

08-1906-CD
Samuel Serian vs CSX Transportation

5 **FILED**
MAY 12 2011
WILLIAM A. GROOM
Prothonotary/Clerk of Courts
L CR. RT TO ATT

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

SAMUEL SERIAN, :
: No. 2008-1906-CO
Plaintiff : Type of Action:
: ACTION TO QUIET TITLE
Vs. : Type of Pleading:
: COMPLAINT
CSX TRANSPORTATION, INC. : Filed on behalf of:
: PLAINTIFF
Defendant : Counsel of record for this party:
: Anthony S. Guido, Esq.
: Pa. I.D. No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

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

SAMUEL SERIAN :
: No. _____
Plaintiff :
:
Vs. :
:
CSX TRANSPORTATION, INC. :
:
Defendants :
:

NOTICE

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 defense 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 A REDUCED FEE OR NO FEE.

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814)765-2641, Ext 5982

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

SAMUEL SERIAN :
: No. _____
Plaintiff :
: ACTION TO QUIET TITLE
Vs. :
: _____
CSX TRANSPORTATION, INC. :
: _____
Defendants :
: _____

COMPLAINT

AND NOW, comes the Plaintiff, Samuel Serian, by and through their Attorneys, HANAK, GUIDO AND TALADAY, and avers a cause of action for quieting title to certain property situate in the City of DuBois, Clearfield County, Pennsylvania, description of which is attached hereto and marked Exhibit "A", averring as follows:

1. Plaintiff, Samuel Serian, is an individual who resides at 22 Clinton Street, Po Box 257, Rossiter, Pennsylvania, 15722.
2. The Defendant, CSX Transportation, Inc., is a corporation organized under the laws of Virginia with an office and place of business at 500 Water Street, 15th Floor, Jacksonville, Florida, 32202.
3. By deed dated April 22, 1915, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 208, page

378, A.S. Yoder, et al, conveyed a portion of the premises described in Exhibit "A" (Parcel No. 1) to the Buffalo, Rochester and Pittsburgh Railway Company.

4. By deed dated October 7, 1914, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 204, page 423, Isabella J. Prothero, et al, conveyed a portion of the premises described in Exhibit "A" (Parcel No. 2) to the Buffalo, Rochester and Pittsburgh Railway Company.

5. By deed dated September 8, 1916, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 216, page 275, Antonio DeFulio, et ux, conveyed a portion of the premises described in Exhibit "A" (Parcel No. 3) to the Buffalo, Rochester and Pittsburgh Railway Company.

6. By deed dated January 19, 1916, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 212, page 458, Tillie Kaufman, et al, conveyed a portion of the premises described in Exhibit "A" (Parcel No. 4) to the Buffalo, Rochester and Pittsburgh Railway Company.

7. By deed dated October 21, 1914, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 207, page 021, DuBois Storage & Carting Co. conveyed a portion of the premises described in Exhibit "A" (Parcel No. 5) to the Buffalo, Rochester and Pittsburgh Railway Company.

8. By deed dated July 25, 1901, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 118, page 210, W.A. Dale, et al, conveyed another portion of the premises described in Exhibit "A" (Parcel No. 6) to the Buffalo, Rochester and Pittsburgh Railway Company.

9. By deed dated May 21, 1915, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 208, page 164, George Arick, et ux, et al, conveyed another portion of the premises described in Exhibit "A" (Parcel No. 7) to the Buffalo, Rochester and Pittsburgh Railway Company.

10. By deed dated October 7, 1991, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed & Records Book 1432, page 185, the subject premises described in Exhibit "A" were conveyed to the Defendant, CSX Transportation, Inc., by the Buffalo, Rochester and Pittsburgh Railway Company pursuant to a merger between the two companies effective September 2, 1987.

11. By deed dated November 22, 2004, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200420433, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee conveyed a portion of the premises described on Exhibit "A" being Parcel No. 007.1-007-000-01886 (Parcel No. 1) situate in the First Ward of the City of

DuBois, to Plaintiff, Samuel Serian, for nonpayment of real estate taxes for the year 2002, as the property of Defendant, CSX Transportation, Inc.

12. By deed dated November 22, 2004, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200420432, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee conveyed a portion of the premises described on Exhibit "A" being Parcel No. 007.1-007-000-01890 (Parcel No. 2) situate in the First Ward of the City of DuBois, to Plaintiff, Samuel Serian, for nonpayment of real estate taxes for the year 2002, as the property of Defendant, CSX Transportation, Inc.

13. By deed dated November 22, 2004, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200420429, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee conveyed a portion of the premises described on Exhibit "A" being Parcel No. 007.1-007-000-01894 (Parcel No. 3) situate in the First Ward of the City of DuBois, to Plaintiff, Samuel Serian, for nonpayment of real estate taxes for the year 2002, as the property of Defendant, CSX Transportation, Inc.

14. By deed dated November 22, 2004, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200420428, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee conveyed a portion of the premises described on Exhibit "A" being Parcel No. 007.1-007-000-01895 (Parcel No. 4) situate in the First Ward of the City of

DuBois, to Plaintiff, Samuel Serian, for nonpayment of real estate taxes for the year 2002, as the property of Defendant, CSX Transportation, Inc.

15. By deed dated November 22, 2004, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200420427, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee conveyed a portion of the premises described on Exhibit "A" being Parcel No. 007.1-007-000-01896 (Parcel No. 5) situate in the First Ward of the City of DuBois, to Plaintiff, Samuel Serian, for nonpayment of real estate taxes for the year 2002, as the property of Defendant, CSX Transportation, Inc.

16. By deed dated November 22, 2004, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200420426, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee conveyed a portion of the premises described on Exhibit "A" being Parcel No. 007.1-007-000-01897 (Parcel No. 6) situate in the First Ward of the City of DuBois, to Plaintiff, Samuel Serian, for nonpayment of real estate taxes for the year 2002, as the property of Defendant, CSX Transportation, Inc.

17. By deed dated November 22, 2004, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200420425, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee conveyed a portion of the premises described on Exhibit "A" being Parcel No. 007.1-007-000-01898 (Parcel No. 7) situate in the First Ward of the City of

DuBois, to Plaintiff, Samuel Serian, for nonpayment of real estate taxes for the year 2002, as the property of Defendant, CSX Transportation, Inc.

18. This action to quiet title is being filed to quiet title to any possible claims that Defendant, CSX Transportation, Inc., may have as a result of said tax sales including but not limited to the property not being properly described at said Tax Sale, improper notice having been served as a result concerning said tax sale and the property not being posted pertaining to said tax sale, that the taxes owing actually have been paid by Defendant, CSX Transportation, Inc., and any other cause of action that CSX Transportation, Inc., may have to overturn said tax sales.

8. As a result of said tax sales, the Plaintiff, Samuel Serian, is the owner of the premises described in Exhibit "A", in fee, free and clear of all claims of the Defendant, CSX Transportation, Inc.

WHEREFORE, Plaintiff, Samuel Serian, prays as follows:

- (a) That Defendant, CSX Transportation, Inc., and all persons claiming under said corporation be required to set forth the nature of their claims to the real estate describe in Exhibit "A" attached hereto.
- (b) For a Decree determining all adverse claims of the Defendant, CSX Transportation, Inc., and all persons claiming under said corporation.
- (c) For said Decree to declare and judge that the Plaintiff, Samuel Serian, owns absolutely and is entitled to quiet and peaceful possession of said property as against Defendant, CSX Transportation, Inc., and all persons

claiming under said corporation, that the Defendant and all persons claiming under the Defendant have no estate right, title, interest, or lien in and to said property or any part thereof and that the title to said property be quieted in the Plaintiff, Samuel Serian, against all claims of the Defendant and all persons claiming under the Defendant.

(d) For a said Decree to permanently enjoin Defendant, CSX Transportation, Inc., and all other persons claiming under said corporation from asserting any estate, right, title, lien or interest in and to said property or any part thereof adverse to the Plaintiff, Samuel Serian.

(e) For costs of this action.

(f) For such other and further relief as the Court may deem just and proper.

Hanak, Guido & Taladay

By *Amy Doss*
Attorney for Plaintiff

VERIFICATION

I, Samuel Serian, verify that the statements in the foregoing COMPLAINT are true and correct to the best of my knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn fabrication to authorities, which provides that if we make knowingly false averments, we may be subject to criminal penalties.

DATE: 10/1/08


Samuel Serian
Samuel Serian

EXHIBIT 'A'

ALL those certain pieces or parcels of land situate in the First Ward of the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

PARCEL NO. 1: Premises identified as Tax Parcel No. 007.1-007-000-01886 and currently assessed as "Lot", more particularly described as follows:

Beginning at the point of intersection of the westerly line of lands now or formerly of Yoder and Sprankle with lands now or formerly of the Keystone Mercantile Company and of the Buffalo, Rochester and Pittsburgh Railway Company; thence North 10° 38' West, along lands now or formerly of said Railway Company, 29.51 feet, thence South 41° 11' East, along lands now or formerly of said Railway Company, et al, 464.3 feet, thence South 9° 09' East, along lands now or formerly of McMinn, 28.28 feet; thence North 41° 11' West, along lands now or formerly of McMinn, et al, 462.86 feet to the place of beginning. Containing 0.16 acres, more or less.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of A.S. Yoder, et al, dated April 22, 1915, recorded in Deed Book 208, page 378. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420433 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 2: Premises identified as Tax Parcel No. 007.1-007-000-01890 and currently assessed as "Lot", more particularly described as follows:

Beginning at the point in the westerly line of a piece of land known as Shaffer Ditch and now claimed to be owned by A.S. Yoder and A.T. Sprankle where said westerly line is intersected by the division line extended between lands now or formerly of B.R.&P., R.R. Co. and lands now or formerly of Della McGraw;

thence South 41° 11' East, along said Shaffer Ditch property 49.13 feet; thence South 29° 05' West 32 feet; thence South 78° 05' West along the division line between lands now or formerly of Prothero, et al, and lands now or formerly of H.S. McMinn, 15 feet to the southeast corner of lands now or formerly of Della McGraw; thence North 29° 05' East 33.4 feet; thence North 29° 51' West and still along lands now or formerly of McGraw, 43.9 feet to the first mentioned division line; thence North 78° 05' East along said division line 3.6 feet to the place of beginning.

Containing 0.034 acres, more or less.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of Isabella J. Prothero, et al, dated October 7, 1914, recorded in Deed Book 204, page 423. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420432 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 3: Premises identified as Tax Parcel No. 007.1-007-000-01894 and currently assessed as "Lot", more particularly described as follows:

Beginning at the point in the easterly bound of lands formerly owned by A.S. Yoder and A.T. Sprinkle, and where said line is intersected by the division line between said lot number 3 and lot number 4, formerly owned by Barney Kaufman; thence North 48° 49' East, along said division line, 15 feet; thence South 41° 11' East 50 feet to the division line between said lot number 3 and lot number 2, formerly owned by the Keystone Mercantile Company; thence South 48° 49' West along said division line, 15 feet to the said easterly line of lands now or formerly of said Yoder and Sprinkle; thence North 41° 11' West 50 feet to the place of beginning. Containing 0.017 acres, more or less and being part of lot number 3 of the Hamer & Kuntz Addition to DuBois.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of Antonio DeFulio, et ux, dated September 8, 1916, recorded in Deed Book 216, page 275. Also

being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420429 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 4: Premises identified as Tax Parcel No. 007.1-007-000-01895 and currently assessed as "Lot", more particularly described as follows:

Beginning at the northwest corner of Lot No. 4 of the Hamor & Kuntz Addition; thence Northeasterly along the division line between Lot No. 4 and Lot No. 5 a distance of 15 feet; thence South 41° 11' East 50 feet to Lot No. 3; thence Southwesterly along said Lot No. 3 a distance of 15 feet; thence North 41° 11' West 50 feet to the place of beginning. Containing 0.017 acres, more or less.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of Tillie Kaufman, et al, dated January 19, 1916, recorded in Deed Book 212, page 458. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420428 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 5: Premises identified as Tax Parcel No. 007.1-007-000-01896 and currently assessed as "Lot", more particularly described as follows:

Beginning at a point in the westerly line of Williams Street, where said line is intersected by the division line between said lot number 5 and lot number 6; thence South 41° 11" East along said Williams Street 50 feet to lot number 4; thence southwesterly along said lot number 4, 100 feet; thence North 41° 11' West 50 feet to lands now or formerly of B.R.& P. Railway Co.; thence northeasterly along lands now or formerly of B.R.& P. Railway Co, 100 feet to the place of beginning. Containing 0.115 acres, more or less and being lot number 5 of the Hamer & Kuntz Addition to DuBois.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of DuBois Storage & Carting Co., dated October 21, 1914, recorded in Deed Book 207, page 021. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420427 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 6: Premises identified as Tax Parcel No. 007.1-007-000-01897 and currently assessed as "Lot", more particularly described as follows:

Beginning at a post at the corner of Lot No. 5 of the Hamor & Kuntz Addition; thence North 42° West 50 feet to a post; thence South 48° West, 100 feet to a post on Shaffer Ditch; thence along said Ditch 50 feet to a corner of Lot No. 5; thence along the line of Lot No. 5, 100 feet to the place of beginning. Containing 5,000 square feet of land, more or less, and being Lot No. 6 of the Hamer & Kuntz Addition to DuBois.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of W.A. Dale, et al, dated July 25, 1901, recorded in Deed Book 118, page 210. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420426 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 7: Premises identified as Tax Parcel No. 007.1-007-000-01898 and currently assessed as "Building and Lot", more particularly described as follows:

Beginning at a post on the west margin of William Street at the northeast corner of Lot No. 6 and the southeast corner of Lot No. 7 of the Hamor & Kuntz Addition; thence along the boundary line between Lots Nos. 6 and 7, South 48° 49' West, 96.46 feet to a post in the east margin of lands now or formerly of B.R. & P. Railway Co.; thence along the east margin of lands of the railway, North 10° 38' West, 189.77 feet to a post at the intersection of the west margin of William Street with the eastern boundary line of

lands of the railway; thence along the west margin of William Street, South 41° 11' East, 163.43 feet to the place of beginning. Containing 0.181 acres, and being Lot No. 7 and a triangular Lot No. 128 of the Hamer & Kuntz Addition to DuBois.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of George Arick, et ux, dated May 21, 1915, recorded in Deed Book 208, page 164. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420425 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

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

SAMUEL SERIAN, : No. 2008-1906-CD
Plaintiff : Type of Action:
Vs. : ACTION TO QUIET TITLE
: Type of Pleading:
CSX TRANSPORTATION, INC. : RETURN OF SERVICE AND
Defendant : AFFIDAVIT OF SERVICE OF
: PROCESS
: Filed on behalf of:
: PLAINTIFF
: Counsel of record for this party:
: Anthony S. Guido, Esq.
: Pa. I.D. No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

FILED ^{NOCC}
M 10 34 67
OCT 23 2008
S William A. Shaw
Prothonotary/Clerk of Courts

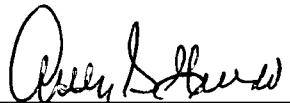
IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SAMUEL SERIAN : No. 2008-1906-CD
Plaintiff :
:
Vs. :
:
CSX TRANSPORTATION, INC. :
Defendants :
:

RETURN OF SERVICE AND
AFFIDAVIT OF SERVICE OF PROCESS

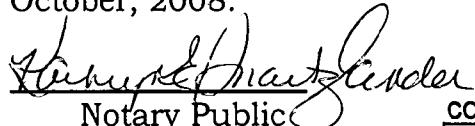
AND NOW, comes Anthony S. Guido, attorney for the Plaintiff, and files this affidavit and return of service of process pursuant to Pa. R.C.P. No. 405:

Anthony S. Guido, being duly sworn according to law, deposes and says that in accordance with Pa.R.C.P. 404, on October 9, 2008, he mailed by Certified Mail, Return Receipt Requested, postage prepaid at the United States Post Office in DuBois, Pennsylvania, a true and certified copy of the complaint in action to quiet title to the Defendant, CSX Transportation, Inc., at the Office of the General Counsel, 500 Water Street, 15th Floor, Jacksonville, Florida, 32202. Said certified mailing was received by the Defendant as evidenced by the Return Receipt which is attached hereto together with the Certified Mail Receipt.



Anthony S. Guido

Sworn to and subscribed
before me this 22nd day of
October, 2008.



Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Kathryn E. Swartzlander, Notary Public
City of DuBois, Clearfield County
My Commission Expires Aug. 29, 2012
Member, Pennsylvania Association of Notaries

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For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 1.34
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	0.00
Total Postage & Fees	\$ 6.24

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Here
05/14/08

*Sent To
CSX TRANS. Inc. office of General Counsel
Street, Apt. No.,
or PO Box No. 500 Water St - 15th Floor
City, State, ZIP+4
Jacksonville FL 32202*

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <i>M Hartell</i></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>M HARTELL</i></p> <p>C. Date of Delivery <i>10/14/08</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to: CSX TRANSPORTATION, INC Office of the General Counsel 500 Water Street, 15th Floor Jacksonville FL 32202 </p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number <i>(Transfer from service label)</i></p>		<p>7006 0810 0001 0122 7001</p>	

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

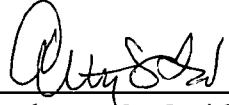
SAMUEL SERIAN :
Plaintiff : No. 2008-1906-CD
Vs. :
CSX TRANSPORTATION, INC. :
Defendants :

CERTIFICATION OF SERVICE

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

ANTHONY S. GUIDO, hereby certifies that on November 4, 2008, he mailed by United States Mail, First Class, postage prepaid, at the United States Post Office in the City of DuBois, Clearfield County, Pennsylvania, a true and certified copy of the attached IMPORTANT NOTICE in the above entitled action and that the said notice was mailed as set forth below more than ten (10) days prior to the filing of the praecipe for judgment in the Prothonotary's Office of the Court of Common Pleas of Clearfield County, Pennsylvania:

CSX Transportation, Inc.
500 Water Street, 15th Floor
Jacksonville, FL 32202



Anthony S. Guido, Esquire
Attorney for Plaintiff

S
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NOV 19 2008
10
William A. Shaw
Prothonotary/Clerk of Courts

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

SAMUEL SERIAN	:	
	:	No. 2008-1906-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
CSX TRANSPORTATION, INC.	:	
	:	
Defendants	:	

IMPORTANT NOTICE

TO: CSX Transportation, Inc.
500 Water Street, 15th Floor
Jacksonville, FL 32202

DATE OF NOTICE: November 4, 2008

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS OF 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 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
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext 50-51

Anthony S. Guido
Anthony S. Guido
Anthony S. Guido, Esq.
Attorney for Plaintiff
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

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

SAMUEL SERIAN, : No. 20081906-CD
Plaintiff : Type of Action:
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CSX TRANSPORTATION, INC. : Type of Pleading:
Defendant : Motion for Judgment
: Filed on behalf of:
: PLAINTIFF
: Counsel of record for this party:
: Anthony S. Guido, Esq.
: Pa. I.D. No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

FILED NO cc
M 10:39 AM
NOV 19 2008 (60)
S

William A. Shaw
Prothonotary/Clerk of Courts

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

SAMUEL SERIAN	:	
	:	No. 2008-1906-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
CSX TRANSPORTATION, INC.	:	
	:	
Defendants	:	

MOTION FOR JUDGMENT

AND NOW, come the Plaintiff, Samuel Serian, and by his attorney, Anthony S. Guido, motions this Honorable Court for default judgment as follows:

1. This is an action to quiet title in which Plaintiff request that Defendant and any person claiming under Defendant be permanently enjoined and restrained from asserting any claim or interest in or to real property described in Plaintiff's complaint.

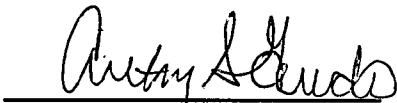
2. Service was made upon Defendant, CSX Transportation, Inc., Certified Mail, Return Receipt Requested pursuant to Pa.R.C.P. 404, on October 9, 2008 and received by Defendant on October 14, 2008. A Return of Service and Affidavit of Service of Process was filed with the Court, a copy of which is attached.

3. Notice of intent to take default judgment in accordance with Pa.R.C.P. 237.1 was served on Defendant, CSX Transportation, Inc., on November 4, 2008. A Certification of Service was filed with the Court, a copy of which is attached.

4. To date, there have been no responsive pleadings, or generally any pleadings, filed to the above docket.

5. Pa.R.C.P. 1066(a) allows the Court to grant appropriate relief on affidavit that a complaint containing notice to defend has been served and Defendant has not filed an answer or other responsive pleadings.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter judgment in favor of the Plaintiff, ordering that the Plaintiff has fee simple title in the premises, and the Defendant, its successors and assigns, be forever barred from asserting any claim, lien, title or interest in the property described as the premises herein.



Anthony S. Guido
Attorney for Plaintiff

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

SAMUEL SERIAN, :
: No. 2008-1906-CD
Plaintiff : Type of Action:
: ACTION TO QUIET TITLE
Vs. : Type of Pleading:
: RETURN OF SERVICE AND
: AFFIDAVIT OF SERVICE OF
: PROCESS
CSX TRANSPORTATION, INC. : Filed on behalf of:
: PLAINTIFF
Defendant : Counsel of record for this party:
: Anthony S. Guido, Esq.
: Pa. I.D. No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

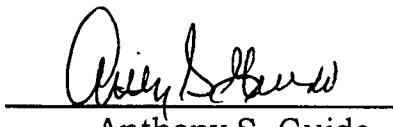
IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SAMUEL SERIAN : No. 2008-1906-CD
Plaintiff :
: :
Vs. : :
: :
CSX TRANSPORTATION, INC. : :
Defendants : :

RETURN OF SERVICE AND
AFFIDAVIT OF SERVICE OF PROCESS

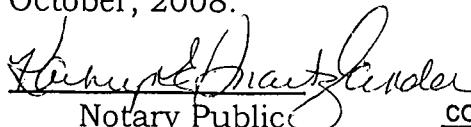
AND NOW, comes Anthony S. Guido, attorney for the Plaintiff, and files this affidavit and return of service of process pursuant to Pa. R.C.P. No. 405:

Anthony S. Guido, being duly sworn according to law, deposes and says that in accordance with Pa.R.C.P. 404, on October 9, 2008, he mailed by Certified Mail, Return Receipt Requested, postage prepaid at the United States Post Office in DuBois, Pennsylvania, a true and certified copy of the complaint in action to quiet title to the Defendant, CSX Transportation, Inc., at the Office of the General Counsel, 500 Water Street, 15th Floor, Jacksonville, Florida, 32202. Said certified mailing was received by the Defendant, ^{on 10/14/08} as evidenced by the Return Receipt which is attached hereto together with the Certified Mail Receipt.

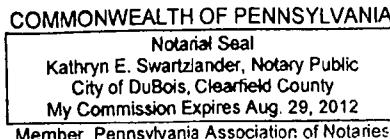


Anthony S. Guido

Sworn to and subscribed
before me this 22nd day of
October, 2008.



Kathryn E. Swartzlander
Notary Public



**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at www.usps.com

OFFICIAL USE

7001	0122	0001	0810	0006	0001	0810	0001	0122	7001
Postage \$ 1.34									
Certified Fee 2.70									
Return Receipt Fee (Endorsement Required) 2.20									
Restricted Delivery Fee (Endorsement Required)									
Total Postage & Fees \$ 6.24									

Postmark
Oct 9 2008
here

Sent To
CSX TRANS. Inc Office of Gen Counsel
Street, Apt No:
or PO Box No. 500 Water St - 15th Floor
City, State, ZIP+4 Jacksonville FL 32202

PS Form 3800, June 2002 See Reverse for Instructions

<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p>CSX TRANSPORTATION, INC Office of the General Counsel 500 Water Street, 15th Floor Jacksonville FL 32202</p> <p>2. Article Number (Transfer from service label) 7006 0810 0001 0122 7001</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature John Hartell <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) M. HARTELL C. Date of Delivery 10/14/08</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SAMUEL SERIAN :
Plaintiff : No. 2008-1906-CD
Vs. :
CSX TRANSPORTATION, INC. :
Defendants :
:

CERTIFICATION OF SERVICE

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

ANTHONY S. GUIDO, hereby certifies that on November 4, 2008, he mailed by United States Mail, First Class, postage prepaid, at the United States Post Office in the City of DuBois, Clearfield County, Pennsylvania, a true and certified copy of the attached IMPORTANT NOTICE in the above entitled action and that the said notice was mailed as set forth below more than ten (10) days prior to the filing of the praecipe for judgment in the Prothonotary's Office of the Court of Common Pleas of Clearfield County, Pennsylvania:

CSX Transportation, Inc.
500 Water Street, 15th Floor
Jacksonville, FL 32202



Anthony S. Guido, Esquire
Attorney for Plaintiff

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

SAMUEL SERIAN :
Plaintiff : No. 2008-1906-CD
Vs. :
CSX TRANSPORTATION, INC. :
Defendants :
:

IMPORTANT NOTICE

TO: CSX Transportation, Inc.
500 Water Street, 15th Floor
Jacksonville, FL 32202

DATE OF NOTICE: November 4, 2008

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS OF 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 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
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext 50-51

Anthony S. Guido

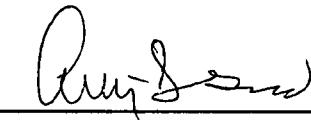
Anthony S. Guido, Esq.
Attorney for Plaintiff
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

VERIFICATION

I, Anthony S. Guido, verify that the statements in the foregoing Motion for Judgment are true and correct to the best of my knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn fabrication to authorities, which provides that if we make knowingly false averments, we may be subject to criminal penalties.

DATE: 11-18-08



Anthony S. Guido

SAMUEL SERIAN

... : No. 2008-1906-CD

Plaintiff

Vs.

CSX TRANSPORTATION, INC.

Defendants

FILED 3ce
01/19/2008 NOV 19 2008 Atty Guido
S
B
William A. Shaw
Prothonotary/Clerk of Courts

**ORDER FOR ENTRY
OF DEFAULT JUDGMENT TO QUIET TITLE**

AND NOW, this 19th day of November, 2008, an affidavit of service of the complaint with notice to plead having been filed, and no answer having been made by Defendant, upon consideration of the motion of Plaintiff pursuant to Pa.R.C.P. No. 1066(a), it is hereby ORDERED that the Defendant, CSX TRANSPORTATION, INC., and all other persons or corporate entities in interest, are forever barred from asserting any right, lien, title, or interest in or to the following real property or any part thereof:

ALL those certain pieces or parcels of land situate in the First Ward of the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

PARCEL NO. 1: Premises identified as Tax Parcel No. 007.1-007-000-01886 and currently assessed as "Lot", more particularly described as follows:

Beginning at the point of intersection of the westerly line of lands now or formerly of Yoder and Sprankle with lands now or formerly of the Keystone Mercantile Company and of the Buffalo, Rochester and Pittsburgh Railway Company; thence North 10° 38' West, along lands now or formerly of said Railway Company, 29.51 feet, thence

South 41° 11' East, along lands now or formerly of said Railway Company, et al, 464.3 feet, thence South 9 ° 09' East, along lands now or formerly of McMinn, 28.28 feet; thence North 41° 11' West, along lands now or formerly of McMinn, et al, 462.86 feet to the place of beginning. Containing 0.16 acres, more or less.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of A.S. Yoder, et al, dated April 22, 1915, recorded in Deed Book 208, page 378. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420433 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 2: Premises identified as Tax Parcel No. 007.1-007-000-01890 and currently assessed as "Lot", more particularly described as follows:

Beginning at the point in the westerly line of a piece of land known as Shaffer Ditch and now claimed to be owned by A.S. Yoder and A.T. Sprinkle where said westerly line is intersected by the division line extended between lands now or formerly of B.R.&P., R.R. Co. and lands now or formerly of Della McGraw; thence South 41° 11' East, along said Shaffer Ditch property 49.13 feet; thence South 29° 05' West 32 feet; thence South 78° 05' West along the division line between lands now or formerly of Prothero, et al, and lands now or formerly of H.S. McMinn, 15 feet to the southeast corner of lands now or formerly of Della McGraw; thence North 29° 05' East 33.4 feet; thence North 29 ° 51' West and still along lands now or formerly of McGraw, 43.9 feet to the first mentioned division line; thence North 78 ° 05' East along said division line 3.6 feet to the place of beginning. Containing 0.034 acres, more or less.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of Isabella J. Prothero, et al, dated October 7, 1914, recorded in Deed Book 204, page 423. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420432 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 3: Premises identified as Tax Parcel No. 007.1-007-000-01894 and currently assessed as "Lot", more particularly described as follows:

Beginning at the point in the easterly bound of lands formerly owned by A.S. Yoder and A.T. Sprinkle, and where said line is intersected by the division line between

said lot number 3 and lot number 4, formerly owned by Barney Kaufman; thence North 48° 49' East, along said division line, 15 feet; thence South 41° 11' East 50 feet to the division line between said lot number 3 and lot number 2, formerly owned by the Keystone Mercantile Company; thence South 48° 49' West along said division line, 15 feet to the said easterly line of lands now or formerly of said Yoder and Sprankle; thence North 41° 11' West 50 feet to the place of beginning. Containing 0.017 acres, more or less and being part of lot number 3 of the Hamer & Kuntz Addition to DuBois.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of Antonio DeFulio, et ux, dated September 8, 1916, recorded in Deed Book 216, page 275. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420429 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 4: Premises identified as Tax Parcel No. 007.1-007-000-01895 and currently assessed as "Lot", more particularly described as follows:

Beginning at the northwest corner of Lot No. 4 of the Hamer & Kuntz Addition; thence Northeasterly along the division line between Lot No. 4 and Lot No. 5 a distance of 15 feet; thence South 41° 11' East 50 feet to Lot No. 3; thence Southwesterly along said Lot No. 3 a distance of 15 feet; thence North 41° 11' West 50 feet to the place of beginning. Containing 0.017 acres, more or less.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of Tillie Kaufman, et al, dated January 19, 1916, recorded in Deed Book 212, page 458. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420428 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 5: Premises identified as Tax Parcel No. 007.1-007-000-01896 and currently assessed as "Lot", more particularly described as follows:

Beginning at a point in the westerly line of Williams Street, where said line is intersected by the division line between said lot number 5 and lot number 6; thence South 41° 11" East along said Williams Street 50 feet to lot number 4; thence southwesterly along said lot number 4, 100 feet; thence North 41° 11' West 50 feet to lands now or formerly of B.R.& P. Railway Co.; thence northeasterly along lands now or formerly of B.R.& P.

Railway Co, 100 feet to the place of beginning.
Containing 0.115 acres, more or less and being lot
number 5 of the Hamer & Kuntz Addition to DuBois.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of DuBois Storage & Carting Co., dated October 21, 1914, recorded in Deed Book 207, page 021. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420427 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 6: Premises identified as Tax Parcel No. 007.1-007-000-01897 and currently assessed as "Lot", more particularly described as follows:

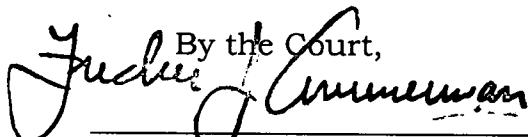
Beginning at a post at the corner of Lot No. 5 of the Hamor & Kuntz Addition; thence North 42° West 50 feet to a post; thence South 48° West, 100 feet to a post on Shaffer Ditch; thence along said Ditch 50 feet to a corner of Lot No. 5; thence along the line of Lot No. 5, 100 feet to the place of beginning. Containing 5,000 square feet of land, more or less, and being Lot No. 6 of the Hamer & Kuntz Addition to DuBois.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of W.A. Dale, et al, dated July 25, 1901, recorded in Deed Book 118, page 210. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420426 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.

PARCEL NO. 7: Premises identified as Tax Parcel No. 007.1-007-000-01898 and currently assessed as "Building and Lot", more particularly described as follows:

Beginning at a post on the west margin of William Street at the northeast corner of Lot No. 6 and the southeast corner of Lot No. 7 of the Hamor & Kuntz Addition; thence along the boundary line between Lots Nos. 6 and 7, South 48° 49' West, 96.46 feet to a post in the east margin of lands now or formerly of B.R. & P. Railway Co.; thence along the east margin of lands of the railway, North 10° 38' West, 189.77 feet to a post at the intersection of the west margin of William Street with the eastern boundary line of lands of the railway; thence along the west margin of William Street, South 41° 11' East, 163.43 feet to the place of beginning. Containing 0.181 acres, and being Lot No. 7 and a triangular Lot No. 128 of the Hamer & Kuntz Addition to DuBois.

BEING the same premises which were conveyed to Buffalo, Rochester and Pittsburgh Railway Company by deed of George Arick, et ux, dated May 21, 1915, recorded in Deed Book 208, page 164. Also being the same premises which were conveyed to Samuel Serian by deed of the Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 22, 2004, recorded December 21, 2004 as Instrument No. 200420425 for nonpayment of real estate taxes levied for the year 2002 assessed to CSX.



P.J.