

08-2210-CD

Paul Somsly Jr al vs Blake Gearhart

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

PAUL D. SOMSKY, JR. and
LORRI L. SOMSKY, his wife,
Plaintiffs

vs.

BLAKE GEARHART
a/k/a J. BLAKE GEARHART,
and his heirs, executors,
administrators, successors,
trustees and assigns, known
or unknown and any other
person who may claim title
in the property subject to
this action,
Defendant

: No.: 2008-2210-CD
: Type of Case:
: Quite Title Action
: Type of Pleading:
: Complaint
: Filed on behalf of:
: Plaintiffs
: Counsel Of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: 611 Brisbin Street
: Houtzdale, PA 16651
:
:
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William A. Shaw
Prothonotary/Clerk of Courts

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

PAUL D. SOMSKY, JR. and	:	No.: 2008-
LORRI L. SOMSKY, his wife,	:	
Plaintiffs	:	
	:	
vs.	:	QUIET TITLE ACTION
	:	
BLAKE GEARHART	:	
a/k/a J. BLAKE GEARHART,	:	
and his heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown and any other	:	
person who may claim title in	:	
the property subject to this	:	
action,	:	
Defendant	:	

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your 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 YOU CAN GET LEGAL HELP.

Daniel J. Nelson,
Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

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

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Plaintiffs	:	
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BLAKE GEARHART	:	
a/k/a J. BLAKE GEARHART,	:	
and his heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
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person who may claim title in	:	
the property subject to this	:	
action,	:	
Defendant	:	

COMPLAINT

AND NOW comes PAUL D. SOMSKY, JR. and LORRI L. SOMSKY, his wife, by and through their attorney, Girard Kasubick, Esq., and files the following Complaint:

1. The Plaintiffs are Paul D. Somsy, Jr. and Lorri L. Somsy, husband and wife, who reside at 106 Somsy Lane, Philipsburg, Pennsylvania 16866.

2. The Defendant is Blake Gearhart a/k/a J. Blake Gearhart and his heirs, executors, administrators, successors, trustees and assigns, known or unknown, and any other person who may claim title under him, who are deceased or their whereabouts are unknown, and any other person who may claim title or an interest in the property subject of this action.

3. The real property involved in and subject to this action is that certain piece or parcel of land situated in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point where the western line of Township Road T-667 (Dinky Road) intersects with the southern line of Legislative Route 2018 (Copelin Road); thence along the western line of T-667 (Dinky Road) the following six (6) courses and distances: (1) South 54° 05' West 185.8 feet to a point; (2) South 44° 32' West 99.1 feet to a point; (3) South 40° 39' West 95.8 feet to a point; (4) South 31° 50' West 85.2 feet to a point; (5) South 14° 27' West 96.3 feet to a point; (6) South 5° 13' West 59.4 feet to an iron pin and property of Paul T. Yoder, South 68° 59' West 30.9 feet to an iron pin; thence continuing along property of Paul T. Yoder formerly Harry T. Vaux and property of Elizabeth Erb, et al. formerly J. W. Abbott, North 35° 21' West 505 feet to an iron pin on land of George D. Cowfer, Jr., et al.; thence along lands of George D. Cowfer, Jr., et al., North 67° 56' East 481.6 feet to an iron pin on the southern line of Legislative Route 2018 (Copelin Road); thence along the southern line of Legislative Route 2018 (Copelin Road), South 65° 41' East 254.0 feet to point and place of beginning. CONTAINING 3.92 acres.

The above described property shown on the survey map of N. Gary Barger, P.E. prepared in 1974 attached hereto and marked Exhibit "A". The above described real property is outlined in "Red".

The above described real property hereinafter referred to as "Premises".

4. The Premises is assessed as a part of Clearfield County Tax Map No. 112-P12-49 by the Clearfield County Assessment Office.

5. Clearfield County Tax Map No. 112-P12-49 is assessed to the Plaintiffs, but the description in their deed and prior deeds do not include the Premises subject

of this action. The Plaintiffs obtained title to Tax Map No. 112-P12-49 by the following chain of title:

a). Deed dated June 28, 2001 from Paul D. Somsky, Jr. and Lorri L. Somsky, his wife, to themselves recorded in Clearfield County Instrument No. 200110058.

b). Deed from Paul D. Somsky, Jr. and Tamatha Somsky to Paul D. Somsky, Jr. dated May 11, 1996 and recorded in Clearfield County Deeds and Records Book 1758, Page 509.

c). Deed from Janet A. Somsky to Paul D. Somsky and Tamatha Somsky dated April 6, 1993 and recorded in Clearfield County Deeds and Records Book 1523, Page 27.

d). Deed from Janet A. Somsky, Ann Wills and Sue Ave to Janet A. Somsky dated March 30, 1993 and recorded in Clearfield County Deeds and Records Book 1521, Page 408.

e). Deed from Ann Wills, Sue Ave and Janet Somsky to Ann Wills, Sue Ave and Janet Somsky dated December 20, 1989 and recorded in Clearfield County Deeds and Records Book 1328, Page 159.

f). Deed from Ann Wills and Charles Wills, her husband; Sue Ave, widow; and Paul Somsky and Janet Somsky, his wife, to Ann Wills and Charles Wills, Sue Ave, Paul Somsky and Janet Somsky, dated August 26, 1977 and recorded in Clearfield County Deed Book 744, Page 475.

g). The Deeds in subparagraphs b). through f). described the property as 79.67 acres.

h). Deed from Anna Somsky, widow, to Ann Wills, Sue Ave, and Paul Somsky dated August 23, 1956 and recorded in Clearfield County Deed Book 453, Page 121.

i). Deed from Nettie Enos Johnson and Robert Johnson, her husband, to Paul Somsky and Anna Somsky, his wife, dated May 31, 1946 and recorded in Clearfield County Deed Book 389, Page 114.

j). Deed from Susan Enos, widow, to Nettie Enos Johnson dated November 1, 1941 and recorded in Clearfield County Deed Book 331, Page 213.

k). Deed from John J. Sharkey, Sheriff of Clearfield County under Writ of Fieri Facia in name of Asbury Boyd Hutton and Minnie Hutton to Susan Enos dated April 4, 1938 and recorded in Clearfield County Deed Book 315, Page 171.

l). Deed from Stephen Voyzey and Edna Voyzey, his wife, to Asbury Boyd Hutton and Minnie Hutton dated February 28, 1928 and recorded in Clearfield County Deed Book 287, Page 64.

m). Deed from John T. Butterworth and Sarah Matilda Butterworth, his wife, to Stephen Voyzey and Edna Voyzey, his wife, dated April 5, 1926 and recorded in Clearfield County Deed Book 281, Page 226.

n). Deed from Catherine Young, widow, to John T. Butterworth and Sarah Matilda Butterworth dated November 24, 1917 and recorded in Clearfield County Deed Book 224, Page 598. This deed states the property vested in Catherine Young from the Estate of P. W. Young also known as Philip W. Young.

o). Deed from John Cushard to Philip W. Young dated November 25, 1915 and recorded in Clearfield County Deed Book 213, Page 6.

p). Deed from J. Blake Gearhart to John J. Cushard dated June 25, 1906 and recorded in Clearfield County Deed Book 191, Page 241.

q). The Deeds in subparagraph h). above through subparagraph p). above describes the property as ninety (90) acres excepting and reserving a total of 11 $\frac{1}{4}$ acres.

r). Two (2) Deeds from Josiah W. Smith, William A. Wallace, et ux., and Robert V. Wilson, et ux., to Blake Gearhart dated May 2, 1867 and recorded in Clearfield County Deed Book 2, Page 336, and dated May 2, 1867 and recorded in Clearfield County Deed Book AA, Page 290.

s). Both of the Deeds in subparagraph r). describes the property as 121 acres 2 perches with no tracts excepted and reserved.

t). It is believed and averred that the Premises subject of the action in Paragraph 3. above is a part of the 121 acres 2 perches in Deed Book 2, Page 336

and Deed Book AA, Page 290, that was not a part of the 90 acres or other tracts conveyed out.

u). After diligent search of the records of deed indexes of Clearfield County, no recorded deed could be found wherein the Premises subject of this action was conveyed out by Blake Gearhart or J. Blake Gearhart and it is averred that Blake Gearhart is also known as J. Blake Gearhart.

v). After diligent search of the records of estate indexes of Clearfield County Register of Wills Office, no estate could be found on Blake Gearhart or J. Blake Gearhart.

6. This property known by Tax Map No. 112-P12-49 has been in the Somsky family name since the deed in Deed Book 389, Page 114 in subparagraph 5.i). above in 1946. The Grantees in that deed being Paul Somsky and Anna Somsky who is the grandparents of the Plaintiff, Paul D. Somsky, Jr.

7. The Plaintiffs and their predecessors in title have been in open, continuous, notorious, actual exclusive, visible, distinct, and hostile possession of the Premises described in paragraph 3. in excess of twenty-one (21) years immediately preceding the filing of this Action, and thereby claim title by adverse possession.

8. The acts of adverse possession of the Plaintiffs and their predecessors in title to the Premises subject of this action are as follows:

a). Paul and Anna Somsky grandparents of Plaintiffs pastured cows and animals on the Premises.

b). The Premises subject of this action has been mapped with Tax Map No. 112-P12-49 and assessed to Plaintiffs and their predecessors in title who paid taxes on the Premises.

c). The Plaintiffs and their predecessors in title have cut trees and shrubs and sold logs from the Premises.

d). The Plaintiffs and their predecessors in title have used bulldozers and other equipment to level the Premises.

e). The Plaintiffs and their predecessors in title have maintained and used the Premises to the exclusion of others.

9. This Quiet Title Action is necessary to establish the adverse possession claim of Plaintiffs to the Premises since the description of Plaintiffs property for Tax Map No. 112-P12-49 when surveyed did not include the Premises subject of this action, even though originally Plaintiffs and their predecessors in title believed the Premises was a part of their property, and to

establish record legal title of Premises to the Plaintiffs.

10. It is finally averred that this Quiet Title Action is necessary to determine the validity or discharge of any document, obligation, assessment or deed affecting any right, title, and interest in the Premises subject of this action, which may affect the rights of the Defendant, his heirs, personal representatives, successors or assigns.

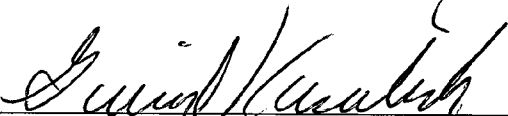
WHEREFORE, Plaintiffs bring this action and respectfully requests the Court to decree as follows:

a). That the Plaintiffs, their heirs, executors, personal representatives and assigns are seized of an indefeasible title to the property and Premises situated in Decatur Township, Clearfield County, Pennsylvania, described herein and that an Order and Decree be entered adjudicating that the Defendant and any of their heirs, successors, trustees, personal representatives, or assigns be forever barred from asserting any right, title, lien or interest in the within described parcel of land or Premises.

b). That such other relief be granted as may be necessary in establishing Plaintiffs title, including determinations on the validity or discharge of any documents, obligations or deeds affecting right, title, and interest in the property described herein.

c). Declaring that the Plaintiffs have adversely possessed the Premises subject of this action and adjudicating that the Defendant and any of his heirs, successors, trustees, personal representatives, or assigns be forever barred from asserting any right, title, lien or interest in the within described Premises due to the adverse possession by Plaintiffs and their predecessors in title.

d). Such other and further relief as the Court deems proper.

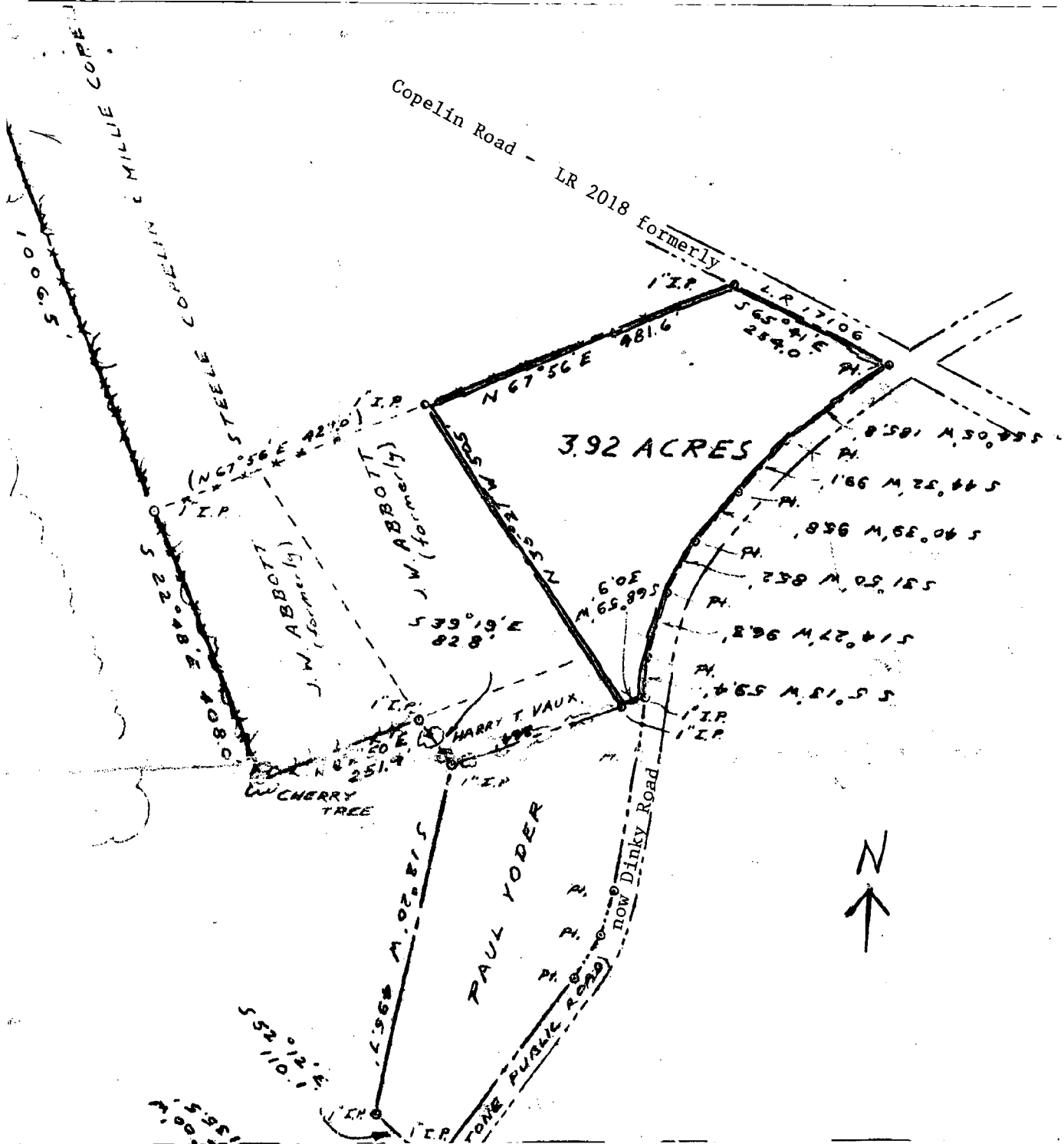

Girard Kasubick, Esq.
Attorney for Plaintiffs

VERIFICATION

We, the undersigned, verify that the statements made in the foregoing Complaint are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.


Paul D. Somsy, Jr.


Lorri L. Somsy





N. GARY BARGER P.E.
FRENCHVILLE
PENNA.

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

PAUL D. SOMSKY, JR. and
LORRI L. SOMKY, his wife,
Plaintiffs

vs.

BLAKE GEARHART
a/k/a J. BLAKE GEARHART,
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administrators, successors,
trustees, and assigns, known
or unknown and any other
person who may claim title in
the property subject to this
action,

Defendant

: No.: 2008-2210-CD
: Type of Case:
: Quiet Title Action
: Type of Pleading:
: Affidavit
: Filed on behalf of:
: Plaintiffs
: Counsel Of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: 611 Brisbin Street
: Houtzdale, PA 16651
:
:

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William A. Shaw
Prothonotary/Clerk of Courts

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

PAUL D. SOMSKY, JR. and : No.: 2008-
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vs. : QUIET TITLE ACTION
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Defendant :

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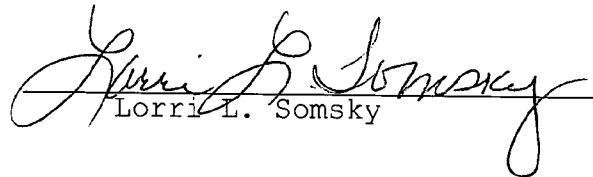
COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : §:
:

Before me, the undersigned officer, personally appeared PAUL D. SOMSKY, JR. and LORRI L. SOMSKY, husband and wife, who being duly sworn according to law, deposes and says that the Defendant, Blake Gearhart a/k/a J. Blake Gearhart, his heirs, executors, administrators, successors, trustees, assigns and successors, known or unknown, are all deceased or their whereabouts are unknown to the Plaintiffs.

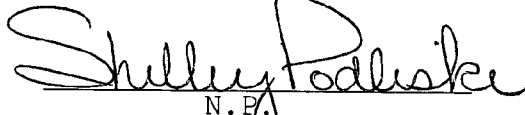
Plaintiffs and their attorney have made an investigation to locate the aforesaid Defendant that is unknown, by checking the records of Clearfield County and

by review of the telephone directories in the area,
contacting the election office, tax rolls, and voting
records, however none of the above were found because they
are deceased or their whereabouts are unknown.


Paul D. Somsy, Jr.


Lorri L. Somsy

Sworn to and subscribed
before me this 13th
day of November, 2008.


N.P.

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Shelby Podliski, Notary Public
Houtzdale Boro, Clearfield County
My Commission Expires June 29, 2011

Member, Pennsylvania Association of Notaries

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: Type of Case:
: Quiet Title Action
: Type of Pleading:
: Motion For Service
: By Publication
: Filed on behalf of:
: Plaintiffs
: Counsel Of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: 611 Brisbin Street
: Houtzdale, PA 16651
:
:

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William A. Shaw
Prothonotary/Clerk of Courts

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

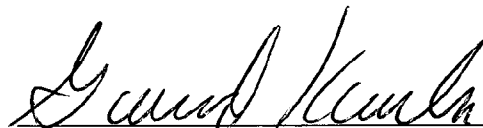
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person who may claim title in :
the property subject to this :
action, :
Defendant :

MOTION FOR SERVICE BY PUBLICATION

1. Your Petitioners are Paul D. Somsy, Jr. and Lorri L. Somsy, his wife, Plaintiffs in the above captioned matter.

2. Petitioners, by attached affidavit incorporated herein by reference thereto believe that the named Defendant and his heirs and successors are deceased or their whereabouts are unknown.

WHEREFORE, Petitioner, by their attorney, Girard Kasubick, Esq., requests that Your Honorable Court grant an order that the herein named Defendant and his heirs and successors be served by publication as required by law.


Girard Kasubick, Esq.
Attorney for Plaintiffs

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William A. Shaw
Prothonotary/Clerk of Courts

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

PAUL D. SOMSKY, JR. and
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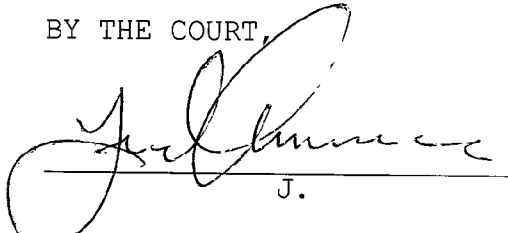
Defendant

ORDER DIRECTING COMPLAINT TO BE SERVED
BY ADVERTISEMENT ON DEFENDANTS

NOW, this 19th day of November, 2008, the
within Action being an Action to Quiet Title and the
Plaintiffs having made Affidavit that the address of
Defendant and his heirs and successors are unknown and
cannot be ascertained, and therefore upon Motion of Girard
Kasubick, Esq., Attorney for Plaintiffs, it is Ordered and
Decreed that substitute service by publication be made
upon the Defendant and his heirs and successors whose
addresses are unknown, or may be deceased, by giving
notice in the Progress, a newspaper of general circulation
published in the Clearfield County area and in the

Clearfield County Legal Journal, to the above named Defendant and his heirs and successors whose addresses are unknown, or may be deceased; such publication to be one (1) time only stating that this action has been filed, and that this Complaint must be pleaded to within twenty (20) days after publication of notice; otherwise judgment will be taken against the Defendant and his heirs and successors by default.

BY THE COURT,


J.

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William A. Shaw
Prothonotary/Clerk of Courts

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Att'y Kasubick

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
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or unknown and any other	:	
person who may claim title in	:	
the property subject to this	:	
action,	:	
Defendant	:	

MOTION FOR JUDGMENT

NOW, this 22nd day of December, 2008, an Affidavit having been executed and presented herewith on behalf of the Plaintiffs showing that the Complaint was served by publication on all of the Defendants, one time only, to wit: November 24, 2008 in the Clearfield Progress and the week of November 28, 2008 in the Clearfield County Legal Journal, and further that all the named Defendants who are deceased or their whereabouts are unknown were not served in any other manner, and no Defendants served by publication having entered an appearance or filed an Answer or having expressed any purpose of intent to be heard or desire to assert title to said property, and

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twenty (20) days having elapsed since the last publication, and it appearing that it was impossible to serve any of the Defendants by any other means.

WHEREFORE, Girard Kasubick, Esq., prays Your Honorable Court, as attorney for the Plaintiffs, that judgment be entered in favor of the Plaintiffs and against the Defendants, their heirs and assigns, with direction that they file suit in ejectment or otherwise enter proceedings to contest the case within thirty (30) days, or judgment may be entered against them forever barring them from asserting any title or claim to the real estate in this action.



Girard Kasubick, Esq.,
Attorney for Plaintiffs

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William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
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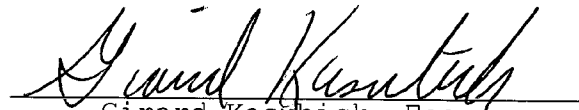
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the property subject to this	:	
action,	:	
Defendant	:	

AFFIDAVIT OF SERVICE

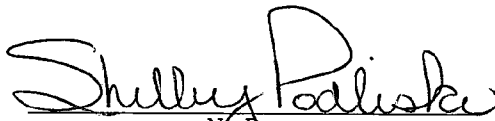
Before me, Shelby Podliski, Notary Public, personally appeared Girard Kasubick, Esq., who being duly sworn according to law, deposes and says that service was made in this case by publication in the Clearfield Progress one time only on November 24, 2008 and in the Clearfield County Legal Journal one time only for the week of November 28, 2008, as appears by sworn proofs attached hereto, and that all the named Defendants are deceased or their whereabouts are unknown were served by publication and not by any other manner. No appearance having been

entered on behalf of any of the Defendants served by publication, nor any answer filed by any of them after service of a Complaint containing a notice to defend. Plaintiffs have caused this Affidavit to be made for the purpose of obtaining a decree or Order of Court under Pa. R.C.P. 1066.

WHEREFORE, this Affidavit of Service made by the manner aforesaid is made for the purpose of obtaining a Decree of Court.


Girard Kasubick, Esq.,
Attorney for Plaintiffs

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


N.P.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Shelby Podliski, Notary Public
Houtzdale Boro, Clearfield County
My Commission Expires June 29, 2011
Member, Pennsylvania Association of Notaries

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

On this 28th day of November AD 2008, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of November 28, 2008, Vol. 20, No. 48. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

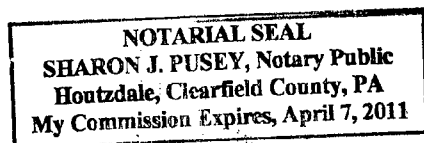


Gary A. Knaresboro, Esquire
Editor

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



Notary Public
My Commission Expires



LEHMAN & KASUBICK
611 Brisbin St
Houtzdale, PA 16651

LEGAL NOTICE
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA
CIVIL DIVISION
No.: 2008-2210-CD
QUIET TITLE ACTION

PAUL D. SOMSKY, JR. and LORRI L. SOMSKY, his wife, Plaintiffs vs. BLAKE GEARHART a/k/a J. BLAKE GEARHART, and his heirs, executors, administrators, successors, trustees and assigns, known or unknown and any other person who may claim title in the property subject to this action, Defendant.

ACTION TO QUIET TITLE NOTICE

TO: BLAKE GEARHART a/k/a J. BLAKE GEARHART, and his heirs, executors, administrators, successors, trustees and assigns, known or unknown.

You have been sued in Court. You are hereby notified that an Action to Quiet Title to the premises situated in Decatur Township, Clearfield County, Pennsylvania, has been filed against you. Said lands are bounded and described as follows:

BEGINNING at a point where the western line of Township Road T-667 (Dinky Road) intersects with the southern line of Legislative Route 2018 (Copelin Road); thence along the western line of T-667 (Dinky Road) the following six (6) courses and distances: (1) South 54° 05' West 185.8 feet to a point; (2) South 44° 32' West 99.1 feet to a point; (3) South 40° 39' West 95.8 feet to a point; (4) South 31° 50' West 85.2 feet to a point; (5) South 14° 27' West 96.3 feet to a point; (6) South 5° 13' West 59.4 feet to an iron pin and property of Paul T. Yoder, South 68° 59' West 30.9 feet to an iron pin; thence continuing along property of Paul T. Yoder formerly Harry T. Vaux and property of Elizabeth Erb, et al. formerly J.

W. Abbott, North 35° 21' West 505 feet to an iron pin on land of George D. Cowfer, Jr., et al.; thence along lands of George D. Cowfer, Jr., et al., North 67° 56' East 481.6 feet to an iron pin on the southern line of Legislative Route 2018 (Copelin Road); thence along the southern line of Legislative Route 2018 (Copelin Road), South 65° 41' East 254.0 feet to point and place of beginning. CONTAINING 3.92 acres.

You are 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 interest inconsistent with the Plaintiffs claim of title as set forth in the Complaint.

NOTICE

TO: BLAKE GEARHART a/k/a J. BLAKE GEARHART, and his heirs, executors, administrators, successors, trustees and assigns, known or unknown.

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 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.

Daniel J. Nelson, Court Administrator,
Clearfield County Courthouse, One North
Second Street, Clearfield, PA 16830, (814)
765-2641, Ext. 5982.

LEHMAN & KASUBICK, 611 Brisbin
Street, Houtzdale, PA 16651.

LEGAL NOTICE
IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
CIVIL DIVISION

NO.: 2008-2210-CD
QUIET TITLE ACTION

PAUL D. SOMSKY, JR. and
LORRI L. SOMSKY, his wife,
Plaintiffs

vs.

BLAKE GEARHART
a/k/a J. BLAKE GEARHART,
and his heirs,
executors, administrators,
successors, trustees
and assigns, known
or unknown and any other
person who may
claim title in the
property subject
to this action,
Defendant

ACTION TO
QUIET TITLE
NOTICE

TO: BLAKE GEARHART a/k/a J.
BLAKE GEARHART, and his heirs,
executors, administrators, succe-
ssors, trustees and assigns, known
or unknown.

You have been sued in Court. You
are hereby notified that an Action to
Quiet Title to the premises situated
in Decatur Township, Clearfield
County, Pennsylvania, has been
filed against you. Said lands are
bounded and described as follows:

BEGINNING at a point where the
western line of Township Road
T-667 (Dinky Road) intersects with
the southern line of Legislative
Route 2018 (Copelin Road);
thence along the western line of
T-667 (Dinky Road) the following
six (6) courses and distances: (1)
South 54° 05' West 185.8 feet to
a point; (2) South 44° 32' West
99.1 feet to a point; (3) South 40°
39' West 95.8 feet to a point; (4)
South 31° 50' West 85.2 feet to a
point; (5) South 14° 27' West
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13' West 59.4 feet to an iron pin
and property of Paul T. Yoder,
South 68° 59' West 30.9 feet to
an iron pin; thence continuing along
property of Paul T. Yoder formerly
Harry T. Vaux and property of Eliza-
beth Erb, et al. formerly J. W. Ab-
bott, North 35° 21' West 505 feet
to an iron pin on land of George D.
Cowfer, Jr., et al.; thence along
lands of George D. Cowfer, Jr., et
al., North 67° 56' East 481.6 feet
to an iron pin on the southern line of
Legislative Route 2018 (Copelin
Road); thence along the southern
line of Legislative Route 2018 (Co-
pelin Road), South 65° 41' East
254.0 feet to point and place of be-
ginning. CONTAINING 3.92 acres.

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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 interest
inconsistent with the Plaintiffs claim
of title as set forth in the Complaint.

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

SS:

On this 28th day of November, 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 November 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. Robinson
Notary Public Clearfield, Pa.

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Cheryl J. Robinson, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2011

Member, Pennsylvania Association of Notaries

NOTICE

TO: BLAKE GEARHART a/k/a J.
BLAKE GEARHART, and his heirs,
executors, administrators, succe-
ssors, trustees and assigns, known
or unknown.

If you wish to defend, you must
enter a written appearance person-
ally or by attorney and file your de-
fenses or objections in writing with
the Court. You are warned that if
you fail to do so, the case may pro-
ceed without you and a judgment
may be entered against you without
further notice for the relief re-
quested by the Plaintiffs. You may
lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS PA-
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ONCE. IF YOU DO NOT HAVE A
LAWYER OR CANNOT AFFORD
ONE, GO TO OR TELEPHONE
THE OFFICE SET FORTH BELOW
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One North Second Street
Clearfield, PA 16830
(814) 765-2641, Ext. 5982
LEHMAN & KASUBICK
611 Brisbin Street
Clearfield, PA 16651

11:24-1d-b

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

PAUL D. SOMSKY, JR. and
LORRI L. SOMSKY, his wife,
Plaintiffs

vs.

BLAKE GEARHART
a/k/a J. BLAKE GEARHART,
and his heirs, executors,
administrators, successors,
trustees and assigns, known
or unknown and any other
person who may claim title
in the property subject to
this action,
Defendant

: No.: 2008-2210-CD
: Type of Case:
: Quite Title Action
: Type of Pleading:
: Order of Court
: Filed on behalf of:
: Plaintiffs
: Counsel Of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: 611 Brisbin Street
: Houtzdale, PA 16651
:
:
:

FILED

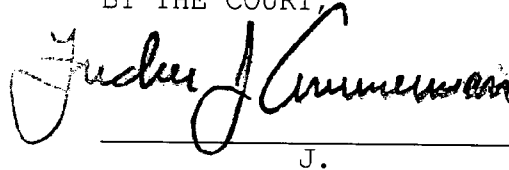
DEC 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

their heirs and assigns, free and clear of any and all claims of any nature by any of the named Defendants and unknown Defendants, their heirs, executors, administrators, trustees, successors and assigns or by anyone claiming by, through or under them or any of them, and that the Plaintiffs are seized of an indefeasible title to that certain piece or parcel of land located in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point where the western line of Township Road T-667 (Dinky Road) intersects with the southern line of Legislative Route 2018 (Copelin Road); thence along the western line of T-667 (Dinky Road) the following six (6) courses and distances: (1) South 54° 05' West 185.8 feet to a point; (2) South 44° 32' West 99.1 feet to a point; (3) South 40° 39' West 95.8 feet to a point; (4) South 31° 50' West 85.2 feet to a point; (5) South 14° 27' West 96.3 feet to a point; (6) South 5° 13' West 59.4 feet to an iron pin and property of Paul T. Yoder, South 68° 59' West 30.9 feet to an iron pin; thence continuing along property of Paul T. Yoder formerly Harry T. Vaux and property of Elizabeth Erb, et al. formerly J. W. Abbott, North 35° 21' West 505 feet to an iron pin on land of George D. Cowfer, Jr., et al.; thence along lands of George D. Cowfer, Jr., et al., North 67° 56' East 481.6 feet to an iron pin on the southern line of Legislative Route 2018 (Copelin Road); thence along the southern line of Legislative Route 2018 (Copelin Road), South 65° 41' East 254.0 feet to point and place of beginning. CONTAINING 3.92 acres.

BY THE COURT,


J.

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

PAUL D. SOMSKY, JR. and
LORRI L. SOMSKY, his wife,
Plaintiffs

vs.

BLAKE GEARHART
a/k/a J. BLAKE GEARHART,
and his heirs, executors,
administrators, successors,
trustees and assigns, known
or unknown and any other
person who may claim title
in the property subject to
this action,
Defendant

: No.: 2008-2210-CD
: Type of Case:
: Quite Title Action
: Type of Pleading:
: Final Praecipe
: Filed on behalf of:
: Plaintiffs
: Counsel Of Record For
: This Party:
: Girard Kasubick, Esq.
: Supreme Court #30109
: 611 Brisbin Street
: Houtzdale, PA 16651
:
:

FILED

JAN 26 2009

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William A. Shaw
Prothonotary/Clerk of Courts

1 copy to @

ATTN

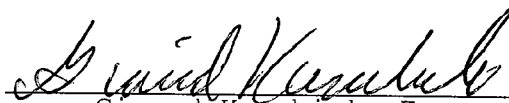
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL DIVISION

PAUL D. SOMSKY, JR. and	:	No.: 2008-2210-CD
LORRI L. SOMSKY, his wife,	:	
Plaintiffs	:	
	:	
vs.	:	QUIET TITLE ACTION
	:	
BLAKE GEARHART	:	
a/k/a J. BLAKE GEARHART,	:	
and his heirs, executors,	:	
administrators, successors,	:	
trustees and assigns, known	:	
or unknown and any other	:	
person who may claim title in	:	
the property subject to this	:	
action,	:	
Defendant	:	

FINAL PRAECIPE

TO: William A. Shaw, Prothonotary:

Please enter judgment in the above-captioned matter
in favor of the Plaintiffs.



Girard Kasubick, Esq.,
Attorney for Plaintiffs

Dated: January 26, 2009

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William A. Shaw
Prothonotary/Clerk of Courts

JAN 26 2009

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