed before me this
11th day of August, 2008.



Robina J. Richards

Notary Public



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

DANNY N. GILBERT, SR. and :
MISSY L. GILBERT, :
Plaintiffs :
: vs. : No. 2008-1088 C.D.
: : QUIET TITLE ACTION
: :
FRED COLE and VIRGINIA COLE, :
FIRST COMMONWEALTH BANK - :
TRUST DIVISION, EXECUTOR OF :
THE ESTATE OF CLETAS M. HELLER :
and any heir, persons claiming or who :
might claim title under the aforesaid :
defendant; and any other person, :
persons, firms, partnerships, :
or corporate entities who might claim :
title to the premises herein described, :
Defendants :
:

FILED
014:00321
AUG 13 2008

William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty Hopkins

(GIO)

ORDER

AND NOW, this 13 day of August, 2008 appearing that service of the Complaint to Quiet Title in the above stated action was served upon Defendants, Fred Cole and Virginia Cole by publication; by Acceptance of Service of David P. King, Esquire, for Defendants First Commonwealth Bank - Trust Division, Executor of the Estate of Cletas M. Heller; and by Affidavit of David J. Hopkins, Attorney for Plaintiffs, that no answer or appearance has been filed to said action, and on Motion of David J. Hopkins, Esquire, it is hereby ORDERED and DECREED:

1. That the Defendants, Fred Cole and Virginia Cole, First Commonwealth Bank - Trust Division, Executor of the Estate of Cletas M. Heller and their heirs, devisees, persons, firms, partnerships, or corporate entities in interest, are forever barred from asserting any right, title,

lien or interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in and to:

All that certain tract of land situate in Union Township, Clearfield County, Pennsylvania, bounded as described as follows:

Beginning at a point in the centerline of Township Road T-360 leading from Home Camp to Narrows Creek, said point being the Northwest corner of lands now or formerly of Ruth and Clayton Bernard;

Thence by the centerline of said Township Road, North 3° 25' East, 59 feet, more or less to a point being the southwest corner of lands, now or formerly of Floyd and Ruth Wing;

Thence by the Southerly line of property now or formerly of Floyd and Ruth Wing, South 86° 35' East 421 feet, more or less to a point, said point being the Northwest corner of lands, now or formerly of Elmer Savage;

Thence by the Westerly line of Savage, South 3° 25' West 59 feet, more or less, to a point in the Northerly line, now or formerly of Reiland;

Thence by said Northerly and the Northerly line, now or formerly of Bernard, North 86° 35' West 421 feet, more or less, to a point and the place of beginning.

Containing 0.59 acres, more or less, and being identified on the Clearfield County Tax Assessment Map as Map No. 129-E05-000-038.6.

2. The property in this quiet title action is identified as Tax Parcel No. 129-0E05 - 0000038.6.

3. That title to said property is now vested in Danny N. Gilbert and Missy L. Gilbert, as prayed.

4. That the rights of Danny N. Gilbert and Missy L. Gilbert are superior to the rights of the Defendants, Fred Cole and Virginia Cole, First Commonwealth Bank - Trust Division, Executor of the Estate of Cletas M. Heller, and any heirs, persons claiming, or who might claim title under the aforesaid Defendants; and any other person, persons, firms, partnerships, or corporate entities who might claim title to the premises herein described.

5. That Danny N. Gilbert and Missy L. Gilbert have title in fee simple to said premises as described in the Complaint against the Defendants, Fred Cole and Virginia Cole, First Commonwealth Bank - Trust Division, Executor of the Estate of Cletas M. Heller and their heirs, devisees, administrators, executors, and assigns.

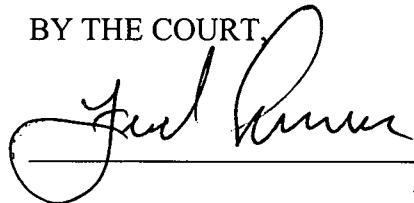
6. That the Defendants, Fred Cole and Virginia Cole, First Commonwealth Bank - Trust Division, Executor of the Estate of Cletas M. Heller and their heirs, devisees, administrators, executors and assigns are enjoined and forever barred from asserting any right, title or interest in or to the premises described which are inconsistent with the interest or claims of Danny N. Gilbert and Missy L. Gilbert as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of Danny N. Gilbert and Missy L. Gilbert to the premises.

7. That the thirty (30) days provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of Pennsylvania Rules of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

8. That these proceedings or any authenticated copy thereof, shall at all times hereinafter be taken as evidence of the facts declared and established thereby.

9. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deed of Clearfield County, Pennsylvania.

BY THE COURT,



JUDGE

FILED

AUG 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/13/08

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions: