

FILED

DEC 31 2008

0/12:30/W

William A. Shaw
Prothonotary/Clerk of Courts

4 CENT TO ATT

3 CENT TO SHFF.

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: 2008-2472-CD

Type of Case:

ACTION TO QUIET TITLE

☐ Medical/ Professional
☐ Liability Action (check
if applicable)

TYPE OF PLEADING

Complaint In Action to Quiet Title

Filed on behalf of

Plaintiffs

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084
BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854
(814) 349-5666
(814) 349-2212 (FAX)
jnbryant1@verizon.net

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.:

Type of Case:
ACTION TO QUIET TITLE

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

DANIEL J. NELSON, COURT ADMINISTRATOR
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2461, ext. 5982

BRYANT & CANTORNA, P.C.

By: 

James N. Bryant, Esq.
PA ID No. 14084
Attorney for Plaintiffs
107 East Main Street, P.O. Box 551
Millheim, PA 16854
(814) 349-5666
(814) 349-2212 (fax)
jnbryant1@verizon.net

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation

and
PAUL BLASKO, JR. and MONICA WASILKO,
individuals,
Defendant

Docket No.:

Type of Case:

ACTION TO QUIET TITLE

COMPLAINT IN ACTION TO QUIET TITLE

AND NOW, come the Plaintiffs, JAMES A. COVAL, SR. And MADELINE M. COVAL,,
by and through their attorney, James N. Bryant, Esq., of Bryant & Cantorna, P.C., and file this
Complaint In Action to Quiet Title, and aver as follows:

1. The Plaintiffs are James A. Coval, Sr. And Madeline M. Coval, individuals who
reside at 328 Seymour Street, Hawk Run, Morris Township, Clearfield County, Pennsylvania.

2. The Defendant, Ashcroft Cemetery Association, is an association located in Morris
Township, Clearfield County, c/o Willard Bratton, 1440 Troy Hawk Run Highway, Philipsburg,
Pennsylvania, 16866.

3. The Defendant, Maxton Coal Company, is a Pennsylvania corporation, having an
office at 3047 Morrisdale/Allport Highway, Morrisdale, Clearfield County, Pennsylvania.

4. The Defendant, Paul Blasko, Jr., is an individual, residing at 330 East 39th Street, Apartment 33R, Manhattan, New York, 10016-2136, and the Defendant, Monica Wasilko, is an individual, residing at 59 Cochise Tr., Wayne Township, ^{Lock Haven and 10/31/68} Clinton County, Pennsylvania 17745.

5. In 1956, Plaintiff's father, Andrew Coval, fenced in the property, portions of which are owned by the above-named Defendants, as more fully appears in a survey prepared by Geotec, Inc., more specifically, Martin V. Biesinger, a licensed Professional Land Surveyor on November 19, 2008, a true and correct of which is attached hereto.

6. The Plaintiff's father also erected a barn on the property.

7. The Plaintiff's father, and later the Plaintiffs, have openly, continuously, notoriously and hostilely maintained the fence from 1956 in its present state to the exclusion of all others and have pastured cattle and ponies on the property.

8. The Plaintiff's father died in 1976, and his son, Plaintiff, James A. Coval, Sr., continued to maintain the fence, pasture the cattle and ponies and maintain a barn upon the property, openly, continuously, notoriously and hostilely to the claims of all others.

9. Title to the majority of the property is with Maxton Coal Company, Inc. who acquired it, along with other tracts, by deed of Peale, Peacock & Kerr, Inc., dated May 25, 1923, and recorded in Clearfield County Deed Book 263, Page 490.

10. Title to the land which is in Ashcroft Cemetery Association became vested in the Cemetery Association by deed of Maxon Coal Company, dated October 14, 1986, and recorded in Clearfield County Deed Volume 1123, Page 328.

11. Title to the land of the Blasko/Wasilko property became vested in them by deed of ^{Blasko and 12/31/68} Mrs. Paul Wasilko, Sr., and recorded in the Clearfield County Recorder's Office to Instrument Number 2006-18521, property tax code 11-564-00035.

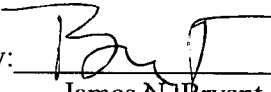
12. A true and correct copy of the survey of the fence, which has been maintained continuously since 1956 is attached hereto, incorporated by reference and marked Exhibit "A".

13. The Plaintiffs bring this action to quiet title to compel the Defendants to commence an action in ejectment against them within thirty (30) days.

WHEREFORE, the Plaintiffs request the Court to enter a Rule upon the Defendants to bring an action in ejectment against the Plaintiffs within thirty (30) days or suffer judgment being entered quieting title to the land in question.

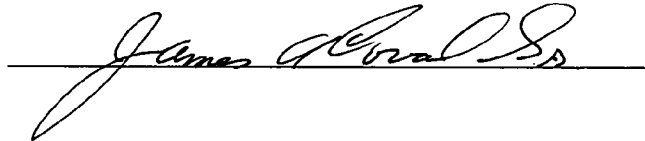
Respectfully submitted,

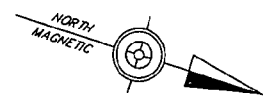
BRYANT & CANTORNA, P.C.

By: 
James N. Bryant, Esq.
PA ID No. 14084
Attorney for Plaintiffs
107 East Main Street
P. O. Box 551
Millheim, PA 16854
814-349-5666
814-349-2212 (fax)
jnbryant1@verizon.net

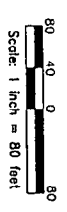
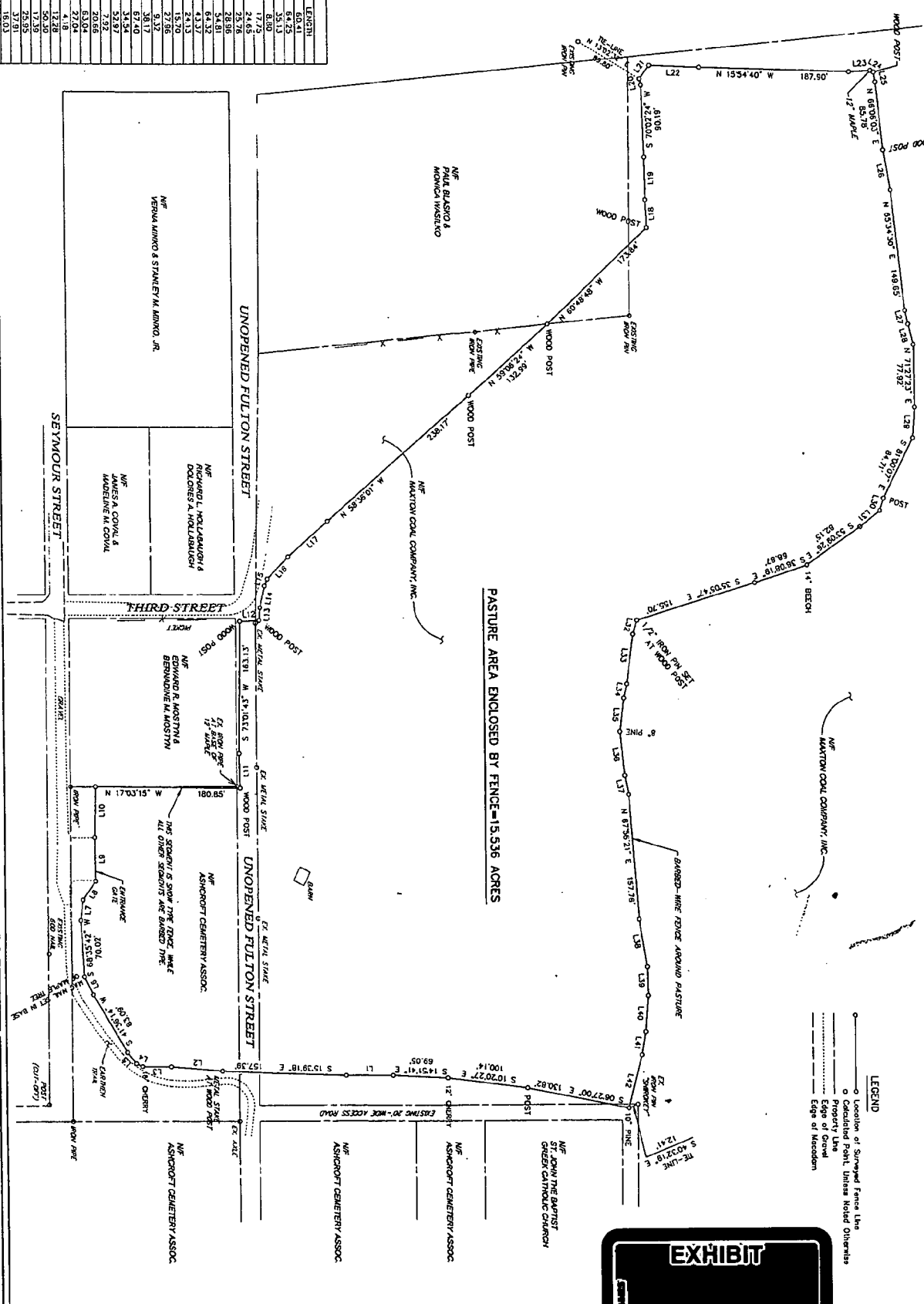
VERIFICATION

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

A handwritten signature in cursive script, reading "James A. Rinaldi", is written over a horizontal line.

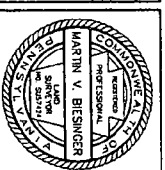


LINE	LENGTH
1	5.174821 E
2	5.124837 E
3	5.171751 E
4	5.081051 W
5	5.325211 W
6	5.261252 W
7	5.213249 W
8	5.213249 W
9	5.213249 W
10	5.213249 W
11	5.213249 W
12	5.213249 W
13	5.213249 W
14	5.213249 W
15	5.213249 W
16	5.213249 W
17	5.213249 W
18	5.213249 W
19	5.213249 W
20	5.213249 W
21	5.213249 W
22	5.213249 W
23	5.213249 W
24	5.213249 W
25	5.213249 W
26	5.213249 W
27	5.213249 W
28	5.213249 W
29	5.213249 W
30	5.213249 W
31	5.213249 W
32	5.213249 W
33	5.213249 W
34	5.213249 W
35	5.213249 W
36	5.213249 W
37	5.213249 W
38	5.213249 W
39	5.213249 W
40	5.213249 W
41	5.213249 W
42	5.213249 W



DATE	REVISIONS
NOVEMBER 19, 2008	

SCALE	AS SHOWN
DATE	NOVEMBER 19, 2008
FILE	38808.DWG
SHEET	1 OF 1



GEOTEC, INC.
LAND SURVEYING AND MAPPING
1340 River Drive - P.O. Box 250-5109
Camp Hill, PA 17001 - PH 717-239-4137
WWW.GEOTEC-PA.COM

FENCE LOCATION SURVEY
AND RELATIVE PROPERTY LINES FOR
JIM COVAL
HAY RUN, MORRIS TOWNSHIP
CLEARFORD COUNTY, PENNSYLVANIA

- Legend
- Location of Surveyed Fence Line
- Property Line
- Edge of Road
- Edge of Meadow



FILED

DEC 31 2008

**William A. Shaw
Prothonotary/Clerk of Courts**

CM

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: 2008-2472-CJ

Type of Case:
ACTION TO QUIET TITLE

ORDER

AND NOW, this 5th day of JANUARY, 2009, in consideration of the foregoing Action to Quiet Title, the above-named Defendants are directed to commence an action in ejectment within thirty (30) days of this Order or a judgment will be entered against them confirming title as it appears on Plaintiffs' Exhibit "A" in Plaintiffs' Complaint In Action To Quite Title.

BY THE COURT:



J.

FILED

014:0060x
JAN 05 2009

William A. Shaw
Prothonotary/Clerk of Courts

3cc Sheriff
2cc Atty Bryant
(610)

FILED

JAN 05 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2472-CD

JAMES A. COVAL, SR. and MADELINE M. COVAL

vs

SERVICE # 1 OF 3

ASHCROFT CEMETERY ASSOCIATION, MAXTON COAL COMPANY, INC. a corporation and PAUL BLASKO and MONICA WASILKO, individuals

COMPLAINT ACTION TO QUIET TITLE & ORDER

SERVE BY: 01/30/2009 ^{ASAP} HEARING: PAGE: 105116

DEFENDANT: ASHCROFT CEMETERY ASSOCIATION
ADDRESS: C/O WILLARD BRATTON, 1440 TRY HAWK RUN HWY.
PHILIPSBURG, PA 16866

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS _____

SHERIFF'S RETURN

NOW THIS 9th day of Jan 2009 AT 2:30 AM / PM 0 SERVED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE & ORDER ON ASHCROFT CEMETERY ASSOCIATION, DEFENDANT
BY HANDING TO WILLARD BRATTON DEF.

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

ADDRESS SERVED 1440 TRY HAWK RUN Hwy

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT ACTION TO QUIET TITLE & ORDER FOR ASHCROFT CEMETERY ASSOCIATION

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO ASHCROFT CEMETERY ASSOCIATION

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2009

So Answers CHESTER A. HAWKINS, SHERIFF

BY:

Deputy Signature

Print Deputy Name

FILED
931080
JAN 09 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2472-CD

JAMES A. COVAL, SR. and MADELINE M. COVAL

vs
ASHCROFT CEMETERY ASSOCIATION, MAXTON COAL COMPANY, INC. a corporation and PAUL BLASKO and MONICA WASILKO, individuals

SERVICE # 2 OF 3

COMPLAINT ACTION TO QUIET TITLE & ORDER

SERVE BY: 01/30/2009 ASAP HEARING: PAGE: 105116

DEFENDANT: MAXTON COAL COMPANY
ADDRESS: 3047 MORRISDALE/ALLPORT HWY.
MORRISDALE, PA 16858

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

FILED

0 8:35 a.m. GL

JAN 22 2009

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 1-20-09 AT 1036 AM PM **SERVED** THE WITHIN

COMPLAINT ACTION TO QUIET TITLE & ORDER ON MAXTON COAL COMPANY, DEFENDANT

BY HANDING TO Patrick R. Mondock, president

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

ADDRESS SERVED 3047 Morrisdale / Allport Hwy Morrisdale

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

COMPLAINT ACTION TO QUIET TITLE & ORDER FOR MAXTON COAL COMPANY

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO MAXTON COAL COMPANY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2009

So Answers: CHESTER A. HAWKINS SHERIFF

BY:

Deputy Signature

5. Hunter
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105116
NO: 08-2472-CD
SERVICE # 3 OF 3
COMPLAINT ACTION TO QUIET TITLE & ORDER

PLAINTIFF: JAMES A. COVAL, SR. and MADELINE M. COVAL

vs.

DEFENDANT: ASHCROFT CEMETERY ASSOCIATION, MAXTON COAL COMPANY, INC. a corporation and PAUL BLASKO and MONICA WASILKO, individuals

SHERIFF RETURN

NOW, January 06, 2009, SHERIFF OF CLINTON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ACTION TO QUIET TITLE & ORDER ON MONICA WASILKO.

NOW, January 12, 2009 AT 11:25 AM SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE & ORDER ON MONICA WASILKO, DEFENDANT. THE RETURN OF CLINTON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

5 FILED 

JAN 21 2009

0/3:20/0

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105116
NO: 08-2472-CD
SERVICES 3
COMPLAINT ACTION TO QUIET TITLE & ORDER

PLAINTIFF: JAMES A. COVAL, SR. and MADELINE M. COVAL

vs.

DEFENDANT: ASHCROFT CEMETERY ASSOCIATION, MAXTON COAL COMPANY, INC. a corporation and PAUL BLASKO and MONICA WASILKO, individuals

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BRYANT	18152	30.00
SHERIFF HAWKINS	BRYANT	18152	82.20
CLINTON CO.	BRYANT	18153	100.00

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



Chester A. Hawkins
Sheriff

DATE RECEIVED

DATE PROCESSED

SHERIFF'S DEPARTMENT

CLINTON COUNTY, PENNSYLVANIA

COURTHOUSE, BASEMENT, LOCK HAVEN, PA 17745

**SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN****INSTRUCTIONS:**Print legibly, insuring readability of all copies.
Do not detach any copies. CCSD ENV.#

10-09

1. PLAINTIFF / S /
Coval, James A. et al.2. COURT NUMBER
2008-2472-CD3. DEFENDANT / S /
Ashcroft Cemetary Association4. TYPE OF WRIT OR COMPLAINT
Order & Action to Quiet Title**SERVE**5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD.
MONICA WASILKO6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)
59 COCHISE TR LOCK HAVEN, PA 177457. INDICATE UNUSUAL SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☐ DEPUTIZE ☐ CERT. MAIL ☐ REGISTERED MAIL ☐ POSTED ☐ OTHERNOW, 20, I, SHERIFF OF CLINTON COUNTY, PA., do hereby deputize the Sheriff of
County to execute this Writ and make return thereof according
to law. This deputation being made at the request and risk of the plaintiff.

SHERIFF OF CLINTON COUNTY

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriffs' sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of:

JAMES BRYANT

☐ PLAINTIFF
☐ DEFENDANT

10. TELEPHONE NUMBER

11. DATE

1/08/09

SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

12. I acknowledge receipt of the writ or complaint as indicated above.

SIGNATURE of Authorized CCSD Deputy or Clerk and Title
CHRISTINA M. BILBY SECRETARY13. Date Received
1/08/0914. Expiration/Hearing date
ASAP15. I hereby CERTIFY and RETURN that I ☒ have personally served, ☐ have served person in charge, ☐ have legal evidence of service as shown in "Remarks" (on reverse)
☐ have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handling/or Posting a TRUE and ATTESTED COPY thereof.16. ☐ I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served

Monica Wasilko

18. A person of suitable age and discretion then residing in the defendant's usual place of abode. ☐Read Order
☐

19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

Court House
230 E. Water St Lock Haven Pa

20. Date of Service

1/12/09

21. Time

11:25 AM

22. ATTEMPTS

23. Advance Costs

24.

25.

26.

27. Total Costs

28. COST DUE OR REFUND

AFFIRMED and subscribed to before me this

day of

12th
January 2009

By (Sheriff/Dep. Sheriff) (Please Print or Type)

CHARLES R. ANKNEY

Date

Signature of Sheriff

Date

SHERIFF OF CLINTON COUNTY

MY COMMISSION EXPIRES

I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE
OF AUTHORIZED ISSUING AUTHORITY AND RETURN, 2011

39. Date Received

PROTHONOTARY

SHERIFF'S RETURN OF SERVICE

- () (1) The within _____, the within named
upon _____, the within named
defendant by mailing to _____
by _____ mail, return receipt requested, postage
prepaid, _____ on the _____,
a true and attested copy thereof at _____.

The return receipt signed by _____
defendant on the _____ is hereto attached and
made a part of this return.

- () (2) Outside the Commonwealth, pursuant to Pa. RCP.405 (c) (1) (2), by mailing a true and
attested copy thereof at _____

in the following manner:

- () (a) To the defendant by () registered () certified mail, return receipt requested,
postage prepaid, addressee only on the _____,
said receipt being returned NOT signed by defendant, but with a notation by the
Postal Authorities that Defendant refused to accept the same. The returned
receipt and envelope is attached hereto and made part of this return.

And thereafter:

- () (b) To the defendant by ordinary mail addressed to defendant at same address, with
the return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not
received said envelope back from the Postal Authorities. A certificate of mailing
is hereto attached as a proof of mailing.

- () (3) By publication in the Lock Haven Express, a weekly publication of general circulation
in the County of Clinton, Commonwealth of Pennsylvania, one time with publication
appearing _____

The affidavit from said Lock Haven Express is hereto attached.

- () (4) By mailing to _____
by _____ mail, return receipt requested, postage prepaid,
_____ on the _____
a true and attested copy thereof at _____

The _____ returned by the Postal
Authorities marked _____
is hereto attached.

- () (5) Other _____



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 105116

TERM & NO. 08-2472-CD

JAMES A. COVAL, SR. and MADELINE M. COVAL

COMPLAINT ACTION TO QUIET TITLE & ORDER

VS.

ASHCROFT CEMETERY ASSOCIATION, MAXTON COAL COMPANY, INC. a corporation and PAUL BLASKO and MONICA WASILKO, individuals

ASAP
SERVE BY: 1/30/09
COURT DATE:

MAKE REFUND PAYABLE TO BRYANT & CANTORNA, ESQ.

SERVE: MONICA WASILKO

ADDRESS: 59 COCHISE TR. WAYNE TWP., LOCK HAVEN, PA 17745

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CLINTON COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 06, 2009.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

William A. Shaw
Prothonotary/Clerk of Courts

JAN 21 2009

FILED

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

JAMES A. COVAL, SR. AND
MADELINE M. COVAL,

PLAINTIFF

V.

ASHCROFT CEMETERY ASSOCIATION AND
MAXTON COAL COMPANY, INC., a
Corporation, AND PAUL BLASKO AND
MONICA WASILKO, individuals

DOCKET NO. 2008-2472-CD

TYPE OF CASE: ACTION
TO QUIET TITLE

FILED ON BEHALF OF:
ASHCROFT CEMETERY
ASSOCIATION AND
MAXTON COAL COMPANY, INC.
DEFENDANTS

COUNSEL OF RECORD FOR
THIS PARTY:
ALAN F. KIRK, ESQUIRE
ID#36893
BABST, CALLAND, CLEMENTS,
AND ZOMNIR, P.C.
330 INNOVATION BLVD. SUITE 302
STATE COLLEGE, PA 16803
PHONE: 814.867.8055
FAX: 814.867.8051
E-MAIL: akirk@bccz.com

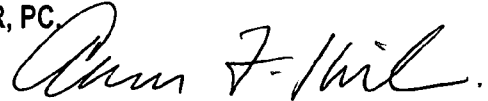
TO: PROTHONOTARY OF CLEARFIELD COUNTY:

Please enter my appearance on behalf of the Defendants, ASHCROFT CEMETERY ASSOCIATION AND MAXTON COAL COMPANY, INC. and kindly direct all correspondence to 330 Innovation Boulevard, Suite 302, State College, Pennsylvania 16803.

Respectfully submitted,

Date: January 20, 2009

BABST, CALLAND, CLEMENTS AND
ZOMNIR, PC.



Alan F. Kirk, Esquire
ID#36893
330 Innovation Blvd. Suite 302
State College, PA 16803

FILED NO CC
12:48 PM
JAN 22 2009
610

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR. AND
MADELINE M. COVAL,

PLAINTIFF

DOCKET NO. 2008-2472-CD

V.

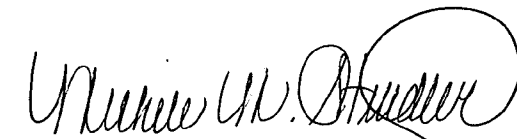
ASHCROFT CEMETERY ASSOCIATION AND
MAXTON COAL COMPANY, INC., a
Corporation, AND PAUL BLASKO AND
MONICA WASILKO, individuals

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praecipe for Entry of Appearance was served by U.S. Mail, First Class, this **20TH** day of **JANUARY 2009**, on the following:

**JAMES N. BRYANT, ESQUIRE
BRYANT & CANTORNA, P.C.
ATTORNEY FOR THE PLAINTIFFS
107 EAST MAIN STREET
MILLHEIM, PA 16854**

**GEORGE S. TEST, JR., ESQUIRE
COUNSEL FOR DEFENDANTS, PAUL BLASKO
AND MONICA WASILKO
P.O. BOX 706
PHILIPSBURG, PA 16866**



Michele M. Steudler, Paralegal to
Alan F. Kirk, Esquire
ID#36893
330 Innovation Boulevard, Suite 302
State College, PA 16803

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,

Plaintiffs

vs.

ASHCROFT CEMETERY ASSOCIATION and
MAXTON COAL COMPANY, INC., a Corporation
and PAUL BLASKO and MONICA WASILKO,
individuals,

Defendants

Docket No. 2008-2472-CD

ACTION TO QUIET TITLE

Filed on behalf of Defendants:
Paul Blasko and Monica Wasilko

Counsel for this party:
GEORGE S. TEST, ESQUIRE
P. O. Box 706
Philipsburg, PA 16866-0706
Phone: (814) 342-4640
Fax: (814) 342-3775
Email: geortest@verizon.net

PA I.D. #15915

GEORGE S. TEST
ATTORNEY-AT-LAW
PHILIPSBURG, PA

FILED *no cc*
JAN 23 2009 *(610)*

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,

Plaintiffs

vs.

ASHCROFT CEMETERY ASSOCIATION and
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Defendants

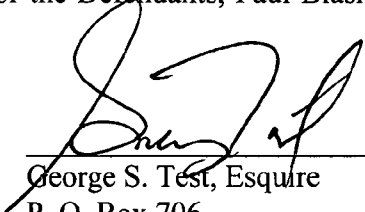
Docket No. 2008-2472-CD

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance as Attorney for the Defendants, Paul Blasko and Monica Wasilko in the above captioned matter.

Date: 1-22-09


George S. Test, Esquire
P. O. Box 706
Philipsburg, PA 16866-0706

PA I.D. #15915

GEORGE S. TEST
ATTORNEY-AT-LAW
PHILIPSBURG, PA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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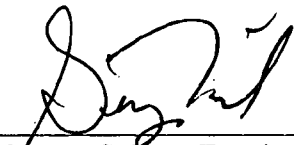
Docket No. 2008-2472-CD

CERTIFICATE OF SERVICE

The undersigned, George S. Test, Esquire hereby certifies that he has served a true and correct copy of the Praecipe for Entry of Appearance dated January 22, 2009 in the above captioned matter via first class mail, postage prepaid in Philipsburg, Pennsylvania, on January 22, 2009, addressed to the following:

James N. Bryant, Esquire
Bryant & Cantorna, P.C.
107 East Main Street
Millheim, PA 16854

Alan F. Kirk, Esquire
Babst, Calland, Clements & Zomnir, P.C.
330 Innovation Blvd. - 3rd Floor
State College, PA 16803



George S. Test, Esquire

FILED

JAN 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR. and
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and
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individuals,
Defendant

Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

____ Medical/ Professional
Liability Action (check
if applicable)

TYPE OF PLEADING

Affidavit of Service

Filed on behalf of

Plaintiffs

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084
BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854
(814) 349-5666
(814) 349-2212 (FAX)
jnbryant1@verizon.net

^S FILED ^{NO CC}
JAN 29 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR. and
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ASHCROFT CEMETERY ASSOCIATION,
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Docket No.: 2008-2472-CD

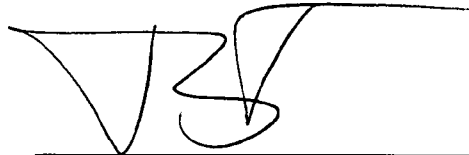
Type of Case:
ACTION TO QUIET TITLE

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CENTRE


SS.

James N. Bryant, Esq., being duly sworn according to law, deposes and says that on January 12, 2009, he duly served upon **PAUL BLASKO**, the Defendant herein, a true and correct copy of the Complaint In Action to Quiet Title filed to the above captioned matter, by mailing the same to **PAUL BLASKO** by certified mail no. 7007 0220 0004 5125 0928, return receipt requested, delivery restricted to addressee. Said return receipt is attached hereto and marked Exhibit "A", showing delivery on January 15, 2009.



James N. Bryant, Esq.

Sworn to and subscribed before me
this 28th day of January, 2009.


Notary Public

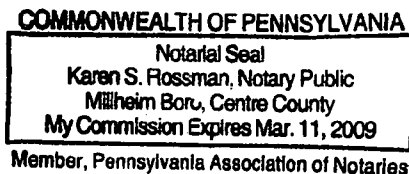


EXHIBIT "A"

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3: Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Received by (Please Print Clearly) <u>PAUL D. Blasko</u> B. Date of Delivery <u>1/15/09</u></p>	
<p>1. Article Addressed to:</p> <p>MR PAUL BLASKO JR 330 EAST 39TH STREET APT 33R MANHATTAN NY 10016-2136</p>		<p>C. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>2. Article Number (Copy from service label)</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
<p>7007 0220 0004 5125 0928</p>		<p>PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952</p>	

EXHIBIT "A"

FILED

FEB 09 2009

m/8:30/w
William A. Shaw

Prothonotary/Clerk of Courts

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

no c/c (610)

JAMES A. COVAL, SR. and
MADELINE M. COVAL,

Plaintiffs

vs.

ASHCROFT CEMETERY ASSOCIATION and
MAXTON COAL COMPANY, INC., a Corporation
and PAUL BLASKO and MONICA WASILKO,
individuals,

Defendants

Docket No. 2008-2472-CD
Action to Quiet Title

ANSWER AND COUNTER-CLAIM

Filed on behalf of Defendants:
Paul Blasko and Monica Wasilko

Counsel for this party:
GEORGE S. TEST, ESQUIRE
P. O. Box 706
Philipsburg, PA 16866-0706
Phone: (814) 342-4640
Fax: (814) 342-3775
Email: geortest@verizon.net

PA I.D. #15915

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,

Plaintiffs

vs.

ASHCROFT CEMETERY ASSOCIATION and
MAXTON COAL COMPANY, INC., a Corporation
and PAUL BLASKO and MONICA WASILKO,
individuals,

Defendants

Docket No. 2008-2472-CD

ANSWER

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted in Part and Denied. Defendant, Monica Wasilko's address is 59 Cochise Trail, Clinton County, McElhattan, Pennsylvania 17748.
5. Respondent herein is without sufficient information to form a belief as to the truth of said averment and, if relevant, strict proof thereof is demanded at trial.
6. Respondent herein is without sufficient information to form a belief as to the truth of said averment and, if relevant, strict proof thereof is demanded at trial.
7. Denied. The use during said period was sporadic. The fence is and has been poorly maintained.
8. Admitted in Part and Denied in Part. It is admitted that Andrew Coval is deceased. It is denied that James A. Coval, Sr. is a successor in interest to Andrew Coval and it is denied he has continuously maintained any presence on the property.
9. Admitted.
10. Admitted.
11. Denied. Title to Respondents' property was as a result of a Deed to Respondent, Monica Wasilko and her brother, Paul Blasko, from Edward M. Richter, dated October 17, 2006, recorded November 1, 2006 at Clearfield County, Pennsylvania, Instrument Number 200618521.
12. Respondent herein is without sufficient information to form a belief as to the truth of said

avermment and, if relevant, strict proof thereof is demanded at trial.

13. Paragraph 13 does not contain any statement of fact and requires no response.

COUNTER-CLAIM – EJECTMENT

14. This Counter-Claim in Ejectment is pursuant to Pa R.C.P. 1051 et. seq.

15. The lands of Counter-Claimant are described as follows:

ALL that certain lot or piece of ground situate in the Township of Morris, County of Clearfield, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at the north corner of Second and Fulton Streets; **THENCE** along Fulton Street, North Sixty-four degrees Fifty minutes East (N 64° 50' E) Three Hundred Twenty-one (321') feet to lands of Maxton Coal Company; **THENCE** along lands of same the following two (2) courses and distances: North Thirty degrees Fifty-seven minutes West (N 30° 57' W) Four Hundred and Seventy-five and Four tenths (475.4') feet; **THENCE** South Sixty-four degrees Fifty minutes West (S 64° 50' W) Three Hundred and Twenty-one (321') feet to line of Second Street; **THENCE** along same South Thirty degrees Fifty-seven minutes East (S 30° 57' E) Four Hundred and Seventy-five and Four tenths (475.4') feet to place of beginning. **CONTAINING** three and five tenths (3.5) acres.

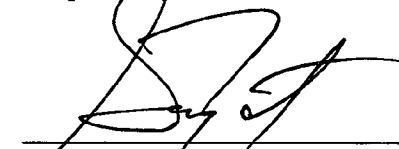
EXCEPTING AND RESERVING all exceptions and reservations contained in the prior chain of title.

16. Counter-Claimants obtained title to said premises by Deed of Edward M. Richter, dated October 17, 2006, recorded November 1, 2006 at Clearfield County, Pennsylvania, Instrument Number 200661821.
17. Edward M. Richter acquired title to the subject property by Deed of Anna Richter, dated August 12, 1985, recorded August 13, 1985 in Clearfield County, Pennsylvania, Deed and Record Book 1030 at Page 214.
18. Anna Richter acquired fee simple title to said property by Deed of Samuel Duritzo and Mary Duritzo, dated September 25, 1973, recorded November 28, 1973 in Clearfield County, Pennsylvania, Deed Book 664 at Page 281.
19. Samuel Duritzo and Anna Richter acquired title to said property by Deed of Alex Slotter, dated July 13, 1960, recorded in Clearfield County, Pennsylvania, Deed Book 484 at Page 98.

20. Alex Slotter acquired title to said property by Deed of Maxton Coal Co., dated July, 1926, recorded August 21, 1928, in Clearfield County, Pennsylvania, Deed Book 280 at Page 81.
21. Plaintiff in this action has no record title to said property, but claims title through Maxton Coal Company.
22. Counter-Claimant asserts legal title to said premises through the chain of title heretofore set forth.
23. Plaintiff in this action has not continuously and adversely asserted title to said real property. Any use has been sporadic and with consent.

WHEREFORE, Counter-Claimants request your Honorable Court issue an Order affirming Counter-Claimants' title to the aforesaid real property and dismissing Plaintiffs' Quiet Title Action with prejudice.

Respectfully submitted,



GEORGE S. TEST, ESQUIRE

Attorney for Monica Wasilko

and Paul Blasko

P. O. Box 706

Philipsburg, PA 16866

Phone: 814-342-4640

PA I.D. #15915

VERIFICATION

I hereby verify that the statements made in the foregoing Answer and Counter-Claim are true and correct to the best of my knowledge, information, and belief. I understand that all statements therein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: 2.4.09

Monica A. Wasilko

Monica Wasilko

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,

Plaintiffs

Docket No. 2008-2472-CD

vs.

ASHCROFT CEMETERY ASSOCIATION and
MAXTON COAL COMPANY, INC., a Corporation
and PAUL BLASKO and MONICA WASILKO,
individuals,

Defendants

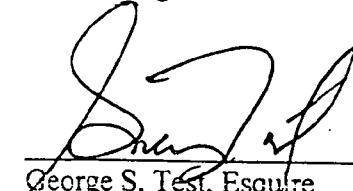
CERTIFICATE OF SERVICE

The undersigned, George S. Test, Esquire hereby certifies that he has served a true and correct copy of the Answer and Counter-Claim in the above captioned matter via first class mail, postage prepaid in Philipsburg, Pennsylvania, on February 5, 2009, addressed to the following:

James N. Bryant, Esquire
Bryant & Cantorna, P.C.
107 East Main Street
Millheim, PA 16854

Alan F. Kirk, Esquire
Babst, Calland, Clements & Zomnir, P.C.
330 Innovation Blvd. - 3rd Floor
State College, PA 16803

Date: February 5, 2009


George S. Test, Esquire
P. O. Box 706
Philipsburg, PA 16866-0706

PA I.D. #15915

FILED
FEB 09 2009
Prothonotary/Clerk of Courts
William A. Shaw

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

JAMES A. COVAL, SR. and
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vs.

ASHCROFT CEMETERY ASSOCIATION,
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Defendant

Docket No.: **2008-2472-CD**

Type of Case:
ACTION TO QUIET TITLE

___ Medical/ Professional
Liability Action (check
if applicable)

TYPE OF PLEADING

Motion for Preliminary Injunction

Filed on behalf of

Plaintiffs

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084
BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854
(814) 349-5666
(814) 349-2212 (FAX)
jnbryant1@verizon.net

FILED
MAR 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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JAMES A. COVAL, SR. and
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MOTION FOR PRELIMINARY INJUNCTION

AND NOW, comes the Plaintiffs, JAMES A. COVAL, SR. And MADELINE M. OCVAL,
by and through their attorney, James N. Bryant, Esq., of Bryant & Cantorna, P.C., and moves the
Court for preliminary injunction, and aver as follows:

1. Plaintiffs have been in continuous possession of the property for a period well in excess of twenty-one (21) years.
2. Defendant, Ashcroft Cemetery Association, has now removed the Plaintiffs' fence and has erected large signs.
3. This was done following filing of Plaintiffs' complaint.
4. The actions of Defendant, Ashcroft Cemetery Association, will result in grave harm to Plaintiffs' pasture.

WHEREFORE, Plaintiffs request this Honorable Court to order the Defendant, Ashcroft Cemetery to cease and desist in an attempt to take the disputed property back until such time as the Court can proceed on the merits.

Respectfully submitted,

BRYANT & CANTORNA, P.C.

By: 

James N. Bryant, Esq.
PA ID No. 14084
Attorney for Plaintiffs
107 East Main Street
P. O. Box 551
Millheim, PA 16854
814-349-5666
814-349-2212 (fax)
Jnbryant1@verizon.net

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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JAMES A. COVAL, SR. and
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Defendant

Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **MOTION FOR PRELIMINARY
INJUNCTION** was served by depositing the same with the United States Postal Service, postage prepaid,
addressed to the following:

Alan F. Kirk, Esq.
Babst, Calland, Clements
and Zomnir, P.C.
330 Innovation Boulevard
Suite 302
State College, PA 16803

George S. Test, Esq.
P. O. Box 706
Philipsburg, PA 16866-0706



By: _____
James N. Bryant, Esq.
Attorney for Plaintiffs

DATED: March 23, 2009

WA

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

JAMES A. COVAL, SR. and
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Docket No.: 2008-2472-CD

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ORDER

AND NOW, this 25 day of March, 2009, upon consideration of the foregoing Motion, a rule is granted upon the Defendant Ashcroft Cemetery Association to show cause why such relief should not be granted. Rule returnable thereon the 14th day of April, 2009, for filing written response.

NOTICE

A Petition or Motion has been filed against you in Court. If you wish to defend against the claims set forth in the following Motion by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the matter set forth against you. 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 relief requested by the Petitioner or Movant. 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.

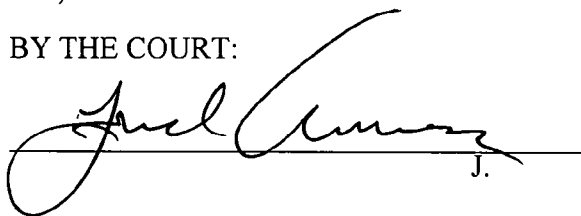
COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
MARKET & SECOND STREETS
CLEARFIELD, PA 16830
814-765-2641, EXT. 50-51.

FILED

03:47 PM
MAR 25 2009

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:


J.

FILED

MAR 25 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/25/09

☒ 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:

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
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vs.

ASHCROFT CEMETERY ASSOCIATION
and
MAXTON COAL COMPANY, INC.
a corporation
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PAUL BLASKO and MONICA WASILKO
Defendant

Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

FILED

APR 14 2009

William A. Shaw
Prothonotary/Clerk of Courts

1 CENT TO ATT

TYPE OF PLEADING

**Response to Motion for
Preliminary Injunction**

Filed on Behalf of

Defendants

Counsel of Record for this Party:

Alan F. Kirk, Esq.
PA ID 36893
BABST CALLAND CLEMENTS
ZOMNIR, PC
330 Innovation Blvd., Ste. 302
State College, PA 16803
(814) 867-8055 (Ph)
(814) 867-8051 (Fx)
Akirk@bccz.com

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION
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PAUL BLASKO and MONICA WASILKO
Defendant

: Docket No.: **2008-2472-CD**
:
: Type of Case:
: **ACTION TO QUIET TITLE**
:
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:
:

RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION

NOW COME the Defendants, ASHCROFT CEMETERY ASSOCIATION and
MAXTON COAL COMPANY, INC., represented by their counsel, Alan F. Kirk, Esquire, of
BABST CALLAND CLEMENTS ZOMNIR, PC., and files the following response to Plaintiff's
motion for preliminary injunction:

1. Denied. The Plaintiff's father was granted permission to use the property in question
for pasturing of livestock for many years by the Defendants or their predecessors in title. The
Plaintiffs are under a mistaken belief that as such they have rights to the property acquired by
adverse possession.

2. Denied. Representatives of Defendant Ashcroft Cemetery Association did place
approximately ten (10) eighteen (18) by twelve (12) inch cardboard signs reading "No
Trespassing" around various locations on or near the property line. No posts or fence of the
Plaintiff was removed. Two (2) of the said signs were placed on existing fence posts or the fence

itself. All others were placed on trees or wooden stakes placed by cemetery representatives on cemetery property or Defendant Maxton Coal Company property.

3. Denied. Defendants incorporate by reference the response set forth in Paragraph 2 as if set forth in full.

4. Denied. Plaintiff has suffered no harm whatsoever.

WHEREFORE, the Defendants request the petition of the Plaintiff be denied, and that the Court award reasonable attorney's fees to the Defendants for having to defend a frivolous action, and grant any other relief deemed appropriate.

Respectfully submitted,

BABST CALLAND CLEMENTS ZOMNIR PC

BY: 

Alan F. Kirk, Esquire
PA ID No. 36893
Attorney for Defendants
330 Innovation Boulevard, Ste. 302
State College, PA 16803
Ph. 814-867-8055
Fx. 814-867-8051
Akirk@bccz.com

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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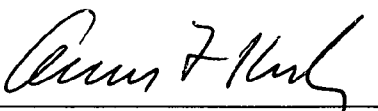
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Response to Motion for Preliminary Injunction was served by depositing the same within the custody of the United States Postal Service, postage prepaid, addressed to the following:

James N. Bryant, Esq.
Bryant & Cantorna, PC
107 East Main Street
P.O. Box 551
Millheim, PA 16854

George S. Test, Esq.
P.O. Box 706
Philipsburg, PA 16866-0706

BY:



Alan F. Kirk, Esq.
Attorney for Defendants

Dated: April 13, 2009

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

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Docket No.: **2008-2472-CD**

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ACTION TO QUIET TITLE

☐ Medical/ Professional
Liability Action (check
if applicable)

TYPE OF PLEADING

Praecipe for Hearing

Filed on behalf of

Plaintiffs

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084
BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854
(814) 349-5666
(814) 349-2212 (FAX)
jnbryant1@verizon.net

Legal Documents April 2009
cd:Coval James A & Madeline M
Praecipe for Hearing

FILED

APR 17 2009 No CC

William A. Shaw
Prothonotary/Clerk of Courts

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

Docket No.: **2008-2472-CD**

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ACTION TO QUIET TITLE

PRAECIPE FOR HEARING

TO THE HONORABLE JUDGES OF SAID COURT:

Kindly schedule a hearing in connection with the Motion for Preliminary Injunction filed to
the above captioned matter.

Respectfully submitted,

BRYANT & CANTORNA, P.C.

By: 

James N. Bryant, Esq.
PA ID No. 14084
Attorney for Plaintiffs
107 East Main Street
P. O. Box 551
Millheim, PA 16854
814-349-5666
814-349-2212 (fax)
Jnbryant1@verizon.net

DATED: April 16, 2009

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: **2008-2472-CD**

Type of Case:
ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **PRAECIPE FOR HEARING** was served
by depositing the same with the United States Postal Service, postage prepaid, addressed to the following:

Alan F. Kirk, Esq.
Babst, Calland, Clements
and Zomnir, P.C.
330 Innovation Boulevard
3rd Floor
State College, PA 16803

George S. Test, Esq.
P. O. Box 706
Philipsburg, PA 16866

By: _____
James N. Bryant, Esq.
Attorney for Plaintiffs

DATED: April 16, 2009

CM

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

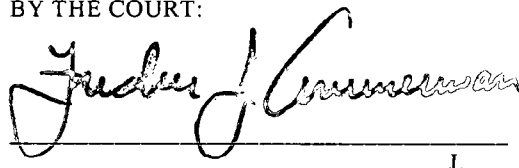
Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

ORDER

AND NOW, this 21st day of April, 2009, at the request of Plaintiff, a hearing
on the Motion for Preliminary Injunction is scheduled for the 11th day of June, 2009, at
3:00 o'clock, 9 M., in Courtroom No. 1 of the Clearfield County Courthouse.

BY THE COURT:


J.

5
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APR 21 2009
012:00/
William A. Shaw
Prothonotary/Clerk of Courts
3 cks to
ATTY

FILED
APR 21 2009
William A. Shaw
Probationary/Clerk of Courts

DATE: 4-21-09

☒ You are responsible for serving all appropriate parties.
____ The Probationary's office has provided service to the following parties:
____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other
____ Defendant(s) ____ Defendant(s) Attorney
____ Special Instructions:

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Order of the Honorable Fredric J. Ammerman, dated April 21, 2009, was served by depositing the same with the United States Postal Service, postage prepaid, addressed to the following:

Alan F. Kirk, Esq.
Babst, Calland, Clements
and Zomnir, P.C.
330 Innovation Boulevard
3rd Floor
State College, PA 16803

George S. Test, Esq.
Moshannon Building
P. O. Box 706
Philipsburg, PA 16866

By: _____

James N. Bryant, Esq.
Attorney for Plaintiffs

DATED: April 22, 2009

FILED
m10:28/09
APR 23 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR., and
MADELINE M. COVAL

-VS-

ASHCROFT CEMETERY
ASSOCIATION and MAXTON COAL
COMPANY, INC.

-VS-

PAUL BLASKO and MONICA
WASILKO

No. 08-2472-CD

FILED

JUN 12 2009

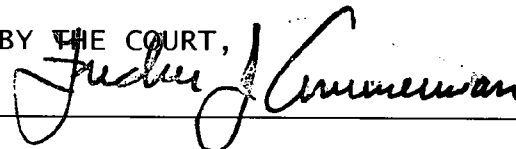
0/1100/100
William A. Shaw
Prothonotary/Clerk of Courts

SENT TO ATTY'S
BRYANT
KIRK

ORDER

AND NOW, this 11th day of June, 2009, this being TEST
the date set for hearing on the Plaintiffs' Motion for
Preliminary Injunction; counsel for the Plaintiff as well as
counsel for Defendants Ashcroft Cemetery Association and
Maxton Coal Company, Inc., apparently having reached a
partial settlement in regard to certain issues contained
within the action; in consideration of the partial agreement,
counsel for the Plaintiffs have agreed to withdraw the
request for Preliminary Injunction, it is the ORDER of this
Court that the Plaintiffs' Motion for Preliminary Injunction
be and is hereby withdrawn.

BY THE COURT,



President Judge

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

___ Medical/ Professional
Liability Action (check
if applicable)

TYPE OF PLEADING

**Motion to Enforce Settlement
Agreement**

Filed on behalf of

Plaintiffs

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084
BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854
(814) 349-5666
(814) 349-2212 (FAX)
jnbryant1@verizon.net

FILED

110:4830
JAN 13 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: **2008-2472-CD**

Type of Case:
ACTION TO QUIET TITLE

MOTION TO ENFORCE SETTLEMENT AGREEMENT

AND NOW, comes the Plaintiffs, James A. Coval, Sr. And Madeline M. Coval, by and through their attorney, James N. Bryant, Esq., of Bryant & Cantorna, P.C., and file this Motion to Enforce Settlement Agreement, and aver as follows:

1. Plaintiffs are James A. Coval, Sr. and Madeline M. Coval, who reside at 328 Seymour Street, Hawk Run, Morris Township, Clearfield County, Pennsylvania.
2. Defendant, Ashcroft Cemetery Association, is an association with an address of Hawk Run, Morris Township, Clearfield County, Pennsylvania.
3. Defendant, Maxton Coal Company, is a Pennsylvania corporation, having an office at 3047 Morrisdale/Allport Highway, Morrisdale, Clearfield County, Pennsylvania.
4. Defendant, Paul Blasko, Jr., is an individual who resides at 330 East 39th Street, Apartment 33R, Manhattan, New York, and Defendant, Monica Wasilko, is an individual residing at 59 Cochise, Trail, McElhattan, Clinton County, Pennsylvania.

5. Counsel for the parties and the principal for Maxton Coal Company, agreed to terminate the litigation for and in consideration of Plaintiffs paying \$750.00 per acre for the disputed tract.

6. Defendant, Maxton Coal Company, agreed to this proposal.

7. Defendant, Ashcroft Cemetery Association, has not agreed to anything.

8. A true and correct copy of the portion agreed to be conveyed by Maxton Coal Company is attached hereto, incorporated by reference and marked Exhibit "A".

9. Plaintiffs have deposited the sums with their attorney, but the Defendant, Maxton Coal Company has refused to accept a deed.

WHEREFORE, Plaintiffs request this Honorable Court Order the Defendant, Maxton Coal Company to deliver a deed to the disputed tract for and in consideration of \$750.00 per acre.

Respectfully submitted,

BRYANT & CANTORNA, P.C.

By: _____


James N. Bryant, Esq.

PA ID No. 14084

Attorney for Plaintiffs

107 East Main Street

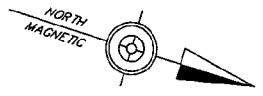
P. O. Box 551

Millheim, PA 16854

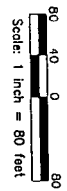
814-349-5666

814-349-2212 (fax)

Jnbryant1@verizon.net



LINE	BEARING	LENGTH
L1	S 17°42'21" E	60.41
L2	S 12°48'57" E	64.25
L3	S 17°17'51" E	35.13
L4	S 08°10'51" W	8.80
L5	S 33°31'13" W	24.43
L6	S 72°32'49" W	25.26
L7	S 71°33'48" W	54.81
L8	S 71°01'40" W	43.37
L9	S 71°03'05" W	15.70
L10	S 63°09'32" W	27.86
L11	N 85°09'54" W	9.32
L12	N 59°01'15" W	38.17
L13	S 61°42'00" W	67.40
L14	S 60°38'55" W	52.92
L15	N 71°28'10" W	7.92
L16	N 15°31'28" W	20.06
L17	N 20°41'43" W	27.04
L18	N 61°17'35" E	13.28
L19	N 62°09'15" E	50.50
L20	N 59°37'36" E	17.39
L21	N 57°35'27" E	25.05
L22	N 79°45'09" E	37.01
L23	N 81°46'42" E	15.51
L24	N 82°33'05" E	17.86
L25	N 80°20'38" E	16.55
L26	N 65°18'56" E	17.78
L27	N 79°18'10" E	41.97
L28	N 65°38'40" E	55.61
L29	N 61°12'13" E	59.50
L30	N 71°03'21" E	35.52
L31	N 70°31'15" E	44.63
L32	N 68°51'27" E	39.04
L33	N 88°51'27" E	88.29



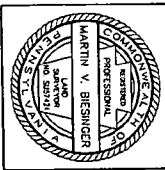
DATE:	REVISIONS:

SCALE: AS SHOWN

DATE: NOVEMBER 19, 2008

FILE: 38808.DWG

SHEET: 1 OF 1



GEOTEC, INC.
LAND SURVEYING AND MAPPING
1340 Beaver Dam Road - P.O. Box 114
Greer, PA 19610 - FAX: 610-230-6100
WWW.GEOTEC-PA.COM

FENCE LOCATION SURVEY
AND RELATIVE PROPERTY LINES FOR
JIM COVAL
STUART
HAYK RUN, HOBBS TOWNSHIP
CLEARFIELD COUNTY, PENNSYLVANIA

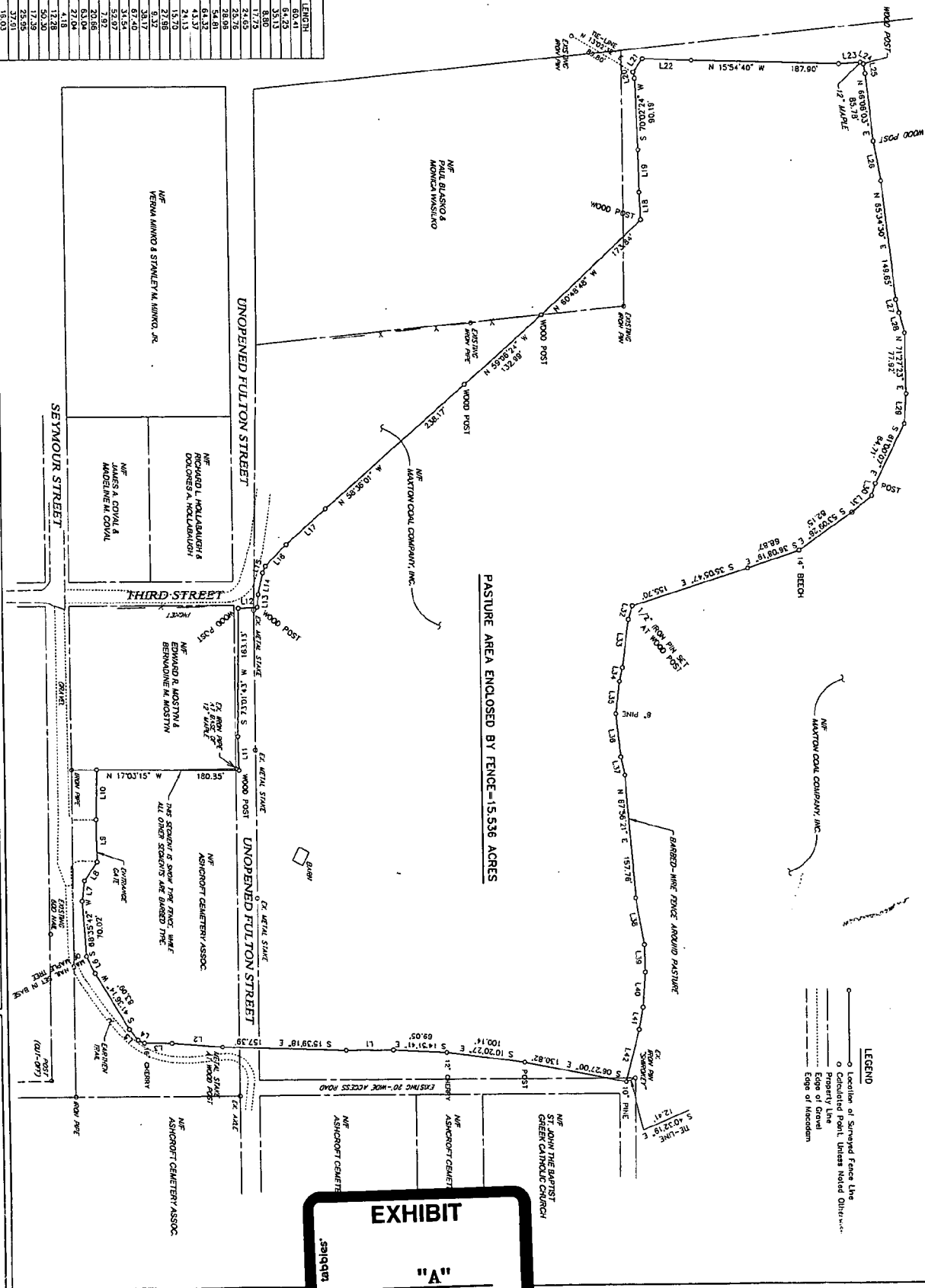


EXHIBIT
"A"
tables

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within MOTION TO ENFORCE SETTLEMENT
was served by depositing the same with the United States Postal Service, postage prepaid, addressed to the
following:

Alan F. Kirk, Esq.
Babst, Calland, Clements
and Zomnir, P.C.
330 Innovation Boulevard
3rd Floor
State College, PA 16803

George S. Test, Esq.
Moshannon Building
P. O. Box 706
Philipsburg, PA 16866

By: 

James N. Bryant, Esq.
Attorney for Plaintiffs

DATED: January 12, 2010

FILED

JAN 13 2011

William A. Stew
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR. and
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PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

FILED

JAN 14 2010

William A. Shaw
Prothonotary/Clerk of Courts

1 sent to Att

AND NOW, this 14th day of JANUARY, 2010, upon consideration of the foregoing

Motion, a rule is granted upon the Defendants to show cause why such relief should not be granted. Rule returnable thereon the 5th day of February, 2010, for filing written response / ~~hearing~~.

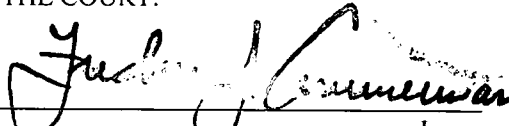
NOTICE

A Petition or Motion has been filed against you in Court. If you wish to defend against the claims set forth in the following Motion by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the matter set forth against you. 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 relief requested by the Petitioner or Movant. 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
MARKET & SECOND STREETS
CLEARFIELD, PA 16830
814-765-2641, EXT. 50-51.

BY THE COURT:


J.

FILED
JAN 14 2010
William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

: Docket No.: **2008-2472-CD**
:
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: Type of Case:
: **ACTION TO QUIET TITLE**
:
:
:
: ☐ Medical/ Professional
: Liability Action (check
: if applicable)
:

TYPE OF PLEADING

PRAECIPE FOR HEARING

Filed on behalf of

Plaintiffs

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084
BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854
(814) 349-5666
(814) 349-2212 (FAX)
jnbryant1@verizon.net

Legal Documents June 2010
cd:Coval James A & Madeline M
Praecipe for Hearing

FILED

JUN 30 2010

William A. Shaw
Prothonotary/Clerk of Courts

1cc
JN Bryant
WAS

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

PRAECIPE FOR HEARING

TO THE PROTHONOTARY OF SAID COURT:

Kindly schedule a hearing on Plaintiffs' Motion to Enforce Settlement Agreement filed to the
above-captioned matter.

Respectfully submitted,

BRYANT & CANTORNA, P.C.

By: _____

James N. Bryant, Esq.
PA ID No. 14084
Attorney for Plaintiff
107 East Main Street
P. O. Box 551
Millheim, PA 16854
814-349-5666
814-349-2212 (fax)
Jnbryant1@verizon.net

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
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MAXTON COAL COMPANY, INC.,
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Defendant

Docket No.: 2008-2472-CD

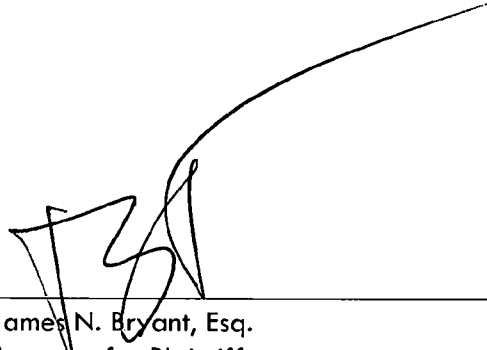
Type of Case:
ACTION TO QUIET TITLE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **PRAECIPE FOR HEARING** was served by depositing the same with the United States Postal Service, postage prepaid, addressed to the following:

Alan F. Kirk, Esq.
Babst, Calland, Clements
and Zomnir, P.C.
330 Innovation Boulevard
3rd Floor
State College, PA 16803

By: _____


James N. Bryant, Esq.
Attorney for Plaintiffs

DATED: June 29, 2010

FILED

JUN 30 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

ORDER FOR HEARING

AND NOW, this 30th day of June, 2010, a hearing in connection with the Motion to Enforce Settlement Agreement filed by the Plaintiffs is hereby scheduled for the 5th day of August, 2010, at 11:00 o'clock, A. M. in Courtroom No. 1 of the Clearfield County Courthouse.

BY THE COURT:

Judith J. Zimmerman

J.

(Motion to Enforce Settlement Agreement)

FILED

014:0001100
JUL 01 2010

William A. Shaw
Prothonotary/Clerk of Courts

Ang Bryant

FILED

JUL 01 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/1/10

☒ 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:

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation

and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

___ Medical/ Professional
Liability Action (check
if applicable)

TYPE OF PLEADING

Certificate of Service

Filed on behalf of

Plaintiffs

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084
BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854
(814) 349-5666
(814) 349-2212 (FAX)
jnbryant1@verizon.net

FILED 100
M 10-5737
JUL 08 2010 @

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
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vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

: Docket No.: 2008-2472-CD
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: Type of Case:
: ACTION TO QUIET TITLE
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Order for Hearing issued by the
Honorable Fredric J. Ammerman, dated June 30, 2010, was served by depositing the same with the
United States Postal Service, postage prepaid, addressed to the following:

Alan F. Kirk, Esq.
Babst, Calland, Clements
and Zomnir, P.C.
330 Innovation Boulevard
3rd Floor
State College, PA 16803

Paul Blasko, Jr.
330 East 39th Street
Apt. 33R
Manhattan, NY 10016-2136

Monica Wasilko
59 Cochise Trail
McElhattan, PA 17748

By: _____

James N. Bryant, Esq.
Attorney for Plaintiffs

DATED: July 7, 2010

Doc.

FILED

JUL 08 2010

William A. Straw
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiffs

v.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation,
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendants

NO. 2008-2472-CD

Type of Case: Action to Quiet Title

Type of Pleading: Response to Defendant,
Maxton Coal Company, Inc., to the
Motion to Enforce Settlement
Agreement

Filed on Behalf of: Defendant, Maxton Coal
Company, Inc.

Counsel of Record for this Party:

Alan F. Kirk, Esquire
Attorney ID No.36893
Babst, Calland, Clements and Zomnir, PC
330 Innovation Boulevard, Suite 302
State College, PA 16803
(814) 867-8055

FILED
10/11/33/31
AUG 04 2010
William A. Shaw
Prethnotary/Clerk of Courts

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

JAMES A. COVAL, SR. and
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Plaintiffs

v.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
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and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendants

NO. 2008-2472-CD

ACTION TO QUIET TITLE

**RESPONSE OF DEFENDANT, MAXTON COAL COMPANY, INC.,
TO THE MOTION TO ENFORCE SETTLEMENT AGREEMENT**

AND NOW comes the Defendant, Maxton Coal Company, Inc., by and through its attorneys, Babst, Calland, Clements and Zomnir, P.C., and files this response to the Motion to Enforce Settlement Agreement as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

5. Admitted in part. Counsel for the parties and the principal for Maxton Coal Company did agree to transfer and convey to the Plaintiffs a piece or parcel of land of Maxton Coal Company for \$750.00 an acre. A draft plat of the proposed area to be transferred was sent to counsel for Plaintiffs. The actual approximate acreage to be transferred was 20.16 acres. In

further consideration of termination of the litigation, the Plaintiffs did agree to remove themselves and their various items of equipment from the property of Ashcroft Cemetery Association.

6. Admitted.

7. Denied as stated. The Ashcroft Cemetery Association agreed to provide a right-of-way across the existing property of Ashcroft Cemetery Association in order to provide access for the Plaintiffs. However, there has been no agreement as to the exact dimensions of the said right-of-way.

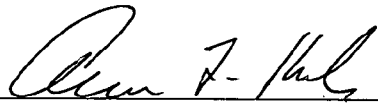
8. Denied as stated. The plat which is attached to the Petition is for property that is other than that owned by Maxton Coal Company. A proposed survey plan of the property to be conveyed to the Plaintiffs was previously submitted to the Plaintiffs and consisted of approximately 20 acres. A true and correct copy will be provided to the Court at the time of the hearing.

9. Admitted in part. Defendant, Maxton Coal Company, believes that the said sums are on deposit and will agree to accept a deed for the property as described in the plan that was prepared by it provided the Court enters an appropriate order to do so.

10. The Defendant, Maxton Coal Company, is represented by Babst, Calland, Clements and Zomnir, P.C. and at the time of the injunction hearing, the said firm was also representing Ashcroft Cemetery Association. Alan F. Kirk, Esquire has been notified by Anthony DeBoef, Esquire that he may be representing Ashcroft Cemetery Association but cannot attend the hearing. Alan F. Kirk, Esquire has also been contacted by Monica Wasilkó on behalf of herself and Paul Blasko, other affected property owners, in order to retain him as

counsel due to the demise of their counsel, George S. Test, Esquire. No action as been taken on this retention at this time.

BABST, CALLAND, CLEMENTS AND
ZOMNIR, P.C.

By: 

Alan F. Kirk, Esquire

Attorney ID No. 36893

Attorney for Maxton Coal Company, Inc.

330 Innovation Boulevard, Suite 302

State College, PA 16803

(814) 867-8055

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiffs

NO. 2008-2472-CD

ACTION TO QUIET TITLE

v.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation,
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Response of Defendant, Maxton Coal Company, Inc., to the Motion to Enforce Settlement was served on the following by depositing the same within the custody of the United States Postal Service, first-class mail, postage prepared, addressed to:

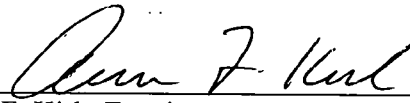
James N. Bryant, Esquire
Bryant & Cantorna, P.C.
107 East Main Street
P.O. Box 551
Millheim, PA 16854

Anthony G. DeBoef, Esquire
DeBoef, Lucchesi & Associates, P.C.
1368 South Atherton Street
State College, PA 16801

Paul Blasko, Jr.
330 East 39th Street, Apt. 33R
Manhattan, NY 10016

Monica Wasilko
59 Cochise Trail,
McElhattan, PA 17748

BABST, CALLAND, CLEMENTS AND
ZOMNIR, P.C.

By: 
Alan F. Kirk, Esquire
Attorney ID No. 36893
Attorney for Maxton Coal Company, Inc.
330 Innovation Boulevard, Suite 302
State College, PA 16803
(814) 867-8055

Date: 8/3/10

FILED

011:59/201
AUG 09 2010

William A. Shaw
Prothonotary/Clerk of Courts

ICC Attys:

Bryant

Kirk

ICC P. Blasko, Jr.

330 East 39th St, Apt 33R

Manhattan, NY 10018-2136

CA

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

ICC M. Wasilko

59 Cochise Trail

Lock Haven, PA

17745

(60)

JAMES A. COVAL, SR. AND }
MADELINE M. COVAL } NO. 2008-2472-CD
VS }
ASHCROFT CEMETERY }
ASSOCIATION AND MAXTON }
COAL COMPANY, INC. AND }
PAUL BLASKO AND MONICA }
WASILKO }

ORDER

NOW, this 5th day of August, 2010, this being the date set for Hearing on the Plaintiff's Petition to Enforce Settlement; the Court noting that counsel for the various parties have stated a proposed settlement on the record this date and all that remains would be the hoped-for approval of the Ashcroft Cemetery Association board of directors, it is the ORDER of this Court that this matter be and is hereby CONTINUED. It is the expectation of the Court that counsel for the parties will in the near future be submitting and appropriate consent

order settling the issues.

BY THE COURT,

A handwritten signature in cursive script, reading "Judge J. C. Newman". The signature is written in black ink and is positioned above a horizontal line.

President Judge

FILED

AUG 09 2010

William A. Straw
Prothonotary/Clerk of Courts

DATE: 8/19/10

☐ You are responsible for serving all appropriate parties.

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

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

☒ Defendant(s) Blascho, Logan Defendant(s) Attorney Other

☐ Special Instructions:

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

FILED

3/ 11:06 am
AUG 16 2010

William A. Shaw
Prothonotary/Clerk of Courts

remailed to
59 Cochise Trail
McElhattan PA

17748

Monica Wasilko
59 Cochise Trail
Lock Haven, PA 17745

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

JAMES A. COVAL, SR. AND }
MADELINE M. COVAL } NO. 2008-2472-CD
VS }
ASHCROFT CEMETERY }
ASSOCIATION AND MAXTON }
COAL COMPANY, INC. AND }
PAUL BLASKO AND MONICA }
WASILKO }

O R D E R

NOW, this 5th day of August, 2010, this being the date set for Hearing on the Plaintiff's Petition to Enforce Settlement; the Court noting that counsel for the various parties have stated a proposed settlement on the record this date and all that remains would be the hoped-for approval of the Ashcroft Cemetery Association board of directors, it is the ORDER of this Court that this matter be and is hereby CONTINUED. It is the expectation of the Court that counsel for the parties will in the near future be submitting and appropriate consent

order settling the issues.

BY THE COURT,

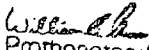
/S/ Fredric J Ammerman

President Judge

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

AUG 09 2010

Attest.


Prothonotary/
Clerk of Courts

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiffs

vs.

ASHCROFT CEMETERY ASSOCIATION
and MAXTON COAL COMPANY, INC. and
PAUL BLASKO and MONICA WASILKO,
Defendants

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No. 2008-2472-CD


ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of Ashcroft Cemetery Association.

All papers may be served on the undersigned at the office of Goodall & Yurchak,
P.C., 328 South Atherton Street, State College, Pennsylvania.

GOODALL & YURCHAK, P.C.


Elizabeth A. Clark, Esq.
Pa. I.D. 90585
328 South Atherton Street
State College, PA 16801
(814) 237-4100
(814) 237-1497 - fax

Date: 10/19/10

FILED
OCT 20 2010
William A. Shaw
Clerk of Courts
Copy to
CIA

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiffs

vs.

ASHCROFT CEMETERY ASSOCIATION
and MAXTON COAL COMPANY, INC. and
PAUL BLASKO and MONICA WASILKO,
Defendants

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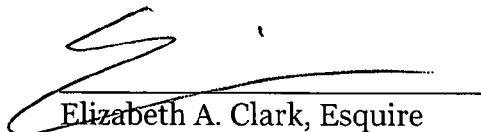
No. 2008-2472-CD

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 2010, a true and correct copy of my Entry of Appearance was served by United States first class mail to the following:

James H. Bryant, Esquire
107 East Main Street
Millheim, PA 16854

Alan Kirk, Esquire
Babst Calland Clements and Zomnir
330 Innovation Boulevard, Suite 200
State College, PA 16801


Elizabeth A. Clark, Esquire

FILED

OCT 20 2010

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

JAMES A. COVAL, SR., and
MADELINE M. COVAL,
328 Seymour Street
Hawk Run, PA 16866

Plaintiffs,

v.

ASHCROFT CEMETERY ASSOCIATION, et al.
c/o Willard Bratton
1440 Troy Hawk Run Highway
Philipsburg, PA 17866

Defendants.

Case No. 2008-02472-CD

^S FILED 10:34 am
JAN 11 2011
Coval
60

William A. Shaw

TYPE OF MATTER: Prothonotary/Clerk of Courts
Civil

TYPE OF PLEADING:
Petition to Submit Remaining Claims to
Arbitration

FILED ON BEHALF OF:
James A. Coval, Sr. and
Madeline M. Coval

COUNSEL FOR PARTIES:
Goodall & Yurchak, P.C.
Elizabeth A. Clark, Esquire
Pa. I.D. 90585
328 South Atherton Street
State College, PA 16801
(814) 237-4100
(814) 237-1497 - fax

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

JAMES A. COVAL, SR., and
MADELINE M. COVAL,

Plaintiffs,

v.

ASHCROFT CEMETERY ASSOCIATION, et al. :
Defendants. :

Case No. 2008-02472-CD

PETITION TO SUBMIT REMAINING CLAIMS TO ARBITRATION
BY DEFENDANT ASHCROFT CEMETERY ASSOCIATION

AND NOW, Defendant Ashcroft Cemetery Association, by and through its attorneys, Goodall & Yurchak, P.C., brings this Petition to Submit Remaining Claims to Arbitration and in support thereof aver as follows:

1. On or about December 31, 2008, Plaintiffs filed the above-captioned action.
2. On or about January 13, 2010, Plaintiffs filed a Motion to Enforce a Settlement Agreement.
3. On August 5, 2010, the Court held a hearing on Plaintiffs' Motion to Enforce Settlement.
4. Based on a review of the transcript of the proceedings, Plaintiffs and Defendant Maxton Coal Company arrived at settlement whereby Maxton Coal Company was to deed a twenty (20) acre tract of land to Plaintiffs for \$15,000. (N.T. 18, Lines 11-16).
5. As of the date of the filing of this Petition, Defendant Ashcroft Cemetery Association is unaware of the status of this transaction but has no reason to believe that this agreement between the parties has not been reached and the claims against Defendant Maxton Coal Company settled.

6. At the August hearing, a tentative agreement between Plaintiffs and Defendant Ashcroft Cemetery Association was proposed pending approval by the governing board of Defendant Ashcroft Cemetery. (N.T. 17, Lines 23-25).

7. The Board of Defendant Ashcroft Cemetery Association declined to accept the proposal as stated before the Court on August 5, 2010.

8. Since the August hearing, communications have occurred between counsel for Plaintiffs and Defendant Ashcroft Cemetery Association.

9. The last communication contained a counteroffer by Defendant Ashcroft Cemetery by way of letter to Plaintiff's counsel dated December 2, 2010.

10. As of the date of the filing of this Petition, Defendant Ashcroft Cemetery has received no reply from Plaintiffs.

11. In the interest of judicial expediency, Defendant Ashcroft Cemetery wishes to resolve this matter.

12. Defendant Ashcroft Cemetery Association asserts that the remaining claims against Defendant Paul Blasko and moving Defendant Ashcroft Cemetery Association fall below the Compulsory Arbitration threshold of \$20,000.00 as set forth in Clearfield County Local Rule of Civil Procedure 1301(a).

13. As such, this Court "on its own motion or on motion of either party may, by deposition, pre-trial conference, hearing or otherwise, determine that the amount in controversy does not exceed Twenty Thousand (\$20,000.00) Dollars (exclusive of interest and costs) and enter an order of reference to a Board of Arbitration in conformity with Pa.R.C.P. 1021(d)". Clearfield County Local Rule of Civil Procedure 1301(c).


14. As Plaintiffs and Defendant Ashcroft Cemetery Association have been unable to reach an agreement, Defendant Ashcroft Cemetery Association requests that this matter

be placed on the Compulsory Arbitration list and scheduled for an arbitration.

WHEREFORE, in light of the foregoing, Defendant Ashcroft Cemetery Association respectfully requests this Court enter an Order for Rule to Show Cause why this Petition to Submit Remaining Claims to Arbitration should not be granted.

Respectfully submitted,

GOODALL & YURCHAK, P.C.



Elizabeth A. Clark, Esquire
Pa. I.D. 90585
328 South Atherton Street
State College, PA 16801
(814) 237-4100
(814) 237-1497 - fax

Date: 01/10/11

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

JAMES A. COVAL, SR., and
MADELINE M. COVAL,

Plaintiffs,

v.

ASHCROFT CEMETERY ASSOCIATION, et al.
Defendants.

Case No. 2008-02472-CD

CERTIFICATE OF SERVICE

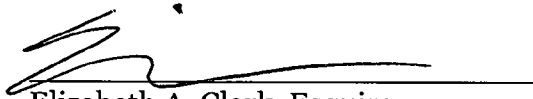
I hereby certify that on this 10th day of January, 2011, a true and correct copy of the
above pleading has been sent by United States first class mail, postage prepaid to the
following attorneys:

James Bryant, Esquire
Bryant & Cantorna, P.C.
P.O. Box 551
Millheim, PA 16854

Alan Kirk, Esquire
Babst, Calland, Clements & Zomnir PC
300 Innovation Building
State College, PA 16801

Paul Blasko, Jr.
330 East 39th Street
Apt. 33R
Manhattan, NY 10016

Monica Wasilko
59 Cochise Trail
McElhattan, PA 17748


Elizabeth A. Clark, Esquire

CA

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

JAMES A. COVAL, SR., and
MADELINE M. COVAL,

Plaintiffs,

Case No. 2008-02472-CD

v.

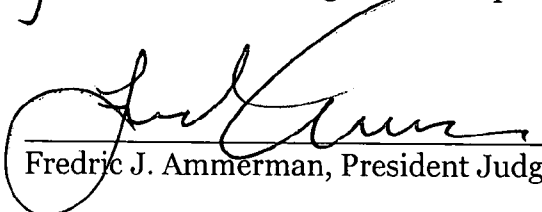
ASHCROFT CEMETERY ASSOCIATION, et al. :
Defendants.

FILED

§ JAN 12 2011
07:45
William A. Shaw
Prothonotary/Clerk of Courts
1 CERT TO ATL
(60)

ORDER

AND NOW, on this 12 day of January, 2011, upon
consideration of the attached Petition, a Rule is hereby issued upon Plaintiffs James A.
Coval, Sr., and Madeline M. Coval to Show Cause why the Petition should not be granted.
Rule Returnable the 1st day of February, 2011 for filing written response.


Fredric J. Ammerman, President Judge

FILED
JAN 12 2011
William A. Shaw
Prothonotary/Clerk of Courts

DATE: _____
☒ 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:

FILED NO
JAN 25 2011 CC
William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES A. COVAL, SR., and
MADELINE M. COVAL,
328 Seymour Street
Hawk Run, PA 16866

Plaintiffs,

Case No. 2008-02472-CD

v.

ASHCROFT CEMETERY ASSOCIATION, et al.
c/o Willard Bratton
1440 Troy Hawk Run Highway
Philipsburg, PA 17866

Defendants.

TYPE OF MATTER:
Civil

TYPE OF PLEADING:
Affidavit of Service

FILED ON BEHALF OF:
James A. Coval, Sr. and
Madeline M. Coval

COUNSEL FOR PARTIES:
Goodall & Yurchak, P.C.
Elizabeth A. Clark, Esquire
Pa. I.D. 90585
328 South Atherton Street
State College, PA 16801
(814) 237-4100
(814) 237-1497 - fax

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

JAMES A. COVAL, SR., and
MADELINE M. COVAL,
328 Seymour Street
Hawk Run, PA 16866

Plaintiffs,

v.

ASHCROFT CEMETERY ASSOCIATION, et al. :
c/o Willard Bratton :
1440 Troy Hawk Run Highway :
Philipsburg, PA 17866 :

Defendants. :

Case No. 2008-02472-CD

AFFIDAVIT OF SERVICE

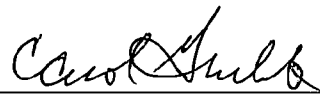
I hereby certify that on the 13th day of January, 2011, a true and correct copy of the January 12, 2011 Court's Rule to Show Cause had been sent by United States first class mail, postage prepaid to the following attorneys:

James Bryant, Esquire
Bryant & Cantorna, P.C.
P.O. Box 551
Millheim, PA 16854

Paul Blasko, Jr.
330 East 39th Street
Apt. 33R
Manhattan, NY 10016

Alan Kirk, Esquire
Babst, Calland, Clements & Zomnir PC
300 Innovation Building
State College, PA 16801

Monica Wasilko
59 Cochise Trail
McElhattan, PA 17748



Carol Grubb, Secretary to
Elizabeth A. Clark, Esquire

FILED

JAN 25 2011

**William A. Shaw
Prothonotary/Clerk of Courts**

CA

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

: Docket No.: 2008-2472-CD
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: Type of Case:
: ACTION TO QUIET TITLE
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: Medical/ Professional
: Liability Action (check
: if applicable)
:

TYPE OF PLEADING

**Praeipce for Hearing On Petition to
Submit Remaining Claims to
Arbitration Filed by Ashcroft
Cemetery Association**

Filed on behalf of

Plaintiffs

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084
BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854
(814) 349-5666
(814) 349-2212 (FAX)
jnbryant1@verizon.net

Legal Documents January 2011
cd:Coval James A & Madeline M
Praeipce for Hearing on Petition to
Subm,it Remains Claims to Arbitration
Filed by Ashcroft Cemetery Association

FILED
MTI:3/201
FEB 03 2011
William A. Shaw
Promonotary/Clerk of Courts
1ccAtt'y Bryant

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

: Docket No.: **2008-2472-CD**
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: **ACTION TO QUIET TITLE**
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PRAECIPE FOR HEARING

TO THE PROTHONOTARY OF SAID COURT:

Kindly list the above-captioned matter for hearing in connection with the Petition to Submit

Remaining Claims to Arbitration filed by Ashcroft Cemetery Association.

Respectfully submitted,

BRYANT & CANTORNA, P.C.

By: 

James N. Bryant, Esq.
PA ID No. 14084
Attorney for Plaintiff
107 East Main Street
P. O. Box 551
Millheim, PA 16854
814-349-5666
814-349-2212 (fax)
Jnbryant1@verizon.net

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

: Docket No.: **2008-2472-CD**
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CERTIFICATE OF SERVICE

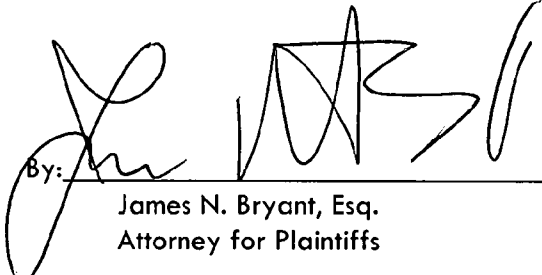
I hereby certify that a true and correct copy of the within **PRAECIPE FOR HEARING** was served by depositing the same with the United States Postal Service, postage prepaid, addressed to the following:

Elizabeth A. Clark, Esq.
Goodall & Yurchak, P.C.
328 South Atherton Street
State College, PA 16801

Paul Blasko, Jr.
330 East 39th Street
Apt. 33R
Manhattan, NY 10016

Alan Kirk, Esq.
Babst, Calland, Clements &
Zomnir, P.C.
300 Innovation Blvd
Suite 302
State College, PA 16803

Monica Wasilko
59 Cochise trail
McElhattan, PA 17748

By: 
James N. Bryant, Esq.
Attorney for Plaintiffs

DATED: February 2, 2011

FILED

FEB 03 2011

**William A. Shaw
Prothonotary/Clerk of Courts**

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

Docket No.: **2008-2472-CD**

Type of Case:
ACTION TO QUIET TITLE

☐ Medical/ Professional
Liability Action (check
if applicable)

TYPE OF PLEADING

**Plaintiffs' Answer to Petition of
Ashcroft Cemetery Association to
Submit Remaining Claims to
Arbitration**

Filed on behalf of

Plaintiffs

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084
BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854
(814) 349-5666
(814) 349-2212 (FAX)
jnbryant1@verizon.net

FILED 1cc
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FEB 03 2011
William A. Shaw
Prothonotary/Clerk of Courts
Atty Bryant

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
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and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

: Docket No.: 2008-2472-CD
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: Type of Case:
: ACTION TO QUIET TITLE
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**PLAINTIFFS' ANSWER TO DEFENDANT ASHCROFT CEMETERY
ASSOCIATION'S PETITION TO SUBMIT REMAINING CLAIMS
TO ARBITRATION**

AND NOW, comes the Plaintiffs, James A. Coval, Sr. and Madeline M. Coval, by and through their attorney, James N. Bryant, Esq., of Bryant & Cantorna, P.C., and file this Answer to Petition, and avers as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. The Plaintiffs have reached a settlement with Maxton Coal Company, Inc., however the deed is unable to be recorded until such time as subdivision is completed. The parties are attempting to resolve this difficulty.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted. There has been no reply because the Plaintiffs do not wish to accept the counter-offer.

11. Both parties wish to resolve the matter.

12. It is admitted that the value of the land, if converted, would be below the compulsory arbitration threshold. However, by way of further answer and defense it is averred this is an adverse possession case, which is not subject to arbitration, rather must be heard non-jury,

13. While it is conceded that the amount in controversy is less than \$20,000.00, the amount in controversy is actually land which must be heard non-jury.

14. The Plaintiffs understand Ashcroft Cemetery's desire to resolve the matter. Were the Ashcroft Cemetery Association composed of reasonable people, it would have been resolved. As it stands, the matter is not subject to arbitration since it is action in ejectment.

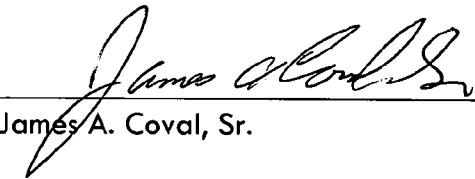
Respectfully submitted,

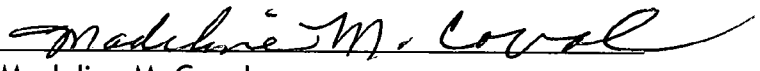
BRYANT & CANTORNA, P.C.

By: 

James N. Bryant, Esq.
PA ID No. 14084
Attorney for Plaintiffs
107 East Main Street
P. O. Box 551
Millheim, PA 16854
814-349-5666
814-349-2212 (fax)
Jnbryant1@verizon.net

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


James A. Coval, Sr.


Madeline M. Coval

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

: Docket No.: 2008-2472-CD
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: Type of Case:
: ACTION TO QUIET TITLE
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **PLAINTIFFS' ANSWER TO DEFENDANT ASHCROFT CEMETERY ASSOCIATION'S PETITION TO SUBMIT REMAINING CLAIMS TO ARBITRATION** was served by depositing the same with the United States Postal Service, postage prepaid, addressed to the following:

Elizabeth A. Clark, Esq.
Goodall & Yurchak, P.C.
328 South Atherton Street
State College, PA 16801

Paul Blasko, Jr.
330 East 39th Street
Apt. 33R
Manhattan, NY 10016

Alan Kirk, Esq.
Babst, Calland, Clements &
Zomnir, P.C.
300 Innovation Blvd
Suite 302
State College, PA 16803

Monica Wasilko
59 Cochise trail
McElhattan, PA 17748

By: 

James N. Bryant, Esq.
Attorney for Plaintiffs

DATED: February 2, 2011

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

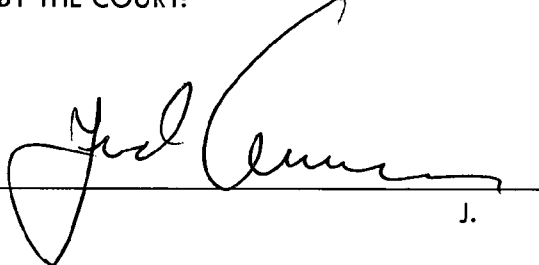
Docket No.: 2008-2472-CD

Type of Case:
ACTION TO QUIET TITLE

ORDER

AND NOW, this 8 day of February, 2011, a hearing is scheduled on the
Petition to Submit Remaining Claims to Arbitration filed by Defendant, Ashcroft Cemetery Association,
for the 3rd day of March, 2011, at 3:00 o'clock, P.M. in
Courtroom No. 1 of the Clearfield County Courthouse.

BY THE COURT:


J.

(Petition to Submit Remaining Claims
to Arbitration)

4 **FILED** ICC
of 4:00 PM
FEB 09 2011
William A. Shaw
Prothonotary/Clerk of Courts
Bryant

FILED

FEB 09 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/9/11
X

☐ 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:

FILED
M 10:476.4. GK
FEB 18 2011 No CC

William A. Shaw
Prothonotary/Clerk of Courts (60)

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

: Docket No.: 2008-2472-CD
:
:
: Type of Case:
: ACTION TO QUIET TITLE
:
:
:
: _____ Medical/ Professional
: Liability Action (check
: if applicable)
:

TYPE OF PLEADING

Certificate of Service

Filed on behalf of

Plaintiffs

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084
BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854
(814) 349-5666
(814) 349-2212 (FAX)
jnbryant1@verizon.net

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

JAMES A. COVAL, SR. and
MADELINE M. COVAL,
Plaintiff

vs.

ASHCROFT CEMETERY ASSOCIATION,
and
MAXTON COAL COMPANY, INC.,
a corporation
and
PAUL BLASKO and MONICA WASILKO,
individuals,
Defendant

: Docket No.: 2008-2472-CD
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: Type of Case:
: ACTION TO QUIET TITLE
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CERTIFICATE OF SERVICE

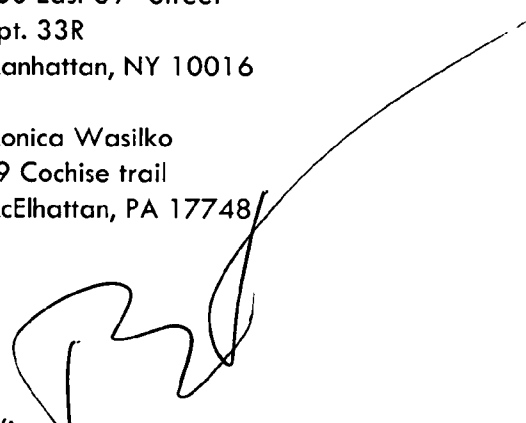
I hereby certify that on the 15th day of February, a true and correct copy of the scheduling Order of the Honorable Fredric J. Ammerman, dated February 8, 2011 regarding the Petition to Submit Remaining Claims to Arbitration was served by depositing the same with the United States Postal Service, postage prepaid, addressed to the following:

Elizabeth A. Clark, Esq.
Goodall & Yurchak, P.C.
328 South Atherton Street
State College, PA 16801

Paul Blasko, Jr.
330 East 39th Street
Apt. 33R
Manhattan, NY 10016

Alan Kirk, Esq.
Babst, Calland, Clements &
Zomnir, P.C.
300 Innovation Blvd
Suite 302
State College, PA 16803

Monica Wasilko
59 Cochise trail
McElhattan, PA 17748

By: 
James N. Bryant, Esq.
Attorney for Plaintiffs

DATED: February 15, 2011

CA

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

JAMES A. COVAL, SR. and MADELINE M. COVAL
Plaintiffs

vs

ASHCROFT CEMETERY ASSOCIATION and
MAXTON COAL COMPANY, INC., a corporation, and
PAUL BLASKI and MONICA WASILKO, individuals,
Defendants

*
*
*
*
*
*
*

NO. 08-2472-CD

ORDER

NOW, this 3rd day of March, 2011, following hearing on Defendant Ashcroft Cemetery Association's Petition to Submit Remaining Claims to Arbitration; it is the ORDER of this Court said Petition be and is hereby DENIED. It is further ORDERED that a non-jury trial in the above case be and is hereby scheduled for the **8th day of June, 2011 commencing at 1:30 p.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

Two hours has been reserved for this matter.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED 1cc

014:0037
MAR 04 2011

William A. Shaw
Prothonotary/Clerk of Courts

Attys:
Bryant
Kirk
E. Clark

1cc P. Blasko
330 E 39th St, Apt. 33R
Manhattan, NY 10016-2136
1cc M. Wasilko
59 Cochise Tr.
Wayne Township
McEhattan, PA 17748

FILED

MAR 04 2011

DATE: 3/4/11 William A. Shaw
Prothonotary/Clerk of Courts

____ 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:

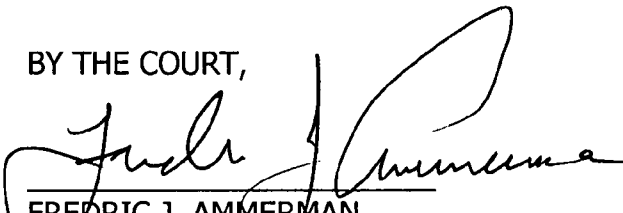
**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION**

JAMES A. COVAL, SR. and	*	NO. 08-2472-CD
MADELINE M. COVAL,	*	
Plaintiffs	*	
vs.	*	
ASHCROFT CEMETERY ASSOCIATION	*	
and	*	
MAXTON COAL COMPANY, INC.	*	
and	*	
PAUL BLASKO and MONICA WASILKO,	*	
Individuals	*	

ORDER

AND NOW, to-wit this 15th day of April, 2011, Maxton Coal Company, Inc. and the Plaintiffs, James A. Coval, Sr. and Madeline M. Coval, having appeared in open Court, and the Defendant, Maxton Coal Company, Inc. for and in consideration of the withdrawal of the law suit, and other good and valuable consideration, does hereby agree that the said James A. Coval, Sr. and Madeline M. Coval, have in fact possessed the property more fully described in the deed they have executed, which attached hereto, incorporated by reference and marked Exhibit "A", now therefore, it is hereby ORDERED, ADJUDGED and DECREED that the property more fully described in Exhibit "A" in Morris Township, Clearfield County, is hereby vested absolutely in the Plaintiffs. Counsel for the Plaintiffs shall cause the original deed to be recorded with the Office of the Recorder of Deeds.

⁹
FILED 1cc
0124301
APR 15 2011
Atty Bryant
William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

Prepared by::
Babst, Calland, Clements, and Zomnir, P.C.
330 Innovation Blvd. Suite 302
State College, PA 16803
mms

(This Space Above Reserved For Recording)

DEED

MADE THIS 25th day of October in the year Two Thousand Ten (2010) by and between:

MAXTON COAL COMPANY, INC., party of the first part,

GRANTOR

-AND-

JAMES A. COVAL, SR. and MADELINE M. CO VAL, husband and wife, of 328 Seymour Street, Hawk Run, Pennsylvania, parties of the second part,

GRANTEES

WITNESSETH, That in consideration of **FIFTEEN THOUSAND AND 00/100 (\$15,000.00) DOLLARS** in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees,



ALL that certain tract of land situate in the Township of Morris, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at the Northwest corner of the existing Cemetery access road, the following courses and distances: 1.) Thence south $28^{\circ} 0' 00''$ East, a distance of 479.100 feet; 2.) Thence South $61^{\circ} 50' 35.0''$ West, a distance of 600.570 feet; 3.) Thence South $63^{\circ} 1' 10''$ West, a distance of 334.630 feet; 4.) Thence North $33^{\circ} 35' 20.0''$ West, a distance of 473.190 feet; 5.) Thence South $61^{\circ} 58' 5.0''$ West, a distance of 321.000 feet; 6.) Thence North $33^{\circ} 48' 55.0''$ West, a distance of 497.310 feet; 7.) Thence North $61^{\circ} 58' 5.0''$ West, a distance of 400.000 feet; 8.) Thence North $89^{\circ} 15' 53.0''$ West, a distance of 1,071.680 feet to the place of beginning.

BEING a portion of the same premises granted and conveyed to the Grantor by Deed of Maxton Coal Company, Inc. dated July 21, 2003 and recorded at Clearfield County Instrument Number 200312994 (124-Q11-124).

CONTAINING 20.1626 acres, more or less.

EXCEPTING AND RESERVING unto the Grantor any and all right, title and interest to coal, oil, gas and other minerals.

UNDER AND SUBJECT nevertheless to all easements, restrictions, conditions and covenants of record.

AND the Grantor will **SPECIALLY WARRANT and FOREVER DEFEND** the property hereby conveyed.

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

ATTEST:

MAXTON COAL COMPANY, INC.

P. Robert Mondock, pres. (SEAL)
P. Robert Mondock, President

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF Centre) SS:

On this, the 15th day of October, 2010, before me a Notary Public, the undersigned officer, personally appeared **P. ROBERT MONDOCK**, who acknowledged himself to be the **PRESIDENT** of **MAXTON COAL COMPANY.**, and that as such, he being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such officer.

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

My commission expires:

Michele M. Steudler
Notary Public

CERTIFICATE OF RESIDENCE

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

328 Seymour Street
P. O. Box 228
Hawk Run, PA 16840

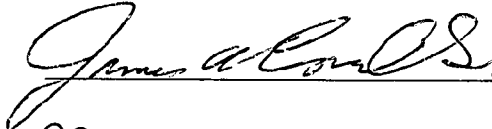
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Michele M. Steudler, Notary Public
College Twp., Centre County
My Commission Expires April 9, 2014
Member, Pennsylvania Association of Notaries

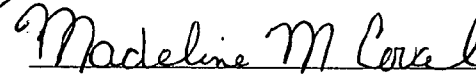
Alan W. Boyd
Attorney or Agent for Grantee

NOTICE

In accordance with the provisions of the "Bituminous Mine Subsidence and Land Conservation Act of 1986", I/we the undersigned Grantee(s), hereby certify that I/we know and understand the I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contracting with that in the Deed proper and is printed in twelve point type preceded by the word "Notice" printed in twenty-four point type.

WITNESS:





THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF THE SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY AND ALEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

FILED

APR 15 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/15/11

X You are responsible for serving all appropriate parties.

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

_____ Plaintiff(s) _____ Attorney _____ Other

_____ Defendant(s) Attorney

_____ By Special Instructions:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JAMES A. COVAL, SR. and
MADELINE M. COVAL

-VS-

ASHCROFT CEMETERY ASSOCIATION:
and MAXTON COAL COMPANY, INC.:
and PAUL BLASKO and MONICA
WASILKO

No. 08-2472-CD

O R D E R

AND NOW, this 8th day of June, 2011, upon
agreement of the parties in order that the litigation be
settled, it is the ORDER of this Court as follows:

1. The Plaintiffs hereby withdraw any cause of
action against Defendants Paul Blasko and Monica Wasilko;
2. Plaintiffs hereby withdraw any cause of action
against the property of the Ashcroft Cemetery Association
located south of the Fulton Street line;
3. The Defendants grant to the Plaintiffs a
nonexclusive right of way, thirty (30) feet in width,
commencing at the southeast corner of lands of Mostyn, thence
along line of Mostyn north 170 degrees west 209 feet to lands
of Plaintiff;
4. Plaintiffs, at their expense, shall cause an
appropriate fence to be placed on the eastern line of the

FILED

JUN 09 2011

William A. Shaw
Prothonotary/Clerk of Courts

ICCAlys: Bryant
Kirk
Clark

100 P. Blasko
330 E 39th St.
Apt. 33R
Manhattan, NY
10016-2136

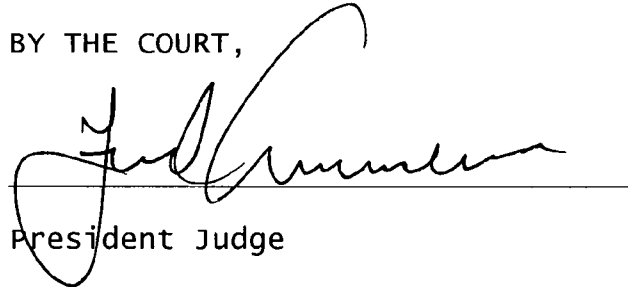
ICC m. Wasilko
59 Cochise Tr.
Wayne Twp.
McEhattan,
PA 17748

right of way, running in a north-south direction, to the northern boundary of Fulton Street. Plaintiffs shall also cause an appropriate fence to be erected, at their expense, along the northern boundary of Fulton Street, continuing to the eastern boundary line of Plaintiffs' property;

5. Plaintiffs agree not to interfere, other than fencing, with the Defendants' access to their property from Fulton Street;

6. All fencing to be erected by no later than August 31, 2011. In addition, Plaintiffs shall cause all cattle and equipment to be removed from the Defendants' property by no later than August 31, 2011.

BY THE COURT,

A handwritten signature in black ink, appearing to be "J. L. ...", is written over a horizontal line.

President Judge

FILED

JUN 09 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/9/11

 You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided services to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

805 No. Locust St.

X Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

JAMES A COVAL, SR., et al
Plaintiffs

vs.

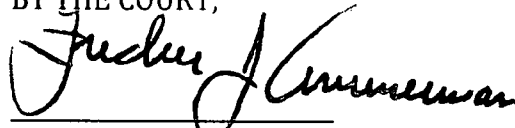
ASHCROFT CEMETERY ASSOCIATION, et al
Defendants

* NO. 2008-2472-CD
*
*
*
*
*

ORDER

NOW, this 25th day of September, 2013, the Court notes that a non-jury trial in this matter was held on June 8, 2011 and a settlement Order issued by the Court on the same date; therefore, the Court considers this case to be concluded. The Prothonotary shall code the case in Full Court as Z-SETTLO.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

4 **FILED** NoCC
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Z OCT 01 2013 66

William A. Shaw
Prothonotary/Clerk of Courts

2008-2472-CD

Nov. 1, 2013

Judge Ammerman

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014.00m ICC Atty
NOV 14 2013 Bryant
William A. Shaw
Prothonotary/Clerk of Courts

I am writing this letter to you on behalf of the Ashcroft Cemetary Association. I am Sec. Treas. and Willard Bratton is President. We were present at Court Hearing. This in reference to Court Case #08-2472-CD- James A Coval Sr. & Madeline M. Coval -Plaintiffs. Order was entered by you on June 8th. 2011.

Plaintiff has erected fence as noted in order. The order states that we shall grant a NONEXCLUSIVE right of way (30 ft). This is shown # 3 in your order. This has been done but Plaintiff has placed gate at this entrance with chain and Lock with no one able to use this if needed. Enclosed are photos Marked Exhibit A & B. We feel that if a gate is there we should have access to this area if needed or key for the lock.

The next issue is that in your order (#5) which states that Plaintiffs are not to Interfere with us to have access to our property from Fulton St.. Plaintiffs now have placed logs across Fulton St. and is now going to place gate , chain & lock on same . They also have signs of Private Property and also name on No Trespassing across this Fulton St.. This is shown on Exhibit 1-3 & 5 where he is now going to place permanent gate across this street shown on Exhibit 2 & 4. Shown on these 2 Exhibits is Fulton St. which goes between the now existing Ashcroft Cemetary and 2 other Cemeteries in this area and also allows us in getting into our new piece of ground just cleared and that was being claimed by Plaintiffs. Also attached is photo Exhibit #6 which shows this Fulton St. which goes between all cemeteries including Ashcroft and new part of same cleared and planted in grass.

I had Morris-Cooper Police go to site and talk with Plaintiff (James Coval Sr.) about erecting this gate, etc.. Officer Lombardo talked

with same and he advised me that Plaintiff told him that he is locking gate and not giving key to anyone as this is his property. He said that he will see us in court. I also talked with Sheriff Hawkins on this matter and he advised me that he could not do anything unless he gets order from Judge. On Exhibit 2 & 4 attached, shows on left is our (Ashcroft Cemetary) property that was cleared. On Right side shows property and fence line of Plaintiffs. Exhibit #6^A attached shows gate erected on Plaintiffs property to enter his property. As you can see it is placed on side of Fulton St.. This is circled on this picture. This Fulton St. as shown is supposed to be kept open as no one owns same. If this is blocked off, then we will have to go through other part of our cemetary across graves, etc. to get into this part.

I have talked with our attorney (Kathleen Yurchak) on this matter and she advised us to write letter to you about this. She said that it is up to the judge to resolve this issue.

In closing, we have spent approx. 6-7 Thousand dollars on attorney fees, etc. on this case, which has depleted our funds to almost nothing of the Ashcroft Cemetary Association. We have very little Income. We do have a small Trust fund for perpetual care but can't be used for this. Plaintiff just keeps on doing things so that we have to spend more money. We feel that we should not have to appear in court for any other hearings on this order. Plaintiffs had there day in court and should abide by order given by you and signed. We hope that you will take all this information in to consideration on this order and have this settled. This letter being written by us instead by our attorney because of us not having the monies that we may have to pay. Thank You for your attention on this matter. Please advise of your comments or suggestions on this. Also attached is copy of your order dated 6-8-2011.

Willard Bratton President

Leonard J. Coval Sec. Treas.

Ashcroft Cemetary Association

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JAMES A. COVAL, SR. and
MADELINE M. COVAL

-VS-

No. 08-2472-CD

ASHCROFT CEMETERY ASSOCIATION:
and MAXTON COAL COMPANY, INC.:
and PAUL BLASKO and MONICA
WASILKO

O R D E R

AND NOW, this 8th day of June, 2011, upon
agreement of the parties in order that the litigation be
settled, it is the ORDER of this Court as follows:

1. The Plaintiffs hereby withdraw any cause of
action against Defendants Paul Blasko and Monica Wasilko;
2. Plaintiffs hereby withdraw any cause of action
against the property of the Ashcroft Cemetery Association
located south of the Fulton Street line;
3. The Defendants grant to the Plaintiffs a
nonexclusive right of way, thirty (30) feet in width,
commencing at the southeast corner of lands of Mostyn, thence
along line of Mostyn north 170 degrees west 209 feet to lands
of Plaintiff;
4. Plaintiffs, at their expense, shall cause an
appropriate fence to be placed on the eastern line of the

right of way, running in a north-south direction, to the northern boundary of Fulton Street. Plaintiffs shall also cause an appropriate fence to be erected, at their expense, along the northern boundary of Fulton Street, continuing to the eastern boundary line of Plaintiffs' property;

5. Plaintiffs agree not to interfere, other than fencing, with the Defendants' access to their property from Fulton Street;

6. All fencing to be erected by no later than August 31, 2011. In addition, Plaintiffs shall cause all cattle and equipment to be removed from the Defendants' property by no later than August 31, 2011.

BY THE COURT,

/S/ Fredric J Ammerman

President Judge

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

JUN 09 2011

Attest.

Lois L. Prothman
Prothonotary
Clerk of Courts

CA

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

JAMES A. COVAL, SR. and MADELINE M. COVAL, *
Plaintiffs *
vs. *
ASHCROFT CEMETERY ASSOCIATION, *
and *
MAXTON COAL COMPANY, INC., *
and *
PAUL BLASKO and MONICA WASILKO, *
individuals, *
Defendants *

NO. 2008-2472-CD

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NOV 14 2013
William A. Shaw
Prothonotary/Clerk of Courts
iec Diff
Atty.
Bryant
Kirk
iec Ashcroft
Cemetery

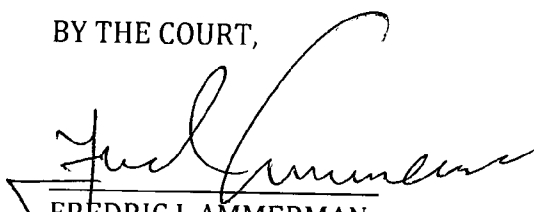
ORDER

NOW, this 12th day of November, 2013, the Court being in receipt of a letter dated November 1, 2013 from Willard Bratton, President and Leonard J. Coval, Secretary-Treasurer, of the Ashcroft Cemetery Association, which the Court construes to be a Petition for Contempt. It is the ORDER of this Court that the Prothonotary file said letter with the record in this case and serve a copy on the Plaintiffs.

It is the further ORDER of this Court that a hearing on said Contempt Petition be held before the Hon. Paul E. Cherry and is hereby scheduled for the 13th day of December, 2013 at 1:30 p.m. in Courtroom No. 2, Clearfield County Courthouse, Clearfield Pennsylvania.

One hour has been reserved for this proceeding.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

NOV 14 2013

William A. Shaw
Prothonotary/Clerk of Courts

121.

Q. Now, what would be the result of that?

1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 26

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

JAMES A. COVAL, SR., and
MADELINE M. COVAL
Plaintiff

V.

2008-2472-CD

ASHCROFT CEMETERY ASSOCIATION :
and :
MAXTON COAL COMPANY, INC. :
and :
PAUL BLASKO and MONICA WASILKO :
Defendants :

①6
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DEC 31 2013
1CC Allg S:
J Bryant
A Kirk

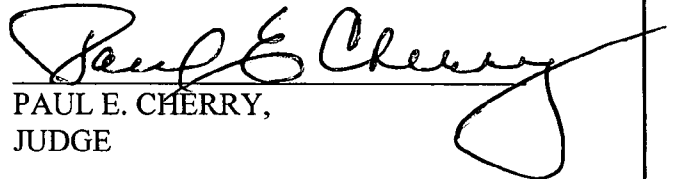
ORDER

William A. Shaw
Prothonotary/Clerk of Court

AND NOW, this 23rd day of December, 2013, following hearing on Petition for Contempt filed by Defendant, Ashcroft Cemetery Association, upon consideration of same, it is the ORDER of this Court that said Petition shall be and is hereby GRANTED.

It is the ORDER of this Court that Plaintiff shall remove any and all obstructions and/or gates which would interfere with the Defendants use of the property as set forth in the Court's Order of June 8, 2011. Plaintiff shall not interfere with the Defendants access to their property at any time.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

DEC 31 2013

William A. Shaver
Prothonotary/Clerk of Courts

DATE: 12-31-13

☐ 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:









EXHIBIT A

Keep in file
per FJA.
11/12/13





EXHIBIT 6A

←
Cemetery

→ PRINTEFF

FULTON ST.



Exhibit #3

NOTICE
NO TRESPASSING
Contact Private Property
J. J. Correll
553-5597





