

08-2437-CD

In Re: St. Route 4019, Sec. 255

Date: 2/12/2010

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 12:58 PM

Trust Report

Page 1 of 1

Commonwealth of Pennsylvania

2008-02437-CD

Date	Transaction	Received	Transferred	Balance
3/27/2009	1928725 Receipt	71507.18		71507.18
7/10/2009	1822095 Interest	80.22		71587.40
7/15/2009	20364 Disbursement	-39027.57	PAID TO GREENTREE CONSUMER D.S.	32559.83
10/7/2009	1822097 Interest	42.43		32602.26
10/9/2009	20371 Disbursement	-3809.89	PAID TO CLERK CO. TAX CLAIM	28792.37
1/12/2010	1822138 Interest	3027.00	Voided	28792.37
1/12/2010	20377 Disbursement	-3027.00	Voided	28792.37
1/12/2010	1822139 Interest	30.27		28822.64

Dms-

152.92

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

5
FILED

DEC 22 2008

013:10/1

William A. Shaw
Prothonotary/Clerk of Courts

ATTY

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF RIGHT-OF-WAY
FOR STATE ROUTE 4019, SECTION 255,
IN THE TOWNSHIP OF SANDY AND
THE CITY OF DUBOIS

NO. 2008-2437-CD 2 CENT TO

EMINENT DOMAIN PROCEEDING
IN REM

DECLARATION OF TAKING

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

This Declaration of Taking, based on the provisions of Chapter 3, Section 302, of the Eminent Domain Code, 26 Pa. C. S. § 302, respectfully represents that:

1. The Condemnor is the Commonwealth of Pennsylvania, Department of Transportation, acting through the Secretary of Transportation.

2. The address of the Condemnor is:

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212

3. The Department of Transportation is authorized by the provisions of Section 2003(e) of the Administrative Code of 1929, P. L. 177, 71 P. S. 513(e), as amended, to acquire by gift, purchase, condemnation, or otherwise, land in fee simple or such other estate or interest as it shall determine, in the name of the Commonwealth for all transportation purposes.

4. The within condemnation has been authorized by a plan signed by the Secretary of Transportation on November 26, 2008, titled "Drawings Authorizing

Acquisition of Right-of-Way for State Route 4019 Section 255 R/W in Clearfield County, and Reloc. Hospital Ave., and Prospect Street, and Miller Ave., and Alley, and Parking Lot Entrance," a copy of which plan was filed in the County Recorder's Office as Instrument Number 200819714 on December 12, 2008.

5. The purpose of the within condemnation is to acquire property for transportation purposes.

6. A Schedule of Property Condemned identifying and specifying the location of the property hereby condemned is attached hereto and made a part hereof.

7. Plans showing the property hereby condemned may be inspected in the Recorder's Office of the aforesaid County at the places indicated on the attached Schedule of Property Condemned or, if not shown thereon, on the day of the filing of this document being lodged for record or filed in said Recorder's Offices, where they may be inspected.

8. The nature of the title hereby condemned is fee simple.


9. In the event there are recoverable minerals (including gas and oil) within the areas hereby condemned, the mineral rights (including rights to gas and oil) in those areas are hereby excepted and reserved from this condemnation, provided, however, that the right of support of the areas condemned is included within the scope of this condemnation, and no access from the surface of such areas for removal purposes will be allowed without permission from the Commonwealth.

10. The payment of just compensation in this matter is secured by the Commonwealth's power of taxation.

11. I, Mark J. Chappell, P. E., Chief of the Utilities and Right-of-Way Section, of the Department of Transportation, do hereby depose, swear, and affirm that

I am authorized by and do hereby execute this Declaration of Taking on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information, and belief, and are made subject to penalties provided in 18 Pa. C. S. §4904, relating to false swearing to authorities.

WHEREFORE, fee simple title is hereby condemned of the property as shown on Exhibit 1, attached hereto and incorporated herein as though fully set forth.



Mark J. Chappell, P.E.
Chief, Utilities and Right-of-Way Section

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 4019, SECTION 255,
IN THE TOWNSHIP OF SANDY AND
THE CITY OF DUBOIS

DECLARATION OF TAKING

Christopher J. Clements
Assistant Counsel in Charge, R/W
Supreme Court ID Number 44699

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212

FILED

DEC 22 2008

William A. Shaw
Prothonotary/Clerk of Courts
Cant to Ann

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF RIGHT-OF-WAY
FOR STATE ROUTE 4019, SECTION 255,
IN THE TOWNSHIP OF SANDY AND
THE CITY OF DUBOIS

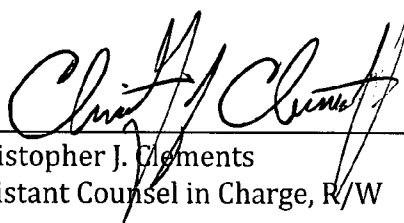
NO. 2008-2437-CD

EMINENT DOMAIN PROCEEDING
IN REM

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Please enter the appearance of Walter F. Cameron, Jr., Assistant Counsel in Charge, 1209 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh PA 15222-1210, and Christopher J. Clements, Assistant Counsel in Charge, R/W, Office of Chief Counsel, Department of Transportation, P. O. Box 8212, Harrisburg PA 17105-8212, as attorneys for the Commonwealth of Pennsylvania, Department of Transportation, Condemnor in the above-captioned proceedings.



Christopher J. Clements
Assistant Counsel in Charge, R/W

Walter F. Cameron, Jr.
Assistant Counsel in Charge

Dated: 12-18-08

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 4019, SECTION 255,
IN THE TOWNSHIP OF SANDY AND
THE CITY OF DUBOIS

PRAECIPE TO ENTER APPEARANCE

Filed, _____, 20
_____ A.M. _____ P.M.

Commonwealth of Pennsylvania
Department of Transportation

Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212
Telephone Number (717) 787-3128

QUANTITY	QUANTITY	ROUTE	SECTION	WEEK
2-0	CLEARFIELD	S. R. 4018	255 R/W	18 OF 22
SANDY TOWNSHIP / CITY OF DUBOIS				
REVISIONS	REVISIONS			DATE
1				97

RW-437 (7/07)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
 (Declaration of Taking)



ROW OFFICE PROJ. NO.	020173
COUNTY	Clearfield
S.R. - SECTION	4019-255
MUNICIPALITY	City of DuBois/Sandy Twp

***TYPE OF TAKE**

PT- Partial Take
 TT- Total Take

****TYPE OF DESCRIPTION**

D- Deed Description
 P- Plan lodged for recording with
 Notice of Condemnation
 R- Plan now recorded in Recorder's
 Office

Parcel No.	Claim Number	*Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	**Type of Description	Plan (if any) Recorded in
26	1700320000	TT	<p>William Dennis Smith 837 Treasure Lake DuBois, PA 15801</p> <p>Annette Geelen Smith 437 Treasure Lake DuBois, PA 15801</p> <p>Location: Deed Book 1230, Page 242</p>	1	R	Clearfield County Instrument No. 200819714

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

5 FILED 80
DEC 22 2008
01/31/2011
William A. Shaw
Prothonotary/Clerk of Courts
2 C Enr. to Atty

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF RIGHT-OF-WAY
FOR STATE ROUTE 4019, SECTION 255,
IN THE TOWNSHIP OF SANDY AND
THE CITY OF DUBOIS

NO. 2437-CD TERM, 2008

EMINENT DOMAIN PROCEEDING
IN REM

MEMORANDUM TO PROTHONOTARY

You are hereby informed that notice of the condemnation effected by the Declaration of Taking filed to the above term and number on 12/22/08, was recorded in the office of the Recorder of Deeds of the above county in Inst. # 200820286, page(s) —.

The condemnation book and page number, file number, or microfilm number of any property plat filed or microfilmed separately from the said Notice of Condemnation is shown on the list of property condemned which is attached hereto.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY Michael J. Kunk
District Right-of-Way Administrator
Engineering District 2-0

- FIRST PARCEL**
- (1) 104.30 00' E 184.00'
 - (2) 104.30 00' W 184.00'
 - (3) 104.30 00' S 184.00'
 - (4) 104.30 00' N 184.00'
- SECOND PARCEL**
- (5) 104.30 00' E 184.00'
 - (6) 104.30 00' W 184.00'
 - (7) 104.30 00' S 184.00'
 - (8) 104.30 00' N 184.00'
- THIRD PARCEL**
- (9) 104.30 00' E 184.00'
 - (10) 104.30 00' W 184.00'
 - (11) 104.30 00' S 184.00'
 - (12) 104.30 00' N 184.00'

S.R. 4019
SURVEY & R/W
P.T. STA. 314+22.12
A = 21.18 31' LT
D = 20.50 05'
L = 102.27'
R = 275.00'
P.C. STA. 313+70.39
P.T. STA. 314+72.04

S.R. 4019
SURVEY & R/W
P.T. STA. 314+72.04
A = 21.18 31' LT
D = 20.50 05'
L = 102.27'
R = 275.00'

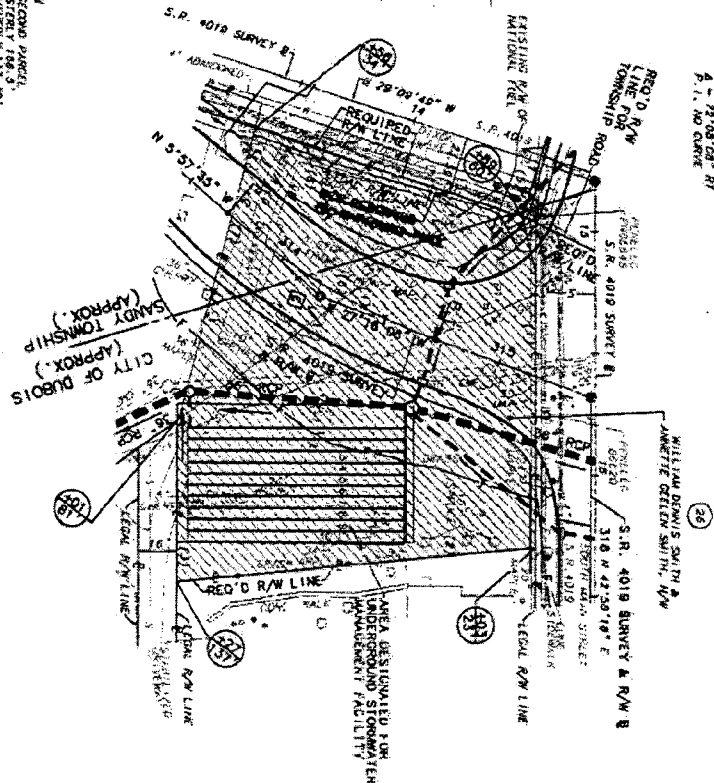


EXHIBIT 1

LEGEND
███ REQUIRED R/W AREA

SCALE IN FEET
0 25 50

SEAL OF THE STATE OF PENNSYLVANIA
OFFICE OF THE REGISTERED PROFESSIONAL SURVEYOR
JAMES H. SMITH, REGISTERED PROFESSIONAL SURVEYOR
No. 123456789

SANDY TOWNSHIP / CITY OF DUBOIS			
RIGHT-OF-WAY CLAIM INFORMATION			
STATE RITE, 4019	SHEET NO. 233 R/W	CLARIFIED COUNTY	
PARCEL NO. 21	SHEET NO. 233 R/W	CLARIFIED COUNTY	
OWNER(S) WILLIAM SMITH & ANNETTE SMITH, LLC	OWNER(S) JAMES H. SMITH & ANNETTE SMITH, LLC	OWNER(S) JAMES H. SMITH & ANNETTE SMITH, LLC	
DEED BOOK 1230	DEED NO. 1230	DEED NO. 1230	
DATE OF DEED 02/27/2008	DATE OF DEED 02/27/2008	DATE OF DEED 02/27/2008	
DATE OF RECORD 02/27/2008	DATE OF RECORD 02/27/2008	DATE OF RECORD 02/27/2008	
DEED AREAS 72.823	DEED AREAS 72.823	DEED AREAS 72.823	
LEGAL R/W 72.823	LEGAL R/W 72.823	LEGAL R/W 72.823	
EFFECTIVE AREA 72.823	EFFECTIVE AREA 72.823	EFFECTIVE AREA 72.823	
TOTAL RESIDUE 0	TOTAL RESIDUE 0	TOTAL RESIDUE 0	
RESIDUE RT.	RESIDUE RT.	RESIDUE RT.	
VERIFICATION DATE 11/14/2008	VERIFICATION DATE 11/14/2008	VERIFICATION DATE 11/14/2008	
DRAWN BY AS SHOWN	DRAWN BY AS SHOWN	DRAWN BY AS SHOWN	

• ALL PROPOSED DRAINAGE PIPES ARE 18" RCP, UNLESS OTHERWISE NOTED.

PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OR RECORD. RECORDED SUBDIVISION DATA NOT SHOWN. EXISTING SURFACE FEATURES AND LIMITED FIELD DATA. PRIVATE PROPERTY LINES NOT CORRECTED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.

THIS PROPERTY PLAT PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.

BUILDINGS AND STRUCTURES SHOWN HAVE BEEN OR ARE TO BE REMOVED OR ALTERED BY THE DEPARTMENT OR OTHER AUTHORITY RESPONSIBLE FOR THE PROPERTY DAMAGES.

REQUIRED RIGHT-OF-WAY FOR TOWNSHIP ROAD, RIGHT-OF-WAY ACQUIRED FOR THE BENEFIT OF THE APPLICABLE MUNICIPALITY IN THE STATE INTEREST AS DESIGNATED HEREIN FOR REQUIRED RIGHT-OF-WAY FOR STATE HIGHWAY PURPOSES, ALONG WITH A TEMPORARY CONSTRUCTION EASEMENT FOR THE BENEFIT AND USE OF THE COMMONWEALTH, TITLE SHALL VEST IN THE COMMONWEALTH OF PENNSYLVANIA UPON THE COMPLETION OF CONSTRUCTION RESPONSIBILITY SHALL TRANSFER UPON THE COMPLETION OF CONSTRUCTION.

DISTRICT	DATE	NO.	SECTION	DATE
2-0	04/01/10	5-R-4019-233 R/W	18 OF 22	
SANDY TOWNSHIP / CITY OF DUBOIS				
OWNER	DATE	DATE	DATE	DATE

RW-437 (7/07)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
 (Declaration of Taking)



ROW OFFICE PROJ. NO.	020173
COUNTY	Clearfield
S.R. - SECTION	4019-255
MUNICIPALITY	City of DuBois/Sandy Twp

***TYPE OF TAKE**

PT- Partial Take
 TT- Total Take

****TYPE OF DESCRIPTION**

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 Office

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26	1700320000	TT	William Dennis Smith 837 Treasure Lake DuBois, PA 15801 Annette Geelen Smith 437 Treasure Lake DuBois, PA 15801 Location: Deed Book 1230, Page 242	1	R	Clearfield County Instrument No. 200819714

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE : NO. 2437-CD TERM, 2008
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION, OF THE :
RIGHT-OF-WAY FOR STATE :
ROUTE 4019, SECTION 255 : EMINENT DOMAIN PROCEEDING
IN THE TOWNSHIP OF SANDY AND THE CITY OF : IN REM
DUBOIS

PROOF OF SERVICE

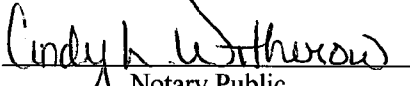
COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

MICHAEL HNAT, being duly sworn according to law, deposes and says that he is District Right-of-Way Administrator of Engineering District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before December 24, 2008, notice of the filing of the declaration of taking in the above matter was served on the condemnees affected thereby in compliance with Chapter 3, Section 305, of the Eminent Domain Code. Schedules of the condemnees, mortgagees of record, and lienholders of record notified are attached hereto and made part hereof.

NOTARIAL SEAL
CINDY L. WITHEROW, Notary Public
Lawrence Twp., Clearfield County, PA
My Commission Expires, February 3, 2011


District Right-of-Way Administrator

Sworn to and subscribed before me


Notary Public

My Commission Expires: Feb 3, 2011

Attachments: RW-437, Schedule of Property Condemned
RW-432ML, Schedule of Mortgagees and Lienholders

FILED 2 cc
DEC 30 2008
Atty Clements
GU

William A. Shaw
Prothonotary/Clerk of Courts

RW-437 (7/07)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
 (Declaration of Taking)



ROW OFFICE PROJ. NO.	020173
COUNTY	Clearfield
S.R. - SECTION	4019-255
MUNICIPALITY	City of DuBois/Sandy Twp

*TYPE OF TAKE
PT- Partial Take
TT- Total Take

**TYPE OF DESCRIPTION
D- Deed Description
P- Plan lodged for recording with Notice of Condemnation
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Parcel No.	Claim Number	*Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	**Type of Description	Plan (if any) Recorded in
26	1700320000	TT	William Dennis Smith 837 Treasure Lake DuBois, PA 15801 Annette Geelen Smith 437 Treasure Lake DuBois, PA 15801 Location: Deed Book 1230, Page 242	1	R	Clearfield County Instrument No. 200819714

RW-432ML (7/07)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF MORTGAGEES & LIENHOLDERS



ROW OFFICE PROJ. NO.	020173
ROW OFFICE DT NO.	0217301
COUNTY	Clearfield
S.R. - SECTION	4019-255
MUNICIPALITY	City of DuBois/Sandy Township

Parcel No.	Claim Number	Name and Mailing Address of Mortgagee and/or Lienholder
26	1700320000	<p>Northwest Savings Bank 201 Bruxelles Street St. Mary's, PA 15857</p> <p>Conseco Finance Consumer Discount Company 7360 South Kyrene Road Tempe, AZ 85283</p> <p>Commonwealth of PA Department of Revenue Bureau of Compliance Lien Section PO Box 280948 Harrisburg, PA 17128-0948 Internal Revenue Service Technical Services 1001 Liberty Avenue, Suite 1300 Pittsburgh, PA 15222</p> <p>Green Tree Consumer Discount Company F/K/A Conseco Finance Consumer Discount Company 7360 South Kyrene Road Tempe, AZ 85283</p> <p>Clearfield County Tax Claim Bureau PO Box 408 230 East Market Street Clearfield, PA 16830</p>

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

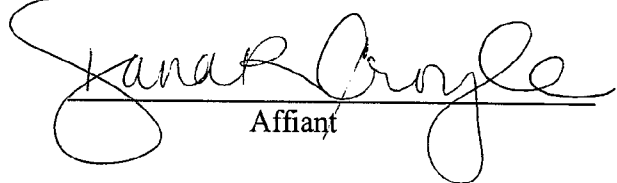
IN RE: CONDEMNATION BY THE : NO. 2437-CD TERM, 2008
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION, OF THE :
RIGHT-OF-WAY FOR STATE :
ROUTE 4019, SECTION 255 : EMINENT DOMAIN PROCEEDING
IN THE TOWNSHIP OF SANDY AND THE CITY OF : IN REM
DUBOIS

AFFIDAVIT OF SERVICE OF
NOTICE OF FILING OF DECLARATION OF TAKING

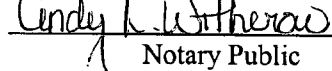
COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

Dana R. Croyle, being duly sworn according to law, deposes and says that

1. She is an agent of Department of Transportation, Commonwealth of Pennsylvania, and that
2. On , Notice of the Filing of the Declaration of Taking in the above matter was mailed by certified mail, in compliance with Chapter 3, Section 305, of the Eminent Domain Code, to , condemnees.
3. Said Notice was returned by the Post Office on or about marked . The envelope in which the said Notice was mailed and the Post Office Sender's Receipt and Return Card are attached hereto.
4. On December 23, 2008, Notice of the said Declaration of Taking was served on the said condemnee(s) by handing a copy of said Notice to William Dennis Smith, a condemnee.


Affiant

Sworn to and Subscribed before me


Notary Public

My Commission Expires: Feb 3, 2011

NOTARIAL SEAL
CINDY L. WITHEROW, Notary Public
Lawrence Twp., Clearfield County, PA
My Commission Expires, February 3, 2011

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Annette Smith Ave.
105 Spring Street
DuBois, Pa 15801

2. Article Number

(Transfer from service label)

7003 1010 0002 3616 7034

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X *Annette Smith*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Annette Smith

C. Date of Delivery

12/24/08

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
4019, Section 225, IN THE TOWNSHIP OF
SANDY AND THE CITY OF DUBOIS

CLAIM NO. 1700320000

: IN THE COURT OF COMMON
: PLEAS, CLEARFIELD COUNTY,
: PENNSYLVANIA
:
: EMINENT DOMAIN
: PROCEEDING IN REM
:
: No. 2008-2437-CD

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Claimant, Northwest Savings
Bank.

Respectfully submitted,

HANAK, GUIDO and TALADAY

Date: March 23, 2009

By /s/ Matthew B. Taladay
Matthew B. Taladay, Esq.
Attorney for Claimant
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED
MAR 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
4019, Section 225, IN THE TOWNSHIP OF
SANDY AND THE CITY OF DUBOIS

CLAIM NO. 1700320000

: IN THE COURT OF COMMON
: PLEAS, CLEARFIELD COUNTY,
: PENNSYLVANIA
:
: EMINENT DOMAIN
: PROCEEDING IN REM
:
: No. 2008-2437-CD

CERTIFICATE OF SERVICE

I certify that on the 23rd day of March, 2009, a true and correct copy of
Claimants' Praeceptum for Entry of Appearance was sent via first class mail, postage prepaid,
to the following:

Christopher J. Clements, Esq.
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

/s/ Matthew B. Taladay
Matthew B. Taladay, Esq.
Attorney for Defendants

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE
4019, SECTION 225, IN THE TOWNSHIP
OF SANDY AND THE CITY OF DUBOIS

CLAIM NO. 1700320000

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:

: NO. 2008-2437-CD

FILED

MAR 27 2009

0/3:00/

William A. Shaw

Prothonotary/Clerk of Court

2 CRIT TO

Arrie Solomon

PETITION TO DEPOSIT ESTIMATED JUST COMPENSATION

TO THE HONORABLE JUDGE OF SAID COURT:

1. The Department of Transportation is an administrative agency of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.

2. On December 22, 2008, the Secretary of Transportation filed a Declaration of Taking in the above-captioned case.

3. Although the condemnees listed on the attached Proposed Schedule of Distribution were offered the full amount of the Commonwealth's estimated just compensation as payment *pro tanto* of their right of way damage claim, without prejudice to their right to proceed to a final determination of just compensation, the Commonwealth has been unable to make payment because the liens on the property are greater than the amount of Estimated Just Compensation.

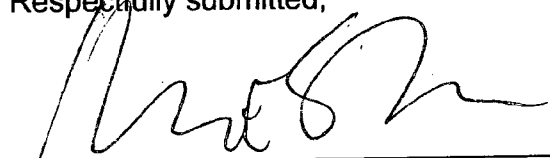
4. Attached is a draft made payable to the Prothonotary of this Court representing the total amount of estimated just compensation due the condemnees and the Commonwealth's pro-rata share of taxes on the subject property.

5. No fee shall be charged against these funds. 26 Pa.C.S. §522(b); *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591 (Pa.Cmwlt. 1984).

6. I, Kelly E. Solomon, Assistant Counsel in Charge, affirm that I am authorized to execute this Petition to Deposit Estimated Just Compensation on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth in this Petition are true and correct to the best of my knowledge, information and belief, and are made subject to the penalties provided in 18 Pa.C.S.A. 4904, relating to unsworn falsification to authorities.

WHEREFORE, to assure Petitioner's possession of the condemned property, if required, to which it is entitled under Section 307 of the Eminent Domain Code of 2006, as amended, 26 Pa.C.S. Section 307, Petitioner respectfully requests that the Honorable Court direct payment of the estimated just compensation and the Commonwealth's pro-rata share of the taxes on the subject property into Court, to be held until further Order of Court directing payment of said amount, or any part thereof, to the condemnees and/or interested parties entitled thereto pursuant to Section 307, 521 and/or 522 of the Eminent Domain Code, as applicable.

Respectfully submitted,



Kelly E. Solomon, Esquire
Supreme Court I.D. 85714
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

PROPOSED SCHEDULE OF DISTRIBUTION

ROW OFFICE PROJ. NO.	020173
COUNTY	Clearfield
S.R.-SECTION	4019-235
MUNICIPALITY	CITY OF DUBOIS/SANDY TWP.
PARCEL NO.	26
CLAIM NO.	1700320000

NAME(S) & ADDRESS(ES) OF CONDEMNEE(S): LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION	ENCUMBRANCES, TAXES, ETC.						NET DUE TO CONDEMNEE
		TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD AMOUNT DUE	ACTUAL AMOUNT DUE	
William Dennis Smith 311 North Third Street DuBois, PA 15801	E.J.C. \$71,100.00	Mortgage	3-06-98	M-Book 1913/168	Northwest Savings Bank 201 Bruxelles Street St. Mary's, PA 15857	\$44,000.00		
Annette Geelen Smith 105 Spring Avenue DuBois, PA 15801	Commonwealth Pro-Rata Share Real Estate Taxes <u>407.18</u>	Mortgage	3-19-02	Inst. #200204241	Green Tree Consumer Discount Company (successor in interest to Conesco Finance Consumer Discount Company) 7360 South Kyrene Road Tempe, AZ 85283	\$51,000.00		
Deed Book 1230 Page 242	Total <u>\$71,507.18</u>	Judgement	6-25-08	2008- 01164-CD	Commonwealth of PA Department of Revenue Bureau of Compliance Lien Section PO Box 280948 Harrisburg, PA 17128-0948	\$ 4,765.78		
		Judgement	3-10-08	2008- 00408-CD	Internal Revenue Service Technical Services 1001 Liberty Avenue Suite 1300 Pittsburgh, PA 15222	\$46,445.27		
		Judgement	9-23-08	2008- 00460-CD	Green Tree Consumer Discount Company (F/K/A Conesco Finance Consumer Discount Company) 7360 South Kyrene Road Tempe, AZ 85283	\$73,839.93		
		Real Estate Taxes	1-20-08		Clearfield County Tax Claim Bureau 230 East Market Street Clearfield, PA 16830	\$3,809.89		

Subject to possible unliened, unpaid municipal claims and taxes.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE
4019, SECTION 225, IN THE TOWNSHIP
OF SANDY AND THE CITY OF DUBOIS

CLAIM NO. 1700320000

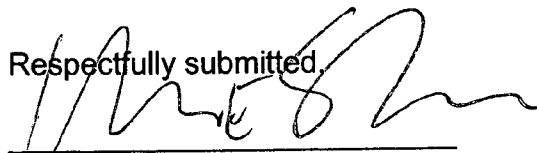
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:
:
: NO. 2008-2437-CD

**SWORN STATEMENT AS TO NOTICE OF PRESENTATION OF PETITION TO
DEPOSIT ESTIMATED JUST COMPENSATION**

I, Kelly E. Solomon, Assistant Counsel in the Right of Way Section, affirm that I am authorized to execute this sworn statement on behalf of the Pennsylvania Department of Transportation, that this statement is true and correct to the best of my knowledge, information and belief and that it is made subject to the penalties set forth in 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

In compliance with Section 522 of the Eminent Domain Code of 2006, as amended, condemnees and interested parties were notified of the Department's intent to present this Petition to the Clearfield County Court of Common Pleas twenty days after they received said notice. In addition to the notice, the parties received copies of the Petition and the proposed Order. The names and addresses of the condemnees and interested parties and the date and manner of service are noted on the attached Schedule of Interested Parties Notified.

Respectfully submitted,



Kelly E. Solomon, Esquire
Supreme Court I.D. 85714
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

CERTIFIED MAIL
COUNTY: Clearfield
S.R. 4019, SECTION 255
CLAIM NO. 1700320000
COURT DOCKET NO. 2008-2437-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION TO
DEPOSIT ESTIMATED JUST COMPENSATION**

<u>NAMES AND ADDRESSES</u>	<u>DATE RECEIVED CERTIFIED MAIL</u>
William Dennis Smith 311 North Third Street DuBois, PA 15801	7003 1680 0005 1234 7832 Returned to Sender (unclaimed)
Annette Geelen Smith 105 Spring Avenue DuBois, PA 15801	7003 1680 0005 1234 7849 2/12/2009
Northwest Savings Bank 201 Bruxelles Street St. Mary's, PA 15857	7003 1680 0005 1234 7856 2/9/2009
Green Tree Consumer Discount Company (successor in interest to Conseco Finance Consumer Discount Company) 7360 South Kyrene Road Tempe, AZ 85283	7003 1680 0005 1234 7863 2/7/2009
Commonwealth of Pennsylvania Department of Revenue Bureau of Compliance, Lien Section PO Box 280948 Harrisburg, PA 17128-0948	7003 1680 0005 1234 7870 2/5/2009
Internal Revenue Service Technical Services 1001 Liberty Avenue, Suite 1300 Pittsburgh, PA 15222	7003 1680 0005 1234 7887 2/6/2009
Clearfield County Tax Claim Bureau 230 East Market Street Clearfield, PA 16830	7003 1680 0005 1234 7894 2/6/2009

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE
4019, SECTION 225, IN THE TOWNSHIP
OF SANDY AND THE CITY OF DUBOIS

CLAIM NO. 1700320000

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

: EMINENT DOMAIN PROCEEDING
: IN REM

: NO. 2008-2437-CD

FILED

MAR 27 2009

0/3:00/W
William A. Shaw
Prothonotary/Clerk of Courts
2 CLERK TO

Arre Solomon

PETITION TO DEPOSIT ESTIMATED JUST COMPENSATION

TO THE HONORABLE JUDGE OF SAID COURT:

1. The Department of Transportation is an administrative agency of the Commonwealth of Pennsylvania, with offices at P.O. Box 8212, Harrisburg, Pennsylvania, 17105-8212.

2. On December 22, 2008, the Secretary of Transportation filed a Declaration of Taking in the above-captioned case.

3. Although the condemnees listed on the attached Proposed Schedule of Distribution were offered the full amount of the Commonwealth's estimated just compensation as payment *pro tanto* of their right of way damage claim, without prejudice to their right to proceed to a final determination of just compensation, the Commonwealth has been unable to make payment because the liens on the property are greater than the amount of Estimated Just Compensation.

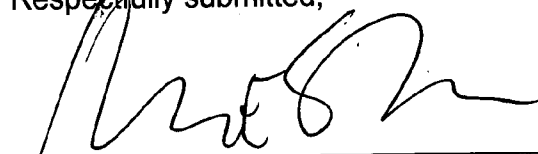
4. Attached is a draft made payable to the Prothonotary of this Court representing the total amount of estimated just compensation due the condemnees and the Commonwealth's pro-rata share of taxes on the subject property.

5. No fee shall be charged against these funds. 26 Pa.C.S. §522(b); *City of Pittsburgh v. Imler Supply Company*, 471 A.2d 591 (Pa.Cmwlt. 1984).

6. I, Kelly E. Solomon, Assistant Counsel in Charge, affirm that I am authorized to execute this Petition to Deposit Estimated Just Compensation on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth in this Petition are true and correct to the best of my knowledge, information and belief, and are made subject to the penalties provided in 18 Pa.C.S.A. 4904, relating to unsworn falsification to authorities.

WHEREFORE, to assure Petitioner's possession of the condemned property, if required, to which it is entitled under Section 307 of the Eminent Domain Code of 2006, as amended, 26 Pa.C.S. Section 307, Petitioner respectfully requests that the Honorable Court direct payment of the estimated just compensation and the Commonwealth's pro-rata share of the taxes on the subject property into Court, to be held until further Order of Court directing payment of said amount, or any part thereof, to the condemnees and/or interested parties entitled thereto pursuant to Section 307, 521 and/or 522 of the Eminent Domain Code, as applicable.

Respectfully submitted,



Kelly E. Solomon, Esquire
Supreme Court I.D. 85714
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

PROPOSED SCHEDULE OF DISTRIBUTION

ROW OFFICE PROJ. NO.	020173
COUNTY	Clearfield
S.R.-SECTION	4019-255
MUNICIPALITY	CITY OF DUBOIS/SANDY TWP.
PARCEL NO.	26
CLAIM NO.	1700320000

ENCUMBRANCES, TAXES, ETC.							NET DUE TO CONDEMNEE
NAME(S) & ADDRESS(ES) OF CONDEMNEE(S); LOCATION OF PROPERTY(IES)	ESTIMATED JUST COMPENSATION	TYPE	DATE OF RECORD	PLACE OF RECORD	NAME AND ADDRESS OF LIENOR	RECORD AMOUNT DUE	
William Dennis Smith 311 North Third Street DuBois, PA 15801	E.J.C. \$71,100.00	Mortgage	3-06-98	M-Book 1913/168	Northwest Savings Bank 201 Russelles Street St. Mary's, PA 15857	\$44,000.00	
Annette Geelen Smith 105 Spring Avenue DuBois, PA 15801	Commonwealth Pro-Rata Share Real Estate Taxes <u>407.18</u>	Mortgage	3-19-02	Inst. #200204241	Green Tree Consumer Discount Company (successor in interest to Conesco Finance Consumer Discount Company) 7360 South Kyrene Road Tempe, AZ 85283	\$51,000.00	
Deed Book 1230 Page 242	Total <u>\$71,507.18</u>	Judgement	6-25-08	2008- 01164-CD	Commonwealth of PA Department of Revenue Bureau of Compliance Lien Section PO Box 280948 Harrisburg, PA 17128-0948	\$ 4,765.78	
		Judgement	3-10-08	2008- 00408-CD	Internal Revenue Service Technical Services 1001 Liberty Avenue Suite 1300 Pittsburgh, PA 15222	\$46,445.27	
		Judgement	9-23-08	2008- 00460-CD	Green Tree Consumer Discount Company (F/K/A Conesco Finance Consumer Discount Company) 7360 South Kyrene Road Tempe, AZ 85283	\$73,839.93	
		Real Estate Taxes	1-20-08		Clearfield County Tax Claim Bureau 230 East Market Street Clearfield, PA 16830	\$3,809.89	

Subject to possible unliened, unpaid municipal claims and taxes.

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE
4019, SECTION 225, IN THE TOWNSHIP
OF SANDY AND THE CITY OF DUBOIS

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
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: EMINENT DOMAIN PROCEEDING
: IN REM
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: NO. 2008-2437-CD

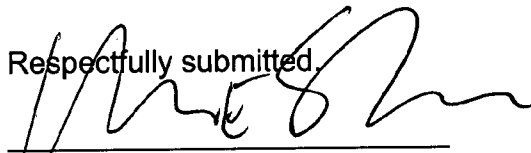
CLAIM NO. 1700320000

**SWORN STATEMENT AS TO NOTICE OF PRESENTATION OF PETITION TO
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In compliance with Section 522 of the Eminent Domain Code of 2006, as amended, condemnees and interested parties were notified of the Department's intent to present this Petition to the Clearfield County Court of Common Pleas twenty days after they received said notice. In addition to the notice, the parties received copies of the Petition and the proposed Order. The names and addresses of the condemnees and interested parties and the date and manner of service are noted on the attached Schedule of Interested Parties Notified.

Respectfully submitted,



Kelly E. Solomon, Esquire
Supreme Court I.D. 85714
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

CERTIFIED MAIL
COUNTY: Clearfield
S.R. 4019, SECTION 255
CLAIM NO. 1700320000
COURT DOCKET NO. 2008-2437-CD

**SCHEDULE OF INTERESTED PARTIES NOTIFIED OF THE PRESENTATION TO
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<u>NAMES AND ADDRESSES</u>	<u>DATE RECEIVED CERTIFIED MAIL</u>
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Commonwealth of Pennsylvania Department of Revenue Bureau of Compliance, Lien Section PO Box 280948 Harrisburg, PA 17128-0948	7003 1680 0005 1234 7870 2/5/2009
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IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE
4019, SECTION 225, IN THE TOWNSHIP
OF SANDY AND THE CITY OF DUBOIS

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN PROCEEDING
: IN REM
:

CLAIM NO. 1700320000

: NO. 2008-2437-CD

FILED

MAR 27 2009

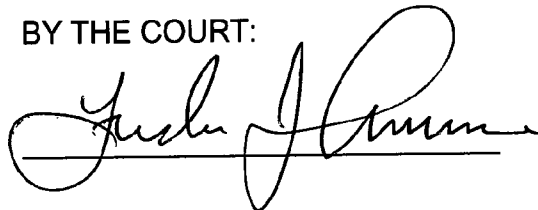
William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 27 day of March, 2009, upon presentation

of the Petition to Deposit Estimated Just Compensation, it is **ORDERED** and **DIRECTED** that the sum of \$71,507.18, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnees and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account, if available. No fee shall be charged against these funds. It is further **ORDERED** that the sum shall be held until further Order of Court directing full or partial payment to the condemnees and/or interested parties entitled to it pursuant to Sections 307, 521 and/or 522 of the Eminent Domain Code of 2006, as amended, 26 Pa.C.S. Sections 307, 521 and/or 522, as applicable.

BY THE COURT:



4
0 13-06/09
2 SENT TO
ATTY
Solomon
Furnon
DEP. IN
CLEP BANK
TRUST
Escrow

Date: 3/27/2009
Time: 03:07 PM

Clearfield County Court of Common Pleas
Receipt

NO. 1928725
Page 1 of 1

Received of: Commonwealth of Pennsylvania, Dept. of T \$ 71,507.18

Office of Chief Counsel
Harrisburg, PA 17105-8212

Seventy-One Thousand Five Hundred Seven and 18/100 Dollars

Subject: no plaintiffvs.no defendant

Case	Litigant type	Amount
2008-02437-CD	Subject	
Trust account		71,507.18
Total:		71,507.18

*Funds in CLERK BANK + TRUST
Escrow Account*

Check: 14215288

Payment Method: Combination

Amount Tendered: 71,507.18

Change Returned: 0.00

Clerk: BILLSHAW

William A. Shaw, Prothonotary/Clerk of Cou

By: _____
Deputy Clerk

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE
4019, SECTION 225, IN THE TOWNSHIP
OF SANDY AND THE CITY OF DUBOIS

CLAIM NO. 1700320000

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

: EMINENT DOMAIN PROCEEDING
: IN REM

: NO. 2008-2437-CD

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MAR 27 2009

William A. Shaw

Prothonotary/Clerk of Courts

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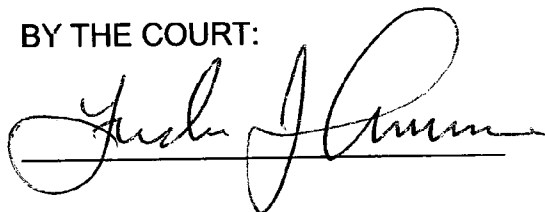
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ORDER

AND NOW, this 27 day of March, 2009, upon presentation

of the Petition to Deposit Estimated Just Compensation, it is **ORDERED** and **DIRECTED** that the sum of \$71,507.18, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnees and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account, if available. No fee shall be charged against these funds. It is further **ORDERED** that the sum shall be held until further Order of Court directing full or partial payment to the condemnees and/or interested parties entitled to it pursuant to Sections 307, 521 and/or 522 of the Eminent Domain Code of 2006, as amended, 26 Pa.C.S. Sections 307, 521 and/or 522, as applicable.

BY THE COURT:



DATE: 3-27-06

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

Funds Deposited in
Circuit Escrow Account

V.e
Date: 3/27/2009
Time: 03:07 PM

Clearfield County Court of Common Pleas
Receipt

NO. 1928725
Page 1 of 1

Received of: Commonwealth of Pennsylvania, Dept. of T \$ 71,507.18

Office of Chief Counsel
Harrisburg, PA 17105-8212

Seventy-One Thousand Five Hundred Seven and 18/100 Dollars

Subject: no plaintiffvs.no defendant

Case	Litigant type	Amount
2008-02437-CD	Subject	
Trust account		71,507.18
Total:		71,507.18

DEPOSITED
in Escrow
ACCT.

Check: 14215288

Payment Method: Combination
Amount Tendered: 71,507.18
Change Returned: 0.00
Clerk: BILL SHAW

William A. Shaw, Prothonotary/Clerk of Cou
By: _____
Deputy Clerk

LAW OFFICES OF GREGORY JAVARDIAN
BY: GREGORY JAVARDIAN
ATTORNEY I.D. # 55669
1310 INDUSTRIAL BOULEVARD
1ST FLOOR, SUITE 101
SOUTHAMPTON, PA 18966
(215) 942-9690

FILED 1cc
MAY 15 2009
William A. Shaw
Prothonotary/Clerk of Courts
Javardian

Attorney for Plaintiff

IN RE: CONDEMNATION BY THE	:	COURT OF COMMON PLEAS
COMMONWEALTH OF PENNSYLVANIA,	:	CLEARFIELD COUNTY, PA
DEPARTMENT OF TRANSPORTATION, OF	:	
RIGHT OF WAY FR STATE ROUTE 4019,	:	EMINENT DOMAIN
SECTION 225, IN THE TOWNSHIP OF	:	PROCEEDING IN REM
SANDY AND THE CITY OF DUBOIS	:	
CLAIM NO. 1700320000	:	NO. 2008-2437-CD

PETITION TO PAY PURSUANT TO SECTION 307, 521 and/or 522 of the EMINENT
DOMAIN CODE OF 2006

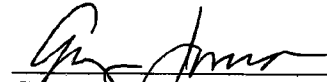
TO THE HONORABLE JUDGES OF SAID COURT:

1. Petitioner, Green Tree Consumer Discount Company, (hereinafter referred to as "Petitioner Green Tree") is a financial institution with a principal place of business located at 7360 South Kyrene Road, Tempe, AZ 85283.
2. On December 22, 2008, the Pennsylvania Secretary of Transportation filed a Declaration of Taking in the above-captioned case regarding a right of way affecting the real property known as 228 Dixon Avenue, DuBois, PA 15801, Tax Parcel Number 7.5-010-000-02736 (hereinafter referred to as "the Property"). (A true and correct copy of the Declaration of Taking is attached hereto and marked as Exhibit "A").
3. On March 27, 2009, the Department of Transportation filed a Petition to Deposit Estimated Just Compensation in the above-captioned matter.

4. On March 27, 2009, the Honorable Frederic J. Ammerman, entered an Order directing that the sum of \$71,507.18 representing the amount of just compensation to be deposited into the Court. (A true and correct copy of the Order is attached hereto and marked as Exhibit "B")
5. The sum of \$71,507.18 has been deposited into the Court.
6. William Dennis Smith and Annette Geelen Smith are the record owners of the Property.
7. Petitioner Green Tree is the holder of a second mortgage lien against the Property with a payoff amount of \$73,839.93. (A true and correct copy of Green Tree's Mortgage is attached hereto and marked as Exhibit "C")
8. Northwest Savings Bank holds a first mortgage lien against the Property with a payoff amount of \$28,669.72.
9. The Real Estate Taxes for the Property from 2006 through 2008 remain unpaid and due to the Clearfield County Tax Claim Bureau in the amount of \$3,809.89.
10. After accounting for the amounts due the Clearfield County Tax Claim Bureau, and the payoff to Northwest Savings Bank, Green Tree Consumer Discount Company is entitled to \$39,027.57 the remaining balance of the funds held by the Court as just compensation for the Commonwealth of Pennsylvania, Department of Transportation Declaration of Taking regarding the Property.

WHEREFORE, Petitioner, Green Tree Consumer Discount Company,
respectfully requests that this Honorable Court disburse \$39,027.57 to Green Tree
Consumer Discount Company.

Respectfully submitted,

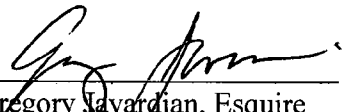


Gregory Javardian, Esquire
Attorney for Petitioner
Supreme Court I.D. 55669
1310 Industrial Blvd., Ste 101
Southampton, PA 18966
(215) 942-9690

VERIFICATION

I, Gregory Javardian, Esquire am the attorney for Plaintiff, hereby state that I am duly authorized to make this Verification on behalf of Plaintiff that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief and the source of his information is public records and reports of Plaintiff's agents. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

Dated: 8/14/2025



Gregory Javardian, Esquire
Attorney for Plaintiff

Exhibit "A"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



ROW OFFICE PROJ. NO.	020173
COUNTY	Clearfield
S.R. - SECTION	4019-255
MUNICIPALITY	City of DuBois/Sandy Township
PARCEL NO.	26
CLAIM NO.	1700320000
CLAIMANT	William Dennis Smith and Annette Geelen Smith

Date:

Re: ~~DEC 23 2008~~
Declaration of Taking filed on December 22, 2008
to No. 2437-CD Term, 2008
in the Court of Common Pleas
of Clearfield County

William Dennis Smith
837 Treasure Lake
DuBois, PA 15801

Annette Geelen Smith
105 Spring Street
DuBois, PA 15801

Dear Claimants:

Because the Department of Transportation has been unable to reach an agreement with you for the purchase of the right-of-way required from your property for the above transportation improvement, the Department has acquired the necessary interest by filing a Declaration of Taking to the above Court and Term Number. A copy of the Declaration of Taking is attached hereto, together with a memorandum explaining your rights as a condemnee under the Eminent Domain Code.

One of the most important of these rights is your right to receive a payment of \$71,100.00, the amount that the Department estimates you are entitled to as just compensation. This payment will be made to you without jeopardizing in any way your right to petition the court to appoint a Board of Viewers to determine the amount of damages to which you are entitled. Your Right-of-Way Representative will visit you shortly to help you apply for your payment on account. We urge you to sign the necessary papers so that we can process your payment without delay.

If you do not apply for your payment on account within 20 days, the money will be deposited into Court where it may be held for you by the Court. The money thus deposited may then be withdrawn only by your application to the Court.

Even though we have filed a Declaration of Taking, and even after payment to you or into Court of your estimated just compensation, we remain willing to discuss your claim with you. Of course, it is our primary aim to settle your claim; however, it is also our responsibility to see that you are fully advised of your rights and how to protect them.

Sincerely,

for Cindy Wetherow
Michael Hnat
District Right-of-Way Administrator
Engineering District 2-0

Your Right-of-Way Representative is: Dana R. Croyle, Interstate Acquisition Services
Phone Number: 814-342-1070 or 866-671-3090 (toll-free)

Attachments: Declaration of Taking
RW-475M - Memorandum of Law
Plan

cc: Clearfield County Tax Claim Bureau
Green Tree Consumer Discount Company (F/K/A Conseco Finance Consumer Discount Company)
Gregory Javardian, Esquire, Green Tree Consumer Discount Company
Internal Revenue Service, Technical Services
Commonwealth of PA, Department of Revenue
Northwest Savings Bank

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF RIGHT-OF-WAY
FOR STATE ROUTE 4019, SECTION 255,
IN THE TOWNSHIP OF SANDY AND
THE CITY OF DUBOIS

NO. 2008-2437-CO

I hereby certify this to be true and
attested copy of the original
statement filed in this case.

EMINENT DOMAIN PROCEEDING NO 2 2008
IN REM

Attest.

William H. H.
Prothonotary/
Clerk of Courts

DECLARATION OF TAKING

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

This Declaration of Taking, based on the provisions of Chapter 3, Section 302, of
the Eminent Domain Code, 26 Pa. C. S. § 302, respectfully represents that:

1. The Condemnor is the Commonwealth of Pennsylvania, Department of
Transportation, acting through the Secretary of Transportation.

2. The address of the Condemnor is:

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212

3. The Department of Transportation is authorized by the provisions of
Section 2003(e) of the Administrative Code of 1929, P. L. 177, 71 P. S. 513(e),
as amended, to acquire by gift, purchase, condemnation, or otherwise, land in fee simple
or such other estate or interest as it shall determine, in the name of the Commonwealth
for all transportation purposes.

4. The within condemnation has been authorized by a plan signed by
the Secretary of Transportation on November 26, 2008, titled "Drawings Authorizing

Acquisition of Right-of-Way for State Route 4019 Section 255 R/W in Clearfield County, and Reloc. Hospital Ave., and Prospect Street, and Miller Ave., and Alley, and Parking Lot Entrance," a copy of which plan was filed in the County Recorder's Office as Instrument Number 200819714 on December 12, 2008.

5. The purpose of the within condemnation is to acquire property for transportation purposes.

6. A Schedule of Property Condemned identifying and specifying the location of the property hereby condemned is attached hereto and made a part hereof.

7. Plans showing the property hereby condemned may be inspected in the Recorder's Office of the aforesaid County at the places indicated on the attached Schedule of Property Condemned or, if not shown thereon, on the day of the filing of this document being lodged for record or filed in said Recorder's Offices, where they may be inspected.

8. The nature of the title hereby condemned is fee simple.

9. In the event there are recoverable minerals (including gas and oil) within the areas hereby condemned, the mineral rights (including rights to gas and oil) in those areas are hereby excepted and reserved from this condemnation, provided, however, that the right of support of the areas condemned is included within the scope of this condemnation, and no access from the surface of such areas for removal purposes will be allowed without permission from the Commonwealth.

10. The payment of just compensation in this matter is secured by the Commonwealth's power of taxation.

11. I, Mark J. Chappell, P. E., Chief of the Utilities and Right-of-Way Section, of the Department of Transportation, do hereby depose, swear, and affirm that

I am authorized by and do hereby execute this Declaration of Taking on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information, and belief, and are made subject to penalties provided in 18 Pa. C. S. §4904, relating to false swearing to authorities.

WHEREFORE, fee simple title is hereby condemned of the property as shown on Exhibit 1, attached hereto and incorporated herein as though fully set forth.



Mark J. Chappell, P.E.

Chief, Utilities and Right-of-Way Section

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-2437-CD

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT-OF-WAY FOR
STATE ROUTE 4019, SECTION 255,
IN THE TOWNSHIP OF SANDY AND
THE CITY OF DUBOIS

DECLARATION OF TAKING

Christopher J. Clements
Assistant Counsel in Charge, R/W
Supreme Court ID Number 44699

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P. O. Box 8212
Harrisburg PA 17105-8212

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF RIGHT-OF-WAY
FOR STATE ROUTE 4019, SECTION 255,
IN THE TOWNSHIP OF SANDY AND
THE CITY OF DUBOIS

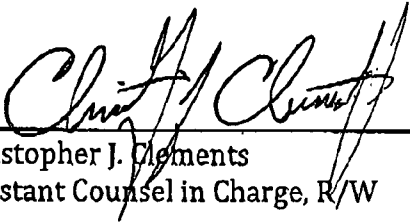
NO. 2008-2437-CD

EMINENT DOMAIN PROCEEDING
IN REM

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Please enter the appearance of Walter F. Cameron, Jr., Assistant Counsel in Charge,
1209 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh PA 15222-1210,
and Christopher J. Clements, Assistant Counsel in Charge, R/W, Office of Chief Counsel,
Department of Transportation, P. O. Box 8212, Harrisburg PA 17105-8212, as attorneys
for the Commonwealth of Pennsylvania, Department of Transportation, Condemnor in
the above-captioned proceedings.



Christopher J. Clements
Assistant Counsel in Charge, R/W

Walter F. Cameron, Jr.
Assistant Counsel in Charge

Dated: 12.18.08

RW-437 (7/07)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
 (Declaration of Taking)



ROW OFFICE PROJ. NO.	020173
COUNTY	Clearfield
S.R. - SECTION	4019-255
MUNICIPALITY	City of DuBois/Sandy Twp

TYPE OF TAKE

PT- Partial Take
 TT- Total Take

TYPE OF DESCRIPTION

D- Deed Description
 P- Plan lodged for recording with
 Notice of Condemnation
 R- Plan now recorded in Recorder's
 Office

Parcel No.	Claim Number	Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	Type of Description	Plan (if any) Recorded in
26	1700320000	TT	<p>William Dennis Smith 837 Treasure Lake DuBois, PA 15801</p> <p>Annette Geelen Smith 437 Treasure Lake DuBois, PA 15801</p> <p>Location: Deed Book 1230, Page 242</p>	1	R	Clearfield County Instrument No. 200819714

RW-475M (7/07)

COMMONWEALTH OF PENNSYLVANIA
Department of Transportation

MEMORANDUM OF LAW

**YOUR RIGHTS AS A CONDEMNEE UNDER THE EMINENT DOMAIN CODE**

If PennDOT is unable to purchase from the owner the right-of-way it needs to improve or construct a transportation improvement project, the Eminent Domain Code requires PennDOT to acquire the necessary interest from the property owner by filing a Declaration of Taking in the Court of Common Pleas of the County in which the property is located. A property owner, known in the law as a *condemnee*, is the owner of a real property interest taken, injured or destroyed but does not include a mortgagee or lienholder. Only a condemnnee may, within thirty (30) days of being served with a notice of the filing of the Declaration of Taking, file Preliminary Objections in Court to challenge the power or right of PennDOT to appropriate the property, the procedure followed by PennDOT, or the Declaration of Taking as prescribed by PennDOT's procedure in the filing of the Declaration of Taking.

When PennDOT acquires right-of-way for a project it is obligated to pay *just compensation* for the interest acquired. Where there is a partial taking for the project just compensation is measured by comparing the fair market value of the entire property before the taking with the fair market value of the property that remains after the taking; the difference is the just compensation to which the condemnnee is entitled. Where there is a total taking just compensation is measured by the fair market value of the entire property before the taking, only. In some cases the fair market value of the property that remains after the taking may be as high as, or even higher than, the value of the entire original property. In this type of situation, known as a *special benefit*, PennDOT is considered to have provided just compensation by thus increasing the value of the remaining land and may not be required to pay any further money damages.

Prior to the filing of the Declaration of Taking, PennDOT offers each condemnnee the amount of damages estimated by PennDOT to be just compensation for the taking. This payment, known as *estimated just compensation*, is a payment PennDOT believes to be just compensation and may be accepted by the condemnnee without jeopardizing in any way the condemnnee's right to petition the Court to appoint a Board of Viewers to determine the amount of damages to which he or she may be entitled.

If the condemnnee refuses to accept the estimated just compensation, PennDOT will pay the money into Court. The Court will then hold the money for the condemnnee until the condemnnee petitions for its release.

In Pennsylvania a mortgagee of record and other lienholders of record as of the date of the taking are entitled to payment on a *pro rata* basis from the proceeds of any condemnation; thus some or all of the estimated just compensation may have to be paid to one or more of these types of lienholders who, in turn, must credit the condemnnee for any amount thus paid. A condemnnee is also entitled to a *pro rata* refund of pre-paid real estate taxes as of the date of the taking.

After the filing of the Declaration of Taking either PennDOT or any condemnnee may petition the Court to appoint a Board of View to determine the amount of just compensation due as a result of the taking. The Viewers (there are 3 on the Board) will visit the property, known as a *site view*, and conduct at least one evidentiary hearing at which both the condemnnee and PennDOT will have an opportunity to call witnesses to testify as to the facts of the taking and the amount of just compensation. The Viewer's award is final and PennDOT will be required to pay the difference between the amount of the award and any amount previously paid as estimated just compensation unless the award is appealed by either party within thirty (30) days of the filing of the Viewer's Report in Court. If the award is appealed either party may demand that the case be tried before a jury; otherwise a judge sitting without a jury will try the case. The jury's verdict or the opinion of the judge sitting without a jury will be considered to be final unless a *post trial motion* for a new trial is filed with the Court of Common Pleas. If the post trial motion is denied, a final appeal is available to the

Appellate Courts of Pennsylvania by either party.

Ordinarily PennDOT will not petition for a Board of View until the construction of a transportation improvement project is completed. PennDOT may file the petition when a house or other substantial building is taken or in the case of a total taking. In the case of a partial taking PennDOT believes the possibility of an amicable conclusion of the case should be held open until the condemnee has had the opportunity to see the effect of the completed project on the remaining property.

The Eminent Domain Code does not require PennDOT to petition for the Board of View and therefore PennDOT rarely does so. If the condemnee wishes to petition for the Board of View the petition must be filed within six (6) years from the date when PennDOT paid estimated just compensation to the condemnee or the date when PennDOT deposited the estimated just compensation into Court. If the petition for Viewers is not filed before the expiration of this six (6) year period, the payment or deposit of the amount or amounts paid estimated just compensation shall constitute full just compensation.

The Eminent Domain Code requires that interest be paid for delay in payment from the date of relinquishment of possession of the condemned property by the condemnee or, if the condemnation is such that possession is not required to effectuate the taking, from the date of condemnation. Delay compensation is not payable by PennDOT with respect to funds paid as estimated just compensation or by deposit into Court after the date of such payment to the condemnee or such deposit into Court. The Eminent Domain Code provides that delay compensation is calculated at the prime rate plus 1%. This is a *simple interest*, as opposed to a compound interest, calculation.

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We hope that the above summary of the procedures and your rights under the Eminent Domain Code of Pennsylvania will be of some help in determining which course of action you decide to take with regard to your claim.

Office of Chief Counsel
Department of Transportation

NOTE: If the condemnation involves the taking of your dwelling or business, see "Bulletin 47", relocation assistance information. A copy has been given to you. As in the case of just compensation for property taken for transportation purposes, PennDOT's determination of the amount of your relocation benefits may also be heard before a Board of View and the Court.

Exhibit "B"

cc: Kelly Solomon, Hbg.
Mike Hnat, 2-0
3-31-09

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FOR STATE ROUTE
4019, SECTION 225, IN THE TOWNSHIP
OF SANDY AND THE CITY OF DUBOIS

CLAIM NO. 1700320000

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

: EMINENT DOMAIN PROCEEDING
: IN REM

: NO. 2008-2437-CD

MAR 27 2009

ORDER

Attest.

William J. Ammerman
Prothonotary/
Clerk of Courts

AND NOW, this 27 day of MARCH, 2009, upon presentation of the Petition to Deposit Estimated Just Compensation, it is **ORDERED** and **DIRECTED** that the sum of \$71,507.18, representing the amount of just compensation estimated by the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth's pro-rata share of real estate taxes due the condemnees and/or interested parties on the subject property shown on the attached Proposed Schedule of Distribution, be paid into Court in an interest bearing account, if available. No fee shall be charged against these funds. It is further **ORDERED** that the sum shall be held until further Order of Court directing full or partial payment to the condemnees and/or interested parties entitled to it pursuant to Sections 307, 521 and/or 522 of the Eminent Domain Code of 2006, as amended, 26 Pa.C.S. Sections 307, 521 and/or 522, as applicable.

BY THE COURT:

/S/ Fredric J Ammerman

Exhibit "C"

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER
200204241

RECORDED ON

MAR 19, 2002
11:52:51 AM

Total Pages: 8

RECORDING FEES - \$21.00

RECORDED
COUNTY IMPROVEMENT \$1.00

RECORDED
IMPROVEMENT FUND \$1.00

STATE UNIT TAX \$0.50

TOTAL \$23.50

CUSTOMER
CONSECO FINANCE SERVICES

Commonwealth of Pennsylvania Space Above This Line For Recording Data

GT-15-39-090 (1/01)

Return To:

OPEN-END MORTGAGE

Application #
Loan #

Conseco Finance
Attn: Trailing Documents Area
7360 South Kyrene Road
Tempe, AZ 85283

This Mortgage secures future advances

1. **DATE AND PARTIES.** The date of this Mortgage (Security Instrument) is March 14, 2002
and the parties, their addresses and tax identification numbers, if required, are as follows:

MORTGAGOR: William Dennis Smith, Annette Geelen Smith
HUSBAND AND WIFE

.....If checked, refer to the attached Addendum incorporated herein, for additional Mortgagors, their signatures and acknowledgments.

LENDER: Conseco Bank, Inc.
Cottonwood Corporate Center
2825 E Cottonwood Prky 230
Salt Lake City, UT 84121

2. **CONVEYANCE.** For good and valuable consideration, the receipt and sufficiency of which is acknowledged, and to secure the Secured Debt (defined below) and Mortgagor's performance under this Security Instrument, Mortgagor grants, bargains, conveys and mortgages to Lender the following described property:

Parcel ID: 7.5-10-2736 TAX ID #07319
See Exhibit A for the Legal Description

The property is located in Clearfield at
(County)
228 Dixon Ave. Du Bois 15801
(Address) (City) (ZIP Code)

Together with all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, all water and riparian rights, ditches, and water stock and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property").

3. **MAXIMUM OBLIGATION LIMIT.** The total principal amount secured by this Security Instrument at any one time shall not exceed \$ 51,000.00. This limitation of amount does not include interest and other fees and charges validly made pursuant to this Security Instrument. Also, this limitation does not apply to advances made under the terms of this Security Instrument to protect Lender's security and to perform any of the covenants contained in this Security Instrument.

4. **SECURED DEBT AND FUTURE ADVANCES.** The term "Secured Debt" is defined as follows:
A. Debt incurred under the terms of all promissory note(s), contract(s), guaranty(s) or other evidence of debt described below and all their extensions, renewals, modifications or substitutions. (When referencing the debts below it is suggested that you include items such as borrowers' names, note amounts, interest rates, maturity dates, etc.)

Note dated March 14, 2002, between Conseco Bank, Inc. and William Dennis Smith, for \$51,000.00, maturing March 19, 2027.

B. All future advances from Lender to Mortgagor or other future obligations of Mortgagor to Lender under any promissory note, contract, guaranty, or other evidence of debt executed by Mortgagor in favor of Lender after this Security Instrument whether or not this Security Instrument is specifically referenced. If more than one person signs this Security Instrument, each Mortgagor agrees that this Security Instrument will secure all future advances and future obligations that are given to or incurred by any one or more Mortgagor, or any one or more Mortgagor and others. All future advances and other future obligations are secured by this Security Instrument even though all or part may not yet be advanced. All future advances and other future obligations are secured as if made on the date of this Security Instrument. Nothing in this Security Instrument shall constitute a commitment to make additional or future loans or advances in any amount. Any such commitment must be agreed to in a separate writing.

C. All obligations Mortgagor owes to Lender, which may later arise, to the extent not prohibited by law, including, but not limited to, liabilities for overdrafts relating to any deposit account agreement between Mortgagor and Lender.

D. All additional sums advanced and expenses incurred by Lender for insuring, preserving or otherwise protecting the Property and its value and any other sums advanced and expenses incurred by Lender under the terms of this Security Instrument.

This Security Instrument will not secure any other debt if Lender fails to give any required notice of the right of rescission.

5. **PAYMENTS.** Mortgagor agrees that all payments under the Secured Debt will be paid when due and in accordance with the terms of the Secured Debt and this Security Instrument.

6. **WARRANTY OF TITLE.** Mortgagor warrants that Mortgagor is or will be lawfully seized of the estate conveyed by this Security Instrument and has the right to grant, bargain, convey, sell, and mortgage the Property. Mortgagor also warrants that the Property is unencumbered, except for encumbrances of record.
7. **PRIOR SECURITY INTERESTS.** With regard to any other mortgage, deed of trust, security agreement or other lien document that created a prior security interest or encumbrance on the Property, Mortgagor agrees:
- A. To make all payments when due and to perform or comply with all covenants.
 - B. To promptly deliver to Lender any notices that Mortgagor receives from the holder.
 - C. Not to allow any modification or extension of, nor to request any future advances under any note or agreement secured by the lien document without Lender's prior written consent.
8. **CLAIMS AGAINST TITLE.** Mortgagor will pay all taxes, assessments, liens, encumbrances, lease payments, ground rents, utilities, and other charges relating to the Property when due. Lender may require Mortgagor to provide to Lender copies of all notices that such amounts are due and the receipts evidencing Mortgagor's payment. Mortgagor will defend title to the Property against any claims that would impair the lien of this Security Instrument. Mortgagor agrees to assign to Lender, as requested by Lender, any rights, claims or defenses Mortgagor may have against parties who supply labor or materials to maintain or improve the Property.
9. **DUE ON SALE OR ENCUMBRANCE.** Lender may, at its option, declare the entire balance of the Secured Debt to be immediately due and payable upon the creation of, or contract for the creation of, any lien, encumbrance, transfer or sale of the Property. This right is subject to the restrictions imposed by federal law (12 C.F.R. 591), as applicable. This covenant shall run with the Property and shall remain in effect until the Secured Debt is paid in full and this Security Instrument is released.
10. **PROPERTY CONDITION, ALTERATIONS AND INSPECTION.** Mortgagor will keep the Property in good condition and make all repairs that are reasonably necessary. Mortgagor shall not commit or allow any waste, impairment, or deterioration of the Property. Mortgagor will keep the Property free of noxious weeds and grasses. Mortgagor agrees that the nature of the occupancy and use will not substantially change without Lender's prior written consent. Mortgagor will not permit any change in any license, restrictive covenant or easement without Lender's prior written consent. Mortgagor will notify Lender of all demands, proceedings, claims and actions against Mortgagor, and of any loss or damage to the Property. Lender or Lender's agents may, at Lender's option, enter the Property at any reasonable time for the purpose of inspecting the Property. Lender shall give Mortgagor notice at the time of or before an inspection specifying a reasonable purpose for the inspection. Any inspection of the Property shall be entirely for Lender's benefit and Mortgagor will in no way rely on Lender's inspection.
11. **AUTHORITY TO PERFORM.** If Mortgagor fails to perform any duty or any of the covenants contained in this Security Instrument, Lender may, without notice, perform or cause them to be performed. Mortgagor appoints Lender as attorney-in-fact to sign Mortgagor's name or pay any amount necessary for performance. Lender's right to perform for Mortgagor shall not create an obligation to perform, and Lender's failure to perform will not preclude Lender from exercising any of Lender's other rights under the law or this Security Instrument. If any construction on the Property is discontinued or not carried on in a reasonable manner, Lender may take all steps necessary to protect Lender's security interest in the Property, including completion of the construction.
12. **LEASEHOLDS; CONDOMINIUMS; PLANNED UNIT DEVELOPMENTS.** Mortgagor agrees to comply with the provisions of any lease if this Security Instrument is on a leasehold. If the Property includes a unit in a condominium or a planned unit development, Mortgagor will perform all of Mortgagor's duties under the covenants, by-laws, or regulations of the condominium or planned unit development.

13. **DEFAULT.** Mortgagor will be in default if any party obligated on the Secured Debt fails to make payment when due. Mortgagor will be in default if a breach occurs under the terms of this Security Instrument or any other document executed for the purpose of creating, securing or guaranteeing the Secured Debt. A good faith belief by Lender that Lender at any time is insecure with respect to any person or entity obligated on the Secured Debt or that the prospect of any payment or the value of the Property is impaired shall also constitute an event of default.
14. **REMEDIES ON DEFAULT.** In some instances, federal and state law will require Lender to provide Mortgagor with notice of the right to cure or other notices and may establish time schedules for foreclosure actions. Subject to these limitations, if any, Lender may accelerate the Secured Debt and foreclose this Security Instrument in a manner provided by law if Mortgagor is in default.
At the option of Lender, all or any part of the agreed fees and charges, accrued interest and principal shall become immediately due and payable, after giving notice if required by law, upon the occurrence of a default or anytime thereafter. In addition, Lender shall be entitled to all the remedies provided by law, the terms of the Secured Debt, this Security Instrument and any related documents. All remedies are distinct, cumulative and not exclusive, and the Lender is entitled to all remedies provided at law or equity, whether or not expressly set forth. The acceptance by Lender of any sum in payment or partial payment on the Secured Debt after the balance is due or is accelerated or after foreclosure proceedings are filed shall not constitute a waiver of Lender's right to require complete cure of any existing default. By not exercising any remedy on Mortgagor's default, Lender does not waive Lender's right to later consider the event a default if it continues or happens again.
15. **EXPENSES; ADVANCES ON COVENANTS; ATTORNEYS' FEES; COLLECTION COSTS.** Except when prohibited by law, Mortgagor agrees to pay all of Lender's expenses if Mortgagor breaches any covenant in this Security Instrument. Mortgagor will also pay on demand amounts incurred by Lender for insuring, inspecting, preserving or otherwise protecting the Property and Lender's security interest. These expenses will bear interest from the date of the payment until paid in full at the highest interest rate in effect as provided in the terms of the Secured Debt. Mortgagor agrees to pay all costs and expenses incurred by Lender in collecting, enforcing or protecting Lender's rights and remedies under this Security Instrument. This amount may include, but is not limited to, attorneys' fees, court costs, and other legal expenses. This Security Instrument shall remain in effect until released. Mortgagor agrees to pay for any recordation costs of such release.
16. **ENVIRONMENTAL LAWS AND HAZARDOUS SUBSTANCES.** As used in this section, (1) Environmental Law means, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, 42 U.S.C. 9601 et seq.), and all other federal, state and local laws, regulations, ordinances, court orders, attorney general opinions or interpretive letters concerning the public health, safety, welfare, environment or a hazardous substance; and (2) Hazardous Substance means any toxic, radioactive or hazardous material, waste, pollutant or contaminant which has characteristics which render the substance dangerous or potentially dangerous to the public health, safety, welfare or environment. The term includes, without limitation, any substances defined as "hazardous material," "toxic substances," "hazardous waste" or "hazardous substance" under any Environmental Law.
Mortgagor represents, warrants and agrees that:
- A. Except as previously disclosed and acknowledged in writing to Lender, no Hazardous Substance is or will be located, stored or released on or in the Property. This restriction does not apply to small quantities of Hazardous Substances that are generally recognized to be appropriate for the normal use and maintenance of the Property.
 - B. Except as previously disclosed and acknowledged in writing to Lender, Mortgagor and every tenant have been, are, and shall remain in full compliance with any applicable Environmental Law.

- C. Mortgagor shall immediately notify Lender if a release or threatened release of a Hazardous Substance occurs on, under or about the Property or there is a violation of any Environmental Law concerning the Property. In such an event, Mortgagor shall take all necessary remedial action in accordance with any Environmental Law.
- D. Mortgagor shall immediately notify Lender in writing as soon as Mortgagor has reason to believe there is any pending or threatened investigation, claim, or proceeding relating to the release or threatened release of any Hazardous Substance or the violation of any Environmental Law.
17. **CONDEMNATION.** Mortgagor will give Lender prompt notice of any pending or threatened action, by private or public entities to purchase or take any or all of the Property through condemnation, eminent domain, or any other means. Mortgagor authorizes Lender to intervene in Mortgagor's name in any of the above described actions or claims. Mortgagor assigns to Lender the proceeds of any award or claim for damages connected with a condemnation or other taking of all or any part of the Property. Such proceeds shall be considered payments and will be applied as provided in this Security Instrument. This assignment of proceeds is subject to the terms of any prior mortgage, deed of trust, security agreement or other lien document.
18. **INSURANCE.** Mortgagor shall keep Property insured against loss by fire, flood, theft and other hazards and risks reasonably associated with the Property due to its type and location. This insurance shall be maintained in the amounts and for the periods that Lender requires. The insurance carrier providing the insurance shall be chosen by Mortgagor subject to Lender's approval, which shall not be unreasonably withheld. If Mortgagor fails to maintain the coverage described above, Lender may, at Lender's option, obtain coverage to protect Lender's rights in the Property according to the terms of this Security Instrument. All insurance policies and renewals shall be acceptable to Lender and shall include a standard "mortgage clause" and, where applicable, "loss payee clause." Mortgagor shall immediately notify Lender of cancellation or termination of the insurance. Lender shall have the right to hold the policies and renewals. If Lender requires, Mortgagor shall immediately give to Lender all receipts of paid premiums and renewal notices. Upon loss, Mortgagor shall give immediate notice to the insurance carrier and Lender. Lender may make proof of loss if not made immediately by Mortgagor. Unless otherwise agreed in writing, all insurance proceeds shall be applied to the restoration or repair of the Property or to the Secured Debt, whether or not then due, at Lender's option. Any application of proceeds to principal shall not extend or postpone the due date of the scheduled payment nor change the amount of any payment. Any excess will be paid to the Mortgagor. If the Property is acquired by Lender, Mortgagor's right to any insurance policies and proceeds resulting from damage to the Property before the acquisition shall pass to Lender to the extent of the Secured Debt immediately before the acquisition.
19. **ESCROW FOR TAXES AND INSURANCE.** Unless otherwise provided in a separate agreement, Mortgagor will not be required to pay to Lender funds for taxes and insurance in escrow.
20. **FINANCIAL REPORTS AND ADDITIONAL DOCUMENTS.** Mortgagor will provide to Lender upon request, any financial statement or information Lender may deem reasonably necessary. Mortgagor agrees to sign, deliver, and file any additional documents or certifications that Lender may consider necessary to perfect, continue, and preserve Mortgagor's obligations under this Security Instrument and Lender's lien status on the Property.
21. **JOINT AND INDIVIDUAL LIABILITY; CO-SIGNERS; SUCCESSORS AND ASSIGNS BOUND.** All duties under this Security Instrument are joint and individual. If Mortgagor signs this Security Instrument but does not sign an evidence of debt, Mortgagor does so only to mortgage Mortgagor's interest in the Property to secure payment of the Secured Debt and Mortgagor does not agree to be personally liable on the Secured

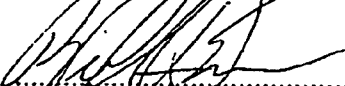
Debt. If this Security Instrument secures a guaranty between Lender and Mortgagor, Mortgagor agrees to waive any rights that may prevent Lender from bringing any action or claim against Mortgagor or any party indebted under the obligation. These rights may include, but are not limited to, any anti-deficiency or one-action laws. Mortgagor agrees that Lender and any party to this Security Instrument may extend, modify or make any change in the terms of this Security Instrument or any evidence of debt without Mortgagor's consent. Such a change will not release Mortgagor from the terms of this Security Instrument. The duties and benefits of this Security Instrument shall bind and benefit the successors and assigns of Mortgagor and Lender.

22. **APPLICABLE LAW; SEVERABILITY; INTERPRETATION.** This Security Instrument is governed by the laws of the jurisdiction in which Lender is located, except to the extent otherwise required by the laws of the jurisdiction where the Property is located. Any provision that appoints Lender as an agent is not subject to the provisions of 20 Pa.C.S.A. Section 5601 et seq. (Chapter 56; Decedents, Estates and Fiduciaries Code). Lender, by exercising any of its rights under this Security Instrument, does so for its sole benefit. This Security Instrument is complete and fully integrated. This Security Instrument may not be amended or modified by oral agreement. Any section in this Security Instrument, attachments, or any agreement related to the Secured Debt that conflicts with applicable law will not be effective, unless that law expressly or impliedly permits the variations by written agreement. If any section of this Security Instrument cannot be enforced according to its terms, that section will be severed and will not affect the enforceability of the remainder of this Security Instrument. Whenever used, the singular shall include the plural and the plural the singular. The captions and headings of the sections of this Security Instrument are for convenience only and are not to be used to interpret or define the terms of this Security Instrument. Time is of the essence in this Security Instrument.
23. **NOTICE.** Unless otherwise required by law, any notice shall be given by delivering it or by mailing it by first class mail to the appropriate party's address on page 1 of this Security Instrument, or to any other address designated in writing. Notice to one mortgagor will be deemed to be notice to all mortgagors.
24. **WAIVERS.** Except to the extent prohibited by law, Mortgagor waives any right to appraisal relating to the Property.
25. **OTHER TERMS.** If checked, the following are applicable to this Security Instrument:
- **Line of Credit.** The Secured Debt includes a revolving line of credit provision. Although the Secured Debt may be reduced to a zero balance, this Security Instrument will remain in effect until released.
 - **Construction Loan.** This Security Instrument secures an obligation incurred for the construction of an improvement on the Property.
 - **Fixture Filing.** Mortgagor grants to Lender a security interest in all goods that Mortgagor owns now or in the future and that are or will become fixtures related to the Property. This Security Instrument suffices as a financing statement and any carbon, photographic or other reproduction may be filed of record for purposes of Article 9 of the Uniform Commercial Code.
 - **Purchase Money.** This Security Instrument secures advances by Lender used in whole or in part to acquire the Property. Accordingly, this Security Instrument, and the lien hereunder, is and shall be construed as a purchase money mortgage with all of the rights, priorities and benefits thereof under the laws of the Commonwealth of Pennsylvania.
 - **NOTICE TO BORROWER: THIS DOCUMENT CONTAINS PROVISIONS FOR A VARIABLE INTEREST RATE.**


.....Riders. The covenants and agreements of each of the riders checked below are incorporated into and supplement and amend the terms of this Security Instrument. [Check all applicable items]
..... Condominium Rider Planned Unit Development Rider Other

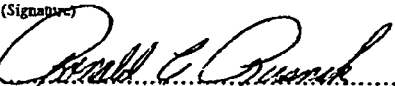
N/A Additional Terms.

SIGNATURES: By signing below, Mortgagor, intending to be legally bound hereby, agrees to the terms and covenants contained in this Security Instrument and in any attachments. Mortgagor also acknowledges receipt of a copy of this Security Instrument on the date stated on page 1.

 3/14/02
(Signature) William Dennis Smith (Date)

 3-14-02
(Signature) Annette Geelen Smith (Date)


(Witness) (Date)


(Witness) (Date)

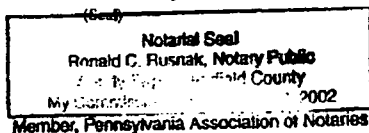
ACKNOWLEDGMENT:

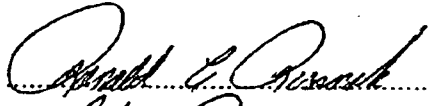
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD } SS.
(Individual) On this, the 14th day of MARCH 2002, before me RONALD C. RUSNAK,
the undersigned officer, personally appeared William Dennis Smith, Annette Geelen Smith

known to me (or satisfactorily proven) to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

My commission expires:




Notary Public
Title of Officer

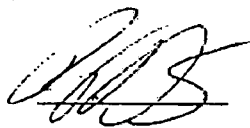
It is hereby certified that the address of the Lender within named is: Consco Bank, Inc.
Cottonwood Corporate Center, 2825 E Cottonwood Prky 230, Salt Lake City, UT 84121

EXHIBIT A

Legal Description:

ALL THAT CERTAIN PROPERTY SITUATED IN THE CITY OF DUBOIS, COUNTY OF CLEARFIELD,
AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED IN DEED DATED
06/21/88, RECORDED 06/28/88, APPEARING AMONG THE LAND RECORDS OF THE COUNTY AND
STATE, SET FORTH ABOVE IN DEED BOOK 1230, PAGE 242.

Parcel ID: 7.5-10-2736 TAX ID #07319



AS

LAW OFFICES OF GREGORY JAVARDIAN
BY: GREGORY JAVARDIAN
ATTORNEY I.D. # 55669
1310 INDUSTRIAL BOULEVARD
1ST FLOOR, SUITE 101
SOUTHAMPTON, PA 18966
(215) 942-9690

Attorney for Plaintiff

IN RE: CONDEMNATION BY THE	:	COURT OF COMMON PLEAS
COMMONWEALTH OF PENNSYLVANIA,	:	CLEARFIELD COUNTY, PA
DEPARTMENT OF TRANSPORTATION, OF	:	
RIGHT OF WAY FR STATE ROUTE 4019,	:	EMINENT DOMAIN
SECTION 225, IN THE TOWNSHIP OF	:	PROCEEDING IN REM
SANDY AND THE CITY OF DUBOIS	:	
	:	
CLAIM NO. 1700320000	:	NO. 2008-2437-CD

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I hereby certify that a copy of Green Tree Consumer Discount Company's
Petition to Pay was served on the following by regular mail, first class United States
mail, postage prepaid on the date set forth below.

Kelly E. Solomon, Esquire
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

William Dennis Smith
311 North Third Street
DuBois, PA 15801

Annette Geelen Smith
105 Spring Avenue
DuBois, PA 15801

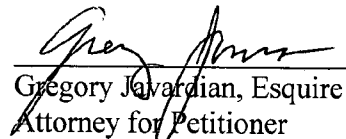
Northwest Savings Bank
201 Bruxelles Street
St Mary's, PA 15857

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance, Lien Section
P.O. Box 280948
Harrisburg, PA 17128-0948

Internal Revenue Service
Technical Services
1001 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222

Clearfield County Tax Claim Bureau
230 East Market Street
Clearfield, PA 16830

Dated: May 14, 2009


Gregory Javardian, Esquire
Attorney for Petitioner
Supreme Court I.D. 55669
1310 Industrial Blvd., Ste 101
Southampton, PA 18966
(215) 942-9690

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FR STATE ROUTE 4019,
SECTION 225, IN THE TOWNSHIP OF
SANDY AND THE CITY OF DUBOIS

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN
: PROCEEDING IN REM
:
:
: NO. 2008-2437-CD

CLAIM NO. 1700320000

RULE TO SHOW CAUSE

AND NOW, this 19 day of May, 2009, upon consideration of
the foregoing petition, it is hereby ordered that

(1) a rule is issued upon the respondent to show cause why the petitioner is not
entitled to the relief requested;

(2) the respondent shall file an answer to the petition within twenty (20) days of
service upon the respondent;

(3) the petition shall be decided under Pa.R.C.P. No. 206.7; and

(4) notice of the entry of this order shall be provided to all parties by the
petitioner.

FILED
019:41/311
MAY 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

1 CC Atty Javardian

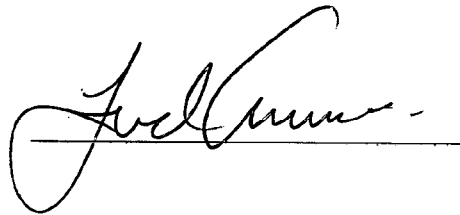
NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE 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
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. (5982)

BY THE COURT,

A handwritten signature in black ink, appearing to read "Judith K...", is written over a horizontal line.

LAW OFFICES OF GREGORY JAVARDIAN
BY: GREGORY JAVARDIAN
ATTORNEY I.D. # 55669
1310 INDUSTRIAL BOULEVARD
1ST FLOOR, SUITE 101
SOUTHAMPTON, PA 18966
(215) 942-9690

FILED

JUN 01 2009
m 11:25 (W)
William A. Shaw
Prothonotary/Clerk of Courts

Attorney for Plaintiff

1 sent to

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FR STATE ROUTE 4019,
SECTION 225, IN THE TOWNSHIP OF
SANDY AND THE CITY OF DUBOIS

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN
: PROCEEDING IN REM
:
:
: NO. 2008-2437-CD

Att
(GW)

CLAIM NO. 1700320000

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I hereby certify that the Rule to Show Cause issued on May 19, 2009 for Green
Tree Consumer Discount Company's Petition to Pay was served on the following by
regular mail, first class United States mail, postage prepaid on the date set forth below.

Kelly E. Solomon, Esquire
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

William Dennis Smith
311 North Third Street
DuBois, PA 15801

Annette Geelen Smith
105 Spring Avenue
DuBois, PA 15801

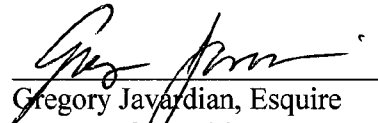
Northwest Savings Bank
201 Bruxelles Street
St Mary's, PA 15857

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance, Lien Section
P.O. Box 280948
Harrisburg, PA 17128-0948

Internal Revenue Service
Technical Services
1001 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222

Clearfield County Tax Claim Bureau
230 East Market Street
Clearfield, PA 16830

Dated: May 26, 2009



Gregory Javardian, Esquire
Attorney for Petitioner
Supreme Court I.D. 55669
1310 Industrial Blvd., Ste 101
Southampton, PA 18966
(215) 942-9690

LAW OFFICES OF GREGORY JAVARDIAN
BY: JAMES P. KENNEDY
ATTORNEY I.D. # 86614
1310 INDUSTRIAL BOULEVARD
1ST FLOOR, SUITE 101
SOUTHAMPTON, PA 18966
(215) 942-9690

FILED

JUL 01 2009

William A. Shaw
Prothonotary/Clerk of Courts

Attorney for Plaintiff

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FR STATE ROUTE 4019,
SECTION 225, IN THE TOWNSHIP OF
SANDY AND THE CITY OF DUBOIS

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN
: PROCEEDING IN REM
:
:

CLAIM NO. 1700320000

: NO. 2008-2437-CD

PRAECIPE TO MAKE RULE ABSOLUTE

TO THE PROTHONOTARY:

1. On May 15, 2009, Petitioner, Green Tree Consumer Discount Company, filed a Petition to Pay in the above-captioned matter.
2. On May 19, 2009, a Rule to Show Cause was issued by the Honorable Fredric J. Ammerman.
3. Petitioner hereby certifies that the Rule to Show Cause was served on May 26, 2009 and twenty (20) days has lapsed since service of the Rule to Show Cause and no response has been filed.

WHEREFORE, Petitioner hereby respectfully requests that this Honorable Court grant the Petition to Pay and direct the Clearfield County Office of the Prothonotary shall disburse the sum of \$39,027.57 to Green Tree Consumer Discount Company just compensation for the Commonwealth of Pennsylvania, Department of Transportation Declaration of Taking.

Dated: June 29, 2009

James P. Kennedy, Esquire
Attorney for Petitioner
Supreme Court I.D. 86614

LAW OFFICES OF GREGORY JAVARDIAN
BY: JAMES P. KENNEDY
ATTORNEY I.D. # 86614
1310 INDUSTRIAL BOULEVARD
1ST FLOOR, SUITE 101
SOUTHAMPTON, PA 18966
(215) 942-9690

Attorney for Plaintiff

IN RE: CONDEMNATION BY THE	:	COURT OF COMMON PLEAS
COMMONWEALTH OF PENNSYLVANIA,	:	CLEARFIELD COUNTY, PA
DEPARTMENT OF TRANSPORTATION, OF	:	
RIGHT OF WAY FR STATE ROUTE 4019,	:	EMINENT DOMAIN
SECTION 225, IN THE TOWNSHIP OF	:	PROCEEDING IN REM
SANDY AND THE CITY OF DUBOIS	:	
	:	
CLAIM NO. 1700320000	:	NO. 2008-2437-CD

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I hereby certify that the Praeipie to Make Rule Absolute for Petitioner, Gree Tree Consumer Discount Company's, Petition to Pay was served on the following by regular mail, first class United States mail, postage prepaid on the date set forth below.

Kelly E. Solomon, Esquire
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

William Dennis Smith
311 North Third Street
DuBois, PA 15801

Annette Geelen Smith
105 Spring Avenue
DuBois, PA 15801

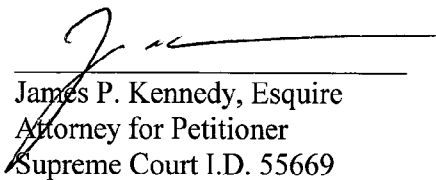
Northwest Savings Bank
201 Bruxelles Street
St Mary's, PA 15857

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance, Lien Section
P.O. Box 280948
Harrisburg, PA 17128-0948

Internal Revenue Service
Technical Services
1001 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222

Clearfield County Tax Claim Bureau
230 East Market Street
Clearfield, PA 16830

Dated: June 29, 2009



James P. Kennedy, Esquire
Attorney for Petitioner
Supreme Court I.D. 55669
1310 Industrial Blvd., Ste 101
Southampton, PA 18966
(215) 942-9690

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, OF
RIGHT OF WAY FR STATE ROUTE 4019,
SECTION 225, IN THE TOWNSHIP OF
SANDY AND THE CITY OF DUBOIS

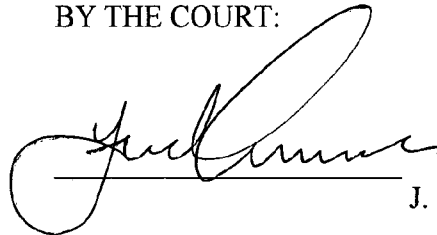
LA
: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA
:
: EMINENT DOMAIN
: PROCEEDING IN REM
:
:
: NO. 2008-2437-CD

CLAIM NO. 1700320000

ORDER

AND NOW, this 13 day of July, 2009, upon consideration of Petitioner, Green Tree Consumer Discount Company's, Petition to Pay and any response thereto it is hereby ORDERED and DECREED that the Clearfield County Office of the Prothonotary shall disburse the sum of \$39,027.57 to Green Tree Consumer Discount Company just compensation for the Commonwealth of Pennsylvania, Department of Transportation Declaration of Taking.

BY THE COURT:


J.

FILED 5cc
014:0064 Any
JUL 17 2009 Javardian
S
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 14 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/14/09

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

Clearfield County Court of Common Pleas

NO. 0020364

DISBURSEMENT

Wednesday, July 15, 2009

Paid to: Green Tree Consumer Discount Company

\$39027.57

c/o Gregory Javardian, Esq.

1310 Industrial Boulevard, 1st Fl., Ste. 101

Southampton PA 18966

Thirty-Nine Thousand Twenty-Seven and 57/100 Dollars

Case: 2008-02437-CD

Subject: In Re: Commonwealth of Pennsylvania, etal.

For: Trust

39027.57 William A. Shaw, Prothonotary/Clerk of Courts

By: _____

Deputy Clerk

Clerk: BILLSHAW

NOT NEGOTIABLE

2008-2437-CD

CLEARFIELD COUNTY PROTHONOTARY 7-83
ATTEST WILLIAM A. SHAW
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

1257

60-629/313

JULY 15 2007

PAY
TO THE
ORDER OF GREENTREE CONSUMER DISCOUNT COMPANY

\$ 39 027.57

THIRTY-NINE THOUSAND TWENTY-SEVEN AND 57/100 DOLLARS



Main Office
11 North 2nd Street
Clearfield, PA 16830

IMMA

FOR 2008-2437-CD PER COURT ORDER

William A. Shaw Bonnie R. Shaw

⑆031306294⑆ 1 2 26577 20 1257

LAW OFFICES OF GREGORY JAVARDIAN
BY: GREGORY JAVARDIAN
ATTORNEY I.D. # 55669
1310 INDUSTRIAL BOULEVARD
1ST FLOOR, SUITE 101
SOUTHAMPTON, PA 18966
(215) 942-9690

⁵ FILED ICC Atty
m/11:53 am Javadian
JUL 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

Attorney for Plaintiff

IN RE: CONDEMNATION BY THE	:	COURT OF COMMON PLEAS
COMMONWEALTH OF PENNSYLVANIA,	:	CLEARFIELD COUNTY, PA
DEPARTMENT OF TRANSPORTATION, OF	:	
RIGHT OF WAY FR STATE ROUTE 4019,	:	EMINENT DOMAIN
SECTION 225, IN THE TOWNSHIP OF	:	PROCEEDING IN REM
SANDY AND THE CITY OF DUBOIS	:	
	:	
CLAIM NO. 1700320000	:	NO. 2008-2437-CD

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I hereby certify that the Order dated July 13, 2009 entered in the above captioned matter was served on the following by regular mail, first class United States mail, postage prepaid on July 20, 2009.

Kelly E. Solomon, Esquire
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

William Dennis Smith
311 North Third Street
DuBois, PA 15801

Annette Geelen Smith
105 Spring Avenue
DuBois, PA 15801


Northwest Savings Bank
201 Bruxelles Street
St Mary's, PA 15857

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance, Lien Section
P.O. Box 280948
Harrisburg, PA 17128-0948

Internal Revenue Service
Technical Services
1001 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222

Clearfield County Tax Claim Bureau
230 East Market Street
Clearfield, PA 16830

Dated: July 20, 2009



Gregory Javardian, Esquire
Attorney for Petitioner
Supreme Court I.D. 55669
1310 Industrial Blvd., Ste 101
Southampton, PA 18966
(215) 942-9690

1A

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

IN RE: CONDEMNATION BY THE :	No. 2008-2437-CD
COMMONWEALTH OF :	
PENNSYLVANIA, DEPARTMENT:	Type of Pleading:
OF TRANSPORTATION, OF :	
RIGHT OF WAY FR STATE:	PETITION TO PAY TAX LIEN
ROUTE 4019, SECTION 225, IN:	PURSUANT TO SECTIONS
THE TOWNSHIP OF SANDY AND:	521 AND 522 OF THE EMINENT
THE CITY OF DUBOIS :	DOMAIN CODE
:	
:	Filed on Behalf of:
:	Plaintiff
:	
:	Counsel of Record for This Party:
:	
:	Kim C. Kesner, Esquire
:	Supreme Court No. 23-2931146
:	212 South Second Street
:	Clearfield, PA 16830
:	814-765-1706

FILED

8CC
01/12/50/21
AUG 26 2009

5
William A. Shaw
Prothonotary/Clerk of Courts

AKK
Kesner
GK

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

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT :
OF TRANSPORTATION, OF :
RIGHT OF WAY FR STATE :
ROUTE 4019, SECTION 225, IN :
THE TOWNSHIP OF SANDY AND :
THE CITY OF DUBOIS :

PETITION TO PAY TAX LIEN PURSUANT TO
SECTIONS 521 AND 522 OF THE EMINENT DOMAIN CODE

To the Honorable Fredric J. Ammerman, President Judge:

AND NOW, comes the Clearfield County Tax Claim Bureau by Kim C. Kesner, Esquire, Solicitor of Clearfield County, and in support of its Petition avers as follows:

1. Petition is Clearfield County Tax Claim Bureau ("Bureau"), a Tax Claim Bureau under the Pennsylvania Real Estate Tax Sale Law ("Act") (72 P.S. Section 5860.101 et seq.) for Clearfield County, with its office at 230 East Market Street, Clearfield, Pennsylvania, 16830. The Bureau files this Petition as Agent under the Pennsylvania Act for Clearfield County, the City of DuBois, Sandy Township, and the DuBois Area School District, all of whom are taxing districts under the Act regarding the real property being the subject of this condemnation proceeding.

2. Respondents are the other parties to this proceeding being the Condemnors, Commonwealth of Pennsylvania, Department of Transportation ("PennDot"); Commonwealth of Pennsylvania, Department of Revenue; Northwest Savings Bank; Internal Revenue Service; and, the Condemnees, William Dennis Smith and Annette Geelan Smith.

3. On September 22, 2008, PennDot commenced this condemnation proceeding by its filing of a Declaration of Taking of real property at 228 Dixon Avenue, DuBois, Pennsylvania, 15801, Clearfield County Assessment Tax Map #7.5-010-000-002736.

4. On March 27, 2009, PennDot filed a Petition to Deposit Estimated Just Compensation.

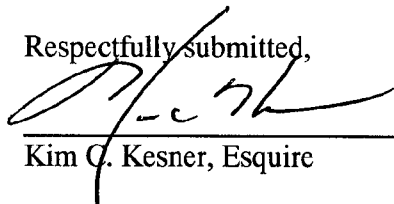
5. On March 27, 2009, this Court granted Penn Dot's Petition and directed that the sum of Seventy One Thousand Five Hundred Seven and 18/100 (\$71,507.18) Dollars, representing Penn Dot's estimate of just compensation be deposited into the Court.

6. As confirmed in the proposed schedule of distribution attached to Penn Dot's Petition, the condemned property was subject at the time that the Declaration of Taking was filed to a tax claim under the Act collectible by the Bureau ("Tax Claim") in the sum of Three Thousand Eight Hundred Nine and 89/100 (\$3,809.89) Dollars. Section 521 and 522 of the Pennsylvania Eminent Domain Code (20 Pa. C.S.A. Section 521 and 522) authorizes this Court to pay out the funds deposited with it liens in the order of priority.

7. The Tax Claim, is entitled to priority and payment.

WHEREFORE, Petitioner, Clearfield County Tax Claim Bureau respectfully requests that this Honorable Court issue a Rule to Respondent to Show Cause why this Honorable Court should not direct the Clerk of Courts to disburse the sum of Three Thousand Eight Hundred Nine and 89/100 (\$3,809.89) Dollars to the Clearfield County Tax Claim Bureau.

Respectfully submitted,

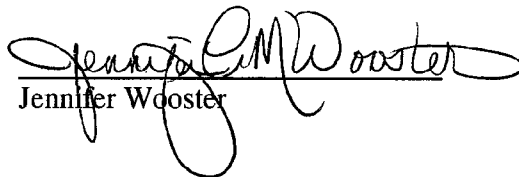


Kim C. Kesner, Esquire

VERIFICATION

I, JENNIFER WOOSTER, as Chief Assessor of Clearfield County, verify that the statements in the foregoing Petition are true and correct to the best of my knowledge, information and belief.

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


Jennifer Wooster

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

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT:
OF TRANSPORTATION, OF :
RIGHT OF WAY FR STATE :
ROUTE 4019, SECTION 225, IN:
THE TOWNSHIP OF SANDY AND:
THE CITY OF DUBOIS :

CERTIFICATE OF SERVICE

I do hereby certify that on the 25 day of August, 2009, I served a true and correct copy of the within Petition to Pay Tax Lien by first class mail, postage prepaid, on the following:

Kelly Solomon, Esquire
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

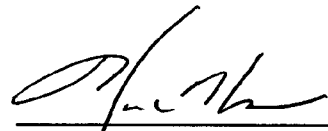
Annette Geelen Smith
105 Spring Avenue
DuBois, PA 15801

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance, Lien Section
P.O. Box 280948
Harrisburg, PA 17128-0948

William Dennis Smith
311 North Third Street
DuBois, PA 15801

Northwest Savings Bank
201 Bruxelles Street
St. Marys, PA 15857

Internal Revenue Service
Technical Service
1001 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222



Kim C. Kesner, Esquire

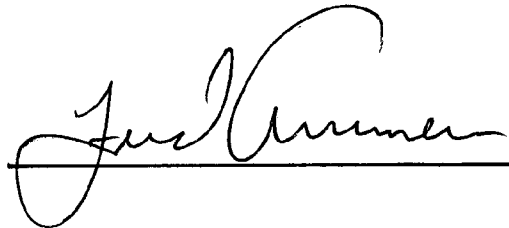
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT:
OF TRANSPORTATION, OF :
RIGHT OF WAY FR STATE :
ROUTE 4019, SECTION 225, IN:
THE TOWNSHIP OF SANDY AND:
THE CITY OF DUBOIS :

RULE TO SHOW CAUSE

AND NOW, this 2nd day of Sept, 2009, upon consideration of
the foregoing petition, it is hereby ordered that:

1. a rule is issued upon the Respondents to show cause why the Petitioner is not entitled to the relief requested;
2. the Respondents shall file an answer (should they elect and choose to file one) to the petition within twenty (20) days of service upon the Respondents;
3. the petition shall be decided under Pa.R.C.P. No. 206.7; and
4. notice of the entry of this order shall be provided to all parties by the Petitioner.



FILED ^{8cc}

SEP 02 2009

William A. Shaw
Prothonotary/Clerk of Courts

611

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

FILED

OCT 08 2008
S 0112-30/W
William A. Spill
Prothonotary/Clerk of Courts

6 cent to Att

IN RE: CONDEMNATION BY THE :
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT :
OF TRANSPORTATION, OF :
RIGHT OF WAY FR STATE :
ROUTE 4019, SECTION 225, IN :
THE TOWNSHIP OF SANDY AND :
THE CITY OF DUBOIS :

No. 2008-2437-CD

Type of Pleading:

**PETITION FOR ORDER
TO PAY TAX LIEN PURSUANT
TO SECTIONS 521 AND 522 OF
THE EMINENT DOMAIN CODE**

Filed on Behalf of:
Plaintiff

Counsel of Record for This Party:

Kim C. Kesner, Esquire
Supreme Court No. 23-2931146
212 South Second Street
Clearfield, PA 16830
814-765-1706

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

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT:
OF TRANSPORTATION, OF :
RIGHT OF WAY FR STATE :
ROUTE 4019, SECTION 225, IN:
THE TOWNSHIP OF SANDY AND:
THE CITY OF DUBOIS :

PETITION FOR ORDER TO PAY TAX LIEN PURSUANT TO
SECTIONS 521 AND 522 OF THE EMINENT DOMAIN CODE

To the Honorable Fredric J. Ammerman, President Judge:

AND NOW, comes the Clearfield County Tax Claim Bureau by Kim C. Kesner,
Esquire, Solicitor of Clearfield County, and in support of its Petition avers as follows:

1. On August 26, 2009, the Clearfield County Tax Claim Bureau ("Bureau") filed
its Petition to Pay Tax Lien Pursuant to Section 521 and 522 of the Eminent Domain
Code.

2. As confirmed in the proposed schedule of distribution attached to Penn Dot's
Petition to Deposit Estimate Just Compensation filed on March 27, 2009, the subject
property of this condemnation was subject at the time that the Declaration of Taking was
filed by PennDot to a tax claim under the Pennsylvania Real Estate Tax Sale Law
collectible by the Bureau ("Tax Claim") in the sum of Three Thousand Eight Hundred
Nine and 89/100 (\$3,809.89) Dollars. Section 521 and 522 of the Pennsylvania Eminent
Domain Code (20 Pa. C.S.A. Section 521 and 522) authorizes this Court to pay out the
funds deposited with it liens in the order of priority.

3. The Tax Claim, is entitled to priority and payment.

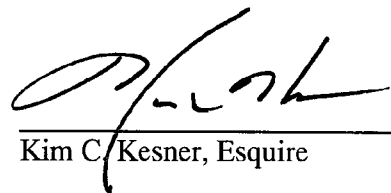
2. . .

4. On September 2, 2009, upon consideration of the foregoing Petition, this Court issued a Rule to Show Cause upon the Respondents named in the Petition, Commonwealth of Pennsylvania, Department of Transportation ("PennDot"); Commonwealth of Pennsylvania, Department of Revenue; Northwest Savings Bank; Internal Revenue Service and the Condemnees William Dennis Smith and Annette Geelen Smith to show cause why Petitioner is not entitled to the relief requested.

5. As confirmed by Petitioner's Certificate of Service filed concurrently herewith, the Clearfield County Tax Claim Bureau served this Rule on all the Respondents by Certified Mail with all mailings having been received and receipted.

WHEREFORE, Clearfield County Tax Claim Bureau respectfully requests that this Honorable Court enter its Order directing the Clerk of Courts of Clearfield County to disburse the sum of Three Thousand Eight Hundred Nine and 89/100 (\$3,809.89) Dollars to the Clearfield County Tax Claim Bureau.

Respectfully submitted,



Kim C. Kesner, Esquire

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

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT :
OF TRANSPORTATION, OF :
RIGHT OF WAY FR STATE :
ROUTE 4019, SECTION 225, IN :
THE TOWNSHIP OF SANDY AND :
THE CITY OF DUBOIS :

CERTIFICATE OF SERVICE

I do hereby certify that on the 8 day of October, 2009, I served a true and correct copy of the within Petition for Order to Pay Tax Lien by first class mail, postage prepaid, on the following:

Kelly Solomon, Esquire
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

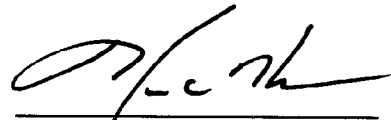
Annette Geelen Smith
105 Spring Avenue
DuBois, PA 15801

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance, Lien Section
P.O. Box 280948
Harrisburg, PA 17128-0948

William Dennis Smith
311 North Third Street
DuBois, PA 15801

Northwest Savings Bank
201 Bruxelles Street
St. Marys, PA 15857

Internal Revenue Service
Technical Service
1001 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222



Kim C. Kesner, Esquire

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

IN RE: CONDEMNATION BY THE :
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT :
OF TRANSPORTATION, OF :
RIGHT OF WAY FR STATE :
ROUTE 4019, SECTION 225, IN :
THE TOWNSHIP OF SANDY AND :
THE CITY OF DUBOIS :

No. 2008-2437-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on Behalf of:
Plaintiff

Counsel of Record for This Party:

Kim C. Kesner, Esquire
Supreme Court No. 23-2931146
212 South Second Street
Clearfield, PA 16830
814-765-1706

FILED

OCT 08 2009

William A. Shaw
Prothonotary/Clerk of Courts

1 Chert to Army

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

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT:
OF TRANSPORTATION, OF :
RIGHT OF WAY FR STATE :
ROUTE 4019, SECTION 225, IN:
THE TOWNSHIP OF SANDY AND:
THE CITY OF DUBOIS :

CERTIFICATE OF SERVICE

I do hereby certify that on the 4th day of September, 2009, in accordance with the Courts Order dated September 2, 2009, I served a true and correct copy of a Petition to Pay Tax Lien with Rule to Show Cause by certified mail, postage prepaid, on the following Respondents:

Kelly Solomon, Esquire
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

Annette Geelen Smith
105 Spring Avenue
DuBois, PA 15801

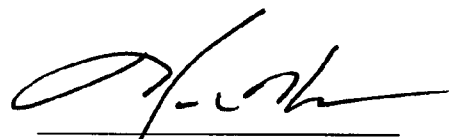
Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance, Lien Section
P.O. Box 280948
Harrisburg, PA 17128-0948

William Dennis Smith
311 North Third Street
DuBois, PA 15801

Northwest Savings Bank
201 Brusselles Street
St. Marys, PA 15857

Internal Revenue Service
Technical Service
1001 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222

The certified mail receipts (form 3800) and Return Receipts (form 3811) executed by or for each Respondent are annexed hereto as Exhibit "A".



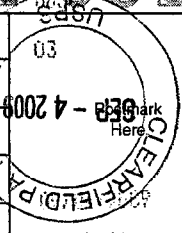
Kim C. Kesner, Esquire

7007 3020 0002 0370 0537

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage	\$	12.50	
Certified Fee		12.70	
Return Receipt Fee (Endorsement Required)		10.00	
Restricted Delivery Fee (Endorsement Required)		15.71	
Total Postage & Fees	\$		

SAVER
William Dennis Smith
211 North Third Street
or PO Box No.
DuBois, PA 15801
City, State, ZIP+4

PS Form 3800, August 2004 PSN 7530-01-000-9000 See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William Dennis Smith
311 North Third Street
DuBois, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery
Wm Smith 9/10/09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

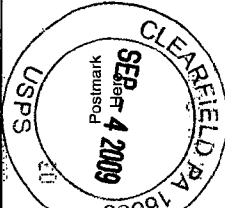
7007 3020 0002 0370 0537

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage	\$ 12.00
Certified Fee	\$ 2.75
Return Receipt Fee (Endorsement Required)	\$ 0.00
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 14.75



Sent Northwest Savings Bank
Street 201 N. Brüsselles Street
or PO Box No.
City, State Marys, PA 15857

PS Form 3800, August 2005 See Reverse for Instructions

7007 3020 0002 0370 0551

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Northwest Savings Bank
201 Brusselles Street
St. Marys, PA 15857

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
X [Signature] ☐ Addressee
B. Received by (Printed Name) *SEAN K HAINES*
C. Date of Delivery *2/11/04*
D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below *201 Brusselles St. St. Marys, PA 15857*

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

7007 3020 0002 0370 0551

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE
JOHNSTOWN PA 158

08 SEP 2009 PM 1 T

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

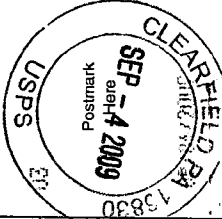
Kim C. Kesner, Esquire
212 South Second Street
Clearfield, PA 16830

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

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

OFFICIAL USE

Postage	\$ 4.50
Certified Fee	\$ 2.50
Return Receipt Fee (Endorsement Required)	\$ 0.00
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 7.00



Sent Annette Geelen Smith

Sent 105 Spring Avenue

or PO Box No. 000000

City, State, ZIP+4[®] Dubuque, IA 52001

PS Form 3800, August 2005 See Reverse for Instructions

7007 3020 0000 0370 0544

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Annette Geelen Smith
105 Spring Avenue
DuBois, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Signature <i>Annette Smith</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) <i>Annette Smith</i>	C. Date of Delivery <i>4-5-04</i>
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type	<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
	<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
	<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes	

7007 3020 0002 0370 0544
PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

First-Class Mail

Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Kim C. Kesner, Esquire
212 South Second Street
Clearfield, PA 16830

04-03-2008

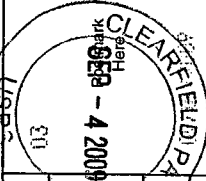
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U.S. Postal Service[®]
CERTIFIED MAIL[™] RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

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



See William Dennis Smith
3241 North Third Street
or PO Box No.
DuBois, PA 15801
City State ZIP+4

PS Form 3800, August 2005 See Reverse for Instructions

7007 3020 0002 0370 0537

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- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

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- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
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IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

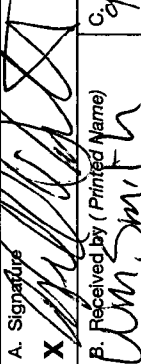
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William Dennis Smith
311 North Third Street
DuBois, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Signature		<input type="checkbox"/> Agent
<input checked="" type="checkbox"/> B. Received by (Printed Name)	Wm Dennis Smith	<input type="checkbox"/> Addressee
C. Date of Delivery	9/10/07	
D. Is delivery address different from item 1?		<input type="checkbox"/> Yes
If YES, enter delivery address below:		<input type="checkbox"/> No

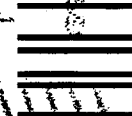
3. Service Type	<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
	<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
	<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes	

7007 3020 0002 0370 0537

UNITED STATES POSTAL SERVICE

10 SEP 2009 PM 2.1

10 SEP 2009 PM 2.1



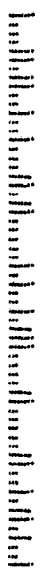
First-Class Mail
Postage & Fees Paid
Permit No. G-10

• Sender: Please print your name, address, and ZIP code in this box •

Kim C. Kesner, Esquire
212 South Second Street
Clearfield, PA 16830



206



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

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

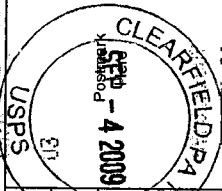
OFFICIAL USE

Postage	\$ 12.20
Certified Fee	\$ 2.50
Return Receipt Fee (Endorsement Required)	\$ 1.75
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total	\$ 16.45

Total **Kerry Stoner, Esquire**

Sent **Commonwealth of PA**
Street, Apt. No. _____
or P.O. Box 8212
City, State, Zip+4
Harrisburg, PA 17105-8212

PS Form 3800, August 2005 See Reverse for Instructions



Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail®, or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kelly Solomon, Esquire
Commonwealth of PA
Department of Transportation
P.O. Box 8212
Harrisburg, PA 17105-8212

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent
☐ Addressee

Date of Delivery
SEP 08 2009

D. Is delivery address different from item 1?
If YES, enter delivery address below: ☐ Yes
☐ No

3. Service Type

☒ Certified Mail
☐ Registered
☐ Insured Mail
☐ Express Mail
☐ Return Receipt for Merchandise
☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

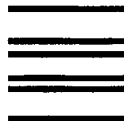
7007 3020 0002 0370 0513

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-10

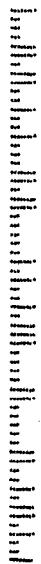
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Kim C. Kesner, Esquire
212 South Second Street
Clearfield, PA 16830

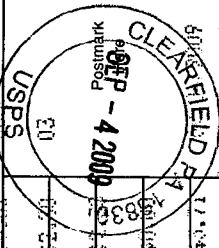


U.S. Postal Service[®]
CERTIFIED MAIL[®] RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

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OFFICIAL USE

Postage	\$	42.70
Certified Fee		4.70
Return Receipt Fee (Endorsement Required)		0.00
Restricted Delivery Fee (Endorsement Required)		0.00
Total Postage & Fees		47.40
Commonwealth of PA		



Sent to **Department of Revenue**
Bureau of Compliance, Lien Sec
or PO Box No. **P.O. Box 280948**
City, State, ZIP+4[®] **Harrisburg, PA 17128-0948**

PS Form 3800, August 2005 See Reverse for Instructions

0250 0250 2000 0200 1000

Certified Mail Provides:

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- A unique identifier for your mailpiece
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- Certified Mail is *not* available for any class of international mail.
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- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
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PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Commonwealth of PA
Department of Revenue
Bureau of Compliance, Lien Sec.
P.O. Box 280948
Harrisburg, PA 17128-0948

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
William J. McDaniel ☐ Addressee
B. Received by (Printed Name) **SEP 08 2009**
William J. McDaniel
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

7007 3020 0002 0370 0520

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

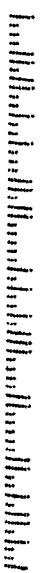
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Kim C. Kesner, Esquire
212 South Second Street
Clearfield, PA 16830

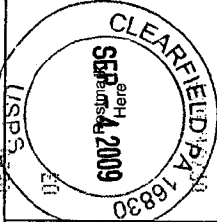


U.S. Postal Service[®]
CERTIFIED MAIL[™] RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

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

OFFICIAL USE

Postage	\$ 42.00
Certified Fee	72.00
Return Receipt Fee (Endorsement Required)	72.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 186.00



Sent to
Internal Revenue Service

Technical Service

Street, Apt. No.,
or P.O. Box
Liberty Avenue, Suite 1300

City
Pittsburgh, PA 15222

PS Form 3800, August 2006 See Reverse for Instructions

7007 3020 0002 0370 0568

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

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- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
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IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047


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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Internal Revenue Service
Technical Service
1001 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222

COMPLETE THIS SECTION ON DELIVERY

- A. Signature  ☐ Agent ☐ Addressee
- B. Received by (Printed Name) Revised C. Date of Delivery SEP 10 2009
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

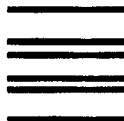
7007 3020 0002 0370 0568

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

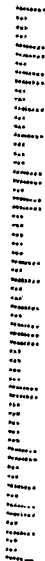
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Kim C. Kesner, Esquire
212 South Second Street
Clearfield, PA 16830



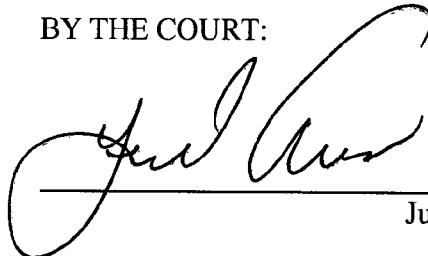
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT:
OF TRANSPORTATION, CF :
RIGHT OF WAY FR STATE:
ROUTE 4019, SECTION 225, IN:
THE TOWNSHIP OF SANDY AND:
THE CITY OF DUBOIS :

ORDER

AND NOW, this 9 day of October, 2009, upon consideration of the Clearfield County Tax Claim Bureau's Petition for Order to pay tax lien pursuant to Sections 521 and 522 of the Eminent Domain Code, this Court's Rule dated September 2, 2009, having been served upon all Respondents and no Respondents having filed an Answer challenging Petitioner's entitlement to the relief requested, it is therefore ordered and decreed that the Clerk of Courts of Clearfield County shall forthwith disburse the sum of Three Thousand Eight Hundred Nine and 89/100 (\$3,809.89) Dollars to the Clearfield County Tax Claim Bureau from funds deposited with the Court in accordance with this Court's Order of March 27, 2009 entered upon PennDot's Petition to Deposit Estimated Just Compensation.

BY THE COURT:



Judge

FILED
OCT 09 2009

William A. Shaw
Prothonotary/Clerk of Courts

7CC
Att'y Kesner

1CC Att'y Clements

CK #1264 to
Tax Claim

(64)

FILED

OCT 09 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/9/09

☒ You are responsible for serving all appropriate parties.

___ The Prothonotary's office has provided service to the following parties:

___ Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

SECURITY WARNING: THE FACE OF THIS DOCUMENT FEATURES A COLORED BACKGROUND AND MICROPRINT BORDERS - THE REVERSE SIDE FEATURES ARTIFICIAL WATERMARKS

175309

CLEARFIELD BANK
&
TRUST COMPANY

REMITTER: CLFD COUNTY ASSESSMENT OFFICE

10/09/09

PAY TO THE
ORDER OF

PROTHONOTARY

EXACTLY **3,809 AND 89/100 DOLLARS

\$ 3,809.89

CASHIER'S CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY
CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE
EVENT IT IS LOST, MISPLACED OR STOLEN.

AUTHORIZED SIGNATURE

⑈0000175309⑈ ⑆031306294⑆ 19000027⑈

CLEARFIELD COUNTY PROTHONOTARY

WILLIAM SHAW

ESCROW ACCOUNT

P.O. BOX 549
CLEARFIELD, PA 16830

CURRENCY ▶

3809.89

COIN ▶

60-629/313

CHECKS ▶

DATE

10-9-09

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

\$

3809.89

DEPOSIT TICKET

PLEASE ENTER AMOUNT OF CASH AND CHECKS.
ATTACH ADDING MACHINE TAPE OR DEPOSIT RECAP.



Main Office
11 North 2nd Street
Clearfield, PA 16830

⑆031306294⑆ 1 2 26577 2⑈

41

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISION OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.

CLEARFIELD COUNTY PROTHONOTARY 7-83

~~WILLIAM SHAW~~ ~~WILLIAM A SHAW~~

ESCROW ACCOUNT

P.O. BOX 549
CLEARFIELD, PA 16830

1264

60-629/313

OCTOBER 9 19 2009

PAY
TO THE
ORDER OF

CLEARFIELD County Tax Claim BUREAU

\$ 3,809.89

THIRTY-EIGHT HUNDRED NINE AND 89/100

DOLLARS



Main Office
11 North 2nd Street
Clearfield, PA 16830

IMMA

FOR 2008-2437-CD PER COURT ORDER

⑆031306294⑆ 1 2 26577 2⑈ 1264

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

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT:
OF TRANSPORTATION, OF :
RIGHT OF WAY FOR STATE :
ROUTE 4019, SECTION 225, IN :
THE TOWNSHIP OF SANDY AND:
THE CITY OF DUBOIS :

PETITION TO INTERVENE AND FOR PARTIAL DISTRIBUTION

AND NOW, comes the Petitioner, Northwest Savings Bank, by its attorneys, Hanak, Guido and Taladay and hereby submit the within Petition to Intervene and For Partial Distribution, averring in support as follows:

1. The above captioned matter is an eminent domain proceeding instituted by the Commonwealth of Pennsylvania, Department of Transportation by Declaration of Taking dated December 22, 2008.
2. Subject to the Declaration of Taking is a parcel of real property located at 228 Dixon Avenue, DuBois, Pennsylvania, further identified as Clearfield County Tax Assessment Map No. 7.5-010-000-002736.
3. The record owners of the subject property are William Dennis Smith and Annette Geellen Smith pursuant to a deed dated June 21, 1988 and recorded on June 28, 1988 in Clearfield County Document Book 1230 at page 242.
4. The property at issue is subject to a first mortgage lien in favor of Northwest Savings Bank dated March 6, 1998 and recorded in Clearfield County Mortgage Book 1913 at page 168. This mortgage carries a face amount of \$44,000.00.

FILED

NOV 10 2009

William A. Shaw
Prothonotary/Clerk of Courts

5. By Order dated March 27, 2009, the Court granted the Petition of PennDOT to Deposit Just Compensation and directed that the sum of \$71,507.18 be deposited into the Court. Reportedly funds in this amount were deposited by the Department of Transportation.

6. The mortgagors, William Dennis Smith and Annette Geelen Smith, are very delinquent in their mortgage payments in that no payment has been received by mortgagee, Northwest Savings Bank, in more than one year.

7. The current mortgage balance due and payable to Northwest Savings Bank as of November 6, 2009 is in the amount of \$29,887.90. Interest continues to accrue at the amount of \$4.95 per day.

8. Petitioner Northwest Savings Bank seeks leave to intervene in the within proceeding pursuant to 26 Pa.C.S.A. §506(c) in that the interests of the mortgagee have not been adequately protected, and the mortgage agreement is in default.

9. Pennsylvania Eminent Domain Code authorizes this Court to pay out funds deposited with it to pay liens in the order of priority. (20 Pa.C.S.A. §521 and 522)

10. By Order dated October 9, 2009, this Court granted Petition of Clearfield County Tax Claim Bureau for disbursement of funds in the sum of \$3,809.89 representing a tax lien do and owing.

11. Petitioner verily believes and therefore avers that its mortgage interest dated March 6, 1998 now represents a first priority lien for purposes of distribution pursuant to the provisions of the Pennsylvania Eminent Domain Code.

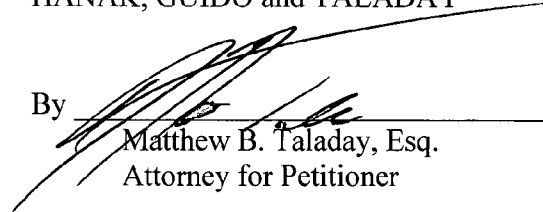
12. The mortgage lien is entitled to priority and payment.

WHEREFORE, Petitioner, Northwest Savings Bank, respectfully requests that this Honorable Court issue a Rule to Show Cause why it should not be permitted to intervene to receive disbursement of the sum of \$29,887.90 plus interest of \$4.95 per diem from November 6, 2009 of the funds deposited with the Court.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By



Matthew B. Taladay, Esq.
Attorney for Petitioner

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

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT: OF TRANSPORTATION, OF :
RIGHT OF WAY FOR STATE :
ROUTE 4019, SECTION 225, IN :
THE TOWNSHIP OF SANDY AND: THE CITY OF DUBOIS :

CERTIFICATE OF SERVICE

I do hereby certify that on the 9th day of November, 2009, I served a true and correct copy of the within Petition to Intervene and For Partial Distribution by first class mail, postage prepared on the following:

Kelly Solomon, Esq.
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

Annette Geelen Smith
105 Spring Avenue
DuBois, PA 15801

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance, Lien Section
P.O. Box 280948
Harrisburg, PA 17128-0948

William Dennis Smith
311 North Third Street
DuBois, PA 15801

Internal Revenue Service
Technical Service
1001 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222

Kim C. Kesner, Esq.
Clearfield County Tax Claim Bureau
Clearfield County Courthouse
230 East Market Street, Suite 101
Clearfield, PA 16830

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay, Esq.

Attorney for Northwest Savings Bank

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

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT :
OF TRANSPORTATION, OF :
RIGHT OF WAY FOR STATE :
ROUTE 4019, SECTION 225, IN :
THE TOWNSHIP OF SANDY AND :
THE CITY OF DUBOIS :

ORDER OF COURT

AND NOW, this ____ day of _____, 2009, upon
consideration of Petition of Northwest Savings Bank to intervene and for partial
distribution of funds pursuant to §§506, 521 and 522 of the Eminent Domain Code, this
Court's Order of _____, having been served upon all Respondents, no
Respondent having filed an answer challenging Petitioner's entitlement to the relief
requested,

IT IS THEREFORE ORDERED AND DECREED that the Petition to
Intervene is hereby granted. Likewise, the Petition for Distribution of Funds is granted.

IT IS ORDERED AND DECREED that the Clerk of Courts of Clearfield
County shall forthwith disburse the sum of \$_____ to Northwest Savings Bank
from funds deposited with the Court in accordance with this Court's Order of March 27,
2009 entered upon PennDOT's Petition to Deposit Estimated Just Compensation.

BY THE COURT,

J.

CP

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

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT :
OF TRANSPORTATION, OF :
RIGHT OF WAY FOR STATE :
ROUTE 4019, SECTION 225, IN :
THE TOWNSHIP OF SANDY AND :
THE CITY OF DUBOIS :

RULE TO SHOW CAUSE ORDER

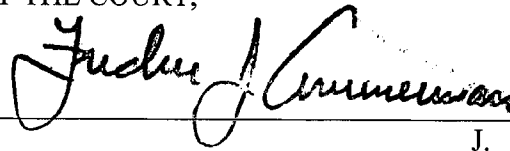
AND NOW, this 10th day of November, 2009, upon

consideration of the Petition to Intervene and For Distribution of Funds,

IT IS HEREBY ORDERED THAT:

- (1) A rule is issued upon the Respondent to show cause why the Petitioner is not entitled to the relief requested;
- (2) Respondent shall file an answer (should they choose to do so) to the Petition within twenty days of service upon the Respondent;
- (3) The Petition shall be decided pursuant to Pa.R.C.P. No. 206.7; and
- (4) A notice of the entry of this Order shall be provided to all parties by the Petitioner.

BY THE COURT,


J.

FILED ice

019:47301
NOV 12 2009

William A. Shaw
Prothonotary/Clerk of Courts

Att'y Taladay
(60)

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
4019, Section 225, IN THE TOWNSHIP OF
SANDY AND THE CITY OF DUBOIS

CLAIM NO. 1700320000

: IN THE COURT OF COMMON
: PLEAS, CLEARFIELD COUNTY,
: PENNSYLVANIA
:
: EMINENT DOMAIN
: PROCEEDING IN REM
:
: No. 2008-2437-CD

FILED

FEB 17 2010

William A. Shaw
Prothonotary/Clerk of Courts
1 cm 5 to 14th

PRAECIPE

TO THE PROTHONOTARY:

Upon Rule to Show Cause Order being issued November 10, 2009 and no
respondent having filed an answer to said petition, kindly present the attached Order of
Court for partial distribution of funds in the amount of \$28,822.64, plus all accrued
interest until the date of disbursement through the date of disbursement.

Respectfully submitted,

HANAK, GUIDO and TALADAY

Date: February 15, 2010

By

Matthew B. Taladay, Esq.
Attorney for Claimant
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE ROUTE
4019, Section 225, IN THE TOWNSHIP OF
SANDY AND THE CITY OF DUBOIS

CLAIM NO. 1700320000

: IN THE COURT OF COMMON
: PLEAS, CLEARFIELD COUNTY,
: PENNSYLVANIA
:
: EMINENT DOMAIN
: PROCEEDING IN REM
:
: No. 2008-2437-CD

CERTIFICATE OF SERVICE

I certify that on the 15th day of February, 2010, a true and correct copy of
Claimants' Praecept was sent via first class mail, postage prepaid, to the following:

Kelly Solomon, Esq.
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

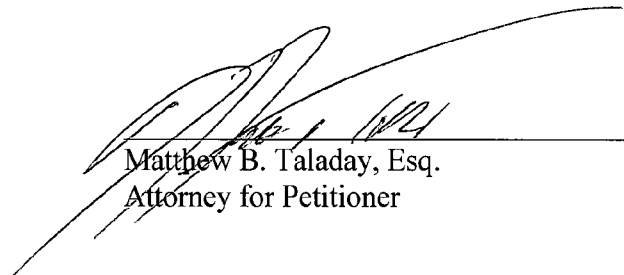
Annette Geelen Smith
105 Spring Avenue
DuBois, PA 15801

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance, Lien Section
P.O. Box 280948
Harrisburg, PA 17128-0948

William Dennis Smith
311 North Third Street
DuBois, PA 15801

Internal Revenue Service
Technical Service
1001 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222

Kim C. Kesner, Esq.
Clearfield County Tax Claim Bureau
Clearfield County Courthouse
230 East Market Street, Suite 101
Clearfield, PA 16830



Matthew B. Taladay, Esq.
Attorney for Petitioner

(2)

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

IN RE: CONDEMNATION BY THE : No. 2008-2437-CD
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT: OF
TRANSPORTATION, OF :
RIGHT OF WAY FOR STATE :
ROUTE 4019, SECTION 225, IN :
THE TOWNSHIP OF SANDY AND: THE
CITY OF DUBOIS :

FILED

FEB 24 2010
07:30/W
William A. Shaw
Prothonotary/Clerk of Courts (610)

I came to Atty
w/ check
to Atty

ORDER OF COURT

AND NOW, this 23rd day of February, 2010, upon

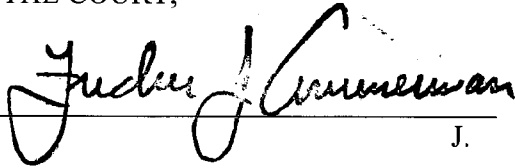
consideration of Petition of Northwest Savings Bank to intervene and for partial distribution of funds pursuant to §§506, 521 and 522 of the Eminent Domain Code, this Court's Order of November 10, 2009, having been served upon all Respondents, no Respondent having filed an answer challenging Petitioner's entitlement to the relief requested,

IT IS THEREFORE ORDERED AND DECREED that the Petition to Intervene is hereby granted. Likewise, the Petition for Distribution of Funds is granted.

IT IS ORDERED AND DECREED that the Clerk of Courts of Clearfield County shall forthwith disburse the sum of \$28,822.64, plus all accrued interest until the date of disbursement, funds to be made payable to Northwest Savings Bank and forwarded in care of their counsel, Hanak, Guido and Taladay, in accordance with this

Court's Order of March 27, 2009 entered upon PennDOT's Petition to Deposit Estimated
Just Compensation.

BY THE COURT,


J.

177185

CLEARFIELD BANK
&
TRUST COMPANY

REMITTER: CLFD BANK & TRUST CO

2/25/10

PAY TO THE
ORDER OF

CLEARFIELD CO PROTHONOTARY

EXACTLY **28,837 AND 01/100 DOLLARS

\$ 28,837.01

CASHIER'S CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY
CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE
EVENT IT IS LOST, MISPLACED OR STOLEN.

AUTHORIZED SIGNATURE

Bonnie Eckburg

⑈0000177185⑈ ⑆031306294⑆ 19000027⑈

177185

CLEARFIELD BANK
&
TRUST COMPANY

REMITTER: CLFD BANK & TRUST CO

DATE 2/25/10

CLEARFIELD CO PROTHONOTARY

EXACTLY **28,837 AND 01/100 DOLLARS

\$ 28,837.01

CUSTOMER - FILE COPY

CASHIER'S CHECK

AUTHORIZED SIGNATURE

NOT NEGOTIABLE

CLEARFIELD COUNTY PROTHONOTARY
WILLIAM SHAW
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

CURRENCY ▶

COIN ▶

CHECKS ▶

2 8837.01

28 837.01

60-629/313

DATE

FEB. 25, 2010

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

DEPOSIT TICKET

PLEASE ENTER AMOUNT OF CASH AND CHECKS.
ATTACH ADDING MACHINE TAPE OR DEPOSIT RECAP.

2008-2432-CF



Main Office
11 North 2nd Street
Clearfield, PA 16830

PLEASE BE SURE ALL ITEMS ARE PROPERLY ENDORSED.

⑆031306294⑆ 1 2 26577 2⑈

41

CLEARFIELD COUNTY PROTHONOTARY 7-83

~~ALLEN D. DUEZ~~ William A. Shaw
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

VOID 60 NACS 1276

FEB. 25 19 2010

60-629/313

PAY
TO THE
ORDER OF NORTHWEST SAVINGS BANK

\$ 28,837.01

TWENTY-EIGHT THOUSAND EIGHT HUNDRED THIRTY-SEVEN AND 01/100 DOLLARS



Main Office
11 North 2nd Street
Clearfield, PA 16830

IMMA

FOR 2008-2437-CD PER COURT ORDER

Willie

⑆031306294⑆ 1 2 26577 2⑈ 1276