

08-2185-CD

Barbara Haversack vs R. D. Gearhart

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

BARBARA HAVERSACK, individually  
and in her capacity as Administratrix of  
the Estate of Michael Skebo a/k/a Mike  
Skebo

Plaintiff,

vs.

R. DENNING GEARHART, ESQUIRE

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

NO: 08-2185-CD

CODE: 007

PRAECIPE FOR WRIT OF SUMMONS  
IN CIVIL ACTION

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS  
PARTY:

John E. Quinn, Esquire  
Pa. I.D. #23268

PORTNOY & QUINN, LLC  
FIRM #724  
One Oxford Centre  
36<sup>th</sup> Floor  
Pittsburgh, PA 15219

412-765-3800

S FILED  
m/11:29/301  
NOV 13 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
Atty pd. 95.00  
icc #1 writ  
to Sheriff

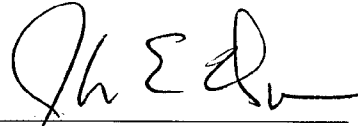
PRAECIPE FOR WRIT OF SUMMONS IN CIVIL ACTION

TO THE PROTHONOTARY:

Please issue a writ of summons in civil action against the above-named Defendant.

PORTNOY & QUINN, LLC.

BY

A handwritten signature in black ink, appearing to read "John E. Quinn", written over a horizontal line.

John E. Quinn, Esquire  
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA  
CIVIL ACTION

SUMMONS

**Barbara Haversack, individually and in  
her capacity as Administratrix of the  
Estate of Michael Skebo a/k/a Mike Skebo**

**Vs.**

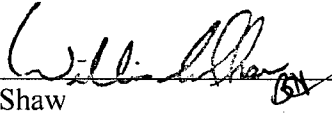
**NO.: 2008-02185-CD**

**R. Denning Gearhart, Esq.**

TO: R. DENNING GEARHART, ESQ.

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 11/13/2008

  
\_\_\_\_\_  
William A. Shaw  
Prothonotary

Issuing Attorney:  
John E. Quinn, Esq.  
One Oxford Centre, 36th Floor  
Pittsburgh, PA 15219  
(412) 765-3800

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2185-CD

BARBARA HAVERSACK, ind & in her capacity as Admx. of the Estate of MICHAEL SKEBO aka MIKE SKEBO  
vs  
R. DENNING GEARHART, ESQ.

SERVICE # 1 OF 1

SUMMONS

SERVE BY: 12/12/2008 HEARING: PAGE: 104934

DEFENDANT: R. DENNING GEARHART, ESQ.  
ADDRESS: 230 E. MARKET ST.  
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS \_\_\_\_\_

**SHERIFF'S RETURN**

NOW, This 12th day of Dec 2008 AT 1:40 AM / PM 0 SERVED THE WITHIN

SUMMONS ON R. DENNING GEARHART, ESQ. DEFENDANT

BY HANDING TO R Denning Gearhart Ref

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

ADDRESS SERVED 327 E Market ST CLEAR

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

SUMMONS FOR R. DENNING GEARHART, ESQ.

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO R. DENNING GEARHART, ESQ.

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers CHESTER A. HAWKINS, SHERIFF

BY:

George F. DeHaven  
Deputy Signature  
George F. DeHaven  
Print Deputy Name

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA HAVERSACK, ET AL., Plaintiff	:	CIVIL ACTION - LAW
v.	:	No. 2008-02185-CD
R. DENNING GEARHART, ESQUIRE Defendants	:	

**PRAECIPE FOR ENTRY OF APPEARANCE**

Kindly enter the appearance of Marshall, Dennehey, Warner, Coleman & Goggin by Edwin A.D. Schwartz and Lauren M. Burnette on behalf of Defendant, R. Denning Gearhart, Esquire, in the above-captioned matter.

Respectfully submitted,

Marshall, Dennehey, Warner, Coleman & Goggin

By: 

Edwin A.D. Schwartz, Esquire  
Identification No.: 75902  
Lauren M. Burnette, Esquire  
Identification No.: 92412  
4200 Crums Mill Road, Suite B  
Harrisburg, PA 17112  
(717) 651-3700

Date: 18 Feb 09

Attorneys for Additional Defendant, R.  
Denning Gearhart, Esquire

FILED NO CC  
7/12:43 PM  
FEB 20 2009 CW

5 William A. Shaw  
Prothonotary/Clerk of Courts

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a copy of the foregoing Entry of Appearance upon the person(s) and in the manner indicated below, which service satisfies the requirements of the Pennsylvania Rules of Civil Procedure, by depositing a copy of same in the United States Mail, first-class postage prepaid, addressed as follows:

John E. Quinn, Esquire  
Portnoy & Quinn, LLC  
One Oxford Centre, 36th Floor  
Pittsburgh, PA 15219

Marshall, Dennehey, Warner, Coleman & Goggin

By: 

Edwin A.D. Schwartz, Esquire  
Identification No.: 75902  
Lauren M. Burnette, Esquire  
Identification No.: 92412  
4200 Crums Mill Road, Suite B  
Harrisburg, PA 17112  
(717) 651-3700

Date: 18 FEB 09

Attorneys for Additional Defendant, R.  
Denning Gearhart, Esquire

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA


BARBARA HAVERSACK, ET AL., Plaintiff	:	CIVIL ACTION - LAW
v.	:	No. 2008-02185-CD
R. DENNING GEARHART, ESQUIRE Defendants	:	

**PRAECIPE FOR RULE TO FILE A COMPLAINT**

Please issue a Rule directed to Plaintiffs to file a Complaint in the above-captioned matter within twenty (20) days of service or suffer judgment Non Pros.

Respectfully submitted,

By:

  
Edwin A.D. Schwartz, Esquire

**RULE**

AND NOW, this 20<sup>th</sup>, day of February, 2009, upon consideration of Defendant's Praecipe For Rule To File A Complaint, a Rule is hereby granted upon Plaintiffs to file a Complaint within twenty (20) days of service, or suffer judgment Non Pros.

Rule issued this 20<sup>th</sup> day of February, 2009.

  
William A. Shaw, Prothonotary

FILED 2ccs 2 Rules  
m12:47 to Arty Schwartz  
FEB 20 2009  
S William A. Shaw  
Prothonotary/Clerk of Courts (60)



**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a copy of the foregoing Praecipe for Rule to File A Complaint/Rule upon the person(s) and in the manner indicated below, which service satisfies the requirements of the Pennsylvania Rules of Civil Procedure, by depositing a copy of same in the United States Mail, first-class postage prepaid, addressed as follows:

John E. Quinn, Esquire  
Portnoy & Quinn, LLC  
One Oxford Centre, 36th Floor  
Pittsburgh, PA 15219

Marshall, Dennehey, Warner, Coleman & Goggin

By: 

Edwin A.D. Schwartz, Esquire  
Identification No. 75902

Lauren M. Burnette, Esquire  
Identification No.: 92412  
4200 Crums Mill Road, Suite B  
Harrisburg, PA 17112  
(717) 651-3700

Attorneys for Additional Defendant, R. Denning  
Gearhart, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

BARBARA HAVERSACK, individually  
and in her capacity as Administratrix of  
the Estate of Michael Skebo a/k/a Mike  
Skebo

Plaintiff,

vs.

R. DENNING GEARHART, ESQUIRE

Defendant.

JURY TRIAL DEMANDED

To the within -named Defendant:  
You are hereby notified to file  
A written response to the enclosed  
Complaint within twenty (20) days  
from service hereof or a default  
judgment may be entered against you.

Portnoy & Quinn, LLC

BY 

Attorneys for Plaintiff

CIVIL DIVISION

NO: 08 2185 CD

**COMPLAINT IN CIVIL ACTION**

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS  
PARTY:

John E. Quinn, Esquire  
Pa. I.D. #23268

PORTNOY & QUINN, LLC  
FIRM #724  
One Oxford Centre  
36<sup>th</sup> Floor  
Pittsburgh, PA 15219

412-765-3800

FILED NO CC  
MAR 20 2009

William A. Shaw  
Prothonotary/Clerk of Courts

NOTICE

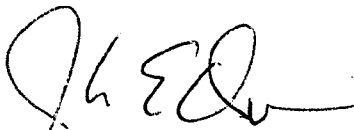
You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by the attorney and filing in writing with the Court your defenses 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 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  
Clearfield, PA 16830  
814-765-2641 Ext 51

PORTNOY & QUINN, LLC.

BY   
John E. Quinn, Esquire

## **COMPLAINT IN CIVIL ACTION**

1. The Plaintiff is an individual resident of the County of Clearfield, Commonwealth of Pennsylvania, and, additionally, is the duly appointed Administratrix of the Estate of Michael Skebo a/k/a Mike Skebo, having been so appointed by the Register of Wills, Clearfield County at number 2000-209.

2. The Defendant is an individual resident of the County of Clearfield, Commonwealth of Pennsylvania, is an attorney duly admitted to practice law by the Supreme Court of Pennsylvania, and maintains his principal place of business in the County of Clearfield, Commonwealth of Pennsylvania.

3. Plaintiff individually and in a fiduciary capacity is asserting professional liability claims against the Defendant.

4. In 2000, Plaintiff retained Defendant and Defendant agreed to represent the Plaintiff in the administration of the Estate of Michael Skebo, a/k/a Mike Skebo and took steps to have Plaintiff appointed Administratrix of said Estate.

5. Plaintiff was appointed Administratrix of said Estate in April 2000 by the Register of Wills of Clearfield County, Pennsylvania and continues to serve in that capacity.

6. Defendant represented Plaintiff in her fiduciary capacity involving this estate from the date of her appointment until late 2008 when he withdrew his appearance.

7. While representing Plaintiff in her fiduciary capacity regarding the Estate of Michael Skebo, a/k/a Mike Skebo, Defendant instituted a partition action involving a seventy-six (76) acre tract of land at No. 01-1925-CD in the Court of Common Pleas of Clearfield County. This tract was registered at the Clearfield County Assessment Office as tax map number 122-J12-000-00006 (control number 122086482) and tax map number 122-J12-000-00006 (control number 122086564). The Estate of Michael Skebo, according to the Complaint, had an ownership interest calculated as 1008/4320. A true and correct copy of the Complaint in Equity - Partition filed by Defendant is attached hereto, marked as Exhibit "A" and incorporated herein.

8. Thereafter, Plaintiff, in her individual capacity, purchased for good and valuable consideration the shares of Bessie Webb (Annie Skibo Washic Estate) - 192/4320; John Skibo - 480/4320; Julie Tallant - 480/4320 and Harry Skebo - 480/4320 in the tract of land which was the subject of the Partition action. A true and correct copy of the Deeds whereby Plaintiff

individually purchased these interests in the subject property are attached hereto, marked respectively as Exhibits "B" and "C" and incorporated herein.

9. In each of the transactions noted above, Defendant represented Plaintiff in her individual capacity, doing the necessary title work and preparing the requisite deeds of conveyance.

10. In consideration for Defendant's representation of Plaintiff in both her representative capacity and her individual capacity, Plaintiff agreed to pay the Defendant. However, for reasons unknown to Plaintiff, Defendant during his period of representation never submitted an invoice to the Plaintiff for services rendered.

11. In the Partition action referenced above, the Court appointed Attorney John R. Ryan as the Master in Partition.

12. Despite the fact that Plaintiff had individually purchased the interests in the subject real estate of four of the heirs of the Estate of Michael Skebo, Defendant never took steps to have Plaintiff individually be substituted as a party in interest in the Partition action.

13. In January 2004, Plaintiff, individually and on behalf of the Estate of Michael Skebo, authorized Defendant to make an offer for her to purchase the property via private sale confined to the parties for \$65,000.00.

14. Plaintiff was informed by Defendant that her offer was rejected but never received any written confirmation of the rejection of that offer by the Master nor any explanation for the rejection of the offer.

15. The Court then held a status conference on April 5, 2005. Following the status conference, Defendant informed Plaintiff that an appraisal of the property was needed before any offer could be evaluated. Plaintiff then arranged for the services of Jack West Appraisal Services to have the appraisal performed.

16. Sometime near the end of July 2005, Jack West Appraisal Services completed its appraisal on the property and opined that the property had a fair and reasonable market value of \$85,000.00.

17. By letter of September 7, 2005, Defendant with the authority of Plaintiff, advised the Master in Partition by letter that Plaintiff was willing to offer "\$85,000.00 (less her proportional share of the estate) for the property." A true and correct copy of said letter is attached hereto, marked as Exhibit "D" and incorporated herein.

18. By letter of October 19, 2005, the Master in Partition advised Defendant, (representing Plaintiff), and another Attorney representing several of the other heirs, that he was prepared to accept Plaintiff's offer. A true and correct copy of said letter is attached hereto, marked as Exhibit "E" and incorporated herein.

19. Shortly thereafter, Plaintiff was informed by Defendant that outside parties, Mr. & Mrs. Larry Peacock, had bid \$90,000.00 for the above property.

20. At no time during the pendency of the Partition action, did the Defendant on behalf of Plaintiff move to have the Master conduct a private sale confined to the parties, at which time Plaintiff would have been the only bidder for the property.

21. In response to the outside offer of \$90,000.00 from the Peacock's to purchase the property, the Master scheduled the property for public sale, in contravention of the Pennsylvania Rules of Civil Procedure.

22. Despite Defendant receiving a copy of the letter from the Master advising of his intention to conduct the public sale for the property, Defendant did not move, as permitted by the Pennsylvania Rules of Civil Procedure, for a private sale confined to the parties, at which time Plaintiff's bid of \$85,000.00 would have been accepted.

23. Instead, Defendant merely advised the Master by letter of November 4, 2005 that Plaintiff was willing to match the Peacock's offer of \$90,000.00. A true and correct copy of said letter is attached hereto, marked as Exhibit "F" and incorporated herein.

24. On November 22, 2005, the Master circulated a letter to Defendant and other counsel representing heirs in the Partition action a proposed Order to list the property for public sale. A true and correct copy of said letter with attached proposed Order of Court is attached hereto, marked as Exhibit "G" and incorporated herein.

25. Despite receipt of this proposed Order listing the property for public sale, Defendant, on behalf of Plaintiff, did not move to have a sale confined to the parties as permitted by the Pennsylvania Rules of Civil Procedure, at which time the Plaintiff's bid of \$85,000.00 or even \$90,000.00 would have been accepted.

26. On March 10, 2006 the Master conducted a public sale of the property at which outside parties bid the sales price up to the point where Plaintiff, in order to successfully complete the transaction, was compelled to bid \$155,500.00, which offer was accepted by the Master.

27. Subsequently, Plaintiff received a Deed from the Master for the conveyance of the property. A true and correct copy of said Deed is attached hereto, marked as Exhibit "H" and incorporated herein.

28. Following the closing on the property which occurred on August 11, 2006, the Master presented to the Defendant a proposed Order of Court dividing the net proceeds amongst the various heirs of the Michael Skebo Estate.

29. In said proposed distribution, the Master failed to take in consideration the fact that Plaintiff had bought out the interests of four of the heirs by virtue of the Deeds attached hereto as Exhibits B and C.

30. As a result, the Master obtained Court approval to distribute \$14,725.21 to John Skibo, like amounts to Julia Skebo Tallant and Harry Skibo, and the sum of \$5,890.08 to Bessie Washic Webb. These funds should have been distributed to Plaintiff.

31. Plaintiff discovered the erroneous payments to these heirs of the Michael Skebo Estate the week before Christmas in 2006 and called Defendant to schedule an appointment.

32. Plaintiff did not meet with Defendant until early January 2007, at which time Defendant acknowledged that he had permitted the release of real estate proceeds from the Partition sale to heirs of the Michael Skebo Estate who were not entitled to said proceeds, these funds belonging to Plaintiff.

33. In addition, Defendant has continued to retain funds belonging to the Estate of Michael Skebo, despite demands from the Plaintiff and successor counsel to release those funds to her/them for further administration.

### **COUNT I**

#### **Negligence**

#### **Barbara A. Haversack, individually and in her capacity as Administratrix of the Estate of Michael Skebo a/k/a Mike Skebo vs. R. Denning Gearhart, Esquire**

34. Plaintiff incorporates by reference Paragraphs 1 through 33 of her Complaint as if set forth at length.

35. All of the resultant losses and damages sustained by the Plaintiff, individually and in her capacity as Administratrix of the Estate of Michael Skebo a/k/a Mike Skebo, were the result of the negligence of the Defendant in the following particulars:

- a. In failing to demand on behalf of the Plaintiff, both individually and in a representative capacity, a private sale of the property that was the subject of the Partition action;
- b. In failing to move under the Pennsylvania Rules of Civil Procedure for a sale confined to the parties wherein Plaintiff's bid of \$85,000.00 would have been accepted by the Master, thereby compelling the Plaintiff to bid higher at a public sale for the property which was the subject of the Partition action;
- c. In failing to be cognizant of the applicable Rules of Civil Procedure involving Partition actions;
- d. In failing to refer Plaintiff to an attorney experienced in Partition actions so as to allow the Plaintiff to seek a sale confined to the parties in the Partition action;
- e. In failing to properly review the Master's proposed order of distribution which then allowed heirs of the Michael Skebo Estate to receive funds which were in fact the property of the Plaintiff;
- f. In failing to move in court to have the heirs of the Michael Skebo Estate who received the wrongfully paid over funds to return said monies to the Master in Partition;
- g. In failing to compel the Master in Partition to correct an erroneous scheduled distribution by appropriate Court Order;
- h. In failing to turn over to the Plaintiff in her representative capacity funds belonging to the Michael Skebo Estate so as to allow the final administration of the Estate despite the demands from Plaintiff and successor counsel;
- i. In allowing a public sale of the Partitioned property to be conducted wherein the Plaintiff was compelled to bid sums of money beyond which she would necessarily have to pay;
- j. In failing to finalize the administration of the Estate of Michael Skebo in a timely manner so as to avoid additional attorney's fees and administration expenses; and
- k. In failing to move to include Plaintiff as a party in interest in the subject Partition action after her purchase of shares in the property.

36. As a direct and proximate result of the foregoing, the Plaintiff sustained damages as follows:



- a. Sums paid in excess of her original offer to the purchase the real estate subject of the Partition action;
- b. Interest paid on the loan necessary to finance the purchase of the property beyond the amount of her original bid to the Master in Partition;
- c. The amount of monies retained by the Defendant that belong to the Estate of Michael Skebo;
- d. Additional Attorneys fees to complete the administration of the Estate of Michael Skebo; and
- e. Additional administration expenses to finalize the administration of the Estate of Michael Skebo;

WHEREFORE, Plaintiff requests judgment in her favor and against Defendant for a sum in excess of the jurisdictional limit of a Board of Arbitrators of this Court, plus costs.

## **COUNT II**

### **Breach of Contract**

#### **Barbara A. Haversack, individually and in her capacity as Administratrix of the Estate of Michael Skebo a/k/a Mike Skebo vs. R. Denning Gearhart, Esquire**

37. Plaintiff incorporates by reference Paragraphs 1 through 36 of her Complaint as if set forth at length.

38. In April 2000, Plaintiff and Defendant entered into an oral agreement whereby Defendant agreed to represent Plaintiff's interest in the administration of the Estate of Michael Skebo a/k/a Mike Skebo in Plaintiff's capacity as Administratrix of the Estate.

39. In consideration for legal services to be performed in this matter, Plaintiff agreed to pay Defendant normal legal fees to be bill on an hourly basis upon invoice.

40. Plaintiff complied with all terms and conditions of the oral agreement of legal representation entered into between Plaintiff and Defendant.

41. In addition, Defendant performed legal services for the Plaintiff in an individual capacity in the form of representing her in Plaintiff's purchase of the interests of four heirs of the Michael Skebo Estate in the property that was the subject of the Partition action.

42. In consideration for the performance of legal services, Plaintiff agreed to pay Defendant normal and reasonable fees based upon an hourly rate upon invoice.

43. Plaintiff performed all terms and conditions of the oral agreement of representation entered into between Plaintiff and Defendant.

44. Defendant breached his oral agreement with the Plaintiff in the following manner:

- a. In failing to demand on behalf of the Plaintiff, both individually and in a representative capacity, a private sale of the property that was the subject of the Partition action;
- b. In failing to move under the Pennsylvania Rules of Civil Procedure for a sale confined to the parties wherein Plaintiff's bid of \$85,000.00 would have been accepted by the Master, thereby compelling the Plaintiff to bid higher at a public sale for the property which was the subject of the Partition action;
- c. In failing to be cognizant of the applicable Rules of Civil Procedure involving Partition actions;
- d. In failing to refer Plaintiff to an attorney experienced in Partition actions so as to allow the Plaintiff to seek a sale confined to the parties in the Partition action;
- e. In failing to properly review the Master's proposed order of distribution which then allowed heirs of the Michael Skebo Estate to receive funds which were in fact the property of the Plaintiff;
- f. In failing to move in court to have the heirs of the Michael Skebo Estate who received the wrongfully paid over funds to return said monies to the Master in Partition;
- g. In failing to compel the Master in Partition to correct an erroneous scheduled distribution by appropriate Court Order;
- h. In failing to turn over to the Plaintiff in her representative capacity funds belonging to the Michael Skebo Estate so as to allow the final administration of the Estate despite demands from Plaintiff and successor counsel;
- i. In allowing a public sale of the Partitioned property to be conducted wherein the Plaintiff was compelled to bid sums of money beyond which she would necessarily have to pay;

- j. In failing to finalize the administration of the Estate of Michael Skebo in a timely manner so as to avoid additional attorney's fees and administration expenses; and
- k. In failing to move to include Plaintiff as a party in interest in the subject Partition action.

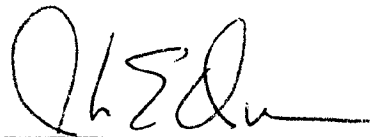
45. As a direct and proximate result of the foregoing, the Plaintiff sustained damages as follows:

- a. Sums paid in excess of her original offer to purchase real estate the subject of the Partition action;
- b. Interest paid on the loan necessary to finance the purchase of the property beyond the amount of her original bid to the Master in Partition;
- c. The amount of monies retained by the Defendant that belong to the Estate of Michael Skebo;
- d. Additional Attorneys fees to complete the administration of the Estate of Michael Skebo; and
- e. Additional administration expenses to finalize the administration of the Estate of Michael Skebo;

WHEREFORE, Plaintiff requests judgment in her favor and against Defendant for a sum in excess of the jurisdictional limit of a Board of Arbitrators of this Court, plus costs.

Respectfully submitted,  
PORTNOY & QUINN, LLC

By: \_\_\_\_\_



John E. Quinn  
Attorney for Plaintiff

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

ESTATE OF MICHAEL SKEBO, a/k/a  
MIKE SKEBO, by BARBARA  
HAVERSACK, Administratrix,  
Plaintiff  
VS.

NO. 01-

1925-cd  
-EQE

SAMUEL SKEBO, a/k/a SAMUEL  
SKIBO, deceased, KATY SKIBO,  
a/k/a KATY SKEBO, deceased,  
PETER SKIBO, a/k/a PETER  
SKEBO, deceased, WASCO SKIBO,  
a/k/a WASCO SKEBO, deceased,  
CATHERINE SKIBO, a/k/a  
CATHERINE SKEBO, a/k/a  
CATHERINE SKEBO OLEXY,  
deceased, ANNIE SKIBO,  
a/k/a ANNIE SKEBO WASHIC,  
deceased, CHRISTINE SKIBO,  
a/k/a CHRISTINE SKEBO,  
deceased, MIKE SKIBO, a/k/a  
MIKE SKEBO, a/k/a MICHAEL  
SKEBO, deceased, JOHN SKIBO,  
a/k/a JOHN SKEBO, HARRY  
SKIBO, a/k/a HARRY SKEBO,  
JULIA SKIBO, a/k/a JULIA  
SKEBO TALLANT, JOSEPH SKIBO,  
a/k/a JOSEPH SKEBO, deceased,  
DOROTHY SKEBO, Heir of PETER  
SKEBO; EVELYN SKEBO, Heir of  
JOSEPH SKEBO; The Heirs of  
CATHERINE SKEBO OLEXY as  
follows: ROSE A. HICKOX,  
MARGARET E. LINGENFELTER,  
a/k/a MARGARET PELES, ALBERT  
H. OLEXY, JOSEPHINE P.  
SWITLICK, JOHN L. OLEXY,  
GEORGE OLEXY, deceased,  
BRENDA GRUBE; The Heirs of  
WASCO SKEBO as follows:  
JEANNE TEATERS, WANDA PETRIK,  
CHRISTINE CZAPSKY; The Heirs

I hereby certify this to be a true  
and attested copy of the original.  
Notary Public for Pennsylvania

NOV 27 2001

Attest:

Notary Public



Of ANNIE SKEBO WASHIC as :  
follows: BESSIE WEBB, :  
their heirs, successors and :  
assigns, and/or any Person or :  
Entity Claiming Title in and :  
to the herein described :  
premises under them, :  
Defendants :

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

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

ESTATE OF MICHAEL SKEBO. a/k/a  
MIKE SKEBO. by BARBARA  
HAVERSACK. Administratrix,  
Plaintiff  
VS.

NO. 01- -EQU

SAMUEL SKEBO, a/k/a SAMUEL  
SKIBO, deceased, KATY SKIBO.  
a/k/a KATY SKEBO, deceased,  
PETER SKIBO, a/k/a PETER  
SKEBO, deceased, WASCO SKIBO,  
a/k/a WASCO SKEBO, deceased.  
CATHERINE SKIBO, a/k/a  
CATHERINE SKEBO, a/k/a  
CATHERINE SKEBO OLEXY,  
deceased, ANNIE SKIBO,  
a/k/a ANNIE SKEBO WASHIC,  
deceased, CHRISTINE SKIBO,  
a/k/a CHRISTINE SKEBO,  
deceased, MIKE SKIBO, a/k/a  
MIKE SKEBO, a/k/a MICHAEL  
SKEBO, deceased, JOHN SKIBO,  
a/k/a JOHN SKEBO, HARRY  
SKIBO, a/k/a HARRY SKEBO,  
JULIA SKIBO, a/k/a JULIA  
SKEBO TALLANT, JOSEPH SKIBO,  
a/k/a JOSEPH SKEBO, deceased,  
DOROTHY SKEBO, Heir of PETER  
SKEBO; EVELYN SKEBO, Heir of  
JOSEPH SKEBO; The Heirs of  
CATHERINE SKEBO OLEXY as  
follows: ROSE A. HICKOX,  
MARGARET E. LINGENFELTER,  
a/k/a MARGARET PELES, ALBERT  
H. OLEXY, JOSEPHINE P.  
SWITLICK, JOHN L. OLEXY,  
GEORGE OLEXY, deceased,  
BRENDA GRUBE; The Heirs of  
WASCO SKEBO as follows:  
JEANNE TEATERS, WANDA PETRIK,  
CHRISTINE CZAPSKY; The Heirs

of ANNIE SKEBO WASHIC as :  
follows: BESSIE WEBB, :  
their heirs, successors and :  
assigns, and/or any Person or :  
Entity Claiming Title in and :  
to the herein described :  
premises under them, :

### COMPLAINT IN EQUITY - PARTITION

1. That Plaintiff, Barbara Haversack, is the duly appointed Administratrix for the Estate of Michael Skebo, late of Olanta, Clearfield County, Pennsylvania, date of death being April 2, 2000, which estate can be found in the Office of the Register of Wills of Clearfield County, Pennsylvania, at File No. 2000-209.

2(a). That Defendant, SAMUEL SKEBO, a/k/a SAMUEL SKIBO, late Knox Township, Clearfield County, Pennsylvania, passed away October 29, 1934, leaving to survive him his wife, Katy Skibo, and ten (10) children, as follows: Peter Skibo, Wasco Skibo, Catherine Skibo, Annie Skibo, Christine Skibo, Mike Skibo, John Skibo, Harry Skibo, Julie Skibo, and Joseph Skibo. All being evidenced by the Estate of Samuel Skibo filed in the Register of Wills for Clearfield County to File No. 15649.

2(b). That Defendant, KATY SKIBO, a/k/a KATY SKEBO, late of Knox Township, Clearfield County, Pennsylvania, passed away in March, 1964, leaving to survive her the children listed in Item 2(a) above.

2(c). That Defendant, PETER SKIBO, a/k/a PETER SKEBO, late of Spotsylvania, Virginia, passed away in April, 1990, leaving to survive him his wife, DOROTHY SKEBO, an adult

individual, whose last known address is 8517 Brock Road, Spotsylvania, VA 22553.

2(d). That Defendant, WASCO SKIBO, a/k/a WASCO SKEBO, late of Knox Township, Clearfield County, PA, passed away in October, 1983, leaving to survive him the following children: JEANNE TEATERS, an adult individual, of 853 West Fair View Avenue, Apartment 3, Arcadial, California 91007-6693; WANDA PETRIK, an adult individual, of 1426 Park Road, Mt. Vernon, Ohio 43050; and CHRISTINE CZAPSKY, an adult individual, of 1524 East Tierra Buena Lane, Phoenix, Arizona 85022-3256.

2(e). That Defendant, CATHERINE SKIBO, a/k/a CATHERINE SKEBO, a/k/a CATHERINE SKEBO OLEXY, late of Knox Township, Clearfield County, PA, passed away on January 1, 1958, leaving to survive her the following children with their last known addresses listed: ROSE A. HICKOX, an adult individual, of 10 Main Street, Rossiter, PA 15772; MARGARET E. LINGENFELTER, a/k/a MARGARET PELES, an adult individual, of R. D. #6, Box 441, Punxsutawney, PA 15767; ALBERT H. OLEXY, an adult individual, of 109 Clark Terrace, Punxsutawney, PA 15767; JOSEPHINE P. SWITLICK, an adult individual, of Star Route, Box 4, Coolspring, PA 15730; JOHN L. OLEXY, an adult individual, of R. D. #1, Box 53, Rockton, PA 15856; and GEORGE OLEXY, deceased, whose heir is BRENDA GRUBE, an adult individual, of 1512 Rishell Road, Rossiter, PA 15772-7210.

2(f). That Defendant, ANNIE SKIBO, a/k/a ANNIE SKEBO, a/k/a ANNIE SKEBO WASHIC, late of Knox Township, Clearfield County, PA, passed away in May, 1990, leaving to survive her one daughter, BESSIE WEBB, an adult individual, whose last known address is 1509 Martin Hill Drive, Tupelo, MS 38804.



2(g) That Defendant. CHRISTINE SKIBO, a/k/a CHRISTINE SKEBO, late of Knox Township, Clearfield County, Pennsylvania, passed away in 1940, at the age of Sixteen (16). That she had not parented any children nor had she ever married.

2(h) That Mike Skibo. a/k/a Mike Skebo, a/k/a Michael Skebo, late of Olanta, Clearfield County, Pennsylvania, passed away on April 2, 2000. That he had never been married or parented any children. Thus, his heirs would be as follows: JOHN SKEBO, brother; JULIA TALLANT, sister; PETER SKEBO, brother, deceased, whose heir is DOROTHY SKEBO; JOSEPH SKEBO, brother, deceased, whose heir is EVELYN SKEBO; HARRY SKEBO, brother; CATHERINE SKEBO OLEXY, sister, deceased, whose heirs are ROSE A. HICKOX, MARGARET E. LINGENFELTER, ALBERT H. OLEXY, JOSEPHINE P. SWITLICK, JOHN L. OLEXY, and GEORGE OLEXY, deceased, whose heir is BRENDA GRUBE. Addresses for all of these heirs are indicated under items of this Complaint and can be found herein.

2(i) That Defendant, JOHN SKIBO, a/k/a JOHN SKEBO, is an adult individual, whose last known address is R. D. #1, Olanta, PA 16863.

2(j) That Defendant, HARRY SKIBO, a/k/a HARRY SKEBO, is an adult individual, whose last known address is R. R. #1, Box 402, Houtzdale, PA 16651.

2(k) That Defendant, JULIE SKIBO, a/k/a JULIA SKEBO, a/k/a JULIA TALLANT, is an adult individual, whose last known address is 1509 Martin Hill Drive, Tupelo, Mississippi 38804.

2(l) That Defendant, JOSEPH SKIBO, a/k/a JOSEPH SKEBO, late of Lawrence Township, Clearfield County, Pennsylvania, passed away on November 20, 1995, leaving to survive him his wife, EVELYN SKEBO, whose last known address is R. R. #3, Box 114, Clearfield, PA 16830.

3. That Michael Skebo, a/k/a Mike Skebo, acquired title to the property described below by descent from Samuel Skebo who died intestate on October 9, 1934, possessed of fee simple title to the property, being a child and next of kin of said Samuel Skebo.

4. The subject property is presently titled in the name of Samuel Skebo, who acquired the property by Deed from John M. Chase, 3<sup>rd</sup>, Administrator of the Estate of Harry Chauer, to Samuel Skebo, dated October 12, 1923, and recorded in Clearfield County Recorder's Office in Deed Book Vol. 265, Page 514, and is described as follows:

ALL that certain piece or tract of land situate, lying and being in the Township of Knox, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in Public road, a corner of land now or formerly of Daniel Bauman, and line of land now or formerly of H. F. Rowles; thence along said road North Sixty-one degrees East, Eighteen and eight tenths perches; thence North Seventy-four degrees East, Seventy perches; thence North Sixty and one-fourth degrees East, Twenty-three and four tenths perches to post on line of land now or formerly of Cathcart; thence South Thirty-nine and Three fourths degrees East Ninety perches, more or less to post; thence by land now or formerly of Chase, South Fifty-seven degrees West One Hundred twenty perches, more or less, to a post; thence by land now or formerly of H. F. Rowles, North Thirty-two degrees West One Hundred Twenty perches to post on road, and place of beginning. Containing Seventy-six (76) Acres and allowances, and being the same premises known as Purpart No. 1 in the proceedings in partition in Re: D. P. Morrison versus Sarah Bauman, brought in the Court of Common Pleas of Clearfield County to No. 261 January Term, 1874.

SUBJECT, NEVERTHELESS, to all exceptions and reservations as appear in previous Deeds in the chain of title hereto.

5. That the property is presently assessed by the Clearfield County Assessment Office as follows:

(a) Tax Map # 122-J12-000-00006, having Control #122086482, assessed in the name of Samuel Skebo as - 93% Interest in House, Barn & 76 Acres surface;

(b) Tax Map # 122-J12-000-00006, having Control #122086564, assessed in the name of Michael Skebo a/k/a Mike Skebo as - 7% Interest in House, Barn & 76 Acres Surface.

6. That Samuel Skebo passed away on October 29, 1934, intestate, leaving to survive him his wife, Katy, and ten (10) children, all listed in Item 2(a) above. His Estate can be found in the Office of the Register of Wills of Clearfield County, Pennsylvania, at Estate File No. 15649.

7. That the future division of this property requires that it be referred to in terms of  $n/4320$  shares.

8. It is averred that upon the death of Samuel Skebo, his widow, Katy Skebo, became vested in one-third, or  $1440/4320$ , of said property, and each of the ten children named in Paragraph 2(a) above received two-thirtieths ( $2/30$ ), or  $288/4320$ , interest.

9. That in 1940, one of the children of Sam and Katy Skebo, namely Christine Skebo, passed away unmarried and without issue. Accordingly, her  $288/4320$  share passed to her surviving parent, Katy Skebo. Accordingly, her surviving parent, Katy Skebo, now owned  $1728/4320$ , with each of the remaining nine children owning a  $288/4320$  interest each.

10. That by deed dated June 20, 1950, and recorded in Clearfield County Deed Book Vol. 407, Page 174, Annie Skebo Washic transferred her  $288/4320$  interest, which she acquired through the Estate of Sam Skebo, to Ray S. Walker. Ray S. Walker then transferred this interest to C. Alan Walker, et. al., t/d/b/a Shannon Land and Mining Company by deed recorded in Deed Book Vol. 1881, Page 359.

11. That upon the death of Catherine Skebo Olexy, who passed away on January 1, 1958, her  $288/4320$  interest would be divided among her six heirs as listed in Item 2(e) above. Therefore, each of her heirs would hold a  $48/4320$  interest.

12. That upon the death of Katy Skebo, who passed away in March, 1964, she was survived by eight of her children, and the heirs of one predeceased child. Those nine children are named in Item 2(a) above. That at the time of her death, Katy Skebo held a  $1728/4320$  interest in the premises,

which would be divided among her nine children. Since Annie Skebo Washic has sold her 288/4320s interest she had acquired through the Estate of Sam Skebo, she would now only hold the interest she acquired through the Katy Skebo Estate (192/4320). The interests of all children at this point would then be as follows:

Annie Skebo Washic		192/4320	192/4320
Michael Skebo	288/4320 +	192/4320	480/4320
John Skebo	288/4320 +	192/4320	480/4320
Julia Tallant	288/4320 +	192/4320	480/4320
Peter Skebo	288/4320 +	192/4320	480/4320
Joseph Skebo	288/4320 +	192/4320	480/4320
Harry Skebo	288/4320 +	192/4320	480/4320
Catherine Skebo Olexy Estate			
Rose	48/4320 +	32/4320	80/4320
Margaret	48/4320 +	32/4320	80/4320
Albert	48/4320 +	32/4320	80/4320
Josephine	48/4320 +	32/4320	80/4320
John	48/4320 +	32/4320	80/4320
George(Brenda Grube)	48/4320 +	32/4320	80/4320
Wasco Skebo	288/4320 +	192/4320	480/4320
Shannon Land		288/4320	288/4320

13. That in 1973, some of the heirs of the Estate of Catherine Skebo Olexy deeded by Quit-Claim Deeds their interest in the property to Michael Skebo. As stated above, each of her heirs held a 80/4320 interest which would have transferred to Michael Skebo by the following deeds:

(a) By Quit-Claim Deed dated August 27, 1973, signed and acknowledged on August 27, 1973, Rose Hickox, a single woman, deeded her interest in the property to Mike Skebo. That Deed was recorded under Clearfield County Instrument Number 200102258, on February 14, 2001. Her interest would have been a 80/4320 interest.

(b) By Quit-Claim Deed dated August 30, 1973, signed and acknowledged on August 30, 1973, Margaret Peles, a single woman, (now Margaret Lingenfelter), deeded her interest in the property to Mike Skebo. That Deed was recorded under Clearfield County Instrument Number

200102257, on February 14, 2001. Her interest would have been a 80/4320 interest.

(c) By Quit-Claim Deed dated September 15, 1973, signed and acknowledged on September 15, 1973, Albert Olexy and Sharlene Mae Olexy, husband and wife, deeded their interest in the property to Mike Skebo. That Deed was recorded under Clearfield County Instrument Number 200102259. His interest would have been a 80/4320 interest.

14. Therefore, upon the transfer of these interests to Michael Skebo he would then have been vested in a 720/4320 interest.

15. That C. Alan Walker, et al., t/d/b/a Shannon Land & Mining Company, (who had acquired the shares of Ray S. Walker as described in Paragraph 9) sold their 288/4320 interest to Michael Skebo by deed dated October 20, 1997, and being recorded on February 25, 1998, in Deed Book Vol. 1910, Page 360. This gave to Michael Skebo, an interest of 1008/4320.

16. Thus, prior to the death of Michael Skebo on April 2, 2000, the subject property was held as follows:

Annie Skebo Washic	192/4320
Michael Skebo Estate	1008/4320
John Skebo	480/4320
Julia Tallant	480/4320
Peter Skebo	480/4320
Joseph Skebo	480/4320
Harry Skebo	480/4320
Josephine Switlick	80/4320
John Olexy	80/4320
George Olexy (Brenda Grube)	80/4320
Wasco Skebo	480/4320

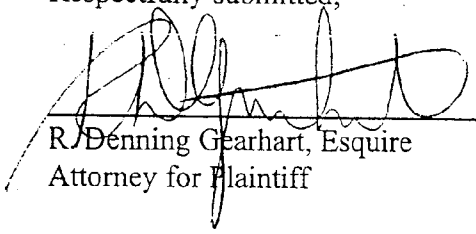
17. That there are no persons other than the named parties herein who has title or interest in the property.

18. No partition or division of the above-described property has ever been made.

**WHEREFORE**, Plaintiff demands that:

- (a). the Court decree partition of the real estate;
- (b). the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real estate cannot be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;
- (c) such other and further relief be granted as the Court deems just and proper.

Respectfully submitted,



R. Denning Gearhart, Esquire  
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA

:

: SS

COUNTY OF CLEARFIELD

:

Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared BARBARA HAVERSACK, Administratrix of the Estate of MICHAEL SKEBO a/k/a MIKE SKEBO, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

*Barbara Haversack*

BARBARA HAVERSACK

Administratrix

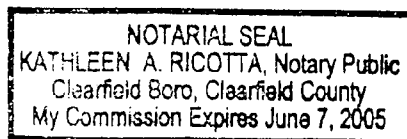
Sworn to and subscribed before

me this 31 Day of

October, 2001.

*Kathleen A. Ricotta*

Notary Public



# CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103

Clearfield, Pennsylvania 16830

AFFIDAVIT No. 37176

## \*RETURN DOCUMENT TO:

R. DENNING GEARHART

215 E. LOCUST STREET

CLEARFIELD, PA 16830

Instrument Number - 200400652

Recorded On 1/14/2004 At 11:39:26 AM

\* Instrument Type - DEED

\* Total Pages - 4

Invoice Number - 104304

\* Grantor - SKEBO, JOHN

\* Grantee - HAVERSACK, BARBARA

\* Customer - GEARHART, R. DENNING

### \* FEES

RECORDING FEES -	\$13.00
RECORDER	
COUNTY IMPROVEMENT FUND	\$2.00
RECORDER IMPROVEMENT	\$3.00
FUND	
JCS/ACCESS TO JUSTICE	\$10.00
STATE TRANSFER TAX	\$80.19
STATE WRIT TAX	\$0.50
KNOX TOWNSHIP	\$40.09
CLEARFIELD AREA SCHOOLS	\$40.10
TOTAL	\$188.88

I hereby CERTIFY that this document  
is recorded in the Recorder's Office of  
Clearfield County, Pennsylvania.



*Karen L. Starck*

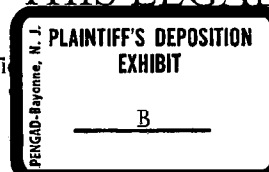
Karen L. Starck  
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

# Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

\* - Information denoted by an asterisk may change during the verification process.



be reflected on this page.



# Quitclaim Deed

THIS QUITCLAIM DEED, Made this 13 day of January, 2004,

BETWEEN JOHN SKEBO, a single adult individual, of R. D. #1, 831 Curwensville-Tyrone Highway, Olanta, PA 16863, Party of the First Part, hereinafter referred to as the GRANTOR,

AND

BARBARA HAVERSACK, an adult individual, of R. R. #3, Box 83-A, Clearfield, PA 16830, Party of the Second Part, hereinafter referred to as the GRANTEE,

WITNESSETH that the Grantors, for and in consideration of the sum of One and 00/100 ----- (\$1.00) ----- DOLLAR, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and quitclaimed to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate, lying and being in the county of Clearfield, Commonwealth of Pennsylvania, to wit:

ALL of his right, title and interest, in a certain piece or tract of land situate in the Township of Knox, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in Public road, a corner of land now or formerly of Daniel Bauman, and line of land now or formerly of H. F. Rowles; thence along said road North Sixty-one degrees East, Eighteen and eight tenths perches; thence North Seventy-four degrees East, Seventy perches; thence North Sixty and one-fourth degrees East, Twenty-three and four tenths perches to post on line of land now or formerly of Cathcart; thence South Thirty-nine and Three fourths degrees East Ninety

perches, more or less to post; thence by land now or formerly of Chase, South Fifty-seven degrees West One Hundred twenty perches, more or less, to a post; thence by land now or formerly of H. F. Rowles, North Thirty-two degrees West One Hundred Twenty perches to post on road, and place of beginning. Containing Seventy-six (76) Acres and allowances, and being the same premises known as Purpart No. 1 in the proceedings in partition in Re: D. P. Morrison versus Sarah Bauman, brought in the Court of Common Pleas of Clearfield County to No. 261 January Term, 1874.

SUBJECT, NEVERTHELESS, to all exceptions and reservations as appear in previous Deeds in the chain of title hereto.

BEING the same premises as were granted and conveyed unto Samuel Skebo by deed of John M. Chase, 3rd, Administrator of the Estate of Harry Chauer, dated October 12, 1923, and entered for record in the Office for the Recording of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 265, Page 514. The said Samuel Skebo having died, title then vested in his heirs. The Grantor is an heir of both Samuel Skebo and Michael Skebo a/k/a Mike Skebo (who was an heir of Samuel Skebo) and he conveys only that interest to which he is entitled through the above estates. (Any interest he may have acquired in Clearfield County Assessment Office Tax Map #122-J12-000-00006, Control #122086564, and Clearfield County Assessment Office Tax Map #122-J12-000-00006, Control #122086482.)

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantee forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Kimberly Hudak

John Skebo  
JOHN SKEBO

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantee herein is as follows:

R. R. #3, Box 83-A  
Clearfield, PA 16830

  
R. Denning Gearhart, Esquire  
NO TITLE SEARCH

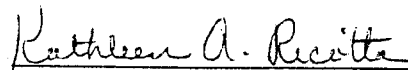
COMMONWEALTH OF PENNSYLVANIA :

: SS.

COUNTY OF CLEARFIELD :

I HEREBY CERTIFY that on this day, before me, an officer duly qualified to take acknowledgments, personally appeared JOHN SKEBO, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 13 day of January, 2004.

  
Notary Public

My Commission Expires:

NOTARIAL SEAL  
KATHLEEN A. RICOTTA, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires June 7, 2005

KAREN L. STARCK  
REGISTER AND RECORDER  
CLEARFIELD COUNTY  
Pennsylvania

INSTRUMENT NUMBER  
200102260

RECORDED ON:

Feb 14, 2001  
1:16:54 PM

RECORDING FEES - \$16.50  
RECORDER

COUNTY IMPROVEMENT \$1.00  
FUND

RECORDER  
IMPROVEMENT FUND \$1.00

STATE TRANSFER \$240.38  
TAX

STATE WRIT TAX \$0.50  
KNOX TOWNSHIP

CLEARFIELD AREA \$120.19  
SCHOOLS

TOTAL \$499.76  
CUSTOMER

GEARHART, R. DENNING

## Quitclaim Deed

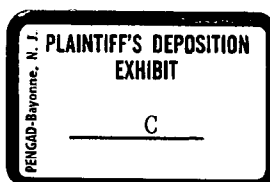
THIS QUITCLAIM DEED, Made this 27 day of December, 2000,

BETWEEN JULIA TALLANT and WILLIAM TALLANT, Her husband,  
of 1509 Martin Hill Drive, Tupelo, Mississippi 38804; HARRY SKEBO and HELEN SKEBO,  
His Wife, of R. R. #1, Box 402, Houtzdale, PA 16651; and the Heir of Annie Skebo Washic as  
follows: BESSIE WEBB and JACK WEBB, Her Husband, of 1509 Martin Hill Drive, Tupelo,  
MS 38804, being some of the Heirs of Samuel Skebo and Michael Skebo a/k/a Mike Skebo, Grantors  
and Parties of the First Part,

AND

BARBARA HAVERSACK, an individual, of R. R. #3, Box 83-A, Clearfield, PA 16830,  
Grantee and Party of the Second Part.

WITNESSETH that the Grantors, for and in consideration of the sum of One and 00/100  
-----(\$1.00)-----DOLLAR, and other good and valuable consideration to  
GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted,  
bargained and quitclaimed to the said GRANTEE and GRANTEE'S heirs and assigns forever, the  
following described land, situate, lying and being in the County of Clearfield, Commonwealth of  
Pennsylvania, to wit:



ALL their right, title and interest, in a certain piece or tract of land situate in the Township of Knox, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in Public road, a corner of land now or formerly of Daniel Bauman, and line of land now or formerly of H. F. Rowles; thence along said road North Sixty-one degrees East, Eighteen and eight tenths perches; thence North Seventy-four degrees East, Seventy perches; thence North Sixty and one-fourth degrees East, Twenty-three and four tenths perches to post on line of land now or formerly of Cathcart; thence South Thirty-nine and Three fourths degrees East Ninety perches, more or less to post; thence by land now or formerly of Chase, South Fifty-seven degrees West One Hundred twenty perches, more or less, to a post; thence by land now or formerly of H. F. Rowles, North Thirty-two degrees West One Hundred Twenty perche to post on road, and place of beginning. CONTAINING Seventy-six (76) Acres and allowances, and being the same premises known as Purpast No. 1 in the proceedings in partition in Re: D. P. Morrison versus Sarah Bauman, brought in the Court of Common Pleas of Clearfield County to No. 261 January Term, 1874.

SUBJECT, NEVERTHELESS, to all exceptions and reservations as appear in previous Deeds in the chain of title hereto.

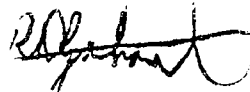
BEING the same premises as were granted and conveyed unto Samuel Skebo by deed of John M. Chase, 3rd, Administrator of the Estate of Harry Chauer, dated October 12, 1923, and entered for record in the Office for the Recording of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 265, Page 514. The said Samuel Skebo having died on October 29, 1934, title then vested in his heirs. The Grantors herein are some of the heirs of both Samuel Skebo and Michael Skebo a/k/a Mike Skebo and convey only that interest to which they are entitled through the above estates.

TO HAVE AND TO HOLD the same together with all and singular the appurtanances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantee forever.

#### CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantee herein is as follows:

R. R. #3, Box 83-A  
Clearfield, PA 16830



---

R. Denning Gearhart, Esquire  
Attorney for Grantee  
NO TITLE SEARCH

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 27 Day  
of December, 2000.

Julia Tallant (SEAL)  
JULIA TALLANT

Robert Benson  
Witness

William J. Tallant (SEAL)  
WILLIAM TALLANT

STATE OF MISSISSIPPI

:  
: SS.

COUNTY OF

ON THIS, the 27 Day of December, 2000, before me, the undersigned  
officer, personally appeared JULIA TALLANT and WILLIAM TALLANT, known to me (or  
satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and  
acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



**BILL BENSON, Chancery Clerk  
and Ex-Officio Notary Public**

BY Brenda C. Benson D.C. Notary Public  
My Commission Expires First Monday in January 2004

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 27<sup>th</sup> Day  
of December, 2000.

*Harry Skebo* (SEAL)  
HARRY SKEBO

\_\_\_\_\_  
Witness

*Helen Skebo* (SEAL)  
HELEN SKEBO

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Clearfield

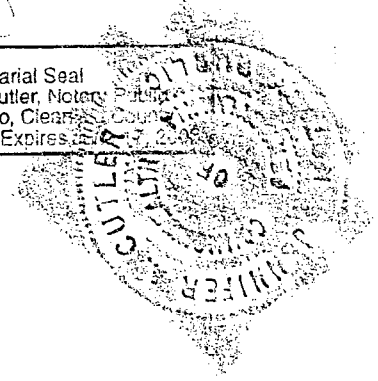
:  
: SS.  
:

ON THIS, the 27<sup>th</sup> Day of December, 2000, before me, the undersigned  
officer, personally appeared HARRY SKEBO and HELEN SKEBO, known to me (or satisfactorily  
proven) to be the persons whose names are subscribed to the within instrument, and acknowledged  
that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

*Jennifer A. Cutler*  
Notary Public

Notarial Seal  
Jennifer A. Cutler, Notary Public  
Clearfield Boro, Clearfield County  
Commission Expires 12/31/2005



IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 5 Day  
of Jan, ~~2000~~ 2001

Bessie Webb (SEAL)  
BESSIE WEBB

Carol Ann  
Witness

Jack Webb (SEAL)  
JACK WEBB

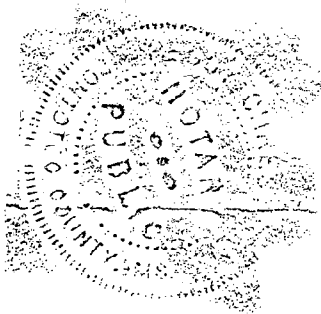
STATE OF MISSISSIPPI

COUNTY OF Lee

:  
: SS.  
:

ON THIS, the 5 Day of Jan, ~~2000~~ 2001, before me, the undersigned officer, personally appeared BESSIE WEBB and JACK WEBB, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Reggie Chestman  
Notary Public

My Commission Expires JUNE 27, 2003



# **R. Denning Gearhart**

Attorney & Counselor At Law

207 East Market Street  
Clearfield, PA 16830

814-765-1581  
fax-814-765-8142

[w.dgearhartpalaw.com](http://w.dgearhartpalaw.com)  
[dgearhart@dgearhartpalaw.com](mailto:dgearhart@dgearhartpalaw.com)

September 7, 2005

John R. Ryan, Esq.  
Belin & Kubista, Esqs.  
15 North Front Street  
P. O. Box 1  
Clearfield, PA 16830

Re: Michael Skebo Estate, et. al. Vs. Samuel Skebo, et. al.  
No. 01-1925-CD

Dear John:

I reviewed the Appraisal with Barbara Haversack. She is prepared to offer \$85,000.00  
(less her proportional share of the estate) for the property.

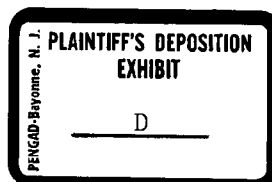
Please advise me if you need anything further.

Sincerely,

R. Denning Gearhart

RDG:kar

cc: Barbara Haversack ✓  
Barbara Hugney-Shope, Esq.



**BELIN & KUBISTA**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.  
KIMBERLY M. KUBISTA  
JOHN R. RYAN

CARL A. BELIN  
1901-1997

AREA CODE 814  
TELEPHONE 765-8972  
FAX (814) 765-9893

October 19, 2005

R. Denning Gearhart, Esquire  
207 East Market Street  
Clearfield, PA 16830

Barbara J. Hugney-Shope, Esquire  
Attorney at Law  
23 North Second Street  
Clearfield, PA 16830

RE: **Michael Skebo Estate, et al. vs. Samuel Skebo, et al.**  
**No. 01-1925-CD**

Dear Denning and Barbara:

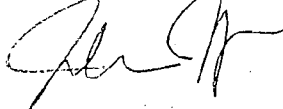
I apologize for the delay in responding to Mr. Gearhart's letter of September 7, 2005. That letter contained an offer on behalf of Plaintiff to purchase the property, which is the subject of this partition action for the fair market value as appraised of \$85,000.00. I have received no other offer. I, therefore, am prepared to approve the sale to the Plaintiff for that sum.

I am required to consider the issue of whether any credits apply to the distribution of the sale proceeds. I, therefore, request that counsel provide me with a written statement as to their positions in that regard. If at that point it appears that an evidentiary hearing is necessary, I will schedule a hearing. Of course, I will be required to retain the services of a court reporter, which will increase the cost and lessen the amount of distribution.

I am sure all concerned would like to get this matter wrapped up. I would, therefore, request that you advise as to your respective positions on credits and allowances no later than November 1, 2005.

Very truly yours,

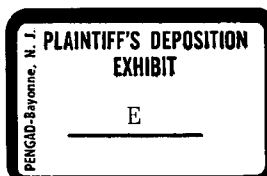
BELIN & KUBISTA



John R. Ryan

JRR/kdm

cc: John J. Olexy (w/enc.)



# **R. Denning Gearhart**

Attorney & Counselor At Law

207 East Market Street  
Clearfield, PA 16830

814-765-1581  
fax-814-765-8142

[w.dgearhartpalaw.com](http://w.dgearhartpalaw.com)  
[dgearhart@dgearhartpalaw.com](mailto:dgearhart@dgearhartpalaw.com)

November 4, 2005

John R. Ryan, Esq.  
BELIN & KUBISTA, ESQS.  
15 North Front Street  
P. O. Box 1  
Clearfield, PA 16830

Re: Michael Skebo Estate, et. al. Vs. Samuel Skebo, et. al.

Dear John:

Regarding your letter of November 1, 2005, I would be agreeable to a Status Conference being scheduled in this matter. I am available the following dates and times:

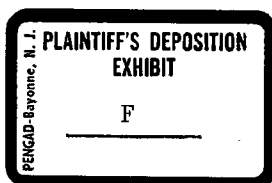
November 18<sup>th</sup> - 10:00 thru 12:00 noon; 1:00 thru 3:00P.M.  
November 22<sup>nd</sup> - 10:00 thru 12:00 noon  
November 28<sup>th</sup> - 9:00 thru 12:00 noon

Please note that Barbara Haversack is willing to match the \$90,000.00 offer which you received from Mr. And Mrs. Larry Peacock.

Sincerely,

R. Denning Gearhart

RDG:kar  
cc: Barbara Haversack ✓



**BELIN & KUBISTA**

**ATTORNEYS AT LAW**

15 NORTH FRONT STREET

P.O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.  
KIMBERLY M. KUBISTA  
JOHN R. RYAN

CARL A. BELIN  
1901-1997

AREA CODE 814  
TELEPHONE 765-8972  
FAX (814) 765-9093

November 22, 2005

R. Denning Gearhart, Esquire  
207 East Market Street  
Clearfield, PA 16830

Barbara J. Hugney-Shope, Esquire  
Attorney at Law  
23 North Second Street  
Clearfield, PA 16830

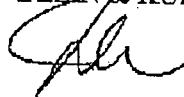
RE: **Michael Skebo Estate, et al. vs. Samuel Skebo, et al.**  
**No. 01-1925-CD**

Dear Counsel:

Attached for your review is a proposed Order regarding listing the property for public sale. Please review the Order and let me know as soon as possible if it is acceptable.

Very truly yours,

BELIN & KUBISTA

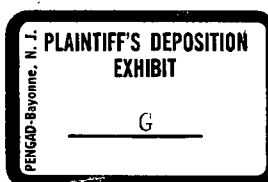


John R. Ryan

JRR/kdm

Attachment - 2 pages

VIA FACSIMILE ONLY (814) 765-8142 and (814) 765-2957



# CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder  
Maurene Inlow - Chief Deputy

P.O. Box 361  
1 North Second Street, Suite 103  
Clearfield, Pennsylvania 16830

## \*RETURN DOCUMENT TO:

R. DENNING GEARHART  
215 E. LOCUST STREET  
CLEARFIELD, PA 16830

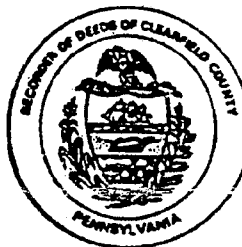
Instrument Number - 200613836  
Recorded On 8/17/2006 At 3:37:26 PM  
\* Instrument Type - DEED  
\* Total Pages - 6  
Invoice Number - 153617  
\* Grantor - RYAN, JOHN R  
\* Grantee - HAVERSACK, ANDREW S  
\* Customer - GEARHART, R. DENNING

AFFIDAVIT No. 39554

### \* FEES

STATE TRANSFER TAX	\$1,212.90
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$17.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
CLEARFIELD AREA	\$606.45
SCHOOLS REALTY TAX	
KNOX TOWNSHIP	\$606.45
TOTAL	\$2,458.30

I hereby CERTIFY that this document  
is recorded in the Recorder's Office of  
Clearfield County, Pennsylvania.



*Karen L. Starck*  
Karen L. Starck  
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

# Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

\* - Information denoted by an asterisk may change due to clerical error and may not be reflected on this page.



# INDENTURE

MADE the 14<sup>th</sup> day of June, 2006, between JOHN R. RYAN, ESQUIRE, Master in Partition in the matter of ESTATE OF MICHAEL SKEBO, a/k/a MIKE SKEBO, by BARBARA HAVERSACK, Administratrix v. SAMUEL SKEBO, a/k/a SAMUEL SKIBO, deceased, et al., of 15 North Front Street, Clearfield, Clearfield County, Pennsylvania, party of the first part, hereinafter referred to as the GRANTOR,

A N D

ANDREW S. HAVERSACK and BARBARA A. HAVERSACK, husband and wife, of 390 Lewis Road, Clearfield, Clearfield County, Pennsylvania, as tenants by the entireties, parties of the second part, hereinafter referred to as the GRANTEES:

WHEREAS, an action in partition in the Court of Common Pleas of Clearfield County, Pennsylvania, was filed to No. 01-1925-CD; and

WHEREAS, by Order of the said Court dated November 29, 2004, John R. Ryan, Esquire and Grantor herein was appointed Master in Partition; and

WHEREAS, said action was for the partition of certain property situate in Knox Township, Clearfield County, Pennsylvania, being bounded and described as follows:

ALL that certain piece or tract of land situate, lying and being in the Township of Knox, County of Clearfield and State of Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a post in Public road, a corner of land now or formerly of Daniel Bauman, and line of land now or formerly of H. F. Rowles; thence along said road North sixty-one (61°) degrees East, eighteen and eight tenths (18.8) perches; thence North seventy-four (74°) degrees East, seventy (70) perches; thence North sixty and one-fourth (60-1/4°) degrees East, twenty-three and four tenths (23.4) perches to post on line of land now or formerly of Cathcart; thence South thirty-nine and three-fourths (39-3/4°) degrees East ninety (90) perches, more or less, to a post; thence by land now or formerly of Chase, South fifty-seven (57°) degrees West one hundred twenty (120) perches, more or less, to a post; thence by land now or formerly of H. F. Rowles, North thirty-two (32°) degrees West one hundred twenty (120) perches to post on road, and place of beginning. Containing seventy-six (76) acres and allowances, and being the same premises known as Purpart No. 1 in the proceedings in partition in re: D.P. Morrison versus Sarah Bauman, brought in the Court of Common Pleas of Clearfield County to No. 261 January Term, 1874.

BEING the same premises conveyed to Samuel Skebo by deed from John M. Chase, 3<sup>rd</sup>, Administrator of the Estate of Harry Chauer, dated October 12, 1923, which deed is recorded in the Office of the Recorder of Deeds for Clearfield County to Deed Book 265, page 514.

WHEREAS, pursuant to Order of said Court, the above described premises were exposed to public sale on March 10, 2006, at the Law Offices of Belin & Kubista in Clearfield, Pennsylvania, at which time the Grantees herein submitted the highest bid for the premises in the amount of \$155,500.00; and

WHEREAS, pursuant to Order of the said Court dated May 1, 2006, John R. Ryan, Master in Partition and Grantor herein was

authorized to complete the sale of the above described premises to the Grantees for the aforesaid consideration.

*WITNESSETH*, that in consideration of the sum of ONE HUNDRED FIFTY-FIVE THOUSAND FIVE HUNDRED AND 00/100 (\$155,500.00) DOLLARS, the receipt thereof is hereby acknowledged, the said Grantor herein does hereby grant and convey to the said Grantees the premises described hereinabove.

with the appurtenances: *TO HAVE AND TO HOLD* the same unto and for the use of the said party of the second part, its successors and assigns forever.

And the said party of the first part, Master in Partition as aforesaid, covenants, promises and agrees to and with the said parties of the second part, their heirs, executors and assigns by these presents, that the Grantor has not done, committed any act, matter or thing whatsoever whereby the premises hereby granted, or any part thereof, is are, shall or may be impeached, charged or encumbered in title, or otherwise howsoever.

NOTICE---THIS DOCUMENT MAY NOT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

[This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.]



## NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Barbara A. Haversack  
Barbara A. Haversack

This 15 day of August, 2006

*IN WITNESS WHEREOF*, the said Grantor has hereunto set his hand and seal as of the day and year first above written.

WITNESS:

Kristen D. Masch

BY:

John R. Ryan

(SEAL)

JOHN R. RYAN, Master  
in Partition

COMMONWEALTH OF PENNSYLVANIA

:  
: SS.

COUNTY OF CLEARFIELD

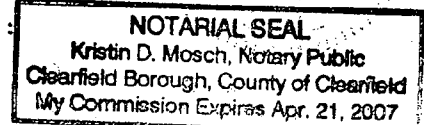
On this, the 14<sup>th</sup> day of June, 2006, before me, the undersigned officer, personally appeared JOHN R. RYAN, Master in Partition, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Kristin D. Mosch

Notary Public

My Commission Expires:



CERTIFICATE OF RESIDENCE

I, R. Denning Gearhart, do hereby certify that the precise residence of the Grantees herein is:

390 Lewis Road  
Clearfield, PA 16830

Witness my hand this 15 day of August, 2006.

R. Denning Gearhart

R. Denning Gearhart  
Attorney for Grantees

**VERIFICATION**

I verify that the statements made herein are true and correct to the best of my knowledge, information and belief, and are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

3-11-09  
Date

Barbara J. Harwood

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the within Complaint in Civil Action has been served on this 18th day of March, 2009, by U.S. first class mail, postage prepaid, upon the following:

Edwin A. D. Schwartz, Esquire  
Marshall, Dennehey, Warner, Coleman & Goggin  
4200 Crums Mill Road, Suite B  
Harrisburg, PA 17112

PORTNOY & QUINN, LLC

By: \_\_\_\_\_



John E. Quinn  
Attorney for Plaintiff  
Gabriel G. Alexander

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104934  
NO: 08-2185-CD  
SERVICES 1  
SUMMONS

PLAINTIFF: BARBARA HAVERSACK, ind & in her capacity as Admx. of the Estate of MICHAEL SKEBO aka MIKE SKEBO  
vs.  
DEFENDANT: R. DENNING GEARHART, ESQ.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PORTNOY	10657	10.00
SHERIFF HAWKINS	PORTNOY	10657	20.42

6/13/08  
MAR 23 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,



Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

BARBARA HAVERSACK, individually  
and in her capacity as Administratrix of  
the Estate of Michael Skebo a/k/a Mike  
Skebo

Plaintiff,

vs.

R. DENNING GEARHART, ESQUIRE

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

NO: 08 2185 CD

CERTIFICATE OF MERIT

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS  
PARTY:

John E. Quinn, Esquire  
Pa. I.D. #23268

PORTNCY & QUINN, LLC  
FIRM #724  
One Oxford Centre  
36<sup>th</sup> Floor  
Pittsburgh, PA 15219

412-765-3800

<sup>S</sup> FILED <sup>no</sup>  
m/11/18/09 CC  
MAY 29 2009 (610)  
William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the within Certificate of Merit was forwarded to the following individual this 27th day of May, 2009 via first-class U. S. Mail, postage prepaid:

Edwin A. D. Schwartz, Esquire  
Marshall, Dennehey, Warner, Coleman & Goggin  
4200 Crums Mill Road, Suite B  
Harrisburg, PA 17112

PORTNOY & QUINN, LLC

BY

  
Attorney for Plaintiff

FILED

JUN 01 2009  
m/1:20/2

William A. Shaw  
Prothonotary/Clerk of Courts

1 chrt to Atn

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA HAVERSACK, ET AL., Plaintiff	:	CIVIL ACTION - LAW
v.	:	No. 2008-02185-CD
R. DENNING GEARHART, ESQUIRE Defendants	:	

**NOTICE OF SERVING DISCOVERY**

TO THE PROTHONOTARY:

Please take notice that Defendant, R. Denning Gearhart, Esquire, served Interrogatories and Request for Production of Documents addressed to Plaintiffs, Barbara Haversack, et al., pursuant to the Pennsylvania Rules of Civil Procedure, by mail, postage prepaid, on the 28<sup>th</sup> day of May, 2009.

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**

DATE: 28 May 09

BY:

  
EDWIN A. D. SCHWARTZ, ESQUIRE

I.D. No. 75902  
4200 Crums Mill Road, Suite B  
Harrisburg, PA 17112  
(717) 651-3700

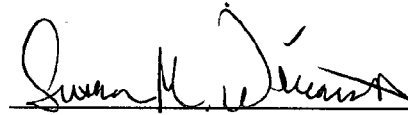
*Attorney for Defendant  
R. Denning Gearhart, Esquire*



**CERTIFICATE OF SERVICE**

I, Susan M. Williams, an employee with the law firm of Marshall, Dennehey, Warner, Coleman & Goggin, do hereby certify that on this 24th day of May, 2009, I served a true and correct copy of the **Notice of Serving Discovery**, via U.S. first-class mail, postage pre-paid, as follows:

John E. Quinn, Esquire  
Portnoy & Quinn, LLC  
One Oxford Centre, 36th Floor  
Pittsburgh, PA 15219

  
\_\_\_\_\_  
SUSAN M. WILLIAMS

FILED  
JUN 01 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

BARBARA HAVERSACK, individually  
and in her capacity as Administratrix of  
the Estate of Michael Skebo a/k/a Mike  
Skebo

Plaintiff,

vs.

R. DENNING GEARHART, ESQUIRE

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

NO: 08 2185 CD

**NOTICE OF SERVICE**

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS  
PARTY:

John E. Quinn, Esquire  
Pa. I.D. #23268

PORTNOY & QUINN, LLC  
FIRM #724  
One Oxford Centre  
36<sup>th</sup> Floor  
Pittsburgh, PA 15219

412-765-3800

**FILED** No CC.

m/11:42 am  
JUN 24 2009

William A. Shaw  
Prothonotary/Clerk of Courts

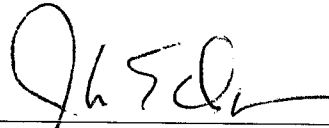
NOTICE OF SERVICE

The undersigned does hereby certify that Plaintiff's Answers to Interrogatories of Defendant R. Denning Gearhart and Plaintiff's Responses to Defendant R. Denning Gearhart, Esquire's Request for Production of Documents were forwarded to the following individual this 22 day of June, 2009, via U. S. first-class, postage prepaid:

Edwin A. D. Schwartz, Esquire  
Marshall, Dennehey, Warner,  
Coleman & Goggin  
4200 Crums Mill Road, Suite B  
Harrisburg, PA 17112

PORTNOY & QUINN, LLC.

BY



John E. Quinn

ATTORNEYS FOR PLAINTIFF

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

BARBARA HAVERSACK, ET AL., Plaintiff	:	CIVIL ACTION - LAW
v.	:	No. 2008-02185-CD
R. DENNING GEARHART, ESQUIRE Defendant's	:	

**NOTICE TO PLEAD**

To: Barbara Haversack  
c/o John E. Quinn, Esquire  
Portnoy & Quinn, LLC  
One Oxford Centre, 36th Floor  
Pittsburgh, PA 15219

<sup>5</sup> **FILED** 200  
M11:22/01  
OCT 23 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
Aly  
C10

**You are hereby notified to file a written response to the enclosed New Matter pursuant to Pa.R.C.P. 1030 within 20 days from service hereof.**

**DEFENDANT, R. DENNING GEARHART, ESQUIRE'S  
ANSWER AND NEW MATTER TO PLAINTIFF'S COMPLAINT**

AND NOW comes Defendant, R. Denning Gearhart, by and through his counsel, Marshall, Dennehey, Warner, Coleman & Goggin, and respectfully provides the foregoing Answer and New Matter to Plaintiff's Complaint and as such, provides as follows:

1-9. Paragraphs 1 through 9 are admitted.

10. Admitted in part, denied in part. It is admitted that Plaintiff and Defendant had reached an agreement for Plaintiff to pay all fees and costs associated with Defendant's representation of Plaintiff. Furthermore, it was agreed upon that Plaintiff would not be billed for any efforts until such a time as the underlying matter was resolved. It is specifically denied that "for reasons unknown to Plaintiff, Defendant during his period of representation never submitted an invoice to Plaintiff for services rendered. By way of further response or pursuant to the agreement of the party's, Defendant would not submit an invoice for services until such a time as the underlying matter was resolved.

11. Admitted.

12. Admitted. By way of further response, it is specifically denied that it was absolutely necessary to have Plaintiff individually substituted as a party of interest in the partition action in light of her prior purchase of the interest of the subject real estate for the 4 heirs of the Estate of Michael Skebo.

13. Admitted.

14. The averments contained in ¶14 of Plaintiff's Complaint are specifically denied and strict proof thereof is demanded at the time of trial. By way of further response, it was explained several times to the Plaintiff that several of the other parties to the partition action, including Plaintiff's mother, had objected to her offer to purchase the property and in fact, had wanted an appraisal in sale of the property in a manner which would obtain the largest return for the Estate.

15-19. Paragraphs 15 through are admitted.

20. Admitted in part, denied in part. It is admitted that no formal motion was made to have the Master conduct a private sale confined to the parties. By way of further response, it was specifically denied on numerous occasions that the Master would in fact conduct a private sale confined to the parties and as such, based upon the agreement between Defendant and the Master, no formal motion was deemed necessary.

21-25. Paragraphs 21 through 25 are admitted.

26. Admitted in part, denied in part. It is admitted that on or about March 10, 2006, the Master conducted a public sale of the property in which outside parties were able to bid on the property in which point Plaintiff submitted the final successful bid in the amount of \$155,500.00. It is specifically denied that Plaintiff was "compelled" to submit such bid and in fact, by way of further response, it is believed and therefore averred that Plaintiff's mother was behind the "Peacock" interest in the property.

27-32. Paragraphs 27 through 32 are admitted.

33. Admitted in part, denied in part. It is admitted that to this date Defendant still possess the funds belonging to the Estate of Michael S. Skebo and has maintained those funds in a protected escrow account. By way of further response, it has been explained to Plaintiff numerous times that the Rules require either substitution of counsel and/or leave of court to withdraw as counsel be granted before such funds may be transmitted to Plaintiff and/or successor counsel to release those funds for further administration.

**COUNT I  
NEGLIGENCE**

**BARBARA A. HAVERSACK, INDIVIDUALLY AND IN HER CAPACITY AS  
ADMINISTRATRIX OF THE ESTATE OF MICHAEL SKEBO A/K/A MIKE SKEBO  
VS. R. DENNING GEARHART, ESQUIRE**

34. Paragraphs 1 through 33 are incorporated by reference as if more fully set forth at length.

35(a-k). The averments contained in ¶35, and all subparagraphs contained thereunder, of Plaintiff's Complaint represent conclusions of law to which no response is required. If it is later judicially determined that a response is so required, Defendant specifically denies the averments contained in ¶35, and all subparagraphs contained thereunder, of Plaintiff's Complaint and demands strict proof thereof at the time of trial.

36(a-e). The averments contained in ¶36, and all subparagraphs contained thereunder, of Plaintiff's Complaint represent conclusions of law to which no response is required. If it is later judicially determined that a response is so required, Defendant specifically denies the averments contained in ¶36, and all subparagraphs contained thereunder, of Plaintiff's Complaint and demands strict proof thereof at the time of trial.

WHEREFORE, Defendant, R. Denning Gearhart, respectfully requests this Honorable Court enter judgment in his favor and further grant Defendant all such further relief as is this Court may deem proper and just.

**COUNT II  
BREACH OF CONTRACT**

**BARBARA A. HAVERSACK, INDIVIDUALLY AND IN HER CAPACITY AS  
ADMINISTRATRIX OF THE ESTATE OF MICHAEL SKEBO A/K/A MIKE SKEBO VS.  
R. DENNING GEARHART, ESQUIRE**

37. Paragraphs 1 through 36, inclusive, are incorporated by reference as if more fully set forth at length.

38. Admitted.

39. Admitted. By way of further response, it was further agreed upon that Defendant would not submit the invoice for such services until such matters in the underlying action had been resolved.

40. The averments contained in ¶40 of Plaintiff's Complaint represent conclusions of law to which no response is required. If it is later judicially determined that a response is so required, Defendant specifically denies the averments contained in ¶40 of Plaintiff's Complaint and demands strict proof thereof at the time of trial.

41. Admitted.

42. Admitted.

43. The averments contained in ¶43 of Plaintiff's Complaint represent conclusions of law to which no response is required. If it is later judicially determined that a response is so required, Defendant specifically denies the averments contained in ¶43 of Plaintiff's Complaint and demands strict proof thereof at the time of trial.

44(a-k). The averments contained in ¶44, and all subparagraphs contained thereunder, of Plaintiff's Complaint represent conclusions of law to which no response is required. If it is later judicially determined that a response is so required, Defendant specifically denies the averments contained in ¶44, and all subparagraphs contained thereunder, of Plaintiff's Complaint and demands strict proof thereof at the time of trial.



45(a-e). The averments contained in ¶45, and all subparagraphs contained thereunder, of Plaintiff's Complaint represent conclusions of law to which no response is required. If it is later judicially determined that a response is so required, Defendant specifically denies the averments contained in ¶45, and all subparagraphs contained thereunder, of Plaintiff's Complaint and demands strict proof thereof at the time of trial.

WHEREFORE, Defendant, R. Denning Gearhart, respectfully requests this Honorable Court enter judgment in his favor and further grant Defendant all such further relief as is this Court may deem proper and just.

### **NEW MATTER**

46. Paragraphs 1 through 45, inclusive, are incorporated by reference as if more fully set forth at length.

47. Any and all claims asserted by the Plaintiff against Defendant in this matter are barred by the statute of limitations to the extent that facts as developed in future discovery may implicate.

48. Plaintiff's alleged damages, if any, were not proximately caused by the actions or inactions of Defendant, to the extent facts as developed in future discovery may implicate.

49. The negligent acts and/or omissions of other individuals or entities constitutes an intervening and/or superseding cause of the damages alleged, if any, to have been sustained by the Plaintiff in this matter to the extent facts as developed in future discovery may implicate.

50. Plaintiff's alleged damages, if any, were caused by the acts and/or omissions of a person or persons other than Defendant to the extent that facts as developed in future discovery may implicate.

51. Plaintiff's alleged damages, if any, were caused by acts, omissions or factors beyond Defendant's control or legal right to control to the extent that facts as developed in future discovery may implicate.

52. Plaintiff may have already entered into a release and/or voluntary discharge with other individuals, entities or judicial bodies which may have the effect of discharging any liability of Defendant's to the extent that facts as developed in future discovery may implicate.

53. Plaintiff's claims are barred and/or limited under the doctrine of consent to the extent that facts as developed in future discovery may implicate.

54. Plaintiff's claims are barred and/or limited under the doctrine of estoppel to the extent that facts as developed in future discovery may implicate.

55. Plaintiff's claims are barred and/or limited under the doctrine of failure of consideration to the extent that facts as developed in future discovery may implicate.

56. Plaintiff's claims are barred and/or limited under the doctrine of waiver to the extent that facts as developed in future discovery may implicate.

57. Plaintiff's Complaint fails to set forth any claim for which relief may be granted.

58. Plaintiff's Complaint fails to allege cognizable damages.

59. Plaintiff has not sustained any damage.

**Remainder of page intentionally left blank.**

60. Inasmuch as the Pennsylvania Rules of Civil Procedure, specifically Rule 1032, provides that a party waives all defenses not presented by way of answer, Defendant's, upon advise of counsel, hereby asserts all affirmative defenses as set forth in the Pennsylvania Rules of Civil Procedure 1030 those defenses to include in addition to the defenses already enumerated above, assumption of the risk, consent, contributory negligence, discharge in bankruptcy, estoppel, failure of consideration, illegality, immunity from suit, impossibility of performance, justification, laches, license, payment, privilege, release, statute of frauds, statute of limitations, truth and waiver, with these said affirmative defenses being subject to demonstration during the discovery process and proof, as relevant, at the time of trial.

Respectfully submitted,

Marshall, Dennehey, Warner, Coleman & Goggin

By: 

Edwin A.D. Schwartz, Esquire

Identification No.: 75902

Lauren M. Burnette, Esquire

Identification No.: 92412

4200 Crums Mill Road, Suite B

Harrisburg, PA 17112

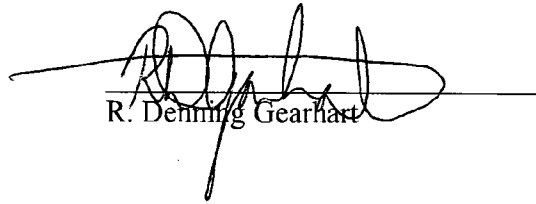
(717) 651-3700

Date: 21 Oct 09

Attorneys for Additional Defendant, R.  
Denning Gearhart, Esquire

**VERIFICATION**

I, R. Denning Gearhart, hereby verify that the statements in Defendant's Answer and New Matter are true and correct to the best of my information, knowledge and belief. I understand that the statements are made subject to the penalties of PA.C.S. Section 4904, relating to the unsworn falsification to authorities.

  
R. Denning Gearhart

Dated: 10.20.2009

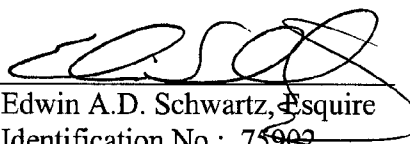
**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a copy of the foregoing Answer and New Matter upon the person(s) and in the manner indicated below, which service satisfies the requirements of the Pennsylvania Rules of Civil Procedure, by depositing a copy of same in the United States Mail, first-class postage prepaid, addressed as follows:

John E. Quinn, Esquire  
Portnoy & Quinn, LLC  
One Oxford Centre, 36th Floor  
Pittsburgh, PA 15219

Marshall, Dennehey, Warner, Coleman & Goggin

By: \_\_\_\_\_



Edwin A.D. Schwartz, Esquire

Identification No.: 75902

Lauren M. Burnette, Esquire

Identification No.: 92412

4200 Crums Mill Road, Suite B

Harrisburg, PA 17112

(717) 651-3700

Date: 21 Oct 09

Attorneys for Additional Defendant, R.  
Denning Gearhart, Esquire

FILED<sup>(2)</sup>

4 OCT 18 2010  
m/12:30/c  
William A. Shaw  
Prothonotary/Clerk of Courts  
NO C/C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

CONF OF RECD.  
TO ATT

BARBARA HAVERSACK, individually  
and in her capacity as Administratrix of  
the Estate of Michael Skebo a/k/a Mike  
Skebo

Plaintiff,

vs.

R. DENNING GEARHART, ESQUIRE

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

NO: 08 2185 CD

PRAECIPE TO SETTLE AND  
DISCONTINUE

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD FOR THIS  
PARTY:

John E. Quinn, Esquire  
Pa. I.D. #23268

PORTNOY & QUINN, LLC  
FIRM #724  
One Oxford Centre  
36<sup>th</sup> Floor  
Pittsburgh, PA 15219

412-765-3800

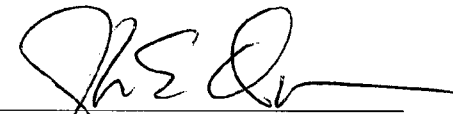
**PRAECIPE TO SETTLE AND DISCONTINUE**

TO THE PROTHONOTARY:

Please settle and discontinue the above-captioned matter of record as same has now been settled. Kindly issue a Certificate of Discontinuance.

PORTNOY & QUINN, LLC.

BY



John E. Quinn, Esquire  
Attorneys for Plaintiff

Sworn to and subscribed  
before me this 14th day  
of October, 2010

  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Kathleen A. Cuda, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires Jan. 22, 2014

Member, Pennsylvania Association of Notaries

FILED  
OCT 18 2010  
William A. Shaw  
Prothonotary/Clerk of Courts