

DOCKET NO. 174

NUMBER	TERM	YEAR
893	May	1961

County Nat'l Bank at Clfd

Executor of Felix Bergey

VERSUS

Joseph Beauseigneur

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE COUNTY NATIONAL BANK :
AT CLEARFIELD, Executor :
of the Last Will and Test- :
ament of Felix Bergey, :
late of Girard Township, :
Clearfield County, Penn- :
sylvania, deceased :

versus :

JOSEPH BEAUSEIGNEUR, :
deceased, his heirs and :
assigns :

No. 892 May Term, 1961

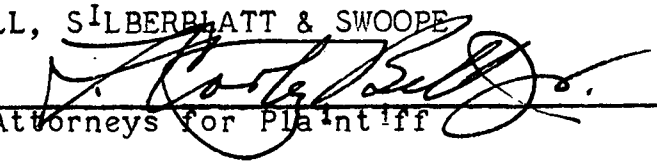
Action to Quiet Title

M O T I O N

NOW, to wit, the 5th day of Sept., 1961, an Affidavit having been executed by the Plaintiff, and attached hereto, that the identity and whereabouts of the heirs, devisees or assigns of Joseph Beauseigneur are unknown, the Plaintiff, by their Attorneys, Bell, Silberblatt & Swoope, move the Court for leave to serve the Complaint on the heirs and devisees of Joseph Beauseigneur, by publication in such manner as the Court shall direct as provided by Pennsylvania Rules of Civil Procedure #1064(b).

BELL, SILBERBLATT & SWOOPE

by


Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE COUNTY NATIONAL BANK :
AT CLEARFIELD, Executor :
of the Last Will and :
Testament of Felix Bergey, :
late of Girard Township, :
Clearfield County, Penn- :
sylvania, deceased :

versus

JOSEPH BEAUSEIGNEUR, :
deceased, his heirs and :
assigns :

No.

Term, 1961

Action to Quiet Title

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

Before me, the undersigned officer, personally appeared
THOMAS F. KILROE, who, being duly sworn according to law, deposes
and says that he is the Assistant Trust Officer of the County
National Bank at Clearfield, Plaintiff in the above action, and
that after reasonable search and inquiry, the identity and
whereabouts of the heirs, devisees or assigns of Joseph Beauseigneur
are unknown.

Thomas F. Kilroe

Sworn to and subscribed
before me, this 29th day
of August, 1961.

Winifred C. Caldwell

NOTARY PUBLIC
My Commission Expires January 7, 1963
Clearfield, Pa. Clearfield County

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE COUNTY NATIONAL BANK :
AT CLEARFIELD, Executor :
of the Last Will and :
Testament of Felix Bergey, :
late of Girard Township, :
Clearfield County, Penn- :
sylvania, deceased :

versus

No.

Term, 1961

JOSEPH BEAUSEIGNEUR, :
deceased, his heirs and :
assigns :

Action to Quiet Title

ORDER OF COURT

NOW, to wit, this *5* day of *Sept*, 1961, the Plaintiff
is granted leave to make service on the Defendant, Joseph
Beauseigneur, his heirs and assigns, generally, by publication
once a week for *three* successive weeks, in the

BY THE COURT,

John R. [Signature]
P. J.

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

No. *193 May* Term, 1961

ACTION TO QUIET TITLE

THE COUNTY NATIONAL BANK AT
CLEARFIELD, Executor of the
last Will and Testament of
Felix Bergey, late of Girard
Township, Clearfield County
Pennsylvania, deceased, vs.
JOSEPH BEAUSEIGNEUR, de-
ceased, his heirs and assigns.

M O T I O N

FILED
SEP-5 1961
WM. T. HAGERTY
PROTHONOTARY

BELL, SILBERBLATT & SWOPE
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

Lap over margin

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

THE COUNTY NATIONAL BANK :
AT CLEARFIELD, Executor :
of the Last Will and :
Testament of Felix Bergey :
late of Girard Township, :
Clearfield County, Penn- :
sylvania, deceased :
: No. 193 May Term, 1961
versus :
: Action to Quiet Title
JOSEPH BEAUSEIGNEUR, de- :
ceased, his heirs and :
assigns.

COMPLAINT

The Plaintiff brings this action to quiet title to the property in Girard Township, Clearfield County, Pennsylvania, in the manner and form following:

(1). Plaintiff is the duly appointed executor under the Will of Felix F. Bergey, deceased, of Girard Township, Clearfield County, Pennsylvania.

(2). Felix F. Bergey, deceased, was the owner in fee of the following described property:

All that certain lot or parcel of land, situated in Girard Township, Clearfield County, Pennsylvania, bounded and described as follows:

Beginning on the north side of the Township road leading from Clearfield to Karthaus, at a point 83 feet west of the southwest corner of a lot of Philmore B. McHenry; thence South 58 degrees 47 minutes west 50 feet to a post along said road; thence north 21 degrees west 150 feet to a stake; thence north 58 degrees 47 minutes east 50 feet to a stake; thence south 21 degrees east 150 feet to a place of beginning. Containing 7500 square feet neat measure.

(3). Plaintiff's predecessor in title, Felix F. Bergey, deceased, acquired said premises by Deed from Edmund D. Billote and Eliza D. Billote on July 22, 1929, which said Deed was duly recorded in the office of the Recorder of Deeds in and for the County of Clearfield in Deed Book 288, page 183.

(4). On the 22nd day of July, 1929, Felix F. Bergey, the presently deceased owner of said premises, made, executed and delivered to Joseph Beauseigneur, a certain mortgage in the sum of \$1,000 payable in years, which was duly recorded in Mortgage Book 89, page 196, and which said Mortgage covers the premises above described.

(5). As appears by an official search hereto annexed, there has never been any assignment of the said Mortgage.

(6). The said Joseph Beauseigneur died in the year , and notwithstanding, Plaintiff has made a diligent search for the representatives of the said Joseph Beauseigneur, or parties in interest, he has been unable to ascertain if they are alive or dead or who they are or where located, and notwithstanding he has made and caused to be made diligent search for the said mortgage it cannot be found.

The name or names of the holder or holders of the said Mortgage, if any, are unknown to your Petitioner.

(7). The period of twenty years has elapsed since the principal of said mortgage became due and payable.

(8). The Plaintiff, or his predecessors in title have exercised ownership, possession and use of the said premises from the year 1929 to the present and bring this action to remove any cloud from this title which may exist by any interest of the defendants as the heirs and devisees of Joseph Beauseigneur, and to determine finally, completely and absolutely that good title is vested in him, the plaintiff.

WHEREFORE, Plaintiff prays your Honorable Court decree that the said Mortgage is cancelled, released and forever discharged.

THE COUNTY NATIONAL BANK
AT CLEARFIELD

by

Thomas F. Keller

STATE OF PENNSYLVANIA :

SS:

COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared THOMAS F. KILROE, who, being duly sworn according to law, deposes and states that he is Assistant Trust Officer of the County National Bank at Clearfield, and that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Thomas F. Kilroe

Sworn and subscribed to

before me this 29th

day of August, 1961.

Winifred C. Caldwell

NOTARY PUBLIC

My Commission Expires January 7, 1963
Clearfield, Pa. Clearfield County

893 May 1961

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA
No. Term, 1961

Action to Quiet Title
THE COUNTY NATIONAL BANK
AT CLEARFIELD, Executor
of the Last Will and
Testament of Felix Bergey
late of Girard Township,
Clearfield County, Penn-
sylvania, deceased, versus
JOSEPH BEAUSEIGNEUR, de-
ceased, his heirs and assigns

COMPLAINT

TO THE ABOVE NAMED DEFEND-
ANTS:

You are hereby notified
to file an Answer to the
within Complaint within 20
days from the date of
service hereof.

BELL, SILBERBLATT & SWOPE
by *[Signature]*
Attorneys for Plaintiff.

FILED
BELL, SILBERBLATT & SWOPE
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
Wm. T. Haggerty
PROTHONOTARY

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

17.50 By day

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE COUNTY NATIONAL BANK :
AT CLEARFIELD, Executor :
of the Last Will and :
Testament of Felix Bergey, :
late of Girard Township, :
Clearfield County, Penn- :
sylvania, deceased :

versus :

JOSEPH BEAUSEIGNEUR, de- :
ceased, his heirs and :
assigns :

No. 893 May Term, 1961

Action to Quiet Title

M O T I O N

AND NOW, this *4th* day of *December*, 1961, an Affidavit having been executed by Thomas F. Kilroe, Assistant Trust Officer of The County National Bank at Clearfield, Plaintiff, and attached hereto, that the Complaint, by Order of Court dated September 5, 1961, has been served upon the Defendant, Joseph Beauseigneur, his heirs and assigns, generally, by publication, and that twenty (20) days have elapsed from the date of the last advertisement, and that none of the Defendants have filed an Answer, Plaintiff, by its Attorneys, Bell, Silberblatt & Swoope, moves the Court to enter judgment in favor of the Plaintiff and against the Defendants, and to grant Plaintiff the relief prayed for in accordance with Pennsylvania Rule of Civil Procedure No. 1066.

BELL, SILBERBLATT & SWOOPE

by:

Robert Bell
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE COUNTY NATIONAL BANK :
AT CLEARFIELD, Executor :
of the Last Will and Test- :
ament of Felix Bergey, :
late of Girard Township, :
Clearfield County, Penn- :
sylvania, deceased :

versus :

JOSEPH BEAUSEIGNEUR, :
deceased, his heirs and :
assigns :

No. 893 May Term, 1961

Action to Quiet Title

STATE OF PENNSYLVANIA :

SS:

COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared, Thomas F. Kilroe, who, being duly sworn according to law, deposes and says that he is the Assistant Trust Officer of The County National Bank at Clearfield, Plaintiff in the above action, and that the Complaint, endorsed with the Notice to Plead, was filed, and served upon Joseph Beauseigneur, Defendant, his heirs and assigns, generally, by publication, in accordance with the Order of Court dated September 5, 1961; and that twenty (20) days have elapsed from the last advertisement, and that none of the Defendants has filed an Answer thereto.

Thomas F. Kilroe

Sworn to and subscribed before me this

30th day of November, 1961.

Winifred C. Caldwell

NOTARY PUBLIC
My Commission Expires January 7, 1963
Clearfield, Pa. Clearfield County

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUN-
TY, PENNSYLVANIA
THE COUNTY NATIONAL
BANK AT CLEARFIELD, Execu-
tor of the Last Will and Testament
of Felix Bergey, late of Girard
Township, Clearfield County, Penn-
sylvania, deceased

versus
JOSEPH BEAUSEIGNEUR, de-
ceased, his heirs and assigns
No. Term, 1961

Action to Quiet Title
To Joseph Beauseigneur, deceas-
ed, his heirs and devisees:

TAKE NOTICE that on the 31st
day of August, 1961, the Plaintiff
above named filed its Complaint
averring that Felix Bergey, de-
ceased, was the owner in fee of the
property hereinafter described, and
that the Mortgage of Joseph Beau-
seigneur dated the 22nd day of
July, 1929, in the sum of \$1000.00,
recorded in Clearfield County in
Mortgage Book 89 at page 196,
should be satisfied, said property
is bounded and described as fol-
lows:

ALL that certain lot or parcel of
land, situated in Girard Township,
Clearfield County, Pennsylvania,
bounded and described as follows:

Beginning on the north side of
the Township road leading from
Clearfield to Karthaus, at a point
83 feet west of the southwest cor-
ner of a lot of Philmore B. Mc-
Henry; thence South 58 degrees 47
minutes west 50 feet to a post
along said road; thence north 21
degrees west 150 feet to a stake;
thence north 58 degrees 47 minutes
east 50 feet to a stake; thence
south 21 degrees east 150 feet to
a place of beginning. Containing
7500 square feet neat measure.

Record title to the above describ-
ed property was in Felix Bergey.
The said Felix Bergey died July
19, 1959. Plaintiff was duly appoint-
ed Executor of the said estate, and
brings this action to remove any
cloud from this title, to bar you, as
Defendants, from asserting any
right, title or interest in the prop-
erty or in any way attacking Felix
Bergey's title.

The Court has ordered that the
Complaint be served on you by
publication. You are required to
answer said Complaint within
twenty (20) days from the third
publication hereof, namely Sept
28, 1961.

BELL, SILBERBLATT &
SWOOP, Attorneys at Law, Clear-
field Trust Co. Bldg., Clearfield,
Pennsylvania. 9:14-21-28-h

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 28th day of September, A. D. 19 61,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared William C. Plummer, who being duly sworn
according to law, deposes and says that he is the Advertising Manager
of the Clearfield Progress, and designated agent of the Publisher of
the Clearfield Progress, a daily newspaper published at Clearfield, in
the County of Clearfield and State of Pennsylvania, and established
April 5, 1913, and that the annexed is a true copy of a notice or
advertisement published in said publication in the regular issues of
September 14, 21 and 28, 1961. And that the affiant
is not interested in the subject matter of the notice or advertising, and
that all of the allegations of this statement as to the time, place, and
character of publication are true.

William C. Plummer

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

(Miss) Margaret M. Inmat

Notary Public
My Commission Expires March 20, 1962
Clearfield, Penna. Clearfield County

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE COUNTY NATIONAL BANK :
AT CLEARFIELD, Executor :
of the Last Will and :
Testament of Felix Bergey :
late of Girard Township, :
Clearfield County, Penn- :
sylvania, deceased :

versus :

JOSEPH BEAUSEIGNEUR, :
deceased, his heirs and :
assigns :

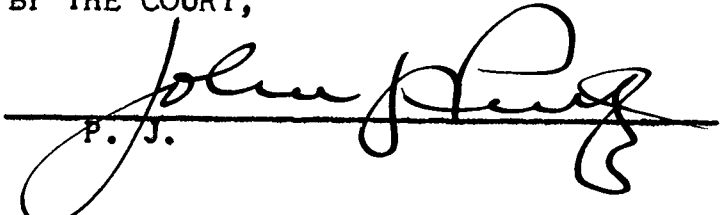
No. 893 May Term, 1961

Action to Quiet Title

ORDER OF COURT

And Now, this 4 day of Dec, 1961, it appearing that the Complaint in the above action has been filed and served by publication, and 20 days have elapsed, and no Answer having been filed by the Defendant, his heirs and assigns, the Court, upon consideration of the Motion and Affidavit hereto attached, hereby enters judgment for the Plaintiff and against the Defendants and ORDERS AND DECREES that the Defendants shall be forever barred from asserting any right, lien, title or interest in the property inconsistent with the title of the Plaintiff and from impeaching, denying or in any way attacking Plaintiff's title to said property, and that title to the said property is in the Plaintiff.

BY THE COURT,


P. J.

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUNTY,
PENNA.
No. 893 May Term, 1961

Action to Quiet Title

THE COUNTY NATIONAL BANK
AT CLEARFIELD, Executor of
the Last Will and Testament
of Felix Bergey, late of
Girard Township, Clearfield
County, Pennsylvania, de-
ceased, versus JOSEPH
BRAUSEIGNEUR, deceased,
his heirs and assigns.

MOTION AND ORDER

6
FILED
DEC-4 1961
WM. T. HAGERTY
PROTHONOTARY

BELL, SILBERBLATT & SWOPE
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

COMMERCIAL PRINTING CO., CLEARFIELD, PA

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