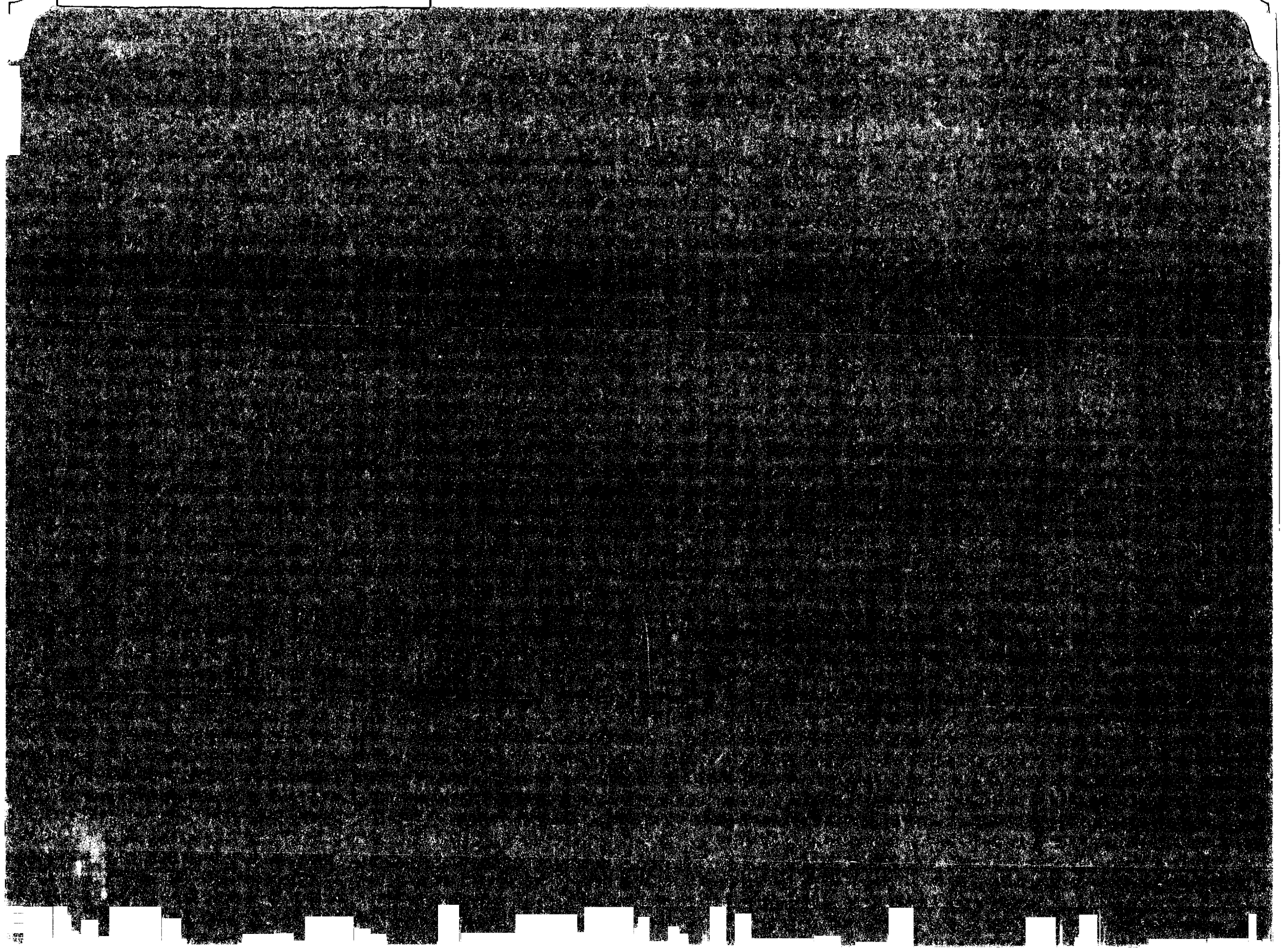
08-1131-CD
Elizabeth Finch vs James Hartland al



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH FINCH, PLAINTIFF VS. JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns and ALL other persons claiming any interest in the property described in this action, DEFENDANT	CIVIL DIVISION NO. 2008-1131-CD QUIET TITLE ACTION NOTICE TO DEFEND/COMPLAINT FILED ON BEHALF OF: PLAINTIFF/ELIZABETH FINCH COUNSEL OF RECORD FOR THIS PARTY: WINIFRED H. JONES-WENGER, ESQUIRE ID #23751 333 LAUREL STREET/P.O. BOX 469 PHILIPSBURG, PA 16866 (814) 342-4330

FILED
JUN 20 2008
01:30/c
William A. Shaw
Prothonotary/Clerk of Courts
2 cert to Atty

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

ELIZABETH FINCH, Plaintiff	:	
v.	:	No. QUIET TITLE ACTION
JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns and All other persons claiming any interest in the property described in this action, Defendant	:	

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.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT REDUCED FEE OR NO FEE.

Court Administrator's Office
CLEARFIELD COUNTY COURTHOUSE
Corner of Second & Market Streets
Clearfield, PA 16830
Telephone: (814) 765-2641 Ext. 5982

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

ELIZABETH FINCH, Plaintiff v. JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T.HARTLAND, his heirs, personal representatives and assigns and All other persons claiming any interest in the property described in this action Defendant	: : : : : : : : : : : :	No. QUIET TITLE ACTION

COMPLAINT

COMES NOW the Plaintiff by and through her attorney Winifred H. Jones-Wenger and files the following Action to Quiet Title and in support thereof avers the following:

1. The Plaintiff is Elizabeth Finch, a widow, whose address is 13 Goodyear Road, P.O. Box 62, Smoke Run, Pennsylvania.

2. The Defendant is James F. Hartland, Jr., a/k/a James Hartland, Jr., a/k/a James Hartland, a/k/a James T. Hartland, his heirs, personal representatives and assigns, whose whereabouts are unknown.

3. Plaintiff is the owner of certain premises situate in Brisbin Borough, Clearfield County, Pennsylvania, bounded and described as follows:

> ALL that certain parcel of ground situate, lying and being in Brisbin Borough, Clearfield County, Pennsylvania, bounded and described as follows:
>
> BEGINNING at a set ¾" iron rebar, said rebar being North 45 degrees 50 minutes 06 seconds West from a found 1" bolt being the westernmost corner of the now or formerly Joseph C. Ralston, Sr. property; thence along the northern right of way line of Otter Alley, North 45 degrees 50 minutes 06 seconds West, a distance of 144.19 feet to a set ¾" iron rebar on the eastern right of way line of Egyptian Avenue; thence along the eastern right of way of Egyptian Avenue the following two courses and distances: (1) North 44 degrees 42 minutes 51 seconds East, a distance of 47.66

feet to a point; thence (2) North 45 degrees 14 minutes 40 seconds East, a distance of 102.58 feet to a set ¾" iron rebar corner on the southern right of way line of State Route 0153; thence along the southern right of way of State Route 0153 the following two courses and distances (1) South 44 degrees 11 minutes 47 seconds East, a distance of 108.10 feet to a point; thence (2) by a curve to the left with a radius of 1967.76 feet the chord of which is South 47 degrees 22 minutes 35 seconds East, a distance of 33.75 feet and the arc of which is 33.75 feet in length to a set ¾" iron rebar corner on the eastern right of way line of Beech Alley; thence along the eastern right of way line of Beech Alley South 44 degrees 09 minutes 54 seconds West a distance of 148.03 feet to a set ¾" iron rebar corner, point, the place of beginning.

CONTAINING 0.49 acres and further identified as 1-M14-326-2. As set forth on a survey titled "Plat of Land of Elizabeth Finch, Brisbin Borough, Clearfield County" prepared by Hess & Fisher Engineers, Inc. dated April 3, 2008.

ALL that certain piece and parcel of land situate, lying and being in Brisbin Borough, Clearfield County, Pennsylvania, described as follows:

"Located on the Assessment Map of Brisbin Borough and identified as 1-M14-326-2."

4. Plaintiff and Sylvester Finch, her husband, acquired title to the premises by quit-claim deed of Helen Swanson, widow, dated October 2, 1982, and entered for record in the Office for the Recording of Deeds in and for Clearfield County in Deed Book Vol. 857, page 235 wherein the premises were described as follows:

ALL that certain piece and parcel of land situate, lying and being in Brisbin Borough, Clearfield County, Pennsylvania, described as follows:

"Located on the Assessment Map of Brisbin Borough and identified as 1-M14-326-2."

The said Sylvester Finch predeceased his wife on June 22, 2006 and title to the premises vested in Elizabeth Finch as surviving spouse.

5. The said Helen Hamm Swanson inherited title to the premises at the death of her husband Peter C. Swanson who died testate March 19, 1975 and by the terms of his will devised and bequeathed his estate unto his surviving wife.

6. The property was conveyed to Peter C. Swanson and Martin H. Swanson by deed of the Clearfield County Commissioners dated August 23, 1943 and recorded in Clearfield County Deed Book 352, page 65. The said Martin H. Swanson died intestate on September 10, 1958, survived by his brother Peter C. Swanson, his sister Jenny T. Swanson, his sister Clara E. Swanson and his brother Ansgar Swanson. The said Ansgar Swanson died intestate March 8, 1969, survived by his brother Peter C. Swanson and his two sisters, Jenny T. Swanson and Clara E. Swanson. The said Jenny T. Swanson and Clara E. Swanson both died intestate without issue, survived only by their brother Peter C. Swanson, who was the sole owner of the property at the time of his death.

7. In the deed from the County Commissioners of Clearfield County to Peter C. Swanson and Martin H. Swanson set forth in Deed Book 352, page 65, the premises were described as a lot sold as the property of James F. Hartland, Jr.

8. By Treasurer's Deed dated July 8, 1940, the Treasurer of Clearfield County sold the property consisting of a lot purporting to be owned and assessed in the name of James F. Hartland, Jr. for unpaid taxes for the years 1936 and 1937 to the Commissioners of Clearfield County.

9. Plaintiff believes and therefore avers that the sale by the Clearfield County Treasurer was valid and that James F. Hartland, Jr. was legally divested of any right, title, claim or interest in the said premises by virtue of the tax sale.

10. It is believed and therefore averred that the individual referred to as James F. Hartland, Jr., is also believed to be known as James Hartland, Jr., James Hartland and James T. Hartland, all of which names refer to an individual who resided in Brisbin Borough, Clearfield County and who owned various parcels of ground in Brisbin Borough all of which are referenced throughout the assessment records for Brisbin Borough.

11. It is believed and therefore averred that the parcel of ground which is the subject of this action was conveyed to James F. Hartland, Jr. by a deed which was never recorded and which was lost or misplace or inadvertently destroyed.

12. No Defendant or any individual claiming as an heir or assign of Defendant has been in possession of or made claim to the premises described in Paragraph 3 since 1940.

13. Plaintiff and her predecessors in title have maintained continuous, open, exclusive, hostile and adverse possession of the premises described in Paragraph 3 since 1940, a

period in excess of twenty-one years and have held themselves out to be the true and lawful owners of the premises against all others, including the Defendant.

WHEREFORE, Plaintiff brings this action to quiet title and asks the Court to Order as follows:

a) That the Defendant, his heirs and assigns and all other persons asserting claim to the premises described herein be forever barred from asserting such right, title or interest in the land described herein inconsistent with the interest or title of Plaintiff;

b) That an Order of Court be made declaring the Plaintiff to be the sole owner and to have the right to exclusive possession of the premises described herein by virtue of her open, uninterrupted and hostile possession of the premises for a period in excess of twenty-one (21) years.

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

Winifred H. Jones-Wenger
Winifred H. Jones-Wenger
Attorney for Plaintiff
ID #23751
333 Laurel St. (P.O. Box 469)
Philipsburg, PA 16866
(814) 342-4330

VERIFICATION

The undersigned, Elizabeth Finch, Plaintiff verifies that the statements made in the foregoing Complaint are true and correct to the best of her knowledge, information and belief. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Elizabeth Finch

Elizabeth Finch

Date: 2-15-08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH FINCH, PLAINTIFF VS. JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns and ALL other persons claiming any interest in the property described in this action, DEFENDANT	CIVIL DIVISION NO. 2008-1131 QUIET TITLE ACTION AFFIDAVIT

FILED
JUN 20 2008
01:30
William A. Shaw
Prothonotary/Clerk of Courts
2 cert to Atty

FILED ON BEHALF OF:
PLAINTIFF/ELIZABETH FINCH

COUNSEL OF RECORD FOR THIS PARTY:
WINIFRED H. JONES-WENGER, ESQUIRE
ID #23751
333 LAUREL STREET/P.O. BOX 469
PHILIPSBURG, PA 16866
(814) 342-4330

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

ELIZABETH FINCH, Plaintiff	:	
v.	:	No. QUIET TITLE ACTION
JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns and All other persons claiming any interest in the property described in this action Defendant	:	

AFFIDAVIT

AND NOW, this 20th day of JUNE, 2008, comes Winifred H. Jones-Wenger, Esquire, Attorney for Plaintiff in the above-captioned matter, being duly sworn according to law, who makes the following affidavit concerning the nature and extent of the investigation to determine the whereabouts of the Defendant and the reason why service by publication under Pennsylvania Rule of Civil Procedure 430 is necessary.

1. Plaintiff avers in her Complaint that the premises were previously owned by James F. Hartland, Jr., a/k/a James Hartland, Jr., a/k/a James Hartland, a/k/a James T. Hartland, his heirs, personal representatives and assigns.

2. Affiant has been unable to locate the Plaintiff and his whereabouts are unknown.

3. Affiant checked the Verizon telephone directory of Philipsburg, which includes the calling area for Brisbin Borough, Clearfield County, where the premises are located as well as neighboring boroughs and townships. No listing could be found for any individual named James F. Hartland, Jr., a/k/a James Hartland, Jr., a/k/a James Hartland, a/k/a James T. Hartland or even any individual with the surname of Hartland.

4. No estate records exist in the official county records in Clearfield County for James F. Hartland, Jr., a/k/a James Hartland, Jr., a/k/a James Hartland, a/k/a James T. Hartland.

5. Investigation of the real estate tax rolls and per capita tax rolls for Brisbin Borough, Clearfield County, revealed that there is no individual identified as James F. Hartland, Jr., a/k/a James Hartland, Jr., a/k/a James Hartland, a/k/a James T. Hartland on such rolls or listings.

6. Affiant concludes that the identity and whereabouts of James F. Hartland, Jr., a/k/a James Hartland, Jr., a/k/a James Hartland, a/k/a James T. Hartland, his heirs, personal representatives and assigns cannot be determined.

Winifred H. Jones-Wenger

WINIFRED H. JONES-WENGER, ESQUIRE
Attorney for Plaintiff

Sworn to and subscribed before me,

this 20th day of June,

2008.

Notary Public.
(SEAL)

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH FINCH, PLAINTIFF VS. JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns and ALL other persons claiming any interest in the property described in this action, DEFENDANT	CIVIL DIVISION NO. 2008-1131 QUIET TITLE ACTION MOTION FOR SERVICE BY PUBLICATION FILED ON BEHALF OF: PLAINTIFF/ELIZABETH FINCH COUNSEL OF RECORD FOR THIS PARTY: WINIFRED H. JONES-WENGER, ESQUIRE ID #23751 333 LAUREL STREET/P.O. BOX 469 PHILIPSBURG, PA 16866 (814) 342-4330

FILED
JUN 20 2008
0 3:10/
William A. Shaw
Prothonotary/Clerk of Courts
2 cert to Atty

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

ELIZABETH FINCH, Plaintiff	:	
v.	:	No. QUIET TITLE ACTION
JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns and All other persons claiming any interest in the property described in this action Defendant	:	

MOTION FOR SERVICE BY PUBLICATION

WHEREAS, service of process upon the Defendant James F. Hartland, Jr., a/k/a James Hartland, Jr., a/k/a James Hartland, a/k/a James T. Hartland, his heirs, personal representatives and assigns named in the above captioned action cannot be made by any means other than publication because the existence, identity and whereabouts of the Defendant is unknown to Plaintiff, and he is believed to be dead; and

WHEREAS, the affidavit required by Pennsylvania Rule of Civil Procedure 430(a) detailing the nature and extent of the search for information concerning the Defendant has been filed contemporaneously herewith.

NOW, THEREFORE, COMES the Plaintiff, Elizabeth Finch, by her attorney, who moves Your Honorable Court to direct service in this matter by publication pursuant to Pennsylvania Rule of Civil Procedure 430.

Winifred H. Jones-Wenger

Winifred H. Jones-Wenger
Attorney for Plaintiff

1A

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

ELIZABETH FINCH, Plaintiff	:	
v.	:	No. 2008-1131 QUIET TITLE ACTION
JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns and All other persons claiming any interest in the property described in this action Defendant	:	

FILED
JUN 20 2008
0/3:15
William A. Shaw
Prothonotary/Clerk of Courts
2 c Pltf to Atty

ORDER FOR SERVICE BY PUBLICATION

AND NOW, this 20th day of June, 2008, in consideration of the foregoing Motion and accompanying Affidavit, finding that the requirements of Pennsylvania Rule of Civil Procedure 430 are met, Plaintiff is authorized to make service upon the Defendant James F. Hartland, Jr., a/k/a James Hartland, Jr., a/k/a James Hartland, a/k/a James T. Hartland, his heirs, personal representatives and assigns by publication. Publication of the Notice shall occur one (1) time in the Clearfield County Legal Journal and one (1) time in a newspaper of general circulation in Clearfield County.

BY THE COURT:

Fredric J. Ammerman, J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH FINCH, PLAINTIFF	: CIVIL DIVISION
VS.	: NO. 2008-1131-CD : QUIET TITLE ACTION
JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns and ALL other persons claiming any interest in the property described in this action, DEFENDANT	: MOTION FOR JUDGMENT
	: FILED ON BEHALF OF: : PLAINTIFF/ELIZABETH FINCH
	: COUNSEL OF RECORD FOR THIS PARTY: : WINIFRED H. JONES-WENGER, ESQUIRE : ID #23751 : 333 LAUREL STREET/P.O. BOX 469 : PHILIPSBURG, PA 16866 : (814) 342-4330

FILED 1 cc Atty Wenger
0/1:30 pm
NOV 05 2008
GTO
William A. Shaw
Prothonotary/Clerk of Courts

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

ELIZABETH FINCH, Plaintiff	:	
v.	:	No. 2008-1131-CD QUIET TITLE ACTION
JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T.HARTLAND, his heirs, personal representatives and assigns and All other persons claiming any interest in the property described in this action Defendant	:	

MOTION FOR JUDGMENT

AND NOW, this 5th day of NOVEMBER, 2008, the Plaintiff, by her attorney Winifred H. Jones-Wenger, moves the Court to enter judgment in favor of the Plaintiff and against all Defendants in accordance with Pa. Rules of Civil Procedure No. 1066 and in support thereof submits as follows:

1. Plaintiff through her counsel Winifred H. Jones-Wenger, Esquire, has served the Defendants with the Complaint with Notice to Defend all of which is further set forth in the Certificate of Service filed herewith.

2. The Defendants have failed to answer the Complaint or enter an appearance to the Complaint filed by Plaintiff.

3. Plaintiff moves the Court to enter judgment in favor of the Plaintiff and against all the Defendants and to grant Plaintiff the relief prayed for in accordance with Pa. Rules of Civil Procedure No. 1066.

Winifred H. Jones-Wenger

Winifred H. Jones-Wenger, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH FINCH, PLAINTIFF	: CIVIL DIVISION
VS.	: NO. 2008-1131-CD : QUIET TITLE ACTION
JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns and ALL other persons claiming any interest in the property described in this action, DEFENDANT	: CERTIFICATE OF SERVICE
	: FILED ON BEHALF OF: : PLAINTIFF/ELIZABETH FINCH
	: COUNSEL OF RECORD FOR THIS PARTY: : WINIFRED H. JONES-WENGER, ESQUIRE : ID #23751 : 333 LAUREL STREET/P.O. BOX 469 : PHILIPSBURG, PA 16866 : (814) 342-4330

FILED
NOV 05 2008
William A. Shaw
Prothonotary/Clerk of Courts

5 cc Atty Wenger
0/1:30pm

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

ELIZABETH FINCH, Plaintiff	:	
v.	:	No. 2008-1131-CD QUIET TITLE ACTION
JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T.HARTLAND, his heirs, personal representatives and assigns and All other persons claiming any interest in the property described in this action Defendant	:	

CERTIFICATE OF SERVICE

I, Winifred H. Jones-Wenger, Esquire, the undersigned, certify that I did serve the Complaint with Notice to Defend, in the above-captioned case, on the Defendants by publication as authorized by Order of Court dated June 20, 2008, by publication in the *The Progress* on June 25, 2008 and in the *Clearfield County Legal Journal* in the regular issues of Week of July 4, 2008, Vol. 20, No. 27, as set forth in the attached Proofs of Publication (Exhibit "A" and Exhibit "B") attached hereto and by this reference incorporated herein.

Winifred H. Jones-Wenger
WINIFRED H. JONES-WENGER, ESQUIRE
Attorney for Plaintiff

Dated: 11/5/08

IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION
NO. 2008-1131-CD
QUIET TITLE ACTION
ELIZABETH FINCH,
Plaintiff
v.
JAMES F. HARTLAND, JR.,
a/k/a JAMES HARTLAND, JR.,
a/k/a JAMES HARTLAND,
a/k/a JAMES T. HARTLAND,
his heirs,
personal representatives
and assigns
and
All other persons claiming any interest in the property described in this action,
Defendant

NOTICE TO DEFEND

You have been sued in court. If you wish to defend, you must enter a written appearance personally or by attorney and filing your defenses or objections in writing with the Court. You are warned this 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 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator's Office
CLEARFIELD COUNTY
COURTHOUSE
Corner of Second
& Market Streets
Clearfield, PA 16830
Telephone: (814) 765-2641
Ext. 5982

TO: JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns, whose whereabouts are unknown, and all other persons claiming any interest in the property described in this action.

You are hereby notified that an Action to Quiet Title to a parcel of ground situate in Brisbin Borough, Clearfield County, Pennsylvania has been filed against you. Said premises are bounded and described as follows:

BEGINNING at a set ¾" iron rebar, said rebar being North 45 degrees 50 minutes 06 seconds West from a found 1" bolt being the westernmost corner of the now or formerly Joseph C. Ralston, Sr. property; thence along the northern right-of-way line of Otter Alley, North 45 degrees 50 minutes 06 seconds West, a distance of 144.19 feet to a set ¾" iron rebar on the eastern right-of-way line of Egyptian Avenue; thence along the eastern right-of-way of Egyptian Avenue the following two courses and distances: (1) North 44 degrees 42 minutes 51 seconds

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 30th day of June, A.D. 20 08, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of June 25, 2008.
And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison
Notary Public Clearfield, Pa.

My Commission Expires
October 31, 2011

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2011
Member, Pennsylvania Association of Notaries

Exhibit "A"

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

On this 4th day of July AD 2008, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of July 4, 2008, Vol. 20, No. 27. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.

Sharon J Pusey

Notary Public
My Commission Expires

NOTARIAL SEAL
SHARON J. PUSEY, Notary Public
Houtzdale, Clearfield County, PA
My Commission Expires, April 7, 2011

Exhibit "B"

Winifred H Jones-Wenger
PO Box 469
Philipsburg PA 16866

RECEIVED NOV 2 0 2008

FILED
NOV 05 2008
William A. Shaw
Prothonotary/Clerk of Courts

MOORE, JOHN EDWARD, Dec'd
a/k/a JOHN E. MOORE
Late of Karthaus
Executrix: **DOROTHY J. BUMBARGER**
Attorney: **WILLIAM C. KRINER**
219 East Market Street
PO Box 1425
Clearfield, PA 16830

First Publication

GATES, LUCILLE KATHLEEN MOSS, Dec'd
a/k/a LUCILLE K. GATES
Late of Curwensville
Executor: **DONALD E. GATES**
Attorney: **NADDEO & LEWIS LLC**
207 East Market Street
PO Box 552
Clearfield, PA 16830

FENUSH, VERNA, Dec'd
a/k/a VERNA MAE FENUSH
Late of Drifting
Co-Executors: **GEORGE J. FENUSH**
MARLENE J. GMEREK
Attorney: **RONALD L. COLLINS**
218 South Second Street
Clearfield, PA 16830

PAPCUN, MARY LENORE, Dec'd
a/k/a MARY L. PAPCUN
Late of Bedford
Administrator: **FRED S. READ**
Attorney: **GATES & SEAMAN**
2 North Front Street
PO Box 846
Clearfield, PA 16830

BRATTON, ROBERTA, Dec'd
a/k/a ROBERTA L. BRATTON
a/k/a ROBERT M. BRATTON
Late of Irvona
Executor: **ROGER MICHAEL REA**
Attorney: **ANN B. WOOD**
318 East Locust Street
PO Box 670
Clearfield, PA 16830

NAME CHANGE

NOTICE is hereby given that on June 10, 2008 the petition of Curtis E. Finney was filed in the above-named court, requesting an order to change the name of Nathan Joseph Clark to Nathan Joseph Finney, The Court has fixed August 19, 2008, at 2:30 P.M., in Room 2, of Clearfield County Court House, Clearfield, Pennsylvania, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

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

NOTICE

A Certificate of Organization for a Limited Liability Company has been filed with the Pennsylvania Department of State on June 18, 2008 for R. H. Dotts Energy, L.L.C. The Company's registered office is P.O. Box 32, 5557 Glen Hope Boulevard, Glen Hope, PA 16645. It is organized for the retail sale of fuels and any other lawful activity under the laws of the Commonwealth of Pennsylvania.

Lehman & Kasubick, 611 Brisbin Street, Houtzdale, PA 16651.

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

ELIZABETH FINCH, Plaintiff v. JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns and All other persons claiming any interest in the property described in this action, Defendant

No. 2008- 113 1-CD
QUIET TITLE ACTION
NOTICE TO DEFEND

You have been sued in court. If you wish to defend, you must enter a written appearance personally or by attorney and filing your defenses 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 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator's Office, CLEARFIELD COUNTY COURTHOUSE,

Corner of Second & Market Streets, Clearfield, PA 16830, Telephone: (814) 765-2641 Ext. 5982.

LEGAL NOTICE

TO: JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns, whose whereabouts are unknown, and all other persons claiming any interest in the property described in this action

You are hereby notified that an Action to Quiet Title to a parcel of ground situate in Brisbin Borough, Clearfield County, Pennsylvania has been filed against you. Said premises are bounded and described as follows:

BEGINNING at a set 3/4" iron rebar, said rebar being North 45 degrees 50 minutes 06 seconds West from a found 1" bolt being the westernmost corner of the now or formerly Joseph C. Ralston, Sr. property; thence along the northern right of way line of Otter Alley, North 45 degrees 50 minutes 06 seconds West, a distance of 144.19 feet to a set 3/4" iron rebar on the eastern right of way line of Egyptian Avenue; thence along the eastern right of way of Egyptian Avenue the following two courses and distances: (1) North 44 degrees 42 minutes 51 seconds East, a distance of 47.66 feet to a point; thence (2) North 45 degrees 14 minutes 40 seconds East, a distance of 102.58 feet to a set 3/4" iron rebar corner on the southern right of way line of State Route 0153; thence along the southern right of way of State Route 0153 the following two courses and distances (1) South 44 degrees 11 minutes 47 seconds East, a distance of 108.10 feet to a point; thence (2) by a curve to the left with a radius of 1967.76 feet the chord of which is South 47 degrees 22 minutes 35 seconds East, a distance of 33.75 feet and the arc of which is 33.75 feet in length to a set 3/4" iron rebar corner on the eastern right of way line of Beech Alley; thence along the eastern right of way line of Beech Alley South 44 degrees 09 minutes 54 seconds West a distance of 148.03 feet to a set 3/4" iron rebar corner, point, the place of beginning.

CONTAINING 0.49 acres and further identified as 1-M14-326-2. As set forth on a survey titled "Plat of Land of Elizabeth Finch, Brisbin Borough, Clearfield County" prepared by Hess & Fisher Engineers, Inc. dated April 3, 2008.

That the purpose of this Quiet Title Action is to extinguish any claim or interest which the Defendant above named, his heirs, personal representatives and assigns may have in the property which is set forth in this action.

WHEREUPON said Court ordered that notice of the said action and the facts thereto be served on the Defendant by advertisement requiring Defendant above named and his heirs, personal representatives and assigns, and all other persons claiming any interest in the property described in this action, to answer the said Complaint within twenty (20) days from the date of this publication. For failure to comply, a judgment will be taken by application of Plaintiff presented to the Court upon the expiration of the said twenty day period.

WINIFRED H. JONES-WENGER, Attorney for Plaintiff, ID #23751, 333 Laurel St. (P.O. Box 469), Philipsburg, PA 16866, (814) 342-4330.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

CIVIL ACTION - LAW

NOTICE OF ACTION OF MORTGAGE FORECLOSURE

No. 08-01-CD

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE STRUCTURED ASSET INVESTMENT LOAN TRUST 2005-5, 6501 Irvine Center Drive, Irvine, CA 92618, Plaintiff vs. FRANK NIDA, JR., Mortgagor(s) and Record Owner(s), 28 Road, PO Box 181, Smithmill, PA 16680, Defendant(s).

THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE.

NOTICE OF

SHERIFF'S SALE OF REAL PROPERTY

TO: FRANK NIDA, JR., DEFENDANT, 28 Road, P.O. Box 181, Smithmill, PA 16680.

Your house at 28 Road, P.O. Box 181, Smithmill, PA 16680, is scheduled to be sold at Sheriff's Sale on Friday, July 11, 2008, at 10:00 AM, in Clearfield County Courthouse, Clearfield, PA to enforce the court judgment of $64,671.24, obtained by U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE STRUCTURED ASSET INVESTMENT LOAN TRUST 2005-5 against you.

NOTICE OF OWNER'S RIGHTS

YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be cancelled if you pay to U.S. BANK NATIONAL ASSOCIATION,

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

ELIZABETH FINCH, Plaintiff	:	
v.	:	No. 2008-1131-CD QUIET TITLE ACTION
JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T.HARTLAND, his heirs, personal representatives and assigns and All other persons claiming any interest in the property described in this action, Defendant	:	

FILED
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01:50 (w)
William A. Shaw
Prothonotary/Clerk of Courts
5 1 cert to Atty

ORDER

AND NOW, this 5th day of Nov, 2008, in consideration of the Certificate of Service that the Complaint containing a Notice to Defend has been served upon all defendants by publication and that the defendants have not filed an answer, and upon Motion for Judgment it is hereby ORDERED and DECREED:

a) that the Defendants, namely JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND a/k/a JAMES T.HARTLAND, his heirs, personal representatives and assigns and all other persons claiming any interest in the property described in this action asserting any claim to certain premises situate in Brisbin Borough, Clearfield County, Pennsylvania, described as follows:

> ALL that certain parcel of ground situate, lying and being in Brisbin Borough, Clearfield County, Pennsylvania, bounded and described as follows:
>
> BEGINNING at a set ¾" iron rebar, said rebar being North 45 degrees 50 minutes 06 seconds West from a found 1" bolt being the westernmost corner of the now or formerly Joseph C. Ralston, Sr. property; thence along the northern right of way

line of Otter Alley, North 45 degrees 50 minutes 06 seconds West, a distance of 144.19 feet to a set ¾" iron rebar on the eastern right of way line of Egyptian Avenue; thence along the eastern right of way of Egyptian Avenue the following two courses and distances: (1) North 44 degrees 42 minutes 51 seconds East, a distance of 47.66 feet to a point; thence (2) North 45 degrees 14 minutes 40 seconds East, a distance of 102.58 feet to a set ¾" iron rebar corner on the southern right of way line of State Route 0153; thence along the southern right of way of State Route 0153 the following two courses and distances (1) South 44 degrees 11 minutes 47 seconds East, a distance of 108.10 feet to a point; thence (2) by a curve to the left with a radius of 1967.76 feet the chord of which is South 47 degrees 22 minutes 35 seconds East, a distance of 33.75 feet and the arc of which is 33.75 feet in length to a set ¾" iron rebar corner on the eastern right of way line of Beech Alley; thence along the eastern right of way line of Beech Alley South 44 degrees 09 minutes 54 seconds West a distance of 148.03 feet to a set ¾" iron rebar corner, point, the place of beginning.

CONTAINING 0.49 acres and further identified as 1-M14-326-2 as set forth on a survey titled "Plat of Land of Elizabeth Finch, Brisbin Borough, Clearfield County" prepared by Hess & Fisher Engineers, Inc. dated April 3, 2008.

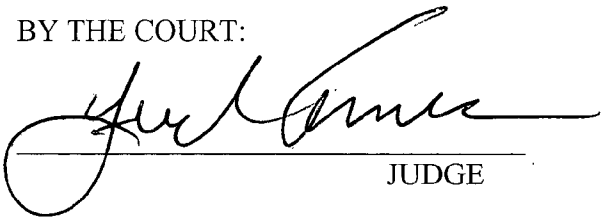
Being further described as all that certain piece and parcel of land situate, lying and being in Brisbin Borough, Clearfield County, Pennsylvania, described as follows:

"Located on the Assessment Map of Brisbin Borough and identified as 1-M14-326-2."

be forever barred from asserting such right, title or interest in the premises inconsistent with the interest or title of Plaintiff unless said Defendants, their heirs, successors or assigns or any other person asserting a claim to said premises brings an action of ejectment or other legal or equitable action within thirty (30) days of the date of this Order. If such action is not taken within thirty (30) days, the Prothonotary, on Praecipe of the Plaintiff shall enter judgment.

b) That Plaintiff is hereby declared to be the sole owner of the premises above described and shall have and enjoy exclusive possession thereof as the sole owner and shall have exclusive possession of the premises described herein.

BY THE COURT:



JUDGE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH FINCH, PLAINTIFF	: CIVIL DIVISION
	: NO. 2008-1131-CD
VS.	: QUIET TITLE ACTION
JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T. HARTLAND, his heirs, personal representatives and assigns and ALL other persons claiming any interest in the property described in this action, DEFENDANT	: PRAECIPE FOR FINAL JUDGMENT
	: FILED ON BEHALF OF: : PLAINTIFF/ELIZABETH FINCH
	: COUNSEL OF RECORD FOR THIS PARTY: : WINIFRED H. JONES-WENGER, ESQUIRE : ID #23751 : 333 LAUREL STREET/P.O. BOX 469 : PHILIPSBURG, PA 16866 : (814) 342-4330

FILED NO CC
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William A. Shaw
Prothonotary/Clerk of Courts

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

ELIZABETH FINCH, Plaintiff	:	
v.	:	No. 2008-1131-CD QUIET TITLE ACTION
JAMES F. HARTLAND, JR., a/k/a JAMES HARTLAND, JR., a/k/a JAMES HARTLAND, a/k/a JAMES T.HARTLAND, his heirs, personal representatives and assigns and All other persons claiming any interest in the property described in this action Defendant	:	

PRAECIPE

TO THE PROTHONOTARY OF SAID COURT:

The Defendants, having failed to institute an action in ejectment or legal or equitable action to establish any claim they have to certain premises situate in Brisbin Borough, Clearfield County, Pennsylvania bounded and described as follows:

> BEGINNING at a set ¾" iron rebar, said rebar being North 45 degrees 50 minutes 06 seconds West from a found 1" bolt being the westernmost corner of the now or formerly Joseph C. Ralston, Sr. property; thence along the northern right of way line of Otter Alley, North 45 degrees 50 minutes 06 seconds West, a distance of 144.19 feet to a set ¾" iron rebar on the eastern right of way line of Egyptian Avenue; thence along the eastern right of way of Egyptian Avenue the following two courses and distances: (1) North 44 degrees 42 minutes 51 seconds East, a distance of 47.66 feet to a point; thence (2) North 45 degrees 14 minutes 40 seconds East, a distance of 102.58 feet to a set ¾" iron rebar corner on the southern right of way line of State Route 0153; thence along the southern right of way of State Route 0153 the following two courses and distances (1) South 44 degrees 11 minutes 47 seconds East, a distance of 108.10 feet to a point; thence (2) by a curve to the left with a radius of 1967.76 feet the chord of which is South 47 degrees 22 minutes 35 seconds East, a distance of 33.75 feet and the arc of which is 33.75 feet in length to a set ¾" iron rebar

corner on the eastern right of way line of Beech Alley; thence along the eastern right of way line of Beech Alley South 44 degrees 09 minutes 54 seconds West a distance of 148.03 feet to a set ¾" iron rebar corner, point, the place of beginning.

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Being further described as all that certain piece and parcel of land situate, lying and being in Brisbin Borough, Clearfield County, Pennsylvania, described as follows:

"Located on the Assessment Map of Brisbin Borough and identified as 1-M14-326-2."

within thirty (30) days as directed by Order of Court dated the 5th day of November, 2008, you are hereby directed to enter judgment prohibiting the above named Defendants, their heirs, successors and assigns, from forever setting up any title to the premises described above, or in any way attacking the Plaintiff's title to the said property, or making claim against the same.

Winifred H. Jones-Wenger

WINIFRED H. JONES-WENGER, ESQUIRE
Attorney for Plaintiff