

08-1954-CD
Presbyterian Church vs Berten Merritt al

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

CIVIL ACTION - LAW

TRUSTEES OF THE PRESBYTERIAN
CHURCH OF WINBURNE, PA

*
* No. 08-1954-CD
*
* Type of Case: ACTION TO QUIET TITLE
*
*
*
* Type of Pleading: COMPLAINT

BERTEN MERRITT, GEORGE E.
MERRITT, JOHN MERRITT, JUNE
MERRITT, HOWARD M. MERRITT,
JOSEPHINE HESS, MARTHA STRAW,
and EMILY JANE MERRITT, and the
descendants, heirs, executors,
administrators, personal representatives,
successors and assigns of each, as well*
as ANY OTHER PERSON, PARTY, or
ENTITY,

* Filed on behalf of: PLAINTIFF

Defendants

* Counsel of Record for this Party:
* David C. Mason, Esquire
* I.D. No. 39180
* 409 North Front Street
* P.O. Box 28
* Philipsburg, PA 16866
* 814-342-2240

5
FILED 30C
01253701 Atty Mason
OCT 13 2008
(JM) Atty pd. \$105.00
William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TRUSTEES OF THE PRESBYTERIAN *
CHURCH OF WINBURNE, PA * No.

Plaintiff *

vs. *

BERTEN MERRITT, GEORGE E. *
MERRITT, JOHN MERRITT, JUNE *
MERRITT, HOWARD M. MERRITT, *
JOSEPHINE HESS, MARTHA STRAW, *
and EMILY JANE MERRITT, and the *
descendants, heirs, executors, *
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ENTITY,

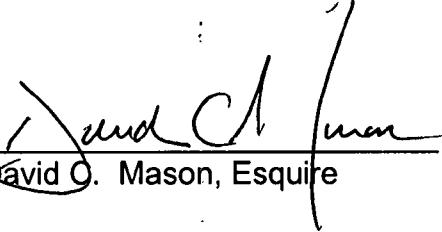
Defendants *

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

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


David O. Mason, Esquire

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

CIVIL ACTION - LAW

TRUSTEES OF THE PRESBYTERIAN *
CHURCH OF WINBURNE, PA * No.

Plaintiff *

vs. *

BERTEN MERRITT, GEORGE E. *
MERRITT, JOHN MERRITT, JUNE *
MERRITT, HOWARD M. MERRITT, *
JOSEPHINE HESS, MARTHA STRAW, *
and EMILY JANE MERRITT, as well *
as ANY OTHER PERSON, PARTY, or *
ENTITY, *

Defendants *

COMPLAINT IN ACTION TO QUIET TITLE
PURSUANT TO PA. R.C.P. §1061

AND NOW, come the Plaintiff, by and through its attorney, DAVID C. MASON, ESQUIRE, and sets forth a claim against the Defendants named herein and represent as follows:

1. Plaintiff is:
 - A. Trustees of the Presbyterian Church of Winburne, Pennsylvania, with a principal address of P.O. Box 397, Winburne, Clearfield County, Pennsylvania, 16879.
2. Defendants are:
 - A. **Berten Merritt**, an individual who died May 17, 1913, and whose estate can be found in the Clearfield County Register and Recorder's Office.
 - B. **George E. Merritt**, son of Berten Merritt, who died May 24, 1955, in Sentinel, Oklahoma.

C. **John Merritt**, son of Berten Merritt, who died March 20, 1940, a resident of Clearfield County, Pennsylvania.

D. **June Merritt**, daughter of Berten Merritt, who died January 14, 1942, a resident of Clearfield County, Pennsylvania.

E. **Howard M. Merritt**, a son of Berten Merritt, who died in 1926 a resident of Tucson, Arizona.

F. **Josephine Hess**, nee Josephine Merritt, a daughter of Berten Merritt, who died May 30, 1954, a resident of Clearfield County, Pennsylvania.

G. **Martha Straw**, nee Martha Merritt, a daughter of Berten Merritt, who upon information and belief moved to San Diego, California, and who is believed to be deceased.

H. **Emily Jane Merritt**, nee Emily Jane Wisor, widow of Berten Merritt, who upon information and belief, died August 20, 1929.

I. The descendants, heirs, executors, administrators, personal representatives of each and of any other person or entity claiming any interest in and to the subject premises.

3. The premises which are the subject of this Action to Quiet Title consist of a tract of land consisting of an area encompassing 0.3199 acres, together with any and all improvements thereon erected situate, lying and being in Cooper Township, Clearfield County, Pennsylvania, and more fully described as follows:

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

BEGINNING at an iron pin located on the East side of Church Street. Said point is also the Northwest corner of the Winburne Presbyterian Cemetery;

thence along said road North six degrees, zero minutes, zero seconds East (N 6° 00' 00" E) ninety-one and eighteen hundredths (91.18) feet to an iron pin and also the Southwest corner of, now or formerly, Robert F. Stemcovski and Jennifer Rogers; thence along lands of same South eighty-one degrees, twenty-nine minutes, zero seconds East (S 81° 29' 00" E) One hundred fifty-two and forty-nine hundredths (152.49) feet to an iron pin on line of, now or formerly, Eileen J. Myers; thence along lands of same and lands of, now or formerly, Mark J. and Tracy L. Plisco, South five degrees, twenty-one minutes, twenty-five seconds West (S 5° 21' 25" W) ninety-one and eighteen hundredths (91.18) feet to an iron pin and also the Northeast corner of the above mentioned Cemetery; thence along same North Eighty-one degrees, thirty minutes, ten seconds West (N 81° 30' 10" W) One hundred fifty-three and fifty-one hundredths (153.51) feet to an iron pin and place of beginning. Known as Tax Parcel No. 110-S9-No. 26.

Containing 0.3199 acre and being the same premises as on tax map S9, Parcel 26.

4. The above described tract of land is adjacent to the Winburne Presbyterian Church Cemetery, and fronts on "Church Street" in the Village of Winburne.
5. Erected on the premises described in paragraph 3 is the Church manse – or parsonage – together with accompanying outbuildings.
6. The parsonage was erected on this tract of land in 1907, and has been owned, occupied, controlled and maintained by the Winburne Presbyterian Church since that time.
7. These premises were owned by the Defendant Berten Merritt, also known as Burton Merritt, who owned a significant tract of land in Cooper Township.
8. Defendant Berten Merritt laid out lots for the town of Winburne, and it is believed and therefore averred that the above described subject premises are designated as "Lot 6" on the aforesaid plan of lots.
9. Upon information and believe, Berten Merritt was a member of the Winburne Presbyterian Church at the time this manse was built, and it is believed and therefore

averred that a Deed was drawn, executed, and acknowledged by the said owner, but for reasons unknown was not recorded and was subsequently lost, mislaid or destroyed.

10. Plaintiffs and their predecessors in title have been in actual, open, continuous, exclusive, notorious, adverse and hostile possession of the premises identified in paragraph 3 for a period in excess of twenty-one (21) years.

11. The possession of Plaintiffs and their predecessors in title has been physical possession since at least 1907, when the area was first surveyed as part of the manse site of the Plaintiffs' predecessor in title.

12. The area defined in paragraph 3 hereof has at all times been maintained, occupied, and used solely by the predecessors in title of the Plaintiffs, up to and including the present time.

13. That the Plaintiffs and their predecessors in title have exercised dominion, possession and control of the subject premises for a period in excess of twenty one (21) years, and that said possession has been continuous, open, exclusive, notorious and adverse.

14. That at no time did the herein named Defendant or its predecessors in title attempt to secure possession of the said estate, contest the title of the Plaintiffs and/or their predecessors in title or assert any interest adverse to that of Plaintiffs or their predecessors in title by any legal action or by formal acknowledgment thereof.

15. That the premises herein described in Paragraph 3 are the same premises of which Plaintiffs and their predecessors in title have been in open, exclusive, continuous, notorious, hostile and uninterrupted possession for a period in excess of twenty one (21)

years, possession of the said premises having been acquired by the Plaintiffs and their predecessors in title as hereinabove set forth.

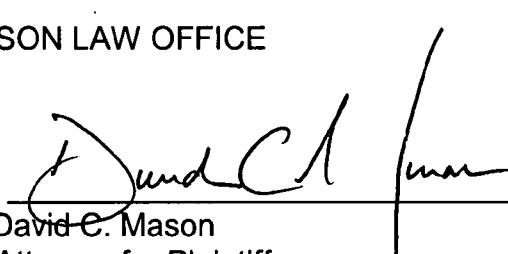
WHEREFORE, Plaintiffs file this action and respectfully requests the following:

(a) That the Defendant, its successors and assigns, and all other persons having claim to the premises herein described be forever barred from asserting any right, title or interest in the land described herein inconsistent with the interest or title of Plaintiffs unless the Defendant, its successors and assigns, or those persons asserting any right, title or interest in said premises, bring an action of ejectment or other legal or equitable action to establish their claim to the premises described herein or any portion of the same, within the time set by the Court.

(b) That an Order of Court be made declaring the Plaintiffs to be the sole owner and to have exclusive possession of the premises described herein by virtue of their open, notorious, exclusive, 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.

MASON LAW OFFICE

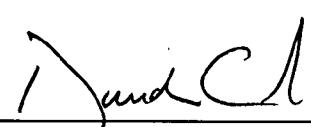
By: 

David C. Mason
Attorney for Plaintiffs

VERIFICATION

I, David C. Mason, Esquire, Attorney for Trustees of the Presbyterian Church of Winburne, PA., do hereby verify that I am familiar with the facts involving this action and further verify that the facts set forth in the foregoing pleading are true and correct to the best of my knowledge, information and belief. This verification subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATED: October 13, 2008



David C. Mason, Esquire
Attorney for Plaintiff

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

CIVIL ACTION - LAW

TRUSTEES OF THE PRESBYTERIAN *
CHURCH OF WINBURNE, PA * No. 08-1954-CD

Plaintiff *

vs. *

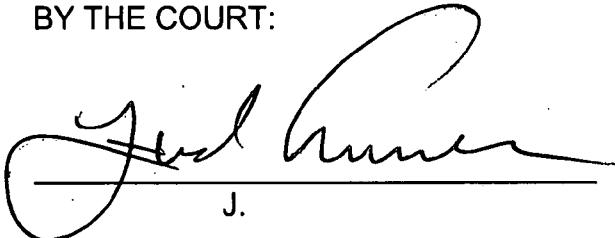
BERTEN MERRITT, GEORGE E. *
MERRITT, JOHN MERRITT, JUNE *
MERRITT, HOWARD M. MERRITT, *
JOSEPHINE HESS, MARTHA STRAW, *
and EMILY JANE MERRITT, and the *
descendants, heirs, executors, *
administrators, personal representatives, *
successors and assigns of each, as well*
as ANY OTHER PERSON, PARTY, or *
ENTITY, *

Defendants *

ORDER

AND NOW, this 14 day of October, 2008, upon consideration
of Plaintiff's Motion for Service by Publication, Plaintiff is ordered and directed to serve
Notice of the Action to Quiet Title by publication in the Clearfield Progress and the
Clearfield County Legal Journal, one time only, of notice of this action, in a form similar to
that contained in Exhibit "A" of Plaintiff's Motion for Publication.

BY THE COURT:



J.

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FILED 100
08-3437-A
OCT 16 2008
Attn: Mason

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TRUSTEES OF THE PRESBYTERIAN
CHURCH OF WINBURNE, PA

*
* No. 08-1954-CD

Plaintiff

*
*
*

vs.

BERTEN MERRITT, GEORGE E.
MERRITT, JOHN MERRITT, JUNE
MERRITT, HOWARD M. MERRITT,
JOSEPHINE HESS, MARTHA STRAW,
and EMILY JANE MERRITT, and the
descendants, heirs, executors,
administrators, personal representatives,
successors and assigns of each, as well
as ANY OTHER PERSON, PARTY, or
ENTITY,

Defendants

*

MOTION FOR SERVICE BY PUBLICATION

AND NOW appears the Plaintiff, Trustees of the Presbyterian Church of Winburne, PA., by and through its attorney, David C. Mason, who represents as follows:

1. That he is the attorney for the Plaintiff in the above captioned action to Quiet Title.
2. That he has conducted a title search of the indices and records contained in the Clearfield County offices of the Recorder of Deeds, the Prothonotary, the Register of Wills and the County Archives, and is unable to ascertain the whereabouts of certain of the named Defendants and believes them to be deceased. These Defendants upon whom service by publication is being sought are: BERTEN MERRITT, GEORGE E. MERRITT, JOHN MERRITT, JUNE MERRITT, HOWARD M. MERRITT, JOSEPHINE HESS, MARTHA STRAW and EMILY JANE MERRITT.

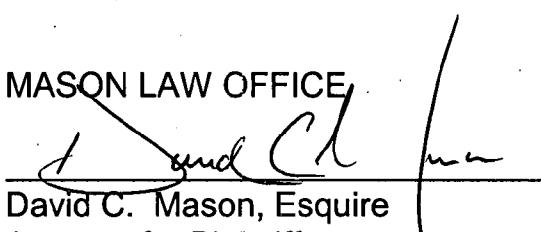
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010:53734
OCT 13 2008
William A. Shaw
Prothonotary/Clerk of Courts
DCC-Amy Mason

3. That counsel for Plaintiff believes that the best means of service of notice upon these certain Defendants identified in Paragraph 2 hereof of the filing of this Complaint and the pendency of this action is by publication in a newspaper of general circulation in The Progress and the Clearfield County Legal Journal, in a form as shown in "Exhibit A".

4. That the Plaintiff and its counsel have exhausted all reasonable means of attempting to locate these certain Defendants identified in Paragraph 2 hereof.

WHEREFORE, Plaintiff requests your Honorable Court to permit the service of the original Complaint in this Action to Quiet Title by publishing a Notice similar in form to that of "Exhibit A" in The Progress and the Clearfield County Legal Journal one time only, pursuant to Pa.R.C.P. 430 b(1), as service upon the Defendants identified in Paragraph 2, hereof.

MASON LAW OFFICE


David C. Mason, Esquire
Attorney for Plaintiff

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

CIVIL ACTION - LAW

TRUSTEES OF THE PRESBYTERIAN *
CHURCH OF WINBURNE, PA * No.
*
Plaintiff *
* Type of Case: ACTION TO QUIET TITLE
vs. *
*
BERTEN MERRITT, GEORGE E. *
MERRITT, JOHN MERRITT, JUNE * Type of Pleading: COMPLAINT
MERRITT, HOWARD M. MERRITT, *
JOSEPHINE HESS, MARTHA STRAW, * Filed on behalf of: PLAINTIFFS
and EMILY JANE MERRITT, and the *
descendants, heirs, executors, *
administrators, personal representatives, *
successors and assigns of each, as well*
as ANY OTHER PERSON, PARTY, or *
ENTITY, *
*
Defendants *

TO: Berten Merritt, George E. Merritt, John Merritt, June Merritt, Howard M. Merritt, Josephine Hess, Martha Straw and Emily Jane Merritt, and the descendants, heirs, executors, administrators, personal representatives, successors and assigns of each, as well as ANY OTHER PERSON, PARTY, or ENTITY.

You are hereby notified that an Action to Quiet Title to premises situate in the Township of Cooper, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the East side of Church Street. Said point is also the Northwest corner of the Winburne Presbyterian Cemetery; thence along said road North six degrees, zero minutes, zero seconds East (N 6° 00' 00" E) ninety-one and eighteen hundredths (91.18) feet to an iron pin and also the Southwest corner of, now or formerly, Robert F. Stemcovski and Jennifer Rogers; thence along lands of same South eighty-one degrees, twenty-nine minutes, zero seconds East (S 81° 29' 00" E) One hundred fifty-two and forty-nine hundredths (152.49) feet to an iron pin on line of, now or formerly, Eileen J. Myers; thence along lands of same and lands of, now or formerly, Mark J. and Tracy L. Plisco, South five degrees, twenty-one minutes, twenty-five seconds West (S 5° 21' 25" W) ninety-one and eighteen hundredths (91.18) feet to an iron pin and also the Northeast corner of the above mentioned Cemetery; thence along same North Eighty-one degrees, thirty minutes, ten seconds West (N 81° 30' 10" W) One hundred fifty-three

Ex. "A"

and fifty-one hundredths (153.51) feet to an iron pin and place of beginning.
Known as Tax Parcel No. 110-S9-No. 26.

**Containing 0.3199 acre and being the same premises as on tax map S9,
Parcel 26.**

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file 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 plaintiffs. You may lose money or property or other rights important to you.

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

**Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641**

You are hereby further notified to appear and answer the Complaint in said Action within twenty (20) days of this Notice, otherwise Judgment will be entered against you, barring you from all claims, rights and interests inconsistent with Plaintiff's claim of title, as set forth in the Complaint.

**David C. Mason, Esquire
P.O. Box 28
Philipsburg, PA 16866
ATTORNEY FOR PLAINTIFFS**

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

CIVIL ACTION - LAW

TRUSTEES OF THE PRESBYTERIAN *
CHURCH OF WINBURNE, PA * No. 08-1954-CD

Plaintiff *

vs. *

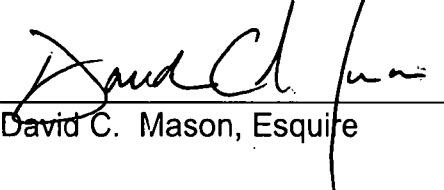
BERTEN MERRITT, GEORGE E. *
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and EMILY JANE MERRITT, and the *
descendants, heirs, executors, *
administrators, personal representatives, *
successors and assigns of each, as well *
as ANY OTHER PERSON, PARTY, or *
ENTITY, *

Defendants *

MOTION FOR JUDGMENT

AND NOW this 15th day of January, 2009, an Affidavit having been executed and filed on behalf of Plaintiff that the Complaint endorsed with Notice to Plead has been served on the Defendants as stated in the Affidavit; and more than twenty (20) days have expired since the date of service and the Defendants not having answered, Plaintiffs' counsel moves your Honorable Court to enter judgment in favor of the Plaintiffs and against the Defendants and to grant Plaintiffs the relief prayed for in the Complaint in accordance with Pennsylvania Rules of Civil Procedure No. 1066.

MASON LAW OFFICE



David C. Mason, Esquire

FILED 3CC
01/19/2009 Atty Mason
JAN 20 2009 (6)

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TRUSTEES OF THE PRESBYTERIAN *
CHURCH OF WINBURNE, PA * No. 08-1954-CD

Plaintiff *

vs. *

BERTEN MERRITT, GEORGE E. *
MERRITT, JOHN MERRITT, JUNE *
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Defendants *

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

:ss:

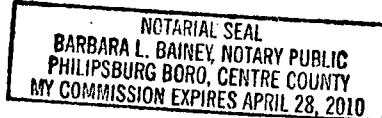
COUNTY OF CENTRE

Before me, the undersigned officer, in and for the above named State and County,
personally appeared DAVID C. MASON, Esquire, who being duly sworn according to law deposes
and says that a Notice of Filing, endorsed with a Notice to Plead, was duly served on the above
named Defendants by publication in the Clearfield Progress on October 24, 2008, and in the
Clearfield County Legal Journal on October 31, 2008, which proofs of publication are attached
hereto.

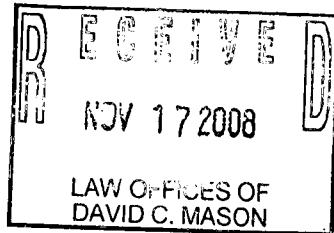
MASON LAW OFFICE
By: David C. Mason
David C. Mason, Esquire

SWORN to and subscribed before
me this 15th day of Jan.
2009.

Barbara L. Bainey
N.P.



PROOF OF PUBLICATION



STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

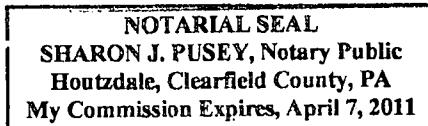
On this 31st day of October AD 2007, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of October 31, 2008, Vol. 20, No. 44. 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



David C Mason
PO Box 28
Philipsburg PA 16866

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

TRUSTEES OF THE PRESBYTERIAN
CHURCH OF WINBURNE, PA Plaintiff vs.
BERTEN MERRITT, GEORGE E.
MERRITT, JOHN MERRITT, JUNE
MERRITT, HOWARD M. MERRITT,
JOSEPHINE HESS, MARTHA STRAW, and
EMILY JANE MERRITT, and the descendants,
heirs, executors, administrators,
personal representatives, successors and
assigns of each, as well as ANY OTHER
PERSON, PARTY, or ENTITY, Defendants.

TO: Beren Merritt, George E. Merritt,
John Merritt, June Merritt, Howard M.
Merritt, Josephine Hess, Martha Straw and
Emily Jane Merritt, and the descendants,
heirs, executors, administrators, personal
representatives, successors and assigns of
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Quiet Title to premises situate in the
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iron pin and also the Southwest corner of,
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One hundred fifty-two and forty-nine
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South five degrees, twenty-one minutes,
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degrees, thirty minutes, ten seconds West
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Containing 0.3199 acre and being the
same premises as on tax map S9, Parcel 26.

NOTICE

If you wish to defend, you must enter a
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and file your defenses or objections in
writing with the court. You are warned that if
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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 NOTICE TO
YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE A LAWYER OR CANNOT
AFFORD ONE, GO TO OR TELEPHONE
THE OFFICE SET FORTH BELOW TO
FIND OUT WHERE YOU CAN GET LEGAL
HELP.

Court Administrator, Clearfield County
Courthouse, Clearfield, PA 16830, 814-765-
2641.

You are hereby further notified to appear
and answer the Complaint in said Action
within twenty (20) days of this Notice,
otherwise Judgment will be entered against
you, barring you from all claims, rights and
interests inconsistent with Plaintiff's claim of
title, as set forth in the Complaint.

David C. Mason, Esquire, P.O. Box 28,
Philipsburg, PA 16866, ATTORNEY FOR
PLAINTIFFS.

IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
CIVIL ACTION-LAW
NO.

Type of Case:
Enter a written appearance personally or by attorney and file 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 plaintiffs. You may lose money or property or other rights important to you.

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Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641

You are hereby further notified to appear and answer the Complaint in said Action within twenty (20) days of this Notice, otherwise Judgment will be entered against you, barring you from all claims, rights and interests inconsistent with Plaintiff's claim of title, as set forth in the Complaint.

David C. Mason, Esquire
P.O. Box 28
Philipsburg, PA 16866
ATTORNEY FOR PLAINTIFFS
10:24-1d-b

Report of drug use at a
investigation continues
investigation

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

On this 6th day of January, 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 October 24, 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.

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

FILED 3CC
01/10/05 B&B Atty Mason
JAN 22 2009
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William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TRUSTEES OF THE PRESBYTERIAN *
CHURCH OF WINBURNE, PA *

* No. 08-1954-CD

Plaintiff *

vs. *

BERTEN MERRITT, GEORGE E. *
MERRITT, JOHN MERRITT, JUNE *
MERRITT, HOWARD M. MERRITT, *
JOSEPHINE HESS, MARTHA STRAW, *
and EMILY JANE MERRITT, and the *
descendants, heirs, executors, *
administrators, personal representatives, *
successors and assigns of each, as well *
as ANY OTHER PERSON, PARTY, or *
ENTITY, *

Defendants *

ORDER

AND, NOW this 21st day of January, 2009, it appearing that a Complaint to Quiet Title in the above stated action was served on the Defendants, theirs heirs and assigns of each and all other person, persons, firms, partnerships or corporate entities in interest and by Affidavit of David C. Mason, Esquire, Attorney for Plaintiff, no Answer has been filed in said Action on behalf of the said Defendants, and on motion of David C. Mason, Esquire, Attorney for Plaintiff, it is hereby ORDERED AND DECREED:

1. That the said Defendants, Berten Merritt, George E. Merritt, John Merritt, June Merritt, Howard M. Merritt, Josephine Hess, Martha Straw and Emily Jane Merritt, and the

descendants, heirs, executors, administrators, personal representatives, successors and assigns of each, as well as ANY OTHER PERSON, PARTY, or ENTITY, who may claim interest in the property herein, their heirs, executors, successors and/or assigns, and all other 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 Plaintiff as set forth in its Complaint in and to **ALL** that piece or parcel of land situated in the Township of Cooper, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the East side of Church Street. Said point is also the Northwest corner of the Winburne Presbyterian Cemetery; thence along said road North six degrees, zero minutes, zero seconds East (N 6° 00' 00" E) ninety-one and eighteen hundredths (91.18) feet to an iron pin and also the Southwest corner of, now or formerly, Robert F. Stemcovski and Jennifer Rogers; thence along lands of same South eighty-one degrees, twenty-nine minutes, zero seconds East (S 81° 29' 00" E) One hundred fifty-two and forty-nine hundredths (152.49) feet to an iron pin on line of, now or formerly, Eileen J. Myers; thence along lands of same and lands of, now or formerly, Mark J. and Tracy L. Plisco, South five degrees, twenty-one minutes, twenty-five seconds West (S 5° 21' 25" W) ninety-one and eighteen hundredths (91.18) feet to an iron pin and also the Northeast corner of the above mentioned Cemetery; thence along same North Eighty-one degrees, thirty minutes, ten seconds West (N 81° 30' 10" W) One hundred fifty-three and fifty-one hundredths (153.51) feet to an iron pin and place of beginning. Known as Tax Parcel No. 110-S9-No. 26.

Containing 0.3199 acre and being the same premises as on tax map S9, Parcel 26.

2. That if the said Defendants, Berten Merritt, George E. Merritt, John Merritt, June Merritt, Howard M. Merritt, Josephine Hess, Martha Straw and Emily Jane Merritt, and the descendants, heirs, executors, administrators, personal representatives, successors and assigns of each, as well as ANY OTHER PERSON, PARTY, or ENTITY, who may claim interest in the property herein, their heirs administrators, and/or assigns, and all other persons, firms, partnerships or corporate entities in interest have not filed said exceptions within thirty (30) days, the Prothonotary shall enter Final Judgment upon Praecept of the Plaintiffs.

3. That the rights of the Plaintiff are superior to the rights of the Defendants, Berten Merritt, George E. Merritt, John Merritt, June Merritt, Howard M. Merritt, Josephine Hess, Martha Straw and Emily Jane Merritt, and the descendants, heirs, executors, administrators, personal representatives, successors and assigns of each, as well as ANY OTHER PERSON, PARTY, or ENTITY, firms, partnerships or corporate entities in interest.

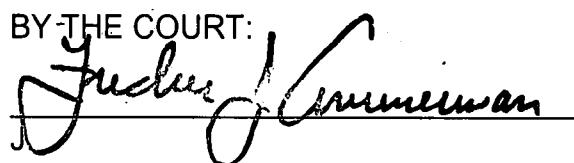
4. That the said Plaintiff has title fee simple to the premises as described in the Complaint as against the Defendants, Berten Merritt, George E. Merritt, John Merritt, June Merritt, Howard M. Merritt, Josephine Hess, Martha Straw and Emily Jane Merritt, and the descendants, heirs, executors, administrators, personal representatives, successors and assigns of each, as well as ANY OTHER PERSON, PARTY, or ENTITY, who may claim interest in the property herein, their heirs, executors, successors and/or assigns, and ALL OTHER PERSONS, firms, partnerships or corporate entities in interest.

5. That the Defendants, Berten Merritt, George E. Merritt, John Merritt, June Merritt, Howard M. Merritt, Josephine Hess, Martha Straw and Emily Jane Merritt, and their heirs and assigns, as well as any OTHER PERSON, PARTY, or ENTITY, who may claim interest in the property herein, and the descendants, heirs, executors, administrators, personal representatives, successors and assigns of each, as well as ALL OTHER PERSONS, firms, partnerships or corporate entities in interest are enjoined from setting up title to the premises of the Plaintiff, described in said Complaint and from impeaching, denying or in any way attacking the title of the Plaintiff to said premises.

6. That these proceedings or an authenticated copy thereof, shall at all times hereafter be taken as evidence of the facts declared and established hereby.

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

BY THE COURT:



J. W. Zimmerman

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

CIVIL ACTION - LAW

TRUSTEES OF THE PRESBYTERIAN
CHURCH OF WINBURNE, PA

*
* No. 08-1954-CD

Plaintiff

*
* Type of Case: ACTION TO QUIET TITLE

vs.

BERTEN MERRITT, GEORGE E.
MERRITT, JOHN MERRITT, JUNE
MERRITT, HOWARD M. MERRITT,
JOSEPHINE HESS, MARTHA STRAW,
and EMILY JANE MERRITT, and the
descendants, heirs, executors,
administrators, personal representatives,
successors and assigns of each, as well*
as ANY OTHER PERSON, PARTY, or
ENTITY,

Defendants

*
* Type of Pleading: Praeclipe for Final
* Judgment

* Filed on behalf of: Plaintiff

* Counsel of Record for this Party:
* David C. Mason, Esquire
* I.D. No. 39180
* 409 North Front Street
* P.O. Box 28
* Philipsburg, PA 16866
* 814-342-2240

FILED

FEB 25 2000

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William A. Shaw
Prothonotary/Clerk of Courts

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No C/C (GW)

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

CIVIL ACTION - LAW

TRUSTEES OF THE PRESBYTERIAN *
CHURCH OF WINBURNE, PA * No. 08-1954-CD
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Plaintiff *
* Type of Case: ACTION TO QUIET TITLE
*
vs. *
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BERTEN MERRITT, GEORGE E. *
MERRITT, JOHN MERRITT, JUNE *
MERRITT, HOWARD M. MERRITT, *
JOSEPHINE HESS, MARTHA STRAW, *
and EMILY JANE MERRITT, and the *
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successors and assigns of each, as well *
as ANY OTHER PERSON, PARTY, or *
ENTITY, *
*
Defendants *

PRAECIPE FOR FINAL JUDGMENT

TO THE PROTHONOTARY:

A Decree in the above action having been made on the 21st day of JANUARY
2009, and thirty (30) days having elapsed since entry thereof; you are directed to enter
Final Judgment in favor of the Plaintiffs in the above-captioned action, pursuant to the
Pennsylvania Rules of Civil Procedure.

MASON LAW OFFICE



David C. Mason, Esquire
Attorney for Plaintiff

DATED: 2/25/9