

DOCKET NO. 173

NUMBER	TERM	YEAR
<u>501</u>	<u>February</u>	<u>1961</u>

Benjamin T. Phillips, Jr.

**VERSUS**

A. F. Petrusky and Lena Petrusky,

and Andrew F. Petrusky, their

heirs and assigns

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENJAMIN T. PHILLIPS, JR.

VS

No. 501 February Term, 1961

A.F. PETRUSKY, LENA PETRUSKY  
and ANDREW F. PETRUSKY, JR.  
their heirs and assigns

QUIET TITLE

C O M P L A I N T

(1). The name of the Plaintiff is Benjamin T. Phillips, Jr., an individual residing in the Borough of Brisbin, Clearfield County, Pennsylvania.

(2). The names of the Defendants are A.F. Petrusky, Lena Petrusky, and Andrew F. Petrusky, Jr., their heirs and assigns. Plaintiff believes, and therefore avers, that the said A.F. Petrusky is deceased and any interest which he might claim in the premises which are the subject of this action would have passed to his widow and son, Defendants Lena Petrusky and Andrew F. Petrusky, Jr., who reside at 1621 Fiat Street, Pittsburgh 10, Pennsylvania.

(3). Plaintiff purchased from Mary Christoff and William Christoff, her husband, February 5, 1944, the following described premises:

All that certain lot or piece of ground situate in the Borough of Brisbin, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at the corner of Swoope Street and Albion Avenue; thence east along said Swoope Street thirty-five (35) feet to land of T.I. Humes; thence along land of T.I. Humes south 37 degrees west to the right of way of Goss Run Branch of the Tyrone and Clearfield Branch of the Pennsylvania Railroad; thence along the line of said Railroad, sixteen and one-half (16 $\frac{1}{2}$ ) feet from the center to Albion Avenue; thence along Albion Avenue to post on Swoope Street and place of beginning, and being known as part of Lot No. 210 in the general plan of said Borough.

This sale is represented by a deed recorded in Clearfield County Deed Book 356, Page 494. A copy of said deed is attached hereto and incorporated herein.

(4). It is averred the Plaintiff purchased the foregoing property in good faith, giving valuable consideration therefor and expecting to receive marketable title thereto.

(5). Either the Plaintiff or his predecessors in title have been in open, notorious and continuous possession of the premises, adverse to the claim of the Defendants, for a period exceeding 35 years.

(6). Plaintiff has recently been informed that the said Lena Petrusky and Andrew F. Petrusky, Jr., assert title to a certain undivided interest in said premises.

(7). Plaintiff denies the said Lena Petrusky and Andrew F. Petrusky, Jr. have any interest in said premises, and avers that if they did have any interest, the same was extinguished by adverse possession.

WHEREFORE, Plaintiff brings this action and prays the Court to decree title to the property in Plaintiff, free and clear of any liens or demands of the Defendants, their heirs and assigns.

SMITH, SMITH & WORK

BY   
Atty's. for Plaintiff

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STATE OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD :

BENJAMIN T. PHILLIPS, JR., being duly sworn according to law, deposes and says he is the Plaintiff in the foregoing Complaint, and the facts set forth therein are true and correct to the best of his knowledge, information and belief.

*Benjamin T. Phillips Jr*  
(Benjamin T. Phillips, Jr.)

Sworn and subscribed to  
before me this 12 day  
of April, 1961.

*[Signature]*  
Notary Public Osceola Mills Borough Clearfield Co.  
My Commission Expires January 18-1963

# This Deed,

Made the THIRTEEN day of FEBRUARY in the year Nineteen  
Hundred and FORTY-FOUR,

Between MRS. MARY CHRISTOFF and WILLIAM CHRISTOFF, her husband, of  
Foodward Township, Clearfield County, Pennsylvania, Grantors, and  
BENJAMIN T. PHILLIPS, JR., of Houtzdale Borough, Clearfield County,  
Pennsylvania, Grantee.

Witnesseth, that in consideration of One (\$1.00) Dollar and other valuable  
consideration

in hand paid, the receipt whereof is hereby acknowledged, the said grantors do  
hereby grant and convey to the said grantee

All the right, title, and interest of Mrs. Mary Christoff in and all  
that certain lot or piece of ground situate in the Borough of Brisham,  
County of Clearfield, and State of Pennsylvania, bounded and described  
as follows:

BEGINNING at the corner of Swoope Street and Albion Avenue;  
thence ~~east~~ along said Swoope Street thirty-five (35) feet  
to land of T.I. Humes; thence along land of T. I. Humes  
South  $37^{\circ}$  West to the right of way of Goss Run Branch  
of the Tyrone and Clearfield Branch of the Pennsylvania  
Railroad; thence along the line of said Railroad, sixteen  
and one-half (16 1/2) feet from the center to Albion  
Avenue; thence along Albion Avenue to post on Swoope Street  
and place of beginning, and being known as part of Lot  
No. 210 in the general plan of said Borough.

Being the same premises conveyed by Benjamin Phillips, Sr.  
et al., to Benjamin T. Phillips, the grantee herein, and  
Mrs. Mary Christoff as joint tenants, by deed dated November  
30, 1936, recorded at Clearfield, Pennsylvania, in Deed Book  
314, page 121, it being the intention of the parties hereto  
to vest the title of said premises, in fee, in the said  
Benjamin T. Phillips, Jr. Grantee.

And the said grantors, do hereby covenant and agree to and with the said grantees  
that they, the grantors, their heirs, executors and administrators  
shall and will generally warrant and forever defend the herein  
above described premises, with the hereditaments and appurtenances, unto the said grantees  
his heirs and assigns against the said grantors, and against every other person  
lawfully claiming or who shall hereafter claim the same or any part thereof.

In Witness Whereof said grantors, do ye hereto set their hands and  
seals the day and year first above written.

Sealed and delivered in the presence of

K. L. Collello  
Walter J. Gernsback

(Mrs. Mary Christoff)

(William Christoff)

State of: PENNSYLVANIA

County of: CLEARFIELD

On this, the 6 day of MARCH, 1944, before me  
K. L. Collello, a Notary Public, the undersigned officer,  
personally appeared MRS. MARY CHRISTOFF and WILLIAM CHRISTOFF, her husband  
known to me (or satisfactorily proven) to be the person or persons whose names are  
subscribed to the within instrument, and acknowledged that  
they executed the same for the purposes therein contained.

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

ROTARY PUBLIC

My Commission Expires March 9, 1947

Title of Officer

I hereby certify that the precise residence of the grantees or grantees is  
Houtzdale Borough, Clearfield County, Penna.

## Warranty

WESLEYAN UNIVERSITY

BENJAMIN E. PHILLIPS, THE

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not  
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IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.

No.      Feb. Term, 1960  
     Quiet Title

BENJAMIN T. PHILLIPS, JR.

VS

A. F. PETRUSKY and LEONA  
PETRUSKY, AND ANDREW SF.  
PETRUSKY, THEIR HEIRS AND  
ASSIGNS

COMPLAINT

TO THE WITHIN DEFENDANTS:

You are hereby required to  
file defensive pleadings to  
the within Complaint within  
twenty days from service  
hereof.

SMITH, SMITH & WORK

BY W. T. HAGERTY  
Atty's. for Plaintiff

**FILED**

APR 14 1961

W. T. HAGERTY  
PROTHOMONOTARY  
SMITH, SMITH & WORK  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.

In the Court Of Common Pleas Of Clfd County, Pa.

Benjamin T Phillips Jr. No 501 Feb Term 1961

vs

A. F. Petrusky and  
Lena Petrusky and  
Andrew F Petrusky  
Their Heirs and Assigns

Complaint Quiet Title

\*\*\*\*\*  
(Sheriff's Return)

Now, April 14, 1961 Deputized th e Sheriff of Alleghany County to serve the within Complaint , Quiet Title. upon A. F. Petrusky and Lena Petrusky and Andrew F Petrusky, their heirs and assigns.

Now, April 18, 1961 served the within Complaint, Quiet Title upon A.F. Petrusky and Lena Petrusky and Andrew F Petrusky their heirs and assigns by deputizing the Sheriff of Alleghany County. The return of service of William H Davis, Sheriff Of Alleghany County is hereto attached and made part of this return of service.

Sheriff Ammerman \$6.00  
Sheriff Of Alleghany County \$12.60

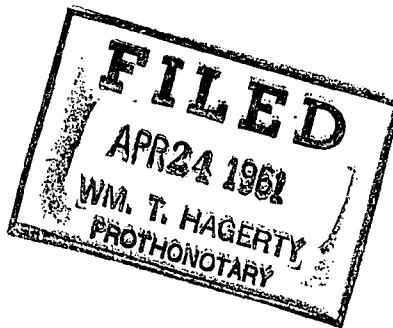
Pd. By atty

So Answers

*Charles G. Ammerman*  
Charles G. Ammerman  
Sheriff

Sworn to before me this 24th  
day of April 1961 A.D.

*Wm. T. Hagerty*  
Prothonotary



Know all men by these Presents, That I, Charles G. Ammerman,  
High Sheriff of Clearfield County, State of Pennsylvania, do hereby depuitize Sheriff of  
William H. Davis Alleghany County to execute this writ; this deputation being made at the  
request and risk of the Plaintiff.

Given under my hand and seal this 14th day of April

A. D. 1961.

*Charles G. Ammerman*  
Sheriff.

The Commonwealth of Pennsylvania  
ALLEGHENY COUNTY

} ss.:

Personally appeared before me, Melvin Mehl a Deputy for  
William H. Davis, Sheriff of Allegheny County, Pennsylvania, who being duly sworn according to law,  
at 11:35 A.M.  
deposed and says that on the 18th day of April 19 61 he served  
Lena Petrusky

at No. 1621 Fiat Street, Pittsburgh 10,  
correct  
Allegheny County, Pennsylvania, with a true and ~~attested~~ copy of the within ~~main~~ Complaint  
to Quiet Title No. 501 February Term 1961

by handing the same to and leaving with Lena Petrusky, personally

and making known to her  
the contents thereof.

The sum of \$12.60 Sheriff  
Davis costs paid.

Melvin Mehl  
Deputy Sheriff, Allegheny County, Pennsylvania.

Sworn and subscribed to before me this 22nd.

day of April, 1961.

Leonard H. McMillan  
LEONARD H. McMILLAN, Notary Public.  
Carnegie, Allegheny County, Pa.  
My Commission Expires April 29, 1963

So Answers -

William H. Davis  
Sheriff, Allegheny County, Pennsylvania



APR 21 1961



OFFICE OF THE

# Sheriff of Clearfield County

CLEARFIELD, PA., April 14, 1961

Benjamin T. Phillips Jr.

February Term, 1961

vs.

Lena Petrusky

No. 501

Andrew F. Petrusky

To the Sheriff of Alleghany County:

Dear Sir:

Enclosed please find writ Complaint Quiet Title

to be served upon Lena Petrusky and Andrew F. Petrusky at

1621 Fiat Street, Pittsburgh, Pa. in your County.

Kindly make service thereof and return with the amount of your costs.

Yours truly,

Charles G. Ammerman

Sheriff.

The Commonwealth of Pennsylvania  
ALLEGHENY COUNTY } ss.:

Personally appeared before me, Melvin Mehl a Deputy for  
William H. Davis, Sheriff of Allegheny County, Pennsylvania, who being duly sworn according to law.  
deposed and says that on the 18th day of April 1961 he served  
Andrew F. Petrusky, at his place of residence,

at No. 1621 Fiat Street, Pittsburgh 10,  
correct  
Allegheny County, Pennsylvania, with a true and ~~intended~~ copy of the within ~~with~~ Complaint  
to Quiet Title, No. 501 February Term 1961,

by handing the same to and leaving with Lena Petrusky, an adult member of his  
family with whom he resides,

and making known to her

the contents thereof.

The sum of \$12.60 Sheriff  
Davis costs paid.

Melvin Mehl

Deputy Sheriff, Allegheny County, Pennsylvania.

Sworn and subscribed to before me this 22nd.

day of April, 1961.

Leonard H. McMullen  
Notary Public.

So Answers

William H. Davis  
Sheriff, Allegheny County, Pennsylvania

LEONARD H. McMULLEN, Notary Public  
Carnegie, Allegheny County, Pa.  
Commission Expires April 29, 1963

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENJAMIN T. PHILLIPS, JR.

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VS

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No. 501 February Term, 1961

A.F. PETRUSKY, LENA PETRUSKY  
and ANDREW F. PETRUSKY, JR.,  
their heirs and assigns

In Quiet Title

PARECIPE FOR DEFAULT JUDGMENT

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Enter judgment in favor of the Plaintiff and against the Defendants for failure to file an appearance or answer within twenty days after personal service of the Complaint.

SMITH, SMITH & WORK

BY William V. Smith  
Attys. for Plaintiff

Dated: May 12, 1961

INTERVIEW WITH DR. JAMES C. CAMPBELL, DIRECTOR OF THE INSTITUTE OF CYBERNETICS, TALLINN, ESTONIA

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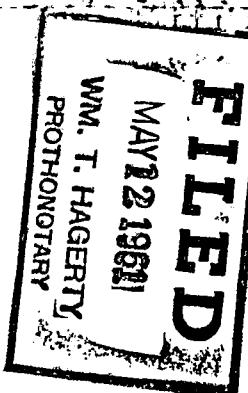
CHICAGO CITY 1

## THE EIGHTH MONTH

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and in the long run will aid to move all growing race  
militants to consistency in their own policies. It  
will also tend to convert latent revolutionaries into  
revolutionaries.

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(173)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENJAMIN T. PHILLIPS, JR.

VS

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No. 501 February Term, 1961

A.F. PETRUSKY, LENA PETRUSKY  
and ANDREW F. PETRUSKY, JR.,  
their heirs and assigns

Quiet Title

PRAECIPE FOR FINAL JUDGMENT

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

A Decree in the above action having been made on or about May 22, 1961, and more than thirty days having elapsed since entry thereof, you are directed to enter final judgment in favor of the Plaintiff in the above captioned matter pursuant to Pennsylvania Rules of Civil Procedure.

SMITH, SMITH & WORK

BY W. U. Smith  
Atty's. for Plaintiff

Dated: August 30, 1961

IN THE COUNTY COURT OF CHAMBERS COUNTY, TEXAS, ANNUALLY

THE MIDDGUL LAWYER'S OFFICE, INC.

YEATONIA, S. Y.M. 818. 17 MILES ST

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1921, 68 January 2005



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENJAMIN T. PHILLIPS, JR.

VS

No. 501 February Term, 1961

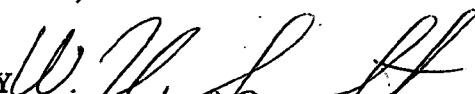
A. F. PETRUSKY, LENA PETRUSKY  
and ANDREW F. PETRUSKY, JR.,  
their heirs and assigns

Quiet Title

M O T I O N

AND NOW, the 22nd day of May, 1961, comes Smith, Smith & Work, Attorneys for the Plaintiff, and moves the Court to enter final judgment for the premises described in the above captioned matter in favor of the Plaintiff and against the Defendants, it appearing said Complaint having been personally served upon the Defendants April 18, 1961, and thirty days has elapsed since the service of said Complaint and no answer or appearance having been entered.

SMITH, SMITH & WORK

BY   
Attys. for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENJAMIN T. PHILLIPS, JR.

VS : No. 501 February Term, 1961

A. F. PETRUSKY, LENA PETRUSKY :  
and ANDREW F. PETRUSKY, JR., : Quiet Title  
their heirs and assigns :  
:

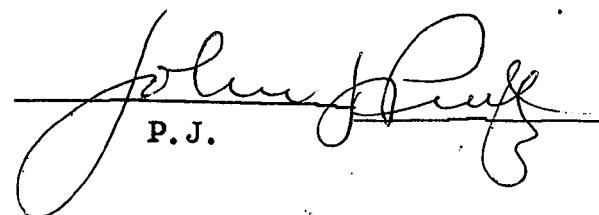
O R D E R

AND NOW, the 22<sup>nd</sup> day of May, 1961, on consideration of the attached Motion and it appearing to this Court that Complaint has been personally served on the Defendants April 18, 1961, and no answer or appearance has been filed thereto, IT IS HEREWITH ORDERED AND DECREED that title to the following described premises is herewith vested in Benjamin T. Phillips, Jr., free and clear of any claims of the Defendants whatsoever, and their heirs and assigns:

All that certain lot or piece of ground situate in the Borough of Brisbin, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at the corner of Swoope Street and Albion Avenue; thence east along said Swoope Street thirty-five (35) feet to land of T.I. Humes; thence along land of T.I. Humes South 37 degrees west to the right of way of Goss Run Branch of the Tyrone and Clearfield Branch of the Pennsylvania Railroad; thence along the line of said Railroad, sixteen and one-half (16 $\frac{1}{2}$ ) feet from the center to Albion Avenue; thence along Albion Avenue to post on Swoope Street and place of beginning, and being known as part of Lot No. 210 in the general plan of said Borough.

BY THE COURT

  
John J. Puff  
P.J.

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

No. 501 Feb. Term, 1961  
Quiet Title

BENJAMIN T. PHILLIPS,  
JR.

VS

A. F. PETRUSKY, LENA  
PETRUSKY and ANDREW  
F. PETRUSKY

MOTION and ORDER

*Def. vs. Petrusky*

SMITH, SMITH & WORK  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.