Joseph Colavecchi

SARAH L. CHANDLER

78-1-EQU

Joseph J. Lee
Jerry A. Weaver

CARL G. CHANDLER

Pro	by Atty	30.00
Atty		3.00
Shff	by Atty	5.75
Disc	by atty	3.00

JANUARY 3, 1978, PETITION IN EQUITY FOR THE APPOINTMENT OF PETITIONER AS RECEIVED FOR PROPERTY OWNED BY HUSBAND AND WIFE AND RULE, filed by Joseph Colavecchi.

Rule returnable the 18 day of January, 1978, at 9:00 a.m. at the Clearfield County Courthouse. BY THE COURT, s/John K. Reilly, Jr., President Judge.

Three copies certified to Attorney.

JANUARY 11, 1978, AFFIDAVIT OF SERVICE, filed by Joseph Colavecchi.

JANUARY 12, 1978, SHERIFF'S RETURN, filed.

Now, January 9, 1978 after diligent search in my baliwick I return the within Petition in Equity "NOT FOUND" as to Carl G. Chandler, defendant. s/Chester A. Hawkins, Sheriff, by Marilyn Wood.

JANUARY 17, 1978, PRAECIPE FOR APPEARANCE, filed by Joseph J. Lee.

Please enter the appearance of the undersigned and Jerry A. Weaver, Esquire, 121 Main Street, Brookville, Pennsylvania 15825 (814 84903613) on behalf of the Defendant in the above entitled matter. s/Joseph J. Lee, Attorneys for Defendant.

FEBRUARY 6, 1978, ANSWER OF THE DEFENDANT TO A PETITION IN EQUITY FOR THE APPOINTMENT OF THE PETITIONER AS RECEIVER FOR PROPERTY OWNED BY HUSBAND AND WIFE, filed by Jerry A. Weaver.

1 copy for acceptance by J. Colavecchi

AND NOW, this 6th day of February, Joseph Colavecchi, Attorney for the Plaintiff, accepts service of this ANSWER TO THE PETITION IN EQUITY FOR THE APPOINTMENT OF A RECEIVER.

s/Joseph Colavecchi
Attorney for the Plaintiff
By: Gina Marino

SEPTEMBER 19, 1978 PRAECIPE FOR DISCONTINUANCE, filed by Joseph Colavecchi, Atty for Plff.

Mark the above action settled, ended and discontinued, upon payment of all costs. s/Joseph Colavecchi, Attorney for Plaintiff.

Record costs in the sum of $38.75 have been paid in full by Attorney Joseph Colavecchi, this case marked Settled and Discontinued.

S E T T L E D

E N D E D

D I S C O N T I N U E D

Nevling, Davis, Kriner & Yeager

1/16/78 $5,000.00 Pd. by Atty Clfd. Trust Atty Ck. #11482

Kuhn, Engle & Stein

BRADFORD COAL CO., INC.

78-2-EQU

UNITED MINE WORKERS OF AMERICA, DISTRICT #2, UNITED MINE WORKERS OF AMERICA, LOCAL #1520, UNITED MINE WORKERS OF AMERICA; LOCAL 1723, UNITED MINE WORKERS OF AMERICA; VALERIO SCARTON; FRANK KULISH, WALTER HARRIS, PAUL VICHKO

Pro	30.00
Atty by Plff	3.00
Shff. Hawkins	31.55
Shff. Cavanaugh by Plff by Atty	20.95
Shff. Hawkins by Atty	30.27
Shff. Cavanaugh	22.95

Sept. 25, 1986
Ck#5355 TRans to reg acct. $5000.00
#12301 Atty Kriner 5000.00

JANUARY 16, 1978, COMPLAINT FOR PRELIMINARY INJUNCTION filed by Nevling, Davis, Kriner and Yeager.
Four copies Certified to Attorney
Eight copies certified to Sheriff.
PRELIMINARY INJUNCTION:
It is further ORDERED AND DECREED that a bond in the amount of $5,000.00 should be provided by the plaintiff naming the Commonwealth of Pennsylvania as obligee, conditioned that if the injunction is dissolved because improperly granted or for failure to hold a hearing, the plaintiff shall pay to any person injured by the reason of granting the injunction all damages and legally taxable costs and fee.
This Preliminary Injunction shall remain in full force and effect until the cause be decided by the Court at a hearing to be held at the Clearfield County Courthouse on the 10 day of January, 1978 at 10:00 o'clock A.M. BY THE COURT, s/John K. Reilly, Jr., President Judge

JANUARY 19, 1978, ORDER OF COURT, filed.
3 copies cert. atty.
ORDER
AND NOW, January 19th, 1978, this being the date and time for hearing scheduled on a Preliminary Injunction granted by this Court on January 16, 1978, and the Court being advised that counsel for Plaintiff and J. Craig Kuhn, Counsel for the Defendants, have agreed to extend the Preliminary Injunction while attempting to enter into a Consent Order and Agreement, it is hereby ORDERED AND DECREED that the Preliminary Injunction granted by this Court on January 16, 1978, shall be continued and remain in full force and effect until January 24, 1978, at 2:00 p.m., at which time a hearing will be held, if necessary, to determine whether the Preliminary Injunction shall be made final and permanent. BY THE COURT, John K. Reilly, Jr., P.J.

JANUARY 23, 1978, CONSENT DECREE, filed by Kuhne, Engle and Stein. 6 copies Certified to Attorney.
AND NOW, to wit, this 23 day of January, 1978, upon further review and consideration of the facts, it appearing to the Court that the entry of this Decree is consented to by Plaintiff and the Union Defendants, and upon security being entered in the sum of $5,000.00 it is hereby
ORDERED, ADJUDGED AND DECREED as follows:
1. The preliminary injunction issued on January 16, 1978, in the above-captioned matter be and the same is hereby dissolved. A permanent injunction is hereby issued as to the parties for whom proof of service has been filed, to wit, UNITED MINE WORKERS OF AMERICA; DISTRICT 2, UNITED MINE WORKERS OF AMERICA; LOCAL #1520 UNITED MINE WORKERS OF AMERICA, AND LOCAL #1723 UNITED MINE WORKERS OF AMERICA.
2. Defendants, UNITED MINE WORKERS OF AMERICA, DISTRICT 2 and LOCALS NOS. 1520 and 1723 thereof, shall not be required to file any answer or other responsive pleading in this action unless directed to do so by further order of this court.
3. Defendants shall not be deemed to have admitted to any of the allegations of the Complaint and Request for Preliminary Injunction or the Affidavits submitted herewith by their consents hereto.
4. Defendants, UNITED MINE WORKERS OF AMERICA; DISTRICT 2 UNITED MINE WORKERS OF AMERICA; LOCAL #1520 UNITED MINE WORKERS OF AMERICA and LOCAL #1723 UNITED MINE WORKERS OF AMERICA, and officers, agents, servants, representatives and other employees of said Defendants, and any and all persons acting in concert with them are hereby enjoined from doing any of the following acts:
(a) In any manner unlawfully impeding, obstructing, hampering or interfering with the Plaintiff's business operations.
(b) Blocking or obstructing, or attempting to block or obstruct in any manner, any public or private street or road, roadway, driveway, railway or entry, sidewalk or passageway used by the Plaintiff, its agents, employees, servants, invitees, public or private carriers of others for purposes of access to the Plaintiff's various job sites and places of business in Clearfield County, Pennsylvania and blocking or obstructing or attempting to block or obstruct, in any manner whatsoever, the free movement or passage of automobiles, trucks, and other motor vehicles and railway trains and cars and machinery to or from any of the Plaintiff's job sites or other places of business.
(c) By mass congregation or picketing, physical obstruction, force, show of force, threats, suggestions of danger, or any other means of intimidation or coercion of the Plaintiff's employees or third persons, interfering with, impeding, hindering or obstructing the Plaintiff's business operations or the movement of coal, materials, supplies and equipment thereto or therefrom, or the performance of work assignments by the Plaintiff's employees.
(d) In any manner interfering with any person, firm or corporation seeking to supply Plaintiff with materials, supplies or equipment, or seeking to perform any transportation service for or on behalf of Plaintiff.
(e) Picketing other than lawfully and peacefully, any of the Plaintiff's job sites or places of business.
(f) If the Defendants, or any other persons, shall choose to picket any of the Plaintiff's job sites or places of business and if such picketing is not otherwise a violation of law, then in that event such picketing shall be conducted in such a manner as not to impede or interfere with ingress or egress or any person or thing to and from any of the job sites, officer

CONTINUED TO PAGE 5B

or other places of business of the Plaintiff and so as not to violate any of the limitations of Paragraphs a, b, c, d and e of this Decree and such picketing shall be further limited as follows:

(1) There shall be no more than 3 pickets at any job entrance.
(2) Pickets are not required to be constantly in motion.

Security of the amount of $5000.00 is to be continued. BY THE COURT, s/John K. Reilly, Jr., President Judge.

JANUARY 24, 1978, PRAECIPE FOR APPEARANCE, filed by J. Craig Kuhn.
Kindly enter our appearance for United Mine Workers of America, District 2, United Mine Workers of America, Local #1520, United Mine Workers of America and Local #1723, United Mine Workers of America, four of the Defendants named in the above-captioned action. s/Kuhn, Engle and Stein by C. Craig Kuhn.

FEBRUARY 24, 1978, NOTICE OF TAKING DEPOSITION OF ANDREW REBAR, filed by William C. Kriner.
FEBRUARY 24, 1978, NOTICE OF TAKING DEPOSITION OF CHESTER SWITALA, filed by William C. Kriner.
FEBRUARY 24, 1978, NOTICE OF TAKING DEPOSITION OF LARRY GALLAHER, filed by William C. Kriner.
FEBRUARY 24, 1978, NOTICE OF TAKING DEPOSITION OF DENNIS ALBRIGHT, filed by William C. Kriner.
FEBRUARY 24, 1978, NOTICE OF TAKING DEPOSITION OF ROBERT SNYDER, filed by William C. Kriner.
FEBRUARY 24, 1978, NOTICE OF TAKING DEPOSITION OF DONALD GEORGE WILLIAMS, JR., filed by William C. Kriner.
FEBRUARY 24, 1978, NOTICE OF TAKING DEPOSITION OF STANLEY E. ZATORSKY, filed by William C. Kriner.
FEBRUARY 24, 1978, NOTICE OF TAKING DEPOSITION OF KENNETH M. WARGO, filed by William C. Kriner.
FEBRUARY 28, 1978, NOTICE OF TAKING DEPOSITION OF JOHN COUTERET, JR., filed by William C. Kriner.

MARCH 2, 1978, CERTIFICATE OF SERVICE, filed by William Kriner.
MARCH 2, 1978, CERTIFICATE OF SERVICE, filed by William Kriner.

MARCH 9, 1978, SHERIFF'S RETURN, filed.
January 17, 1978, served within Complaint and Request for Preliminary Injunction on Vince Rebar, President of Local #1520.
January 17, 1978, served within Complaint and Request for Preliminary Injunction on Vince Rebar, Defendant.
January 17, 1978, served within Complaint and Request for Preliminary Injunction on Keith Kephart, President Of Local #1723.
January 17, 1978, served within Complaint and Request for Preliminary Injunction on Keith Kepart, Defendant.
January 17, 1978, Sheriff of Cambria County deputized to serve within Complaint.
January 18, 1978, served within Complaint and Request for Preliminary Injunction on Defendants. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.

MARCH 30, 1978, DEPOSITION OF EDWARD STANLEY ZATORSKY, filed by Betty B. Stewart.
MARCH 30, 1978, DEPOSITION OF DENNIS ALBRIGHT, filed by Betty B. Stewart.
MARCH 30, 1978, DEPOSITION OF ROBERT SNYDER, filed by Betty B. Stewart.
MARCH 30, 1978, DEPOSITION OF KENNETH WARGO, filed by Betty B. Stewart,
MARCH 30, 1978, DEPOSITION OF LARRY GALLAHER, filed by Betty B. Stewart.
MARCH 30, 1978, DEPOSITION OF JOHN COUTERET, JR., filed by Betty B. Stewart.
MARCH 30, 1978, DEPOSITION OF GEORGE DONALD WILLIAMS, JR., filed by Betty B. Stewart.
MARCH 30, 1978, DEPOSITION OF ANDREW REBAR, filed by Betty B. Stewart.
MARCH 30, 1978, DEPOSITION OF CHESTER SWITALA, filed by Betty B. Stewart.
All depositions filed this day filed in Testimony Drawer.

MARCH 28, 1978, SUBPOENA--CONSTABLE'S RETURN, filed.
Now, this 28 day of February, 1978, served the within subpoena on the within named Stanley Zatorsky by deputizing the Sheriff of Cambria Co. The return of Sheriff Cavanaugh is hereby attached and made a part of this return. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.
MARCH 28, 1978, CONSTABLE'S RETURN OF SUBPOENA, filed.
Now this 28 day of February, 1978, served the within subpoena on the within named Kenneth M. Wargo by deputizing the Sheriff of Cambria County. The return of Sheriff Cavanaugh is hereto attached. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.
MARCH 28, 1978, CONSTABLE'S RETURN OF SUBPOENA, filed.
Now this 2nd day of Mar. 1978 9:15 P.M. served the within subpoena on the within named Chester Switala at his place of residence, Morann, Clfd. Co., Penna. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.
MARCH 28, 1978, CONSTABLE'S RETURN OF SUBPOENA, filed.
Now this 1st day of Mar. 1978 at 10:22 AM served the within subpoena on the within named John Curteret, Jr. at his place of residence, Kerthaus, Clfd. Co., Penna. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.
MARCH 28, 1978, CONSTABLE'S RETURN OF SUBPOENA, filed.
Now this 28 day of Feb. 1978 at 6:45 P.M. served the within subpoena on the within named Andrew Rebar at his place of residence Box 320, Houtzdale, Clfd. Co., Penna. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.
MARCH 28, 1978, CONSTABLE'S RETURN OF SUBPOENA, filed.
Now this 28 day of Feb. 1978 at 1:04 PM served the within subpoena on the within named Larry Gallaher at his place of residence Box 184, Hawk Run, Clfd. Co., Penna. /s/Chester A. Hawkins, by Marilyn Wood.
MARCH 28, 1978, CONSTABLE'S RETURN OF SUBPOENA, filed.
Now this 28 day of Feb. 1978 at 10:20 AM served the within subpoena on the within named Donald G. Williams Jr. at Magistrate Office, Clearfield, Clearfield County, Penna. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.
MARCH 28, 1978, CONSTABLE'S RETURN, filed.
Now this 27 day of Feb. 1978 at 2:05 P.M. served the within subpoena on the within named Robert Snyder at his place of residence 290 Moshannon St., Philipsburg, Clfd. County, Penna. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.
MARCH 28, 1978, CONSTABLE'S RETURN OF SERVICE OF SUBPOENA, filed.
Now this 27th day of Feb., 1978, at 1:30 served the within subpoena on the within named Dennis Albright at his place of residence Box 696D, Osceola Mills, Clearfield County, Pennsylvania. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.

CONTINUED TO PAGE 5-C

CONTINUED FROM PAGE 5-B NO. 78-2-EQU. BRADFORD COAL CO., -vs- UNITED MINE WORKERS OF AM., al

SEPTEMBER 17, 1986 PETITION & ORDER, filed by Wm. Kriner, Atty Plff.

ORDER

AND NOW, this 16th day of September, 1986, upon consideration of the foregoing Petition of Bradford Coal Company, Inc., Plaintiff in the above captioned matter; it is hereby ORDERED and DECREED that the injunction issued by Consent Decree dated January 26, 1978, be dissolved and the Bond in the amount of Five Thousand and no/100 ($5,000.00) Dollars posted as security in this matter be returned to the Plaintiff, Bradford Coal Co., Inc. BY THE COURT, s/John K. Reilly, Jr., President Judge.

Alan R. Krier	LESLIE T. PHILLIPS, BENJAMIN T. PHILLIPS and EPHRIAM J. CROSOVOLT		
	78-3-EQU		
Meyer, Unkovic & Scott and Bell, Silberblatt & Swoope	BEATRICE H. AVERY		
	Pro by Atty		30.00
	Atty		3.00
	Shff by Atty		9.75

JANUARY 18, 1978, COMPLAINT IN EQUITY, filed by Alan R. Krier of Jubelirer, Carothers, Krier & Halpern
One copy certified to Sheriff

JANUARY 26, 1978, APPEARANCE, filed by Paul Silberblatt & Swoope.
Enter our appearance for the above named Defendant, Beatrice H. Avery in above case. s/Meyer, Unkovic & Scott and Bell, Silberblatt & Swoope, by Paul Silberblatt, attorneys for Defendant.

FEBRUARY 9, 1978, SHERIFF'S RETURN, filed.
Now, January 19, 1978 served within Complaint in Equity on Beatrice H. Avery, defendant. So answers, Chester A. Hawkins by Marilyn Wood

MARCH 3, 1978, MOTION FOR LEAVE TO AMEND COMPLAINT, ORDER AND DECREE AND CONSENT, filed by Alan R. Krier.
NOW, comes the plaintiff and by his attorney, Alan R. Krier, Esquire, moves the Court for leave to amend the complaint by attaching the Exhibit A, attached hereto, which was omitted from the original complaint by oversight. /s/Alan R. Krier, Attorney for Plaintiff.
ORDER:
NOW, this 3 day of March, 1978, it appearing that due to oversight plaintiff has failed to attach Exhibit A, incorporated by reference in the complaint and attached hereto, and it further appearing that copies of Exhibit A have been furnished to counsel for the defendant and defendant has consented to the amendment of the complaint so as to include Exhibit A, it is, therefore, ORDERED AND DECREED that leave is hereby granted for plaintiff to amend the complaint by attaching Exhibit A, the complaint be and the same is hereby amended to include Exhibit A. /s/John K. Reilly, Jr., President Judge.
CONSENT
The undersigned hereby consents to the amendment of the complaint by the attachment of Exhibit A and agree to the entry of the foregoing Order. /s/..... (signature illegible), Attorney for Defendant.

MARCH 13, 1978, PRAECIPE FOR LIS PENDENS, filed by Alan R. Krier, Attorney for Plaintiffs
You are directed to enter in the instant matter on the judgment docket a notation of lis pendens. s/ Alan R. Krier, of Jubelier, Carothers, Krier & Halpern

AUGUST 25, 1978, STIPULATION, filed by Paul Silberblatt.
It is hereby stipulated by and between all parties in the above-captioned matter, by and through their respective counsel that the Defendant shall be permitted an extension of time within which to answer or otherwise plead to the complaint filed in the above-captioned matter while settlement negotiations occur.
It is further stipulated that no default judgment will be entered against the Defendant in the above case. /s/Jebelirer, Carothers, Krier & Halpern, by Alan R. Krier, Attorneys for Plaintiffs, Meyer, Unkovic & Scott by Kevin C. Hansen, Bell, Silberblatt & Swoope, by Paul Silberblatt, Attorneys for Defendant.

Joseph A. Colavecchi	HELEN S. HOLLAND and RUTH MARGARET MITCHELL 78-4-EQU EARL M. BROWN Pro by Atty 30.00 Atty 3.00 Shff Hawkins (by Atty) 9.75	FEBRUARY 1, 1978, COMPLAINT IN EQUITY, filed by Joseph Colavecchi. One copy Certified to Sheriff. One copy Certified to Attorney. FEBRUARY 16, 1978, SHERIFF'S RETURN, filed. NOW, February 14, 1978 at 9:48 A.M. EST served the withi Complaint on Mrs. E.M. Brown, Wife of Earl M. Brown. s/Chester A. Hawkins, Marilyn Wood. MARCH 14, 1978, ORDER, filed. NOW, this 14th day of March, 1978, at the request of the above-captioned parties, it is the ORDER of this Court that Elizabeth Cunningham, Esquire be and is hereby appointed Master in Partition to sell the subject property and to report same to this Court. BY THE COURT, /s/John K. Reilly, Jr., President Judge. MAY 15, 1978, MASTER'S REPORT IN PARTITION, filed by Elizabeth Cunningham JULY 21, 1978, MASTERS RETURN OF SALE AND REPORT AND PROPOSED DECREE filed by Elizabeth Cunningham WHEREFORE, the Master, prays the Court to Confirm the sale and direct the Master to deliver to Helen S. Holland and Ruth Margaret Mitchell the purchasers at the sale, the deed. Said deed to be in the form of the deed attached and made a part hereof. Further, the Master requests the Court to confirm the proposed payments from the amount realized at the sale and the proposed distribution of the net proceeds of the sale as set forth in the Master's Report and Proposed Decree. s/Elizabeth Cunningham DECREE NISI NOW this 21st day of July, 1978 after reviewing the report of Elizabeth Cunningham, Esquire, Master in Partition in the above captioned case, the Court hereby approves the proposed schedule of distribution and does further direct the master to make, execute and deliver a deed to Helen S. Holland and Ruth Margaret Mitchell, the successful bidders at the public sale, said deed to be in the form attached to the report, and to make distribution to the parties as set forth in the report. Unless exceptions are filed to the within decree nisi within twenty (20) days from the date hereof, the same shall become final without further order of the court. By the Court, John K. Reilly, Jr.

EQUITY DOCKET NO. 12 1978

Joseph Colavecchi	HELEN S. HOLLAND and RUTH MARGARET MITCHELL -78-5-EQU- EARL M. BROWN	FEBRUARY 1, 1978, COMPLAINT ACTION IN PARTITION, filed by Joseph Colavecchi. One copy Certified to Sheriff. One copy Certified to Attorney. FEBRUARY 16, 1978, SHERIFF'S RETURN, filed. NOW, February 14, 1978 at 9:48 A.M. EST served the within COMPLAINT ACTION IN PARTITION on Mrs. E. M. Brown, Wife of Deft. s/Chester A. Hawkins, by Marilyn Wood. MARCH 14, 1978, ORDER, filed. NOW, this 14th day of March, 1978, at the request of the above-captioned parties, it is the ORDER of this Court that Elizabeth Cunningham, Esquire, be and is hereby appointed Master in Partition to sell the subject property and report same to this Court. BY THE COURT, /s/John K. Reilly, Jr., President Judge. MAY 15, 1978, MASTERS REPORT IN PARTITION, filed by Elizabeth Cunningham JULY 21, 1978, MASTERS RETURN OF SALE AND REPORT AND PROPOSED DECREE, filed by Elizabeth Cunningham WHEREFORE, the Master, prays the Court to Confirm the sale and direct the Master to deliver to Robert Brown and Alan Brown, the purchasers at the sale, the deed. Said deed to be in the form of the deed attached and made a part hereof. Further, the Master requests the Court to confirm the proposed payments from the amount realized at the sale and the proposed distribution of the net proceeds of the sale as set forth in the Master's Report and Proposed Decree. s/Elizabeth Cunningham DECREE NISI NOW this 21st day of July, 1978 after reviewing the report of Elizabeth Cunningham, Esquire, Master in Partition in the above captioned case, the Court hereby approves the proposed schedule of distribution and does further direct the master to make, execute and deliver a deed to Robert Brown and Alan Brown, the successful bidders at the public sale, said deed to be in the form attached to the report, and to make distribution to the parties as set forth in the report. Unless exceptions are filed to the within decree nisi within twenty (20) days from the date hereof, the same shall become final without further order of the court. By the Court, John K. Reilly, Jr.
	Pro by Atty 30.00 Atty 3.00 Shff Hawkins (by Atty) 2.75	

Timothy E. Durant

JUDY M. GUELICH

78-6-EQU

CHARLES C. GUELICH

Pro by Atty 30.00
Atty 3.00
by Atty
Shff. Hawkins 9.75

FEBRUARY 3, 1978, COMPLAINT IN PARTITION, filed by Timothy E. Durant.

One copy Certified to Attorney.

FEBRUARY 3, 1978, INTERLOCUTORY DECREE, filed by Timothy E. Durant.

AND NOW, February 3, 1978, upon consideration of the foregoing case, it is ordered, adjudged and decreed:

1. That a partition and division be made of the real property as described in the First Count of the Complaint, situated in Lawrence Township, Clearfield County, Pennsylvania.

2. That _____, Esquire, is appointed trustee to make public sale of the aforesaid property after first entering security in the sum of Forty Thousand and No Hundredths ($40,000.00) Dollars.

3. That the said trustee shall give notice of said sale by advertising the same in two daily newspapers of general circulation in this county, and by handbills posted on the property and in other public places, once a week for four consecutive weeks before the day of the sale.

4. That the proceeds of said sale, after the payment of the expenses thereof, shall be divided equally between the parties, subject however,

(a) to the deduction therefrom of the amount of any lien entered of record jointly against both parties, together with interest thereon, and docket costs; and

(b) to the deduction, from the share of either party, the amount of any lien entered of record against said party, together with interest due and costs taxed thereon, which amounts are to be paid by the trustee to the person or persons to whom the same is due and payable; and

(c) to the deduction, from the share of either part a fair rental value for their exclusive possession of the premises and addition of said fair rental value to th share of the party not in possession.

5. That _____, Esquire, is appointed trustee to take possession of the personal property described in the Second Count of the Complaint after first entering security in the sum of Six Thousand Four Hundred Seventy-seven and Fifty Hundredths ($6477.5(Dollars.

6. That within 5 days after the trustee has been duly qualified, he shall cause an appraisement to be made, by disinterested and qualified appraisers, of the value of said property, and to report the same to the Court.

7. That a partition and division be made of the personal property described in the Third Count of the Complaint in accordance with the terms and conditions set out in the prayer for relief appended to said count.

8. That this order is returnable the 15 day of Feb. 1978, at 9:00 A.M. BY THE COURT, s/John K. Reilly, Jr., President Judge.

FEBRUARY 9, 1978, PRELIMINARY OBJECTIONS, filed by Belin, Belin & Naddeo.

FEBRUARY 13, 1978, SHERIFF's RETURN, filed.

February 3, 1978, served within Complaint in Partition and Interlocutory Decree on Charles C. Guelich, Defendant. s/Chester A. Hawkins, Sheriff, by Marilyn Wood.

Milgrub & Lees

MARGARET A. DAHL

78-7-EQU

PAUL EUGENE DAHL

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff.	Hawkins by Atty	9.55
Shff.	Hawkins	8.80

FEBRUARY 7, 1978, COMPLAINT IN PARTITION, filed by Milgrub and Lees.

One copy Certified to Sheriff.

MARCH 10, 1978, SHERIFF'S RETURN, filed.

March 8, 1978, after diligent search, return within Complaint in Partition "NOT FOUND." /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.

MARCH 13, 1978, PRAECIPE TO REINSTATE, filed by Milgrub and Lees.

Kindly reinstate the Complaint in the above-captioned case and certify the same to the Sheriff of Clearfield County for service. /s/Milgrub and Lees, by Earle D. Lees, Jr., Attorneys for Plaintiff.

MARCH 13, 1978, COMPLAINT REINSTATED AND REISSUED TO SHERIFF OF CLEARFIELD COUNTY FOR SERVICE.

JUNE 8, 1978, SHERIFF'S RETURN, filed.

March 18, 1978, served within Complaint in Partition served on Paul Eugene Dahl, Defendant. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.

JULY 12, 1978, PRAECIPE FOR DEFAULT JUDGMENT, filed by Earle D. Lees, Jr.

Kindly enter a default judgment in the above-captioned case against the Defendant, Paul Eugene Dahl, for failure to enter an appearance, personally or through an attorney, or file an Answer thereto. /s/Milgrub and Lees, by Earle D. Lees, Jr., Attorneys for Plaintiffs.

Judgment is entered in favor of the Plaintiffs and against the defendant for failure to file an Answer.

Default Judgment.

Raymond Fetherolf
Prothonotary

AUGUST 1, 1978, ORDER, filed.

NOW, this 1st day of August, 1978, it is the ORDER of this Court that the above-captioned Action in Partition be concluded as follows: The Defendant shall pay to the Plaintiff the sum of Eight Hundred ($800.00) Dollars and the Plaintiff shall release all her right, title and interest in and to the two (2) 1939 Chevrolet sedans, to wit: Vehicle Identification No. 14JB102612 and Vehicle Identification No. JA0325899. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

David S. Ammerman	HEPBURNIA COAL COMPANY	
	78-8-EQU	
Kuhn, Engle & Stein	UNITED MINE WORKERS OF AMERICA; DISTRICT 2; LOCAL 1520, UNITED MINE WORKERS OF AMERICA; LOCAL #1723 UNITED MINE WORKERS OF AMERICA; VALERIO SCARTON; FRANK KULISH; WALTER HARRIS; PAUL VICHKO; VINCE REBAR; KEITH KEPHART	

Pro	by Atty	30.00
Atty		3.00
	by Atty	
Shff. Hawkins		21.07
	by Atty	
Shff. Cavanaugh		20.95

FEBRUARY 8, 1978, COMPLAINT AND REQUEST FOR PRELIMINARY INJUNCTION, filed by David S. Ammerman.

Twelve Copies Certified to Attorney.

Two copies Certified to Sheriff.

PRELIMINARY INJUNCTION:

AND NOW, February 8, 1978, the plaintiff having filed a Complaint duly verified and supported by affidavits, executed by persons cognizant of the facts that immediate or irreparable harm will result to the plaintiff before this matter can be heard on notice, it is ORDERED, ADJUDGED AND DECREED that a Preliminary Injunction as prays for in the Complaint be granted enjoining and restraining the defendants and all persons acting in concert with or under the direction of the defendants; and any and all other persons acting in concert or participation with the defendants; and all others in similar interest, from:

(1) In any manner unlawfully impeding, obstructing or interfering with the business of the plaintiff in this action.

(2) Interfering with, hindering or obstructing the agents, servants, and employees of the plaintiff in the performance of their work assignments at the various places of business located in Clearfield County, Pennsylvania.

(3) Preventing or attempting to prevent any person or persons, whether officers of the plaintiff, employees of the plaintiff, or other persons acting independently from freely entering or leaving the various places of business of the plaintiff located in Clearfield County, Pennsylvania.

(4) Preventing or attempting to prevent, or unlawfully impeding, obstructing or interfering with the plaintiff's contracts or contractual obligations in the matter of mining, producing, processing, shipping and selling of coal.

(5) Conspiring, combining, confederating, agreeing or arranging with each other or with any other person or persons, organizations or associations to interfere with or injure the plaintiff in the conduct of lawful operations of business by massed picketing, threats or acts of violence, force or show of force, or any other means of intimidation or coercion.

(6) Engaging in any course of conduct intended or calculated to coerce the plaintiff to recognize the defendant union or other defendants as the collective bargaining agent for their employees.

(7) Engaging in any course of conduct intended or calculated to coerce the plaintiff to commit violations of the Pennsylvania Labor Relations Act of 1937 or the National Labor Relations Act of 1935, as amended.

(8) Seizing, holding or otherwise taking possession or control, whether real or constructive, of the real and personal property of the plaintiff in Clearfield County, or preventing, hindering or impeding the plaintiff and its employees from engaging in business with the intention of compelling them to accede to any demands, conditions or terms of employment or collective bargaining.

(9) Preventing or attempting to prevent by any means of intimidation, threats, force or show of force, or otherwise, any of the officers, agents or employees of the plaintiff or other persons having businees with them from entering, leaving or transacting business at its various places of business or elsewhere in Clearfield County, Pennsylvania.

(10) Blocking or obstructing, or attempting to block any public or private roads used by the plaintiff or its employees or contractors in the mining and transportation of coal either by placing material objects on or over such roadways or by stationing or massing pickets on such roads or at the entrances thereto.

(11) Interfering with, hindering or annoying the employees of the plaintiff desiring to enter or leave the various places of business of the plaintiff by the use of force, display of force or numbers, threats or other acts of intimidation or coercion, by suggestions of danger or taunts, or by conduct tending to deprive such employees of free enjoyment of their legal rights and of access to and from the various places of business of the plaintiff in Clearfield County, Pennsylvania.

It is further ORDERED and DECREED that a bond in the amount of $5,000.00 should be provided by the plaintiff naming the Commonwealth of Pennsylvania as obligee, conditioned that if the injunction is dissolved because improperly granted or for failure to hold a hearing, the plaintiff hall pay to any person injured by the reason of granting the injunction all damages and legally taxable costs and fee.

This Preliminary Injunction shall remain in full force and effect until the cause be decided by the Court at a hearing to be held at the Clearfield County Court House on the 10 day of February, 1978 at 2:00 o'clock P.M. BY THE COURT, s/John K. Reilly, Jr., President Judge.

FEBRUARY 8, 1978, BOND IN THE AMOUNT OF $5,000.00 WITH CORPORATE SURETY TRANSAMERICA INSURANC COMPANY, filed by David S. Ammerman.

FEBRUARY 10, 1978, PRAECIPE FOR APPEARANCE, filed by J. Craig Kuhn.

Kindly enter our appearance for United Mine Workers of America and District 2, United Mine Workers of America, two of the Defendants named in the above-captioned action. s/Kuhn, Engle & Stein, by J. Craig Kuhn.

FEBRUARY 13, 1978, ORDER, filed.

NOW, this 10th day of February, 1978, upon Application for Counsel for Plaintiff, it is the ORDER of this Court that Hearing in the above captioned proceedings be and is hereby continued until Tuesday, February 14th, 1978, at 2:00 o'clock p.m. It is the further ORDER of this Court that the Temporary Injunction currently existing as of February 8th, 1978, be and is

CONTINUED TO PAGE 17 B

17B

CONTINUED FROM PAGE 17 A on other side.

NUMBER 78-8-EQU HEPBURNIA COAL COMPANY -vs- UNITED MINE WORKERS OF AMERICA; DISTRICT 2

hereby continued until Tuesday, February 14th, 1978, at 2:00 o'clock p.m. It is the further ORDER of this Court that the Temporary Injunction currently existing as of February 8th, 1978, be and is hereby continued in full force and effect pending Hearing on the Merits. BY THE COURT, s/John K. Reilly, Jr., President Judge.

FEBRUARY 15, 1978, CONSENT DECREE, filed by J. Craig Kuhn.

AND NOW, to wit, this 14 day of February, 1978, upon further review and consideration of the facts, it appearing to the Court that the entry of this Decree is consented to by Plaintiff and two of the Union Defendants, and upon security being entered in the sum of $5,000.00 it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. The preliminary injunction issued on February 8, 1978, in the above-captioned matter be and the same is hereby dissolved. A permanent injunction is hereby issued as to the following parties, for whom an appearance has been filed: United Mine Workers of America, International Union and District 2, United Mine Workers of America.

2. Defendants shall not be required to file any answer or other responsive pleading in this action unless directed to do so by further Order of this Court.

3. Defendants shall not be deemed to have admitted to any of the allegations of the Complaint and Request for Preliminary Injunction or the Affidavits submitted therewith by their consents hereto.

4. Defendants, United Mine Workers of America and District 2, United Mine Workers of America, and officers, agents, servants, representatives and other employees of said Defendants, and any and all persons acting in concert with them are hereby enjoined from doing any of the following acts:

(a) In any manner unlawfully impeding, obstructing, hampering or interfering with the Plaintiff's business operations.

(b) Blocking or obstructing, or attempting to block or obstruct, in any manner, any public or private street or road, roadway, driveway, railway or entry, sidewalk or passageway used by the Plaintiff, its agents, employees, servants, invitees, public or private carriers of others for purpose of access to the Plaintiff's various job sites and places of business in Clearfield County, Pennsylvania and blocking or obstructing or attempting to block or obstruct, in any manner whatsoever, the free movement and passage of automobiles, trucks and other motor vehicles and railway trains and cars and machinery to or from any of the Plaintiff's job sites or other places of business.

(c) By mass congregating or picketing, physical obstruction, force, show or force, threats, suggestions of danger, or any other means of intimidation or coercion of the Plaintiff's employees or third persons, interfering with impeding, hindering or obstructing the Plaintiff's business operations or the movement of coal materials, supplies and equipment thereto or therefrom, or the performance of work assignments by the Plaintiff's employees.

(d) In any manner interfering with any person, firm or corporation seeking to supply Plaintiff with materials, supplies or equipment, or seeking to perform any transportation service for or on behalf of Plaintiff.

(e) Picketing other than lawfully and peacefully, any of the Plaintiff's job sites or places of business.

(f) If the Defendants, or any other persons, shall choose to picket any of the Plaintiff's job sites or places of business and if such picketing is not otherwise a violation of law, then in that event such picketing shall be conducted in such a manner as not to impede or interfere with ingress or egress of any person or thing to and from any of the job sites, offices or other places of business of the Plaintiff and so as not to violate any of the limitations of Paragraphs a, b, c, d and e of this Decree and such picketing shall be further limited as follows:

(1) There shall be no more than 3 pickets at any job entrance.

(2) Pickets are not required to be constantly in motion. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MAY 2, 1978, SHERIFF'S RETURN, filed.

February 9, 1978, served within Complaint and Injunction on Vince Rebar, Defendant.

February 9, 1978, served within Complaint and Injunction on Vince Rebar, President of Local 1520 UMW.

February 9, 1978, served within Complaint and Injunction on Keith Kephart, Defendant.

February 9, 1978, served within Complaint and Injunction on Keith Kephart, President of Local 1723 UMW.

February 9, 1978, served within Complaint and Injunction on Defendant by Sheriff of Cambria County. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.

FEB. 03, 1998, MOTION TO AUTHORIZE CANCELLATION OF SURETY BOND, filed by s/DAVID S. AMMERMAN, ESQUIRE

ONE (1) CERT TO ATTY AMMERMAN

FEB. 05, 1998, ORDER, filed. ONE (1) CERT TO ATTY AMMERMAN

AND NOW, this 5th day of February, 1998, upon motion of the attorney for the Plaintiff, it appearing that the Preliminary Injunction issued on February 8, 1978, in the above case was dissolved and a permanent injunction was issued by this Court on February 15, 1978 as a Consent Decree by all parties, it is the Order of this Court that the Plaintiff is hereby authorized to cancel the $5,000.00 surety bond issued by Corporate Surety TransAmerica Insurance Company filed February 8, 1978, and naming the Commonwealth of Pennsylvania as obligee. BY THE COURT: s/JOHN K. REILLY, JR., President Judge

EQUITY DOCKET NO. 12 1978

John Sughrue	PENN FURNITURE COMPANY, a Corporation 78-9-EQU WALTER W. JOHNSTON, MILDRED B. JOHNSTON, individually and as Executrix of the Estate of JOHN K. JOHNSTON and Estate of ORVIS J. JOHNSTON, Dec'd Pro by Atty 15.00 Atty 3.00 Disc by atty 3.00	FEBRUARY 10, 1978, PRAECIPE FOR WRIT OF SUMMONS IN EQUITY, filed by John Sughrue. Kindly issue a Writ of Summons in Equity in the above captioned matter. This action involved real property situate in the Borough of Clearfield, County of Clearfield and Commonwealth of Pennsylvania owned by the above named Defendants, more fully bounded and described as follows: BEING Lot No. 140 in the Third Ward of Clearfield Borough: Bounded on the North by Nichols Street, on the East by Lot No. 139, on the South by an alley and on the West by an alley, being fifty (50) foot frontage on Nichols Street and one hundred eighty (180) feet in depth, improved with a one story concrete block storeroom and bakery building. Please index lis pendens. s/John Sughrue, Attorney for Plaintiff. FEBRUARY 10, 1978, SUMMONS IN EQUITY ISSUED TO ATTORNEY FOR SERVICE. APRIL 16, 1979 PRAECIPE TO SETTLE AND DISCONTINUED, filed by John Sughrue, Atty for Plff. Kindly mark the above captioned case Settled and discontinued with costs taxed to the Plaintiff. s/John Sughrue, Atty for Plff. Record costs in the sum of $18.00 have been paid in full by Attorney John Sughrue, this case marked settled and discontinued. S E T T L E D D I S C O N T I N U E D

Belin, Belin & Naddeo	HILDA M. SMITH 78-10-EQU RICHARD E. SMITH Pro by Atty 30.00 Atty by Atty 3.00 Shff. Hawkins by atty 10.19 Settle-Disc 3.00	FEBRUARY 10, 1978, COMPLAINT IN PARTITION, filed by Belin, Belin & Naddeo. One copy Certified to Sheriff. FEBRUARY 28, 1978, SHERIFF'S RETURN, filed. February 24, 1978, Complaint in Partition, served on Richard E. Smith, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. JUNE 8, 1978 PRAECIPE, filed by James A. Naddeo, Atty for Plaintiff. Please mark the above captioned case settled and discontinued upon payment of costs. s/James A. Naddeo, Atty for Plff. Record costs in the sum of $43.19 have been paid in full by James A. Naddeo, this case marked Settled and Discontinued. ****SETTLED DISCONTINUED***

Timothy E. Durant	THEODORE V. ROWLES and LOIS J. ROWLES 78-11-EQU	FEBRUARY 15, 1978, PRAECIPE, filed by Timothy E. Durant. Kindly enter my appearance for the Plaintiffs and issue a summons in equity in the above captioned matter. s/Timothy E. Durant, Attorney for Plaintiffs. FEBRUARY 15, 1978, SUMMONS IN EQUITY ISSUED TO SHERIFF FOR SERVICE.
William U. Smith William U. Smith	COUNTY NATIONAL BANK and REED BROTHERS Pro by Atty 15.00 Atty 3.00 Shff by Atty 11.75 Pro by Atty 15.00	FEBRUARY 23, 1978, PRAECIPE, filed by W. U. Smith. Please enter my appearance on behalf on the Defendants in the above-entitled case. /s/ William U. Smith, Attorney for Defendant. MARCH 15, 1978, SHERIFF'S RETURN, filed. Now, February 17, 1978 served within Summons in Equity on Mr. Moore, Officer for County National Bank. Now, February 17, 1978 served within Summons in Equity on Don Reed. So answers, Chester A. Hawkins by Marilyn Wood MAY 10, 1978, COMPLAINT IN EQUITY, filed by Timothy E. Durant. Two copies certified to Attorney. MAY 11, 1978 PRAECIPE, filed by W. U. Smith Please enter my appearance on behalf of the defendants in the above-entitled case. s/William U. Smit Attorney for Defendants. MAY 12, 1978, AFFIDAVIT OF SERVICE, filed by Timothy E. Durant. JUNE 21, 1978, ANSWER, filed by William U. Smith. One copy for acceptance by Tim. Durant. JUNE 22, 1978 Copies received, Service Accepted. s/Timothy Durant, by Judy Crain SEPTEMBER 7, 1978, ORDER, filed. NOW, this 7th day of September, 1978, this being the day and date set for hearing into the above-captioned Action in Equity, upon agreement of the parties, it is the ORDER of this Court that the roof of the Defendant Bank installed by the Defendant Reed Brothers not attach to the property of the Plaintiffs and that no ownership or proprietory interest in or to Plaintiffs' property shall result to either Defendant. It is the further ORDER of this Court that Defendant Bank shall install a duct system to the window of Plaintiffs' bathroom for purposes of supplying ventilation. Costs to be paid by the Defendant. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Anthony S. Guido	MELVA CAIRNS	
	78-12-EQU	
	HARRY CAIRNS, JR.	
	Pro by Atty	30.00
	Atty by Atty	3.00
	Shff. Hawkins	13.55
	Disc by atty	3.00

FEBRUARY 15, 1978, COMPLAINT IN PARTITION, filed by Anthony S. Guido.

One copy Certified to Sheriff.

INTERLOCUTORY DECREE APPOINTING TRUSTEE

AND NOW, this 14 day of February, 1978, upon consideration of the foregoing case, it is ordered, adjudged and decreed:

1. That a partition and division be made of the property described in the Complaint situate in Brady Township, Clearfield County, Pennsylvania, being bounded and described as follows:

BEGINNING at an old existing 1/2 inch pipe at the Northeast corner of land of Eva Powers of which this is a part, andthe corner of land of Virginia Lee Seylers and Hope Ellenberger; thence along land of Virginia Lee Seylers South 5° 26' West 660.1 feet to a point in the center line of Township Road T-359; thence along the centerline of T-359, South 73° 13' West 175.0 feet to a point in the center of T-359; thence along same by a curve to the left the long chord being South 70° 41' West 27.0 feet to a point in the centerline of T-359; thence along land to be sold to George T. Nelson, North 25° 50' West 413.0 feet to a point on the line of land of Hope Ellenberger; then along land of Ellenberger North 49° 30' East 54.0 feet to a 1 inch pipe by an oak tree; thence along same North 51° 46' East 501.8 feet to a 1/2 inch pipe and place of beginning. Containing 4.0 acres.

2. That Benjamin Blakley, Esq., is appointed Trustee to make public sale of the aforesaid property after first entering security in the sum of $50,000.00.

3. That said Trustee shall give notice of said sale by advertising the same in two daily newspapers of general circulation in this County and in the DuBois Courier Express, and by hand bills posted on the property and in other public places, once a week for four consecutive weeks before the date of the sale.

4. That the proceeds of said sale after payment of expenses thereof by divided equally between the parties, subject, however, (a) to the deduction therefrom of the amount of the lien of the mortgage owing to the Deposit National Bank as aforesaid; and (b) to the deduction from the share of either party the amount of any lien entered of record against said party, together with interest due and costs taxed thereon; which amounts are to be paid by the Trustee to the person or persons to whom the same is due and payable.

5. This Order is returnable the 15th day of May, 1978.

BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 10, 1978, SHERIFF'S RETURN, filed.

March 7, 1978, served within Complaint in Partition on Harry Cairns, Jr., Defendant. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.

MARCH 20, 1978, BOND OF MASTER, filed by Benjamin S. Blakley, III, Master. Surety-Western Surety Company in the amount of $50,000.00.

MAY 23, 1978, ORDER, filed.

NOW THIS 23 day of May, 1978, it appearing from the record that the parties hereto, have agreed upon and entered into a sale of the premises which are the subject of this action; therefore, Benjamin S. Blakley, III, Esquire, having been appointed Master in Partition, is released from any and all further duties and his Bondsman is released from all further liability.

AND FURTHER, that Benjamin S. Blakley, III, Esquire, is directed to return the records pertaining to said action to the Prothonotary's Office. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 29, 1978 PRAECIPE, filed by Anthony S. Guido.

Mark the above Partition action Discontinued of record. s/Anthony S. Guido.

********** D I S C O N T I N U E D **********

Joseph Colavecchi	HELEN S. HOLLAND and RUTH MARGARET MITCHELL	
	78-13-EQU	
William U. Smith.	EARL M. BROWN, FORNEY D. WINNER and MARY E. WINNER his wife	
	Pro by Atty	30.00
	Atty by Atty	3.00
	Shff Hawkins by Atty	11.75
	Shff Maggs	8.75

FEBRUARY 21, 1978, COMPLAINT IN PARTITION, filed by Joseph Colavecchi.

Three copies Certified to Attorney.

FEBRUARY 23, 1978, PRAECIPE, filed by William U. Smith.

Please enter my appearance on behalf of the defendants in the above-entitled case. /s/William U. Smith, Attorney for Defendant.

MARCH 14, 1978, ORDER, filed.

NOW, this 14th day of March, 1978, at the request of the above-captioned parties, it is the ORDER of this Court that Elizabeth Cunningham, Esquire, be and is hereby appointed Master in Partition to sell the subject property and to report same to this Court. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

APRIL 3, 1978, SHERIFF'S RETURN, filed.

Now, February 21, 1978 served within Action in Partistion on Mrs. E. M. Brown, wife of Earl M. Brown.

Now, February 21, 1978 William D. Maggs, Sheriff of Clinton County was deputized.

Now April 3, 1978, attempted service on Forney D. Winner, return of Sheriff Maggs attached and made a part of this return marked "NOT FOUND". So answers, Chester A. Hawkins by Marilyn Wood

APRIL 11, 1978, AFFIDAVIT OF SERVICE, filed by Joseph Colavecchi.

MAY 15, 1978, MASTERS REPORT IN PARTITION, filed by Elizabeth Cunningham

JULY 21, 1978, MASTERS RETURN OF SALE AND REPORT AND PROPOSED DECREE, filed by Elizabeth Cunningham

WHEREFORE, the Master, prays the Court to Confirm the sale and direct the Master to deliver to Helen S. Holland and Ruth Margaret Mitchell, the purchasers at the sale, the deed. Said deed to be in the form of the deed attached and made a part hereof. Further, the Master requests the Court to confirm the proposed payments from the amount realized at the sale and the proposed distribution of the net proceeds of the sale as set forth in the Master's Report and Proposed Decree s/Elizabeth Cunningham

DECREE NISI

NOW this 21st day of July, 1978 after reviewing the report of Elizabeth Cunningham, Esquire, Master in Partition in the above captioned case, the Court hereby approves the proposed schedule of distribution and does further direct the master to make, execute and deliver a deed to Helen S. Holland and Ruth Margaret Mitchell, the successful bidders at the public sale, said deed to be in the form attached to the report, and to make distribution to the parties as set forth in the report.

Unless exceptions are filed to the within decree nisi within twenty (20) days from the date hereof, the same shall become final without further order of the court. By the Court, John K. Reilly, Jr.

DECEMBER 4, 1978, PETITION FOR CORRECTIVE DEED FROM MASTER IN PARTITION AND RULE, filed by Joseph Colavecchi.

Three copies Certified to Attorney.

WHEREFORE, it is respectfully requested that your Honorable Court issue a rule directing your Master to issue a Corrective Deed showing the proper map number. /s/Joseph Colavecchi.

RULE:

AND NOW, this 4 day of December, 1978, upon consideration of the foregoing Petition, a Rule is issued to Elizabeth Cunningham, formerly Master in Partition in the above-captioned action, to show cause why she should not issue a corrected deed, showing the description in said deed as having the proper map numbers in conformance with the Complaint filed in this action, and in conformance with the foregoing Petition.

Rule returnable the 21 day of December, 1978, at 9:00 a.m. in the Clearfield County Courthouse. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

EQUITY DOCKET 12

James A. Naddeo
Belin, Belin & Naddeo

William Scott

2/22/78
$5,000 Cash Bond
Clfd Trust
Kuhn, Engle & Stein

3/21/78
Bal. deposited $100.00

K and J COAL COMPANY

78-14-EQU

UNITED MINE WORKERS OF AMERICA: DISTRICT #2, UNITED MINE WORKERS OF AMERICA: LOCAL #1520, UNITED MINE WORKERS OF AMERICA: LOCAL #1723 UNITED MINE WORKERS OF AMERICA; VALERIO SCARTON; FRANK KULISH; WALTER HARRIS; PAUL VICHKO; VINCE REBAR; and KEITH KEPHART

FEBRUARY 22, 1978 COMPLAINT AND REQUEST FOR PRELIMINARY INJUNCTION, filed by James A. Naddeo.

Ten copies certified back to Attorney.

PRELIMINARY INJUNCTION, filed.

AND NOW, February 22, 1978, the plaintiffs having filed a Complaint duly verified and support by affidavits executed by persons congnizant of the fact that immediate or irreparable harm will result to the plaintiffs before this matter can be heard on motice, it is ORDERED, ADJUDGED AND DECREE that a Preliminary Injunction as prayed for in the Complaint be granted enjoining and restraining the defendants and all persons acting in concert with or under the discretion of the defendants; and any and all other persons acting in concert or participating with the defendants; and all others in similar interest, from:

(1) In any manner unlawfully impeding, obstructing or interfering with the business of the plaintiffs in this action;

(2) Interfering with, hindering or obstructing the agents, servants, and employees of the plaintiffs in the performance of their work assignments at the various places of business located in Clearfield County, Pennsylvania;

(3) Preventing or attempting to prevent any person or persons, whether officers of the plaintiff, employees of the plaintiff, or other persons acting independently from freely entering or leaving the various places of business of the plaintiffs located in Clearfield County, Pennsylvania;

(4) Preventing or attempting to prevent, or unlawfully impeding, obstructing or interfering with the plaintiffs' contracts or contractual obligations in the matter of mining producing, processing shipping and selling of coal;

(5) Conspiring, combining, confederating, agreeing or arranging with each other or with any other person or persons organizations or associations to interfere with or injure the plaintiffs in the conduct of lawful operations of business by massed picketing, threats or acts of violence, force or show of force, or any other means of intimidation or coercion;

(6) Engaging in any course of conduct intended or calculated to coerce the plaintiffs to recognize the defendant union or other defendants as the collective bargining agent for their employees;

(7) Engagin in any course of conduct intended or calculated to coerce the plaintiff to commit violations of the Pennsylvania Labor Relations Act of 1937 or the National Labor Relations Act of 1935, as amended;

(8) Seizing, holding or otherwise taking possession or control whether real or constructive, of the real and personal property of the plaintiffs in Clearfield County or preventing, hindering or impeding the plaintiffs and its employees from engaging in business with the intention of compelling them to accede to any demands, conditions or terms of employment or collective bargaining;

(9) Preventing or attempting to prevent by any means of intimidation, threats, force or show of force, or otherwise, any of the officers, agents or employees of the plaintiffs or other persons having business with them from entering, leaving, or transacting business at its various places of business or elsewhere in Clearfield County, Pennsylvania.

(10) Blocking or obstrucing, or attempting to block any public or private roads used by the plaintiffs or its employees or contractors in the mining and transportation of coal either by placing material objects on or over such roadways or by stationing or massing pickets on such roads or at the entrances thereto;

(11) Interfering with, hindering or annoying the employees of the plaintiffs desiring to enter or leave the various places of business of the plaintiffs by the use of force, display of force or numbers, threats or other acts of intimidation or coercion, by suggestions of danger or taunts, or by conduct tending to deprive such employees of free enjoyment of their legal rights and of access to and from the various places of business of the plaintiffs in Clearfield County, Pennsylvania.

It is further ORDERED and DECREE that a bond in the amount of FIVE THOUSAND ($5,000.00) Dollar should be provided by the plaintiffs naming the Commonwealth of Pennsylvania as obligee, conditione that if the injunction is dissolved because improperly granted or for failure to hold a hearing, the plaintiffs shall pay to any person injured by the reason of granting the injunction all damages and legally taxable costs and fee.

This Preliminary Injunction shall remain in full force and effect until the cause be decided by the Court at a hearing to be held at the Clearfield County Courthouse on the 27th day of February, 1978, at 2:30 o'clock P.M. By the Court, s/John K. Reilly, Jr., P.J.

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff. Hawkins	by Atty	31.07
Shff. Cavanaugh		20.95

Mar. 21, 1978.
Ck#2300 Trans to reg acct. $4900.00

Ck#5491 Returned to James A. Naddeo Atty. forPlff. $4900.00

Shff	by Atty Hawkins	38.09
Shff	by Atty Cavanaugh	30.25
Shff	by Atty Waite	25.18
Pro	by atty	5.00

MARCH 1, 1978, PRAECIPE, filed by William Scott.

Please enter my appearance on behalf of the plaintiff in the above captioned action. /s/William Scott.

MARCH 1, 1978, PRAECIPE FOR APPEARANCE, filed by Melvin P. Stein.

Kindly enter our appearance on behalf of United Mine Workers of America; District 2, United Mine Workers of America and Local 1723, United Mine Workers of America. /s/Kuhn, Engle & Stein.

MARCH 1, 1978, CONSENT DECREE, filed by Belin, Belin and Naddeo.

Three copies Certified to Attorney.

AND NOW, to wit, this 1 day of March, 1978, upon further review and consideration of the facts, it appearing to the Court that the entry of this Decree is consented to by Plaintiff and the Union Defendants, and upon security being entered in the sum of $100.00 it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. The preliminary injunction issued on February 22, 1978 in theabove-captioned matter be and the same is hereby dissolved. A permanent injunction is hereby issued as to the parties for whom proof of service has been filed or for whom an appearance of counsel has been

CONTINUED TO PAGE 29B

CONTINUED FROM PAGE 29B NO. 78-14-EQU K & J COAL COMPANY -vs- UNITED MINE WORKERS OF AMERICA et al

filed, to wit, UNITED MINE WORKERS OF AMERICA; DISTRICT 2 UNITED MINE WORKERS OF AMERICA; LOCAL #1520 UNITED MINE WORKERS OF AMERICA, and LOCAL #1723 UNITED MINE WORKERS OF AMERICA.

2. Defendants, United Mine Workers of America, District 2, and Locals Nos. 1520 and 1723 thereof, shall not be required to file any answer or other responsive pleading in this action unless directed to do so by further order of this court.

3. Defendants shall not be deemed to have admitted to any of the allegations of the Complaint and Request for Preliminary Injunction or the Affidavits submitted herewith by their consents hereto.

4. Defendants, United Mine Workers of America; District 2, United Mine Workers of America; Local #1520 United Mine Workers of America and Local #1723 United Mine Workers of America, and officers, agents, servants, representatives and other employees of said Defendants, and any and all persons acting in concert with them by hereby enjoined from doing any of the following acts:

(a) In any manner unlawfully impeding, obstructing, hampering or interfering with the Plaintiff"s business operations.

(b) Blocking or obstructing, or attempting to block or obstruct in any manner, any public or private street or road, roadway, driveway, railway or entry, sidewalk or passageway used by the Plaintiff, its agents, employees, servants, invitees, public or private carriers of others for purpose of access to the Plaintiff's various job sites and places of business in Clearfield County, Pennsylvania and blocking or obstructing or attempting to block or obstruct, in any manner whatsoever, the free movement or passage of automobiles, trucks or other motor vehicles and railway trains and cars and machinery to or from any of the plaintiff's job sites or other places of business.

(c) By mass congregation or picketing, physical obstruction, force, show of force, threats, suggestions of danger, or any other means of intimidation or coercion of the plaintiff's employees or third persons, interfering with impeding, hindering or obstructing the plaintiff's business operations or the movement of coal, materials, supplies and equipment thereto or therefrom, or the performance of work assignments by the plaintiff's employees.

(d) In any manner interfering with any person, firm or corporation seeking to supply plaintiff with materials, supplies or equipment, or seeking to perform any transportation service for or on behalf of Plaintiff.

(e) Picketing other than lawfully and peacefully, any of the plaintiff's job sites or places of business.

(f) If the Defendants, or any other persons shall choose to picket any of the plaintiff's job sites or places of business and if such picketing is not otherwise a violation of law, then in that event such picketing shall be conducted in such a manner as not to impede or interfere with ingress, or egress of any person or thing to and from any of the job sites, offices or other places of business of the Plaintiff and so as not to violate any of the limitations of Paragraphs a, b, c, d, and e of this Decree and such picketing shall be further limited as follows:

(1) There shall be no more than 3 pickets at any job entrance.

(2) Pickets are not required to be constantly in motion provided that they shall not block the entrance or impede in any way passage from vehicles or persons to or from plaintiff's job sites or other places of business

5. The original security posed by plaintiff is discharged and the Prothonotary is directed to return said security to party posting same provided, however, that the sum of $100 be retained as permanent security.

CONSENTED TO: /s/William Scott--Attorney for Plaintiff
525 Willaim Penn Place, P.O. Box 2674
Pittsburgh, PA 15230
/s/James A. Naddeo, of Belin, Belin and Naddeo
Attorneys for Plaintiff
15 N. Front Street, Clearfield, PA 16830
/s/Kuhn, Engle & Stein by Melvin Stein--Attorney for Defendants
1512 Frick Building
Pittsburgh, PA 15219
Attorney for United Mine Workers of America and District 2 United Mine Workers of America, Local #1520, United Mine Workers of America and Local 1723, United Mine Workers of America.

BY THE COURT, /s/John K. Reilly, Jr., President Judge

MARCH 9, 1978, SHERIFF'S RETURN, filed.

February 22, 1978, served within Complaint in Equity on Vince Rebar, President of Local #1520.

February 22, 1978, served within Complaint in Equity on Vince Rebar, Defendant.

February 22, 1978, served within Complaint in Equity on Keith Kephart, President of Local #1723.

February 22, 1978, served within Complaint in Equity on Keith Kephart, Defendant.

February 22, 1978, Sheriff of Cambria County deputized to serve within Complaint on UMW of America; District 2 UMW; Valerio Scarton, President of District 2, Frank Kulish, VP District 2, Walter Harris, Sec. Treas. District 2, Paul Vichko, District 2, Exec. Board Member, Defendant.

February 23, 1978, served within Complaint on Defendants previously mentioned. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.

MARCH 30, 1981, PETITION FOR CONTEMPT CITATION AND ORDER, filed by James A. Naddeo. Three copies Certified to Sheriff. Three Subpoenas Duces Tecum Certified to Sheriff.

WHEREFORE, petitioner respectfully requests your Honorable Court to issue a rule forthwith upon the respondents named in this application to show cause why they should not be held in contempt of the court's order of March 1, 1978. /s/Belin, Belin & Naddeo by James A. Naddeo, Attorney for Petitioner.

ORDER:

AND NOW this 30th day of March, 1981, upon consideration of the petition of the plaintiff in the above captioned action upon affidavits duly filed with the court, it is hereby ORDERED and DIRECTED that a rule issue forthwith upon the Respondents named in plaintiff's application for contempt to show cause why they should not be held in contempt of the Court's Order of March 1, 1978. It is the further Order of Court that a hearing thereon be held in the main court Room of the Clearfield County Court House on the 7th day of April, 1981 at 3:00 p.m. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 30, 1981, SUBPOENA DUCES TECUM ISSUED TO: Dwayne Kirkpatrick, filed.

MARCH 30, 1981, SUBPOENA DUCES TECUM ISSUED TO: Frank Kulish, President United Mine Workers of America.

MARCH 30, 1981, SUBPOENA DUCES TECUM ISSUED TO: Joseph Westover.

CONTINUED TO PAGE 29C

CONTINUED FROM PAGE 29B NO. 78-14-EQU K & J COAL CO. -vs- UNITED MINE WORKERS, al

APRIL 10, 1981, ORDER, filed.
NOW, this 7th day of April, 1981, this being the return date for rule issue in the above-captioned matter, upon agreement of Counsel for both parties, it is the ORDER of this Court that Hearing on said rule be and is hereby continued until further Order of the Court. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

APRIL 20, 1981, SHERIFF'S RETURN, filed.
Now, March 31, 1981, Joseph E. Cavanaugh, Sheriff of Cambria County was deputized by Chester A. Hawkins, Sheriff of Clearfield County to serve the within Petition for Comtempt Citation and Subpoena on Frank Kulish and Dwayne Kirkpatrick, defendants and Petition for Contempt Citation on UMW District #2, defendant.

Now, April 1, 1981, served the within Petition & Subpoenas on Frank Kulish and Dwayne Kirkpatrick, defendant by deputizing the Sheriff of Cambria County. The return of Sheriff Cavanaugh is hereto attached and made a part of this return.

Now, April 1, 1981, served the within Petition on WMW District #2 by deputizing the Sheriff of Cambria County. The return of Sheriff Cavanaugh is hereto attached and made a part of this return.

Now, April 1, 1981, Richard V. Waite, Sheriff of Centre County was deputized by Chester A. Hawkins, Sheriff of Clearfield County to serve the within Petition on Local #1723, defendant.

Now, April 2, 1981, served the within Petiton on Local #1723 by deputizing the Sheriff of Centre County. The return of Sheriff Waite is hereto attached and made a part of this return.

Now, April 6, 1981 at 11:45 a.m. EST, served the within Petition & Subpoena on Joseph Westover, defendant at his place of residence, Westover, Clearfield County, Penna., by handing to Joseph Westover a true and attested copy of the original Petition & Subpoena and made known to him the contents thereof.

Now, April 6, 1981 at 4:30 p.m. EST, served the within Petition on Vince Rebar, President of Local #1520, defendant at his place of residence, R.D., Houtzdale, Clearfield County, Penna., by handing to Vince Rebar a true and attested copy of the original Petition and made known to him the contents thereof. SO ANSWERS, Chester A. Hawkins, Sheriff, /s/ Marilyn Wood.

JULY 26, 1990, PRAECIPE, filed
Please mark the above-captioned action discontinued and ended. /s/ James A. Naddeo, Esq.

DISCONTINUED AND ENDED

29/D

EQUITY DOCKET NO. 12

John Sughrue	LOUIS J. CASANTA and NANCY CASANTA, his wife 78-15-EQU CLEARFIELD COUNTY TAX CLAIM BUREAU, BOARD OF COMMISSIONERS OF CLEARFIELD COUNTY and ROBERT W. STRONG and JOAN A. STRONG, his wife Pro 15.00 Atty 3.00 Pro cap atty 20.00	MARCH 2, 1978, PRAECIPE FOR WRIT OF SUMMONS IN EQUITY, filed by John Sughrue, Esq. Kindly issue a Writ of Summons in Equity in the above captioned matter directed to the above named defendants. This matter involves real property situate Treasure Lake Development, Sandy Township, Clearfield County, Pennsylvania, said property being more particularly described as follows: Tr Lake Lot 406, Section 15-L. Tax Assessment Number is 128-21-C2-15-406. /s/John Sughrue, Attorney for Plaintiffs. MARCH 2, 1978, SUMMONS IN EQUITY ISSUED TO JOHN SUGHRUE FOR SERVICE. FEBRUARY 16, 1979, ORDER, filed. NOW, this 16th day of February, 1979, following hearing into the above-captioned Exceptions to Sale for Unpaid Taxes by the Clearfield County Tax Claim Bureau, it is the ORDER of this Court that said Exceptions be and are hereby dismissed and the actions of said Tax Claim Bureau sustained. BY THE COURT, /s/John K. Reilly, Jr., President Judge. MARCH 16, 1979, NOTICE OF APPEAL, filed. Notice is hereby given that Louis J. Casanta and Nancy L. Casanta, his wife, Plaintiffs above named, hereby appeal to the Commonwealth Court of Pennsylvania from Order of this Court dated February 16, 1979 dismissing Exceptions to Tax Claim Bureau sale. By /s/ John Sughrue, Atty for Plaintiffs CERTIFICATION OF SERVICE OF NOTICE OF APPEAL, filed MARCH 19, 1979, ORDER, filed. NOW, this 16th day of March, 1979, upon agreement of the counsel for the Exceptants and the County of Clearfield, David Blakley, Esquire, and John Sughrue, Esquire, it is the ORDER of this Court that Order dated February 16, 1979, dismissing Plaintiffs' Exceptions in the above-captioned matter be and is hereby rescinded and further argument on said issue is scheduled for Monday, March 26, 1979, at 1:30 p.m. By the Court, /s/ John K. Reilly, Jr., President Judge.

Keystone Legal Serv.

CHARLES PETERS and JANIS PETERS

78-16-EQU

DARRELL D. LINGLE and NANCY LINGLE, his wife

Ck#14877 Clfd Co.

Pro	by Co.	30.00
Atty		3.00
Shff	Hawkins	11.75
Disc	by atty	3.00

MARCH 7, 1978, PETITION TO PROCEED IN FORMA PAUPERIS, FINANCIAL STATEMENT AND ORDER, filed by Keystone Legal Services.

WHEREFORE, Plaintiffs pray your Honorable Court to enter an order permitting plaintiffs to file the complai serve the defendants and proceed as an indigent party in this equity action. After a hearing on the merits of plaintiffs' equity action, the Court may place such costs on plaintiffs as the Court finds plaintiffs able to pay. The Court may order defendants to pay the costs involved herein after a hearing on the merits of Plaintiffs' claim. /s/Charles Peters, Janis Peters.

ORDER

AND NOW, this 7 day of March, 1978, upon considera-tion of the foregoing Petition and on motion of Paul Osborne, Esquire, the prayer of the Petition is granted and Plaintiffs shall be permitted tofile the complaint, serve the defendants, and proceed as an indigent party i their equity action. After a hearing on the merits of Plaintiffs' equity action, the Court may place such costs on plaintiffs as the Court finds plaintiffs able to pay. The Court may order Defendants to pay the costs involved herein after a hearing on the merits of Plaintiffs' claim. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 7, 1978, COMPLAINT IN EQUITY AND PRELIMINARY INJUNCTION ORDER, filed by Keystone Legal Services.

ORDER:

AND NOW, this 7th day of March, 1978, upon consider ation of the within Complaint in Equity, a hearing on the enclosed Petition will be held on the 8 day of March, 1978, at 3:00 o'clock P.M. at the Clearfield County Courthouse, in Clearfield, Pennsylvania.
BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 9, 1978, AGREEMENT AND FINAL DECREE, filed by Timothy E. Durant.

NOW, this 9th day of March, 1978, it is the agreement of the parties hereto that the above captioned action shall be determined in the following manner:

The Plaintiffs shall forfeit their security deposit of One Hundred Thirty-five and No Hundredths ($135.00) Dollars to the Defendants and in addition pay One Hundred and No Hundredths ($100.00) Dollars to the Defendants within thirty (30) days as satisfac-tion in full of the Five Hundred Forty ($540.00) Dollars rent due and owing.

The Plaintiffs shall vacate the demised premises and remove their goods this date.

The Defendants shall absolve Plaintiffs of any and all liability for rent due and damages incurred upon payment of the said One Hundred Dollars ($100.00)

The Plaintiffs shall absolve Defendants of any and all liability for the "lock-out" and the retention of property from March 4, 1978 to March 8, 1978.

The Defendants shall return all property of plainti which Defendants have in their possession or control.

Any items affixed to the walls of the demised premises shall be the property of the Defendants as landlords.

THEREFORE, the parties intending to be bound hereby execute this agreement on the date above noted. /s/Charles Peters, Plaintiff, Janis Peters, Plaintiff, Darrell D. Lingle, Defendant, Nancy Lingle, Defendant.

FINAL DECREE

NOW this 9th day of March, 1978, it is the Order of this Court that upon agreement filed and stipulation of counsel and parties entered into in open Court this date that all of the possessions of the Plaintiffs held by the Defendants or their agents shall be returned to the control and custody of the Defendants forthwith; the Defendants shall be entitled to immediate possession of the premises in dispute and the security deposit paid by the Plaintiffs in the amount of One Hundred Thirty-Five and No Hundredths ($135.00) Dollars shall be forfeit to the Defendants; the Plaintiffs shall further pay to the Defendants the sum of One Hundred and No Hundredths ($100.00) Dollars within thirty (30) days from the date of this decree in full satisfaction of any claims the Defendants may have arising out of the Plaintiffs use of the demised premises; it is also the finding of this Court that Plaintiffs' claims be and hereby are dismissed. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 21, 1978, SHERIFF'S RETURN, filed.

Now March 7, 1978 at 3:35 P.M. EST served the within Complaint & Preliminary Injunction on Nancy Lingle, Defendant.

Now, March 7, 1978 at 3:35 P.M. EST served the within Complaint & Preliminary Injunction on Nancy Lingle, Wife of Darrell Lingle Defendant. So Answers, Chester A. Hawkins by Marilyn Wood

APRIL 14, 1978 PRAECIPE, filed by Timothy E. Durant

Kindly markathe above matter Se ttled, discontinued and ended as a result of Plaintiffs' payment to Defendants of the One Hundred ($100.00) Dollars Decreed in the above captioned case which payment was received April 11, 1978. s/ Timothy E. Durant, Atty for Defendants.

SETTLED DISCONTINUED ENDED

EQUITY DOCKET #12

Earle W. Lees	DAVID P. SWOPE 78-17-EQU CLEARFIELD COUNTY TAX CLAIM BUREAU, CLEARFIELD COUNTY BOARD OF COMMISSIONERS and TONI CHERRY Pro by Atty 30.00 Atty 3.00	MARCH 21, 1978, PETITION TO FILE OBJECTIONS AND EXCEPTIONS NUNC PRO TUNC, filed by Earle W. Lees One copy certified to Attorney WHEREFORE, your Petitioner respectfully requests that a Rule be issued against the Respondents to show cause why objections and exceptions should not be filed Nunc Pro Tunc. s/Earle W. Lees RULE AND NOW, to-wit, this 21 day of March, 1978, upon consideration of the foregoing Petition, a Rule is issued upon Respondents to show cause, if any there be, why Petitioner's prayer should not be granted. Rule returnable the 3 day of April, 1978 at 9:00 o'clock a.m. BY THE COURT, John K. Reilly, Jr., P.J. MARCH 27, 1978, BY LETTER RECEIVED FROM LAW OFFICES OF MILGRUB AND LEES, THIS ACTION IS BEING TRANSFERRED TO MISCELLANEOUS DOCKET NO. 8, PAGE 580.

Nevling, Davis, Kriner and Yeager	ALDEAN HAMILTON 78-18-EQU	MARCH 31, 1978, COMPLAINT IN PARTITION, filed by Nevling, Davis, Kriner and Yeager. APRIL 17, 1978, AFFIDAVIT OF SERVICE, filed. Copies of this Complaint served by certified mail on Pearl F. Lillie and Guy Flood, return receipt attached. s/Bonnie Frailey April 26, 1978, ANSWER OF DEFENDANT BERTHA F. RODI, filed by James L. Jubelirer.
James L. Jubelirer	KATHERINE FLOOD DIXON, CLARE F. YOUNG, KENNETH FLOOD, J. HARRY FLOOD, individually and as Executor under the Will of John F. Flood, deceased, PEARL F. LILLIE, BERTHA F. RODI and GUY FLOOD	MAY 3, 1978, AFFIDAVIT OF SERVICE, filed by James L. Jubelirer. MAY 3, 1978, PETITION TO INTERVENE OF AGATHA FLOOD, FILED PURSUANT TO PA. R.C.P. 2326, et seq. and RULE TO SHOW CAUSE, filed by James L. Jubelirer. AND NOW, this 2 day of May, 1978, upon consideration of the petition enclosed herein, a Rule is granted on all parties to the action to show cause why Agatha Flood should not be permitted to intervene therein. Rule returnable May 18th, 1978. All proceedings to stay meanwhile. BY THE COURT, /s/John K. Reilly, Jr., President Judge. MAY 12, 1978, SHERIFF'S RETURN, filed. Now April 6, 1978 served within Complaint in Partition on Bertha F. Rodi. Now, April 14, 1978 served within Complaint in Partition on D. Clare Young. Now, April 17, 1978 served within Complaint in Partition on J. Harry Flood. Now, April 10, 1978, Richard V. Waite, Sheriff of Centre County was deputized. Now, April 14, 1978 served within Complaint in Partition on Katherine Flood Dixon, return of Sheriff Waite attached. Now, March 31, 1978, Frank Policaro, Sheriff of Beaver County was deputized. Now, May 12, 1978 attempted to serve the within Complaint in Partition on Kenneth Flood by deputizing the Sheriff of Beaver County. The return of Sheriff Policaro is hereto attached and made a part of this return marked "NOT FOUND" as to Kenneth Flood. So answers, Chester A. Hawkins by Marilyn Wood MAY 15, 1978, PLAINTIFF'S ANSWER TO AGATHA FLOOD'S PETITION TO INTERVENE AND RULE TO SHOW CAUSE ISSUED THEREON filed by Nevling, Davis, Kriner & Yeager MAY 3, 1978, PRELIMINARY OBJECTIONS OF DEFENDANT, J. HARRY FLOOD, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF JOHN F. FLOOD, DECEASED, filed by John Sughrue MAY 10, 1978, PRAECIPE TO REINSTATE COMPLAINT, filed Please reinstate the Complaint in the above entitled matter. s/James K. Nevling MAY 17, 1978, COMPLAINT REINSTATED AND REISSUED TO SHERIFF FOR SERVICE JUNE 19, 1978, ORDER, filed. NOW, this 19th day of June, 1978, both parties having agreed that Act No. 1978 - 23 governs in this matter, it is the ORDER of this Court that the Petition of Agatha Flood to intervene in the above-captioned matter be and is hereby refused. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Pro by Atty 30.00
Atty 3.00
by Atty
Shff Hawkins 17.95
by Atty
Shff Waite 20.25
by Atty
Shff Policaro 8.25
by Atty
Shff Hawkins 4.00
by Atty
Shff Policaro 20.00

JUNE 27, 1978, SHERIFF'S RETURN, filed.
Now, May 17, 1978, Frank Policaro Jr. Sheriff of Beaver County was deputized.
Now, June 15, 1978, served within Complaint in Partition on Kenneth Flood, return of Sheriff Policaro hereto attached. So answers, Chester A. Hawkins by Marilyn Wood

JULY 31, 1978, PRAECIPE FOR ENTRY OF APPEARANCE, filed by James L. Jubelirer.
Kindly enter my appearance for Defendants Katherine Flood Dixon, Clare F. Young, Kenneth Flood, Pearl L. Lillie, and Guy Flood. I previously entered an appearance for Defendant Bertha F. Rodi. /s/James L. Jubelirer.

AUGUST 20, 1980, MOTION TO FIX A DATE FOR ARGUMENT AND DISPOSAL OF PRELIMINARY OBJECTIONS FILED BY JOHN H. FLOOD IN HIS OWN RIGHT AND AS EXECUTOR OF JOHN F. FLOOD, DECEASED, ON MAY 3, 1978 AND RULE, filed by James K. Nevling.
RULE TO SHOW CAUSE:
MADE this 18 day of August 1980, a Rule to Show Cause why the foregoing motion should not be granted is issued returnable the 3 day of September, 1980 at 9:00 A.M. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

AUGUST 21, 1980, RULE PREPARED AND MAILED TO JAMES L. JUBELIRER, ATTORNEY FOR DEFENDANT IN ACCORDANCE WITH PRECEDING MOTION.

SEPTEMBER 10, 1980, ORDER, filed.
NOW, this 10th day of September, 1980, following argument thereon, it is the ORDER of this Court that Preliminary Objections filed on behalf of the Defendant, J. Harry Flood, individually ar as Executor of the Estate of John F. Flood, deceased, be and are hereby dismissed and said Defendar directed to file Responsive Pleadings within twenty (20) days from date hereof. By theCourt, /s/ John K. Reilly, Jr., President Judge

SEPTEMBER 12, 1980, ANSWER OF J. HARRY FLOOD, INDIVIDUALLY AND AS EXECUTOR UNDER THE WILL OF JOHN F. FLOOD, DECEASED, filed by John Sughrue.

OCTOBER 13, 1980, REPLY TO NEW MATTER SET FORTH IN THE ANSWER OF J. HARRY FLOOD, INDIVIDUALLY AND AS EXECUTOR UNDER THE WILL OF JOHN F. FLOOD, DECEASED filed by James K. Nevling

CONTINUED TO PAGE 40

CONTINUED FROM 37 NO. 78-18-EQU ALDEAN HAMILTON -vs- KATHERINE FLOOD DIXON, et al

OCTOBER 31, 1980, CERTIFICATION OF READINESS AND PRAECIPE FOR TRIAL, filed by John Sughrue.
Plaintiff, by his attorney, hereby certified that the above-captioned matter is at issue and ready for trial.

Kindly place the above-captioned matter on the following trial list. Civil Non-Jury. Estimated time: 3 hours. Pre-trial conference is hereby requested.
/s/John Sughrue, Attorney for Plaintiff.

NOVEMBER 4, 1980, ORDER OF COURT, filed.
NOW, November 4, 1980, in accordance with the motion contained in the Reply to New Matter filed on behalf of Aldean Hamilton on October 13, 1980, no response to the said motion having been filed by any of the defendants, it is ORDERED AND DECREED as follows:

1. In accordance with RCP 1557, an Order is hereby entered directing the partition of the property which is the subject matter of this action; and

2. In accordance with RCP 1558, it is decreed that the interest of Aldean Hamilton in the tract of 10.49 acres, subject to a reservation of minerals, and a tract of 5 acres of minerals, all of which is more particularly described in paragraph 9 of the Plaintiff's Complaint, is an undivided one-half interest; the defendant, J. Harry Flood, individually and as Executor under the Will of John F. Flood, deceased, having admitted the allegations of the said paragraph in his Answer and the Defendants, Katherine Flood Dixon, Clare F. Young, Kenneth Flood, Pearl F. Lillie and Guy Flood, having failed to answer and the Defendant, Bertha F. Rodi, having in the Answer filed on her behalf requested the Court to determine whether the Plaintiff is entitled to a partition.

3. In accordance with RCP 1558, it is ORDERED AND DECREED that the attorneys and the parties in this proceeding shall appear for a preliminary conference on December 10, 1980 at 2:00 P.M., to consider whether the parties can agree upon a plan of partition or sale; for the purpose of simplifying the issues, for the purpose of determining whether any issues or matters relating to the carrying out of the Order of Partition shall be referred to a Master' and such other matters as may aid in the disposition of the action.

Exceptions to this Order may be filed by any party within twenty (20) days after the entry thereof and all interested parties shall be given notice of these proceedings by ordinary mail at least ten (10) days prior to the expiration of the said twenty-day period. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Miller, Kistler, Campbell, Inc.

EDWARD H. SIMON

78-19-EQU

Dennis J. Lewis

BERT SIMON

Pro Sup Atty 30.00
Atty 3.00

APRIL 7, 1978, COMPLAINT IN PARTITION, filed by Miller, Kistler & Campbell, Inc.

MAY 25, 1978, AMENDED COMPLAINT, filed by Miller, Kistler & Campbell, Inc.

JUNE 12, 1978, ANSWER TO COMPLAINT AND NEW MATTER, filed by Carl A. Belin, Jr.

I hereby certify that a true and correct copy of the enclosed Answer to Complaint and New Matter were served on the attorney for the plaintiff by mail this.... day of June, 1978. /s/Carl A. Belin, Jr.

JULY 3, 1978, ANSWER TO NEW MATTER, filed by Stephen W. Beik of Miller, Kistler & Campbell, Inc.

AUGUST 18, 1978, INTERROGATORIES TO DEFENDANT, filed by Stephen W. Beik

SEPTEMBER 7, 1978, PRAECIPE, filed by Michael P. Yeager.

Please enter my appearance on behalf of Bert Simon, the Defendant above named. /s/Michael P. Yeager, Attorney for Defendant.

NOVEMBER 9, 1978, ANSWERS TO INTERROGATORIES, filed by Nevling, Davis, Kriner & Yeager.

One copy certified to Attorney.

AUGUST 25, 1980, CERTIFICATE OF READINESS, filed by John R. Miller.

Requesting non-jury trial. /s/John R. Miller, Attorney for Plaintiff.

NOVEMBER 3, 1981, PRAECIPE FOR APPEARANCE OF COUNSEL, filed.

Please enter my appearance as co-counsel for defendant Bert Simon in the above-captioned action. /s/ Dennis J. Lewis

NOVEMBER 3, 1981, PETITION FOR APPOINTMENT OF MASTER, filed.by Dennis J. Lewis and /s/ Michael P. Yeager, Attorneys for Defendant, Bert Simon

NOVEMBER 3, 1981, ORDER, filed.

NOW, this 3rd day of November, 1981, following hearing into the above-captioned Petition for Appointmen of Master, it is the ORDER of this Court that unless the parties hereto advise the Court to the contrary, thirty (30) days from this date, this Court shall appoint a Master to determine the valuation to be fixed on the property involved, whether said property is capable of fair division into purparts proportionate to the interests of the parties, and/or offer said premises at private or public sale. By the Court, /s/ John K. Reilly, Jr., President Judge

FEBRUARY 11, 1982, DEFENDANT'S REPLY TO PLAINTIFF'S NEW MATTER TO DEFENDANT'S PETITION FOR APPOINTMENT OF MASTER, filed by Michael P. Yeager

APRIL 16, 1984, MOTION FOR JUDGMENT ON THE PLEADINGS filed by John R. Miller, Jr. Esq.

APRIL 16, 1984, ORDER OF COURT filed.

One copy certified to Attorney.

ORDER: AND NOW, to-wit this 17th day of April 1984, upon consideration of the foregoing Motion for Judgment, IT IS ORDERED AND DECREED that a Rule is issued on the Defendant, Bert Simon, to show cause, if any he has, why the Motion for Judgment on the Pleadings should not be granted. Rule returnable the 11th day of June 1984, at 9:00 A.M. BY THE COURT, S/John K. Reilly, Jr., Pres. Judge

CONTINUED FROM PAGE 37 NO. 78-18-EQU ALDEAN HAMILTON, -vs- KATHERINE FLOOD DIXON al

APRIL 7, 1982, CERTIFICATE OF SERVICE OF PETITION AND RULE, filed by James K. Nevling, Attorney for Aldean Hamilton, the Plaintiff

I hereby certify that there was served upon John Sughrue, as attorney for J. Harry Flood, Individually and as Executor under the Will of John F. Flood, and James L. Jubelirer, as attorney for Katherine Flood Dixon, Clare F. Young, Kenneth Flood, Pearl F. Lillie and Guy Flood, by ordinary mail, true and correct copies of the Petition for a Rule to Show Cause Why this Action Should not be Terminated, and the Rule to show Cause.

Such Service was made on June 12, 1981. /s/ James K. Nevling

APRIL 7, 1982, PETITION FOR RULE TO SHOW CAUSE WHY THE ACTION SHOULD NOT BE DISCONTINUED and RULE TO SHOW CAUSE, FILED by James K. Nevling,

RULE TO SHOW CAUSE

NOW, this 11th day of June, 1981, the attached Petition having been presented read and considered, it is ORDERED and DECREED that a Rule to Show Cause why the above entitled action should not be discontinued is issued returnable July 20, 1981.

A copy of the Petition and the Rule is to be served by Ordinary mail on each of the defendants or their attorneys of record at least twenty (20) days before the return date.
BY THE COURT /s/ John K. Reilly, President Judge.

EQUITY DOCKET NO. 12

Anthony Guido	HARVEY F. MURRAY 78-20-EQU IMOGENE HARTZFELD, THOMAS P. HARTZFELD, JUDITH A. MOGOR, and JAMES HARTZFELD Pro by Atty 30.00 Atty by Atty 3.00 Shff. Hawkins by Atty 18.64 Shff. Coon 12.25	APRIL 13, 1978, COMPLAINT IN EQUITY PARTITION, filed by Anthony Guido Four copies certified to Sheriff JUNE 8, 1978, SHERIFF'S RETURN, filed. April 20, 1978, served within Complaint in Partition on James Hartzfeld by deputized Sheriff of Allegheny County. April 21, 1978, served within Complaint in Partition on Imogene Hartzfeld, Defendant. June 8, 1978, after diligent search return within Complaint in Partition "NOT FOUND as to Thomas P. Hartzfeld, Defendant. April 14, 1978, mailed by Certified Mail within Complaint to Judith A. Mogor, letter returned marked "MOVED NOT FORWARDABLE". /s/Chester A. Hawkins, Sheriff, by Marilyn Wood. JULY 26, 1978, MOTION FOR ORDER DIRECTING PARTITION AND ORDER DIRECTING PARTITION, filed by Anthony S. Guido. AND NOW, July 26, 1978, it appearing that the Complaint has been duly served and that the time for pleading thereto has expired and that no Answer has been filed and judgment by default has been duly entered, upon motion of Anthony S. Guido, Esq., Attorney for the Plaintiff, it is AUGUST 18, 1978, ORDER, filed. NOW, this 18th day of August, 1978, the Court having been advised that the parties in the above-captioned matter have waived preliminary conference and have requested appointment of a Master, it is the ORDER of this Court that Benjamin S. Blakley, Esquire, be and is hereby appointed to serve as Master in Partition in the above Equity case. BY THE COURT, /s/John K. Reilly, Jr., President Judge. JANUARY 8, 1979, TRUSTEE'S REPORT, filed by Blakley and Jones. ORDER: filed. JANUARY 17, 1979, AMENDED TRUSTEE'S REPORT and ORDER, filed by Benjamin S. Blakley. WHEREFORE, your Trustee request the Honorable Court to enter an Order in the same form attached hereto. /s/Benjamin S. Blakley, III, Trustee. ORDER: AND NOW, this 16 day of January, 1979, upon consideration of the Amended Report of the Trustee, Benjamin S. Blakley, III, Esquire, filed in the above captioned action and it appearing that all interested parties have been notified by the Trustee of the filing of this amended report, the sale of the said premises to which was the subject of the above captioned partition action is approved, and if no exceptions are filed to the Trustee's amended report, within twenty (20) days of the date of this Order, then the Order is to become final and the Trustee is directed as follows: 1. That the proceeds of the $81,000.00, from the sale by the Trustee be distributed as follows: A. Reimbursement of Trustee for costs incurred: 1. Rolland E. Bechtel, Appraisal.....$ 100.00 B. Reimbursement of Plaintiff's Attorney for Court Costs..... 63.89 C. Trustee's fee..... 300.00 C. 2% Transfer Tax on $27,000.00..... 540.00 E. Amount remaining after deductions and costs incurred $78,996.11 TOTAL $81,000.00 2. That the Trustee is authorized and directed to executed a deed to the purchaser of the property, namely, Harvey F. Murray, 100 Carson Avenue, DuBois, Pennsylvania. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Milgrub & Lees	MARSHALL E. RUGH and ANNA RUGH, his wife 78-21-EQU FLOYD C. MARTELL and DOROTHY JANE MARTELL, his wife Pro by Atty 30.00 Atty 3.00 by Atty Shff. Hawkins 14.59	MAY 5, 1978, COMPLAINT IN EQUITY, filed by Milgrub and Lees. Two copies certified to Sheriff. MAY 10, 1978, PRELIMINARY OBJECTIONS, filed by Kramer and Marsh. MAY 16, 1978, AMENDED COMPLAINT IN EQUITY, filed by Milgrub & Lees Two copies certified to Attorney MAY 19, 1978, RETURN OF SERVICE, filed.by Earle Lees, Jr. MAY 30, 1978, REPLY TO PRELIMINARY OBJECTIONS, filed by Earle D. Lees, Jr. JUNE 8, 1978, SHERIFF'S RETURN, filed. May 8, 1978, served within Complaint in Equity on Dorothy Jane Martell, Wife of Floyd C. Martell, Defendant. May 8, 1978, served within Complaint in Equity on Dorothy Jane Martell, Defendant. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood. AUGUST 26, 1980, PRAECIPE FOR PLACEMENT ON TRIAL LIST, filed. Please list the above captioned case for placement on the next regularly scheduled trial list. Respectfully submitted, By /s/ Richard H. Milgrub, Esquire

William U. Smith	JBC COMPANY, INC. 78-22-EQU LAVONE BRITAIN, JUDY DIXON, CHRISTINE HALFORD, SANDRA LUZIER, TAMMY LUZIER, BONNIE STRATTELLO, KAREN CUTLER, DEBRA WILLIAMS, NANCY REIFER, HARRY HEWITT, JOAN LIGHTNER, MARIE GREENAWAY, and TED GATTO, and AMALGAMATED CLOTHING WORKERS OF AMERICA, AFL-CIO Pro By Atty 30.00 Atty 3.00 Sheriff by Atty 9.75	MAY 9, 1978, COMPLAINT IN EQUITY, filed by William U. Smith. One copy certified to Attorney. ORDER: AND NOW, the 9 day of May, 1978, the Plaintiff having filed a complaint duly verified and supported by the same and the Court concluding the Plaintiff has no adequate remedy at law and that irreparable harm will result to the Plaintiff before this matter can be heard on notice. It is ORDERED and DECREED that the preliminary injunction is granted restraining the Defendants and all persons acting in concert with them or under the direction of the Amalgamated Clothing Workers of America from picketing or otherwise interfering in any matter, with access to the Plaintiff's plant and further, this matter is set down for full hearing on the 11 day of May, 1978, at 2:00 p.m. It is further ORDERED and DECREED that a bond in the $5,000.00 amount shall be provided by the Plaintiff naming the Commonwealth as obligee, conditioned that if the injunction is desolved because improperly granted that the Plaintiff shall pay to any persons injured by reason thereof, any actual damage suffered by such persons. Otherwise said bond to be void. BY THE COURT, /s/John K. Reilly, Jr., Presider Judge. MAY 10, 1978, BOND in the amount of $5,000.00 Surety Travelers Indemnity Company. MAY 23, 1978, NOTICE OF REMOVAL, filed by Stanley W. Greenfield. JUNE 12, 1978, SHERIFF'S RETURN, filed Now, May 10, 1978 served within Complaint & Order on Ted Gatto. So answers, Chester A. Hawkins by Marilyn Wood

Anthony S. Guido	HIGHWAY EQUIPMENT COMPANY 78-23-EQU OPERATING ENGINEERS LOCAL NO. 66 Pro by Atty 30.00 Atty 3.00	MAY 12, 1978, COMPLAINT IN EQUITY, filed by Anthony S. Guido MAY 12, 1978, ORDER, filed by Anthony S. Guido AND NOW, this 12 day of May, 1978, upon consideratio of the facts set forth in the foregoing Complaint, it is hereby ordered and decreed as follows: 1. The Defendant and all others in similar interest are enjoined and restrained from directly or indirectly or by any pretext interfering with the operation of the Plaintiff's business at Route 219 North, DuBois, Clearfield County, Pennsylvania, or elsewhere, or with the employment of the Plaintiff's employees, or any of them. 2. The Defendant and all others in similar interest are enjoined and restrained from any mass picketing or interfering with the ingress and egress to and from Plaintiff's business establishment as aforesaid. 3. Defendant shall not station more than three pickets at any one time at the entrance to Plaintiff's business establishment located at Route 219 North, DuBois, Clearfield County, Pennsylvania. 4. The Defendant and all others in similar interest are enjoined and restrained from threatening, molesting or abusing, insulting, assaulting, or advising, instructing or encouraging others to threaten, molest, abuse, insult, or assault, the Plaintiff, its officers, agents or employees, or any other person for dealing or doing business with the Plaintiff or the Plaintiff's employees. 5. A copy of this Order shall be served upon the Defendant and his counsel by certified mail, return receipt requested. BY THE COURT: John K. Reilly, Jr., President Judge

Earle Lees	ANDREW J. ZETTS, SR. d/b/a ZETTS FISH FARM AND HATCHERIES, Drifting, Pennsylvania 78-24-EQU HAROLD SPERSFLAGE Drifting, Pennsylvania Pro by Atty 30.00 Atty by Atty 3.00 Shff. Hawkins 14.27	MAY 19, 1978, COMPLAINT IN EQUITY AND TRESPASS, filed by Earle Lees. One copy certified to Attorney. RULE FOR PRELIMINARY INJUNCTION: AND NOW, this 19 day of May, 1978, a Rule is granted on the Defendant, Harold Spersflage, to show cause why a preliminary injunction should not issue as prayed for. Rule returnable June 9, 1978, at 2:30 o'clock p.m., Courthouse, Clearfield, Pennsylvania and hearing thereon scheduled for same time and date. BY THE COURT, /s/John K. Reilly, Jr., President Judge. JUNE 9, 1978, ORDER, filed. NOW, this 9th day of June, 1978, this being the day and date set for Hearing into the above-captioned Complaint in Equity, both Parties having requested additional time to discuss possible amicable solutions between themselves and the Department of Environmental Resources, it is the ORDER of this Court that Hearing in the above-captioned matter be and is hereby continued to June the 30th, 1978, at 9:30 a.m. o'clock. BY THE COURT, /s/John K. Reilly, Jr., President Judge. JUNE 14, 1978, SHERIFF'S RETURN, filed. May 23, 1978, served within Complaint in Equity on Harold Spersflage, Defendant. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood. JUNE 30, 1978, ORDER, filed. NOW, this 30th day of June, 1978, upon agreement of counsel, it is the ORDER of this Court that July 31, 1978, at 9:30 a.m. is set as the return day in the above-captioned matter. By the Court, John K. Reilly, Jr., President Judge

Cooper & Butler

TOWNSHIP OF SANDY

78-25-EQU

Edward V. Cherry

CITY OF DU BOIS

Pro 5-16-78 by Atty 30.00
Atty 3.00
Shff by Atty 13.55

MAY 23, 1978, COMPLAINT IN EQUITY, filed by Cooper and Butler.
One copy certified to Sheriff.

MAY 31, 1978, SHERIFF'S RETURN, filed.
Now May 24, 1978 served within Complaint in Equity on Fran Lias, Secretary for Defendant. So answers, Chester A. Hawkins by Marilyn Wood

JUNE 1, 1978, APPEARANCE, filed by Edward V. Cherry.
Enter my appearance for defendant, City of DuBois, in above case. /s/Edward V. Cherry, Solicitor for City of DuBois.

JUNE 12, 1978, PRELIMINARY OBJECTION, filed by Edward V. Cherry
One copy certified to Attorney

EQUITY DOCKET DOCKET #12

Benjamin S. Blakley

Edward V. Cherry

ROBERT EMMETT FLANDERS

78-26-EQU

VICTORIA LYNN FLANDERS

Pro	by Atty	30.00
Atty		3.00
	by Atty	
Shff. Hawkins		13.55

MAY 25, 1978, COMPLAINT IN EQUITY-PARTITION, filed by Benjamin S. Blakley of Blakley & Jones

One copy certified to Sheriff

INTERLOCUTORY DECREE APPOINTING TRUSTEE

AND NOW, this 24 day of May, 1978, upon consideratio of the foregoing case, it is ORDERED, ADJUDGED and DECREED:

1. That a partition and division be made of the property described in the Complaint situate in the City of DuBois, County of Clearfield and State of Pennsylvania being bounded and described as follows:

BEGINNING at a post at corner of lot now or formerly owned by Albert R. Marchioni and South Brady Street, formerly township road; thence South 30-3/4° West, 50 feet to a post at an alley ; thence by said alley South 55° 3/4° East,150 feet to a post; thence by another Alley North, 30-3/4° East, 50 feet to a post at lot now or formerly of Albert R. Marchioni; thence by lot now or formerly of Albert R. Marchioni North 55-3/4° West, 150 feet to a post at South Brady Street and the place of beginning.

2. That E. R. Cunningham, Esquire, is appointed Trustee to make public sale of the aforesaid property after first entering security in the sum of $25,000.00.

3. That the said Trustee shall give notice of the said sale, by advertising the same in two daily newspapers of general circulation in this County and in the DuBois Courier Express, and by hand bills posted on the property and in other public places, once a week for four consecutive weeks before the date of the sale.

4. That the proceeds of said sale after payment of expenses thereof be divided equally between the parties, subject, however, to the deduction from the share of either party the amount of any lien entered of record against said party, together with interest due and costs taxed thereon; which amounts are to be paid by the Trustee to the person or persons to whom the same is due and payable.

5. This order is returnable on the 17 day of July, 1978. BY THE COURT, John K. Reilly, Jr., President Judge

JUNE 1, 1978, APPEARANCE, filed by Edward V. Cherry.

Enter our appearance for Defendant, Victoria Lynn Flanders in above case. /s/Gleason and Cherry, by Edward V. Cherry, Attorney for Defendant.

JUNE 19, 1978, SHERIFF'S RETURN, filed.

May 30, 1978, served within Complaint in Equity on Victoria L. Flanders, Defendant. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood.

AUGUST 4, 1978, PETITION TO FIX MASTER'S FEES AND ORDER, filed by Elizabeth Cunningham.

WHEREFORE, Your Petitioner prays Your Honorable Court that the Master's fees and costs in the above matter may be fixed. /s/Elizabeth Cunningham, Esq., Master.

ORDER:

Upon consideration of the within Petition and the time and cost expended in this Partition proceeding, the Master's Commission is hereby fixed at $213.25; and fees to be paid by the plaintiffs Estate and the Defendant in the above action. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

AUGUST 4, 1978, PRAECIPE FOR DISCONTINUANCE, filed by Benjamin S. Blakley, III.

Please mark the above settled, discontinued and ended. /s/Blakley and Jones by Benjamin S. Blakley, III, Attorney for Plaintiff.

S E T T L E D , E N D E D , D I S C O N T I N U E D

EQUITY DOCKET NO. 12 1978

Anthony S. Guido	J. ALVIN HAWBAKER ASSOCIATES 78-27-EQU ROBERT L. EGLESTON SHIRLEY M. EGLESTON Pro by Atty 30.00 Atty by Atty 3.00 Shff. Hawkins by Atty 15.94 Sec. of Comm. 10.00	MAY 30, 1978, COMPLAINT IN EQUITY, filed by Anthony S. Guido Three copies certified to Sheriff JUNE 19, 1978, SHERIFF'S RETURN, filed. June 1, 1978, served within Complaint in Equity on Secretary of the Commonwealth by Certified Mail. June 3, 1978, served within Complaint in Equity on Robert L. and Shirley M. Egleston by Certified Mail. /s/Chester A. Hawkins, Sheriff, by Marilyn Wood. JULY 27, 1978 PRAECIPE, filed. by Anthony S. Guido. Enter judgment against the Defendants in the above captioned matter, ROBERT L. EGLESTON and SHIRLEY M. EGLESTON, in the sum of $3,855.44, together with interest from August 22, 1977, for failure to enter an appearance or file an Answer within twenty (20) days of the date of service of the Complaint. s/ Anthony S. Guido, Attty for Plaintiff. Judgment is entered in favor of the Plaintiff and against the Defendants in the sum of Three thousand eight hundred fifty-five and 44/100 together with interest for failure to enter an appearance or file an answer. Debt $3,855.44 Interest fr August 22, 1977 Judgment in Equity Raymond Witherow Prothonotary SATISFIED ---- WRIT OF EXECUTION ISSUED TO 78-84-EX

Anthony S. Guido	PENN TRAFFIC COMPANY 78-28-EQU UNITED FOOD HANDLERS, FRED TITTLE, ANGELO STEFANELLI, MARJORIE TARR, GUY-LOSARDO, ELEANOR NICKERSON, CHARLES THOMAS, JOSEPHINE CLONTZ, HOWARD E.SCHAFFER, ROBERT LEE BROWN, MELVIN E. GELNETT, JAMES F. HAAG, ROBERT LEE WESILISKI, THOMAS A. WOIKA and PAUL A. SIPLE	Pro by Atty 30.00 Atty 3.00 Disc by Atty 3.00 Shff. Hawkins 13.55

JUNE 5, 1978, COMPLAINT IN EQUITY, filed by Anthony S. Guido.

One copy certified to Attorney.

JUNE 5, 1978, AFFIDAVIT, filed by Anthony S. Guido.

JUNE 5, 1978, INJUNCTION BOND in the amount of $1,000.00 with The Ohio Casualty Insurance Company as Surety, filed by Anthony S. Guido.

Bond approved June 5, 1978. /s/John K. Reilly, Jr., P.J.

JUNE 7, 1978, ORDER, filed.

NOW, this 6th day of June, 1978, it is the ORDER of this Court that Plaintiff shall serve a copy of the Complaint and Order upon the Defendants by Certified Mail, return receipt requested. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 8, 1978, ORDER, filed.

One copy certified to Joseph J. Lee.

NOW, this 8th day of June, 1978, this being the day and date set for Hearing into the Temporary Injunction issued to the above-captioned matter, all parties being in agreement, it is the ORDER of this Court that Plaintiff be and is hereby granted leave to discontinue the above-captioned action as to all named Defendants, to wit, United Food Handlers, Fred Tittle, Angelo Stefanelli, Marjorie Tarr, Guy Losardo, Eleanor Nickerson, Charles E. Thomas, Josephine A. Clontz, Howar E. Schaffer, Robert Lee Brown, Melvin E. Gelnett, James F. Haag, Robert Lee. Wesiliski, Thomas A. Woika and Paul A. Siple, and further that the injunction issued by this Court to the above captioned number dated June 5, 1978, be and is hereby dissolved and the Plaintiff and his Surety released from obligation under any bond contained therein. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 8, 1978, PRAECIPE, filed by Robert G. Rose.

Mark this case discontinued on payment of costs by Plaintiff. /s/Spence, Custer, Saylor, Wolfe and Rose by Robert G. Rose, Attorney for Plaintiffs.

D I S C O N T I N U E D

JUNE 9, 1978, TRANSCRIPT TAKEN BEFORE HON. JOHN K. REILLY, JR., lodged this day and date in Prothonotary Office. /s/Raymond Witherow.

JUNE 19, 1978, SHERIFF'S RETURN, filed.

June 5, 1978, served within Order and Injunction on Fred Tittle, President. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

AUGUST 6, 1981, ORDER, filed.

NOW, this 6th day of August, 1981, this matter coming before the Court upon a Petition for Contempt filed on behalf of the Plaintiffs above-named alleging Defendants' failure to abide by the Order of this Court dated January 28, 1981, upon agreement of the parties, it is the ORDER of this Court that the Defendants shall remove from the premises in question the disabled 4-door Chevrolet sedan and shall agree to refrain from entering upon said premises, further, that an eight (8) foot strip of land located adjacent to the mobile home of the children of the Defendants shall be used for the parking of automobiles and other incidental purposes by the Defendants and their children.

It is further ORDER of this Court that, pending the outcome of Defendants' appeal, the fence presently existing on the premises shall remain.

A copy of the above is predicated upon Defendants' prosecuting their appeal in a timely fashion. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

AUGUST 6, 1981, ORDER, filed.

One copy certified to Attorney (Ron Archer)

NOW, this 6th day of August, 1981, the Court having been notified of appeal to the Superior Court of Pennsylvania in the above-captioned matter, it is the ORDER of this Court that Ronald E. Archer, Esquire, Attorney for the Defendants above-named, file a concise statement of matters complained of on said appeal as set forth in Rule 1925(b) of the Rules of Appellate Procedure. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

EQUITY DOCKET NO. 12 1978

Ira P. Smades	BETTY LOU BECK		JUNE 20, 1978, COMPLAINT IN PARTITION, filed by Ira P. Smades. One copy certified to Sheriff. JULY 12, 1978, SHERIFF'S RETURN, filed. June 28, 1978, Complaint in Partition served on Kelly L. Beck, Daughter of Thomas L. Beck, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. JULY 17, 1978, DEFENDANT'S ANSWER AND NEW MATTER, filed by John R. Carfley AUGUST 17, 1978, PRAECIPE, filed. Please place the above captioned case on the trial list for the next term of court. s/Ira P. Smades AUGUST 25, 1978, PRAECIPE FOR APPEARANCE, filed by John R. Carfley. Please enter my Appearance as Counsel on behalf of the Defendant, Thomas L. Beck, in the above captioned matter. /s/John R. Carfley, Attorney for Defendant.
	78-29-EQU		
John R. Carfley	THOMAS L. BECK		
	Pro by Atty by Atty	30.00	
	Shff. Hawkins	13.85	

James A. Naddeo

JACQUELINE L. PLACE

78-30-EQU

RICHARD A. PLACE

Pro by Atty	30.00
Atty	3.00
Sheriff by Atty	16.45
Disc by atty	3.00

Ck# 374
7723

Adv costs	52.45
J. Naddeo	49.45
Pro	3.00
	52.45

JUNE 30, 1978, COMPLAINT IN EQUITY, filed by James A. Naddeo of Belin, Belin & Naddeo
One copy certified to Sheriff

JULY 14, 1978, SHERIFF'S RETURN, filed.
Now July 6 1978 served within Complaint in Equity on Richard A. Place. So answers, Chester A. Hawkins by Marilyn Wood

AUGUST 4, 1978, ANSWER, filed by Scott V. Jones
One copy certified to Attorney

SEPTEMBER 6, 1978, PRAECIPE, filed by Scott V. Jones.
Please withdraw my entry of appearance in the above captioned case on behalf of Defendant Richard A. Place. /s/Blakley and Jones by Scott V. Jones.

JUNE 6, 1979 PRAECIPE, filed by James A. Naddeo, Atty for Plaintiff.
Please mark the above captioned case settled and discontinued upon payment of costs by the defendant. s/James A. Naddeo., Atty for Plff.

Record costs in the sum of $52.45 have been paid in full by Richard A. Place, Check#374, this case marked Settled and Discontinued.

****SETTLED DISCONTINUED****

Milgrub & Lees	SHERMAN TAFFEL and JEFFREY BARON 78-31-EQU MICHAEL LUGER Pro by Atty 30.00 Atty 3.00	JULY 5, 1978, COMPLAINT IN EQUITY, filed by Milgrub & Lees Two copies certified to Attorney

Anthony Guido	JUDITH ANN HAND	
	78-32-EQU	
	ROBERT L. HAND	
	Pro by Atty	30.00
	Atty	3.00
	Shff by Atty	16.45

JULY 6, 1978, COMPLAINT IN EQUITY, filed by Anthony Guido

One copy certified to Sheriff

INTERLOCUTORY DECREE APPOINTING TRUSTEE

AND NOW, this 5 day of July, 1978, upon consideration of the foregoing case, it is ordered, adjudged and decreed:

1. That a partition and division be made of the mobile home and premises described in the Complaint situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in center of Township Road No. 370, said point also being on the Southern line of land conveyed to Wilbert E. Kemp and Collene S. Kemp by the Grantor herein, by deed of even date; thence along the center line of said Township Road, South 61° 05' West, 154.9 feet to a point in center of said road; thence along land now or formerly of A. Reasinger and L. Forsyth North 69° 29' West 287.3 feet to an iron pipe; thence, through other land of Grantor, of which this is a part, North 54° 04' East, 140.9 feet to an iron pipe; thence by the Southerly line of said Kemp land, South 69° 29' East, 306.3 feet to place of beginning. Containing .75 acre.

2. That B. S. Blakley, Esq., is appointed Trustee to make public sale of the aforesaid premises, together with mobile home located thereon, after first entering security in the sum of $10,000.00.

3. That said Trustee shall give notice of said sale by advertising the same in two daily newspapers of general circulation in this County and in the DuBois Courier Express, and by hand bills posted on the property and in other public places, once a week for four consecutive weeks before the day of sale.

4. That the proceeds of said sale, after payment of expenses thereof, be divided equally between the parties, subject, however to the deduction from the share of either party the amount of any lien entered of record against said party, together with interest due and costs taxed thereon; which amounts are to be paid by the Trustee to the person or persons to whom the same is due and payable.

5. This Order is returnable the 5 day of Sept. 1978. BY THE COURT, John K. Reilly, Jr., President Judge

JULY 28, 1978, BOND OF MASTER, Benjamin S. Blakley in the amount of $10,000.00 with Surety Western Surety Company, filed.

AUGUST 21, 1978, SHERIFF'S RETURN, filed.

Now August 6, 1978 served the within Complaint in Partition on Robert L. Hand, defendant. So answers, Chester A. Hawkins by Marilyn Ward

SEPTEMBER 1, 1978, MOTION FOR EXTENSION OF TIME FOR FILING TRUSTEE'S REPORT AND ORDER, filed by Blakley and Jones.

AND NOW, this 1 day of September, 1978, upon consideration of the foregoing motion, it is ORDERED, ADJUDGED AND DECREED, that the previous Order of July 5, 1978, for the filing of a Master's Report is hereby extended until November 5, 1978. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

OCTOBER 20, 1978, TRUSTEE'S REPORT AND ORDER, filed by Benjamin S. Blakley, III, Master.

ORDER:

AND NOW, this 20 day of October, 1978, upon consideration of the report of the Trustee Benjamin S. Blakley, III, Esquire, filed in the above captioned action and it appearing that all interested parties have been notified by the Trustee of the filing of the report, the sale of the premises which was the subject of the above captioned partition action is approved and if no exceptions are filed to the Trustee's Report within twenty (20) days of the date of this Order this this Order is to become final and the Trustee is directed as follows:

1. That the proceeds of $6,705.00 from the sale by the Trustee be distributed as follows:

a. Reimbursement of Trustee for costs incurred:

1. William B. Shaffer Insurance Agency, Bond premium	$30.00	
2. Roland B. Bechtel, appraisal.	100.00	$130.00
b. Trustee's fee.	300.00	
C. Judith Ann Hand and Robert L. Hand, unencumbered appraised value of premises.	6,275.00	
TOTAL	6,705.00	

2. That the Trustee is authorized and directed to execute a deed to the purchaser of the property namely, Robert L. Hand, R.D. #2, DuBois, Pennsylvania.

3. That the Trustee, Benjamin S. Blakley, III, Esquire, or his surety, Western Surety Company be discharged twenty (20) days from the date of this Order from the obligations under the $10,000.00 bond filed as security, if no exceptions are filed within that time. /s/John K. Reilly, Jr., President Judge.

NOVEMBER 3, 1978, MASTER IN PARTITION REPORT, filed by Benjamin S. Blakley.

ORDER:

AND NOW, this 31 day of October, 1978, upon consideration of the Amended Report of the Trustee Benjamin S. Blakley, III, Esquire, filed in the above captioned action and it appearing that all interested parties have been notified by the Trustee of the filing of this Amended Report, the sale of the premises to which was the subject of the above captioned partition action is approved and if no exceptions are filed to the Trustee's Amended Report within twenty (20) days of the date of this Order then this Order is to become final and the Trustee is directed as follows:

1. That the proceeds of $6,738.00 from the sale by the Trustee be distributed as follows:

a. Reimbursement of Trustee for costs incurred:

1. William E. Shaffer Insurance Agency - Bond Premium	$30.00
2. Roland B. Bechtel, appraisal	100.00
	$130.00

CONTINUED TO OTHER SIDE OF THIS PAGE.

b. Reimbursement of Plaintiff's Attorney for Court costs. $33.00
c. Trustee's Fee 300.00
d. Judith Ann Hand and Robert L. Hand, unencumbered appraised value of premises. $6,275.00
$6,738.00

2. That the Trustee is authorized and directed to execute a deed to the purchaser of the property namely, Robert L. Hand, R. D. #2, DuBois, Pennsylvania.

3. That the Trustee, Benjamin S. Blakley, III, Esquire and his surety, Western Surety Company be discharged twenty (20) days from the date of this Order from the obligations under the $10,000.00 bond filed as security, if no exceptions are filed within that time.

/s/John K. Reilly, Jr., President Judge.

Carl A. Belin, Jr.

July 6
2:45 P.M.

JOHN H. ALEXANDER

78-33-EQU

CHARLES E. SAUPP, JR. and VIOLA SAUPP, his wife; and CHARLES R. SAUPP and LILLY ANN SAUPP, his wife

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff. Hawkins		23.55
Pro		1.00
Pro		1.00

JULY 6, 1978, COMPLAINT IN EQUITY-SPECIFIC PERFORMANCE, filed by Carl A. Belin, Jr. of Belin, Belin & Naddeo
Two copies certified to Attorney

AUGUST 8, 1978, SHERIFF'S RETURN, filed.
July 27, 1978, served within Complaint in Equity on Charles R. Saupp. Defendant.
July 27, 1978, served within Complaint in Equity on Charles Saupp, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

AUGUST 15, 1978, ANSWER AND NEW MATTER, filed by William C. Kriner
I hereby certify that a true and correct copy of the within Answer and New Matter was served on Carl A. Belin, Jr., attorney for the Plaintiff, by first class, regular mail on August 15, 1978. s/William C. Kriner

AUGUST 15, 1978, NOTICE OF TAKING DEPOSITION of John H. Alexander, filed by William C. Kriner

AUGUST 23, 1978, REPLY TO NEW MATTER, filed by Carl A. Belin, Jr.
I hereby certify that a true and correct copy of the enclosed Reply to New Matter was served on the attorney for the defendants by mail this 22 day of August, 1978. /s/Carl A. Belin, Jr.

OCTOBER 4, 1978, SUBPOENA to Anthony J. Caridi, Vice President, Keystone National Bank, filed by William C. Kriner.

OCTOBER 4, 1978, SUBPOENA to Thomas Sholes, filed by William C. Kriner.

NOVEMBER 13, 1978, PLAINTIFF'S EXHIBITS, filed in box with Evidence from other cases.

NOVEMBER 13, 1978, MEMORANDUM AND ORDER, filed.

On September 29, 1973, Plaintiff above-named entered into a written agreement with the Defendants under which the Plaintiff was to purchase an Oldsmobile agency, including real estate, for the purchase price of One Hundred Thousand ($100,000.00) Dollars payable in one Hundred twenty (120) monthly installments of One Thousand Twelve and 50/100 ($1,012.50) Dollars each, said payments including interest at the rate of four (4%) percent per annum. Also contained in the agreement was a provision that the buyer, Plaintiff above-named, shall have no right to anticipate payments without the express consent of the seller.

On May 12, 1978, Plaintiff above-named, having experienced serious financial difficulties, entered into an agreement to sell the dealership and real estate to another party and to effectuate the sale, and to secure a deed and bill of sale from Defendants above-named, had to pay off his obligation under the agreement of September 29, 1973. This, of course, required an acceleration of payments and a waiver by Defendants of the "no right to anticipate" clause. To this end, two Mailgrams were sent to the attention of the Plaintiff above-named waiving said provision and containing the typed name of the attorney for Defendants above-named. Defendant Charles E. Saupp, Jr., then living in Florida, returned to Pennsylvania with Powers of Attorney to act on behalf of the remaining Defendants above-named, prepared to conclude the sale of the premises to Plaintiff upon payment of the balance due under the 1973 agreement.

At that time, problems arose in that Mr. Saupp insisted that payment in full meant payment of the original purchase price, together with the full amount of four (4%) percent interest had the payments been made as originally set forth. The Plaintiff insisted that payment in full meant payment in full of the purchase price together with interest to the date of closing. When documents for the transfer of the business and the real estate, Plaintiff sued for specific performance, also demanding money damages alleged to be costs to the Plaintiff incurred as a result of the delay and interest payments he was required to make as a result thereof.

This Court is of the opinion that Plaintiff's prayer for specific performance must be granted, but that his claim for money damages must be refused. Defendant argues that the Plaintiff in failing to observe a number of requirements placed on him by the agreement, such as failing to provide certificates in insurance, having Defendants pay real estate taxes, and transferring his interest without prior written assent of the Defendants, is ineligible for equitable relief. However, this Court believes that in view of the fact that Defendants did not raise any objections to these shortcomings prior to institution of Plaintiff's suit in equity, the Defendant cannot now defeat his right to proceed on this basis.

Nex, Defendant argues that the Mailgrams do not result in a waiver of the no-anticipation clause because they were not signed by the Defendants and were not directed to the Plaintiff. This Court feels that the opinion in Wagner v. Graziano, 390 Pa. 445, 136 A.2d 82, controlas, and that by this means the no-anticipation clause was properly waived.

Perhaps Defendant's weighiest argument is that the waiver does not modify the agreement as to the amount due and owing, and even if the waivers are valid, the rest of the 1973 agreement, and specifically, the full amount to be paid, would include the interest to the end of the period. However, this Court agrees with the Plaintiff that upon tender of the remainder of the principal amount due by the purchaser, the seller is entitles to receive no further interest. In common usage, the payment of interest is in effect a penalty for the retention of money properly belonging to the person to whom interest is paid, and when that money is no longer withheld, the payment of further interest cannot be justified. Had the parties intended to make interest payable in advance, the intention to do so should have been expressed in unambiguous and unmistakable language (§45 Am. Jur. Interest and Usury, §42, p. 45). To grant the Defendants

Continued to other side of Page

the interest due to the end of the full contract period would be, in effect, giving them a windfall to which they are not entitled. Therefore, this Court will Order only the specific performance requested.

Ordering the Defendants to pay money damages to the Plaintiffs because of financial obligations incurred due to the delay in another question. While this Court does not agree with the Defendants' legal position on the question of the interpretation of the events leading up to this case, nevertheless, from a layman's point of view, this Court cannot declare Defendant's position to be unreasonable and cannot penalize him for having insisted upon what he believed to be due. This being the case, this Court will deny Plaintiff's demand for recovery of money damages, and enters the following Order;

O R D E R

NOW, this 9th day of November, 1978, following hearing into the above-captioned Action for Specific Performance and Money Damages, it is the ORDER of this Court that Plaintiff's demand for specific performance be and is hereby granted and the Plaintiffs are instructed to pay to the Defendant the unpaid principal in the amount of Fifty-Seven Thousand, Eight Hundred Eighty-Seven and 92/100 ($57,887.92) Dollars, together with interest thereon at the rate of four (4%) percent up to and including June 16, 1978, and the Defendants instructed to deliver to the Plaintiff a properly executed deed for the premises described in the agreement of September 29, 1973, admitted as Plaintiff's Exhibit #1 in the above-captioned matter within ten (10) days following receipt of payment as set forth above.

IT is the further ORDER of this Court that Plaintiff's demand for money damages be and is hereby denied. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

DECEMBER 6, 1978, ORDER, filed.

NOW, this 5th day of December, 1978, upon request for clarification of the Court's Order of November 9, 1978, following argument thereon, it is the ORDER of this Court that the Plaintiff shall pay to the Defendant the principal sum of Fifty-seven Thousand, Eight Hundred Eighty-seven and 92/100 ($57,887.92) Dollars, together with interest thereon at the rate of four (4%) percent from the date of the last payment in the amount of Two Hundred Ninety-eight and 16/100 ($298.16) Dollars, for a total payment of Fifty-eight Thousand, One Hundred Eighty-six and 08/100 ($58,186.08) Dollars, and further that immediately upon payment of said sum, Plaintiff shall be entitled to a properly executed deed for the premises described in the agreement of September 29, 1973, identified as Plaintiff's Exhibit #1. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

John B. Brandon	JOHN H. SMITH MARY JANE SMITH	JULY 12, 1978, COMPLAINT IN PARTITION, filed by John B. Brandon, office of Robert M. Hanak One copy certified to Sheriff JULY 21, 1978, SHERIFF'S RETURN, filed. Now July 18, 1978 served within Complaint in Partition on Charles Bell, Consulant for Deft. So answers Chester A. Hawkins by Marilyn Wood
	78-34-EQU	
J. Richard Mattern, II	LINGLEWOOD LODGE, INC.	AUGUST 30, 1978, PRAECIPE, filed by J. Richard Mattern. Please enter my appearance on behalf of the Defendant, Linglewood Lodge, Inc., in the above-captioned matter. /s/J. Richard Mattern, II.
	Pro by Atty 30.00 Atty 3.00 Shff by Atty 12.55 Disc by atty 3.00	OCTOBER 16, 1978, ANSWER WITH NEW MATTER, filed by J. Richard Mattern. One copy certified to Attorney. OCTOBER 27, 1978, REPLY TO NEW MATTER, filed by John B. Brandon One copy certified to Attorney
		JANUARY 19, 1979 PRAECIPE FOR DISCONTINUANCE, filed by John B. Brandon, Atty for Plff. Please mark the above captioned case satisfied and discontinued. s/John B. Brandon, Atty for Plff.

All record costs having been paid in full, this case marked Satisfied and Discontinued.

*****SATISFIED DISCONTINUED*****

Carl A. Belin, Jr.

David S. Ammerman

BETTY LEE DeHAVEN

78-35-EQU

FRANK DeHAVEN

Pro	by Atty	30.00
Atty		3.00
Shff.	by Atty	11.75

JULY 13, 1978, COMPLAINT IN PARTITION, filed by Carl A. Belin, Jr. of Belin, Belin and Naddeo
One copy certified to Sheriff
JULY 24, 1978, SHERIFF'S RETURN, filed.
Now July 20, 1978 served within Complaint in Partition on Frank DeHaven. So answers, Chester A. Hawkins byqMarilyn Wood
AUGUST 4, 1978, ANSWER, filed by David S. Ammerman
AUGUST 3, 1978, APPEARANCE, filed by David S. Ammerman.
Enter my appearance for Frank DeHaven, the defendant in above case. /s/David S. Ammerman, Attorney for Defendant.

FEBRUARY 27, 1980, LETTER addressed to Judge John K. Reilly, Jr. from David S. Ammerman, filed.
AUGUST 29, 1980, CERTIFICATE OF READINESS, filed by Carl A. Belin, Jr.

JANUARY 26, 1981, STIPULATION FOR PARTIAL DISCONTINUANCE, filed by Carl A. Belin, Jr.
NOW COMES the plaintiff, Betty Lee DeHaven, now Betty Lee Hendricks, and by her counsel, Carl A. Belin, Jr., and the defendant, Frank DeHaven, by his counsel, David S. Ammerman and hereby direct the Prothonotary to enter a discontinuance in the above captioned action a_ to those certain premises situate in the Borough of Clearfield, Clearfield County, Pennsylvania, which are not particularly bounded and described as follows:

BEGINNING at a point on Eighth Street, corner of Lot No. 7; thence along boundary of Lot No. 7, 150 feet to an alley; thence along said alley 40 feet to a post on township road, and corner of Lot No. 9; thence along the boundary line of Lot No. 9, 150 feet to Eighth Street; thence along Eighth Street 40 feet to place of beginning. Being a lot 40 feet wide on Eighth Street and extending in depth 150 feet, and being known in the Walker and Heath plot of lots as Lot No. 8.

and as to those premises only. /s/Belin, Belin & Naddeo by Carl A. Belin, Jr., Attorneys for Plaintiff, David S. Ammerman, Attorney for Defendant.

AUGUST 23, 1983, MOTION FOR INTERLOCUTORY APPOINTING TRUSTEE, filed by Carl A. Belin, Jr.
INTERLOCUTORY DECREE APPOINTING TRUSTEE, filed.
Two (2) copied Certified to Attorney
AND NOW, this 23rd day of August, 1983, upon consideration of the foregoing Motion of Plaintiff, it is ORDERED, ADJUDGED AND DECREED:
1. That a partition and division be made of the propperty of the parties, situate in Bell Township, Clearfield County, Pennsylvania, more particularly bounded and described as follows:

BEGINING at a post placed in road; thence South 50° 30' West, 194 feet to a prot also in a road; thence South 32° 30' West 96.7 feet to a post; thence North 44°45' West 1,558.5 feet to a post; thence North 54° East 1, 388 feet to a post; thence South 36° 30' East 1,250 feet to a post and place of beginning. Containing approximately 40 acres.

EXCEPTING AND RESERVING from the above conveyance that property conveyed by prior deeds which conveyances are more fully and at large are set forth in Deed recorded in Deed Book 590, Page 79.

2. That RON COLLINS, Esquire is appointed Trustee to make public sale of the aforesaid property.
3. That the Trustee shall give notice of said sale by advertising the same in two daily newspapers of general circulation in this county, and by hand bills posted on the property and in other public places once a week for four (4) consecutive weeks before bye day of the sale.
4. That the proceeds of said sale, after the payment of the expenses thereof, shall be divided equally between the parties subject, however.
(a) to the deduction therefrom of the amount of any lien entered of record jointly against both parties, together with interest thereon, and docket costs; and
(b) to the deduction, from the share of either party, the amount of any lien entered to record agianst said party, together with interest due and costs taxes thereon; which amounts are to be paid by the Trustee to the person or persons to whom the same is due and payable. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.
CERTIFICATE OF MAILING, filed
It is hereby certified that a true and correct copy of the foregoing Motion for Interlocutory Decree Apointing and Trustee and the Interlocutory Decree Appointing Trustee have been served by first=class mail, postage prepaid, upon Frank DeHaven, the Defendant herein, at his last known address being RD #1, Box 698, Mahaffey, Pennsylvania 15757.
That said Motion and Order were mailled this 24th day of August, 1983. /s/ Carl A. Belin, Jr.
JANUARY 3, 1984, TRUSTEE'S REPORT AND PETITION FOR APPROVAL OF SALE PRICE filed by Ronald L. Collins
Six copies certified to Attorney

CONTINUED ON BACK

CONTINUED FROM FRONT PAGE 71 NO. 78-35-EQU BETTY LEE DEHAVEN -vs- FRANK DEHAVEN

JANUARY 19, 1984, EXCEPTIONS OF PROPOSED PURCHASER, DATUS N. BELL, & CERTIFICATE OF SERVICE, filed by John Sughrue

FEBRUARY 24, 1984, PETITION FOR FINAL CONFIRMATION OF SALE AND AUTHORITY TO THE TRUSTEE TO COLLECT AND DISTRIBUTE THE PROCEEDS OF THE SAME AND TO EXECUTE AND DELIVER A DEED filed by Ronald L. Collins

INDICATION OF CONSENT signed by John Sughrue

DECREE NISI

AND NOW THIS 24 day of February, 1984, the Court having received and reviewed the within Petition for Final Confirmation of Sale and Authority to the Trustee to Collect and Distribute the Proceeds of the Same and to Execute and Deliver a Deed, it is hereby decreed, ordered and adjudged that the same be and is hereby approved by the Court as presented, that the sale of the subject premises conducted by the Trustee be and is hereby approved and confirmed, that the recommendations of the Trustee as set forth in the said Petition be and are hereby approved and adopted by the Court, that the Trustee be and is hereby authorized to collect and distribute the proceeds of the said sale in accord with the terms of said Petition, and that the Trustee be and is hereby authorized to execute and deliver a deed to the proposed purchaser for and in behalf of the parties to the subject action. It is further hereby decreed, ordered and adjudged that if no exceptions are filed within twenty (20) days of the date hereof, this decree shall be confirmed absolutely and become final without further action by the Court. BY THE COURT, John K. Reilly, Jr.

Three copies certified to Attorney

Clarence R. Kramer	GEORGE DUCKETT	
	78-36-EQU	
	JESSE DUCKETT WALTER DUCKETT	
	Pro	30.00
	Atty	3.00
	Shff by Atty	13.72

JULY 18, 1978 PETITION FOR INQUEST IN PARTITION, filed by Clarence R. Kramer of Kramer & Marsh

WHEREFORE, since settlement can only be made of the complex situation by partitioning, petitioner prays that a citation be awarded directing Jesse Duckett of Hyde, Pennsylvania, and Walter Duckett of 526 C Street, Sunny Acres, Niagara Falls, New York, to show cause why an inquest in partition should not be made and awarded. s/Clarence R. Kramer

DECREE

NOW, May 23, 1978, upon consideration of the annexed petition, a citation is awarded directing Jesse Duckett and Walter Duckett to show cause why an inquest in partition of real estate formerly of Thomas P. Duckett should not be awarded and service to be made on the out-of-state son of decedent in the manner prescribed by law; returnable according to law. By the Court: John K. Reilly, Jr., President Judge

JULY 18, 1978, ANSWER TO PETITION, filed by Carl A. Belin, Jr.

AUGUST 18, 1978, AFFIDAVIT OF SERVICE UPON WALTER DUCKETT, filed by Clarence R. Kramer.

WHEREFORE, affiant makes affidavit that he thoroughl believes that Walter Duckett duly received both a copy of the petition and a notice to file the master; and that, therefore, due and adequate service has been made upon him. /s/Clarence R. Kramer.

SEPTEMBER 29, 1978, SHERIFF'S RETURN, filed.

Now June 26, 1978 served within Certified Copy of Petition & Decree on Jesse Duckett.

Now, June 26, 1978 mailed within Certified Copy of Petition & Decree on Walter Duckett, by Certified Mail, letter hereto attached and made a part of this return marked "MOVED NOT FORWARDABLE". So answers, Chester A. Hawkins by Marilyn Wood

Joseph Colavecchi	DONALD L. GLASS 78-37-EQU	
Richard A. Bell	THOMAS HOWARD KEITH ELINOR A. KEITH	
	Pro by Atty	30.00
	Atty by Atty	3.00
	Shff. Hawkins	19.15
	Pro by Shff. Hawkins atty	1.00 14.65
	Pro by Atty Shff Hawkins	1.00 11.75

JULY 21, 1978, COMPLAINT FOR SPECIFIC PERFORMANCE, filed by Joseph Colavecchi
Two copies certified to Attorney
JULY 28, 1978, SHERIFF'S RETURN, filed.
July 25, 1978, served within Complaint for Specific Performance on Thomas H. Keith, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

AUGUST 4, 1978, PRAECIPE FOR APPEARANCE, filed by by Richard A. Bell
Enter our appearance for Defendants. s/Richard A. Bell of Bell, Silberblatt & Swoope

AUGUST 9, 1978, ANSWER AND NEW MATTER, filed by Richard A. Bell.

SEPTEMBER 20, 1978, SUBPOENA, filed by Joseph Colavecchi.
To: Gary B. Thurston
One copy certified to Attorney.

OCT. 3, 1978, SHERIFF RETURN filed: NOW Sept. 26, 1978 served the Sobpeena on Roberta Thurston, Mother of Gary Thurston deft. s/ SHERIFF HAWKINS.
OCTOBER 17, 1978, SUBPOENA-ROGER THURSTON, filed by Joseph Colavecchi
One copy certified to Attorney

OCTOBER 24, 1978 SHERIFF'S RETURN, filed.
Now, October 18, 1978 served the within Subpoena on Roger Thurston, defendant. So answers, s/Chester Hawkins, Sheriff by Marilyn Wood.

DECEMBER 22, 1978 MEMORANDUM AND ORDER, filed.
This is an action for specific performance of an alleged parol contract for the sale of land. Plaintiff claims that he agreed to have a survey performed on Defendants' entire farm, and that Defendant-husband agreed, on behalf of himself and his wife, to convey to Plaintiff one (1) acre if the survey cost was One Thousand ($1,000.00) Dollars, or a pro rata amount of land if the cost was less than One Thousand ($1,000.00) Dollars. Plaintiff engaged a surveyor at a cost of Eight Hundred Eighty-two ($882.00) Dollars, and his survey map indicated a tract of land of 0.89 acres adjacent to Plaintiff's property. Upon Plaintiff's repeated demands, Defendants refused to execute and deliver a deed to the 0.89 acres.

Defendants claim that no contract of sale was ever concluded, although negotiations contemplated a price of Three Thousand ($3,000.00) Dollars per acre for the land along the highway described by extending Plaintiff's western boundary to the north across a right-of-way to be reserved for the use of Defendants. In pleadings and briefs, Defendants raise the Statute of Frauds as a defense, and assert further that Defendant-wife cannot be bound to a contract for the sale of entireties property which only Defendant-husband allegedly entered into.

We find intially that a parol contract was formed between Plaintiff and Defendant-husband wherein Plaintiff would arrange a survey of Defendants' farm, including the tract along the Highway which Plaintiff wished to purchase. In return, Defendant-husband agreed to arrange the conveyance of that tract, the size of which would be one (1) acre if the survey cost was One Thousand ($1,000.00) Dollars, or a lesser pro rata amount if the survey was less. This version of the payment terms is more credible considering the correspondence of the surveyor's fee(Eight Hundred Eighty-two ($882.00) Dollars, and the acreage on the survey map (0.89 acres). We note also that Defendants were aware of the survey, allowed it to proceed, and rendered assistance to the surveyor.

Having established the existence of the parol contract, however, we are confronted with two problems: (1) the Statute of Frauds, 33 P.S. 1, and (2) the non-joinder of Defendant-wife in the contract of sale. In order to be entitled to specific performance, Plaintiff mus show: (1) that the contract is not within the Statute, and (2) that Defendant-wife is bound under the contract of sale through the agency of her husband. Failure to prevail on either issue is fatal to Plaintiff's claim.

We are not convinced that Plaintiff's hiring and payment of the surveyor is sufficient part performance to take the contract out of the Statute, nor that it constitutes full unilateral performance such that it would be inequitable to apply the Statute of Frauds as a bar to enforcement of the contract. The rule of part performance is stated succinctly:

> "In order to take a parol contract for the sale of lands out of the operation of the Statute of Frauds, its terms must be shown by full, complete, satisfactory and indubitable proof. The evidence must define the boundaries and indicate the quantity of the boundaries and indicate the quantity of the land. It must fix the amount of the consideration. It must establish the fact that possession was taken in pursuance of the contract, and at or immediately after the time it was made, the fact that the change of possession was notorious, and the fact that it has been exclusive, continuous and maintained. And it must show performance or part performance by the vendee which could not be compensated in damages, and such as would make rescission inequitable and unjust."

Under this rule, we have no difficulty in finding that the parol contract is within the Statute of Frauds and is, therefore, unenforceable in an action for sepecific performance. First, although the evidence is sufficient to find the formation of a contract, it is not "full, complete, satisfactory and indubitable" as to the terms of payment, about which there is a conflict in the testimony. Second, and most important, it the fact that Plaintiff never entered into possession, Finally, the asserted performance on Plaintiff's part of having the survey performed is readily compensable in damages. See Moyer's Appeal, 105 Pa. 432, 437 (1884).

Insofar as the Statute of Frauds is a bar to Plaintiff's request for a decree of Specific performance, it is unnecessary to discuss the non-joinder of Defendant-wife in the parol contract of sale. Even if we assume, arguendo, that the contract between Plaintiff and Defendant-husband is not within the Statute of Frauds by virtue of Plaintiff's performance, Defendant-wife could not be bound under that agreement.

> "There is no general agency arising from the marital relationship nor any presumption flowing therefrom that either spouse has authority to convey real estate held by the entireties without the other's joinder therein." Schweitzer v. Evans, 360 Pa. 552, 557 (1949).

CONTINUED TO PAGE 76

CONTINUED FROM PAGE 75, NO. 78-37-EQU, DONALD L. GLASS -vs- THOMAS HOWARD KEITH, al.

Thus it cannot be inferred, in the absence of any affirmative evidence to establish the fact, that the Defendnat-husband acted not only in his own right but also as agent for his wife. See Polka v. May, 383 Pa. 80, 84 (1955). Finally, Defendant-wife's knowledge of and acquiescence in her husband's contract with Plaintiff does not estop her to plead the Statute of Frauds, since principles of estoppel may not be invoked against the Statute's operation. Del Borrello v. Lauletta, 455 Pa. 350, 352 (1974).

WHEREFORE, the Court enters the following Order:

ORDER

NOW, this 22nd day of December,1978, after trial by the Court sitting without a jury, a Decree of Specific Performance is hereby denied, and judgment is entered in favor of the Defendants. BY THE COURT, s/John K. Reilly, Jr., President Judge.

Judgment is entered in favor of the Defendants and against the Plaintiffs as per Court Order

Judgment per Court Order.

Raymond Witherow

Prothonotary

DECEMBER 27, 1978, PLAINTIFF'S EXCEPTIONS, filed by Joseph Colavecchi.

Joseph Colavecchi

JAMES T. WOOSLEY

78-38-EQU

LAWRENCE D. BUEHLER

Pro Atty	by Atty	30.00 3.00
Shff. Hawkins	by Atty	10.75
Shff. Krasinski	by Atty	12.95
Pro	(Subpoenaes) by Atty	3.00
Shff Hawkins	by Atty	26.15
Shff Krasinski		11.75
Pro	By atty by Atty	1.00
Shff. Hawkins	by Atty	10.75
Shff. Krasinski	by Atty	12.65
Pro	by atty " "	1.00
Pro	" "	1.00
Pro	by Atty	1.00
Shff Hawkins	by Atty	18.45
Shff Krasinski	by Atty	12.80
Shff Hawkins	By Atty	10.75
Shff Krasinski		11.75
Pro	By Atty	3.00

JULY 24, 1978, COMPLAINT IN EQUITY, filed by Joseph Colavecchi

Three copies certified to Attorney

AUGUST 14, 1978, ANSWER CONTAINING NEW MATTER, filed by Cartwright, Fernan & Whitney.

AUGUST 17, 1978, ACCEPTANCE OF SERVICE, filed.

AND NOW, August 11, 1978, JOSEPH COLAVECCHI, ESQ., Attorney for Plaintiff, James T. Woosley, hereby accepts service of Answer Containing New Matter in the above-captioned matter on behalf of said Plaintiff. s/Joseph Colavecchi

AUGUST 16, 1978, SHERIFF'S RETURN, filed.

Now, July 24, 1978, Raymond J. Krasinski, Sheriff of Elk County was deputized.

Now, July 26, 1978, served within Complaint in Equity on Lawrence D. Buehler, return of Sheriff Krasinski heretc attached. So answers, Chester A. Hawkins by Marilyn Wood

AUGUST 22, 1978, REPLY TO NEW MATTER, filed by Joseph Colavecchi.

AUGUST 25, 1978, PRAECIPE TO PLACE ON TRIAL LIST, filed by Joseph Colavecchi.

The above case is now at issue. Please place on trial list. /s/Joseph Colavecchi, Attorney for Plaintiff.

SEPTEMBER 26, 1978, ANSWER TO MOTION FOR JUDGMENT ON THE PLEADINGS, filed by Joseph Colavecchi.

OCTOBER 16, 1978, SUBPOENA TO: EDWARD BRUBAKER, filed by Joseph Colavecchi.

One copy certified to Attorney.

OCTOBER 16, 1978, SUBPOENA, TO THOMAS F. McFADDEN, VICE PRESIDENT, DEPOSIT NATIONAL BANK, filed by Joseph Colavecchi.

One copy certified to Attorney.

OCTOBER 16, 1978, SUBPOENA TO CHESTER SWANSON, VICE-PRESIDENT, RIDGWAY NATIONAL BANK, filed by Joseph Colavecchi.

One copy certified to Attorney.

NOVEMBER 1, 1978, SHERIFF'S RETURN, filed.

Now, October 16, 1978, Raymond J. Krasinski, Sheriff of Elk County was deputized.

Now, October 17, 1978, served within Subpoena on Chester Swanson, return of Sheriff Krasinski attached.

Now, October 23, 1978 served within Subpoena on Thomas F. McFadden, Deposit National Bank.

Now, October 23, 1978 served within Subpoena on Edward Brubaker, Deposit National Bank

So answers, Chester A. Hawkins by Marilyn Wood

NOVEMBER 8, 1978, SUBPOENA To: Lawrence D. Buehler, filed by Joseph Colavecchi.

DECEMBER 8, 1978, SHERIFF'S RETURN, filed.

November 16, 1978, served within Subpoena on Lawrence D. Buehler, Defendant by deputized Sheriff of Elk County. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

APRIL 27, 1979, SUBPOENA, filed by Joseph Colavecchi. Two copies Certified To Attorney.

APRIL 27, 1979, SUBPOENA, filed by Joseph Colavecchi. Two copies Certified To Attorney.

MAY 1, 1979, SUBPOENA, filed by Joseph Colavecchi. One copy Certified to Sheriff.

MAY 18, 1979, SHERIFF'S RETURN, filed.

Now, April 30, 1979 at 11:38 AM DST served the within Subpoena on Thomas F. McFadden, Deft. at his place of employment.

Now, April 27, 1979, Raymond Krasinski, Shff of Elk Co. was deputized by Chester A. Hawkins, Shff of Coearfield Co. to serve within Subpoena on Lawrence D. Buehler, Deft.

Now, May 4, 1979 served the within Subpoena on Lawrence Buehler by deputizing the Shff of Elk Co. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood

MAY 24, 1979, SHERIFF'S RETURN, filed.

Now, May 3, 1979, Raymond Krasinski, Shff of Elk Co. was deputized to serve Subpoena on Deft.

Now, May 10, 1979 served the within Subpoena on Lawrence D. Buehler. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood.

MAY 30, 1979, MOTION FOR SANCTION ORDER UNDER PA. R.C.P. NO. 4019(a) filed by Joseph Colavecchi.

Four copies certified to Attorney.

RULE:

AND NOW, this 30 day of May, 1979, upon consideration of the foregoing Motion for Sanction Order under Pa. R.C.P. no. 4019(a), it is hereby directed that a Rule be issued directed to Lawrence D. Buehler to show cause why the proposed Sanction Order set forth in the Motion filed by Joseph Colavecchi, Esquire, Attorney for James T. Woosley, shall not be issued by this Court as authorized under Pa. R.C.P. No. 4019(a).

Rule returnable the 8 day of June, 1979 at 10:00 a.m. at the Clearfield County Court House. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 12, 1979, PRAECIEE TO DISCONTINUE, filed by Joseph Colavecchi.

Mark the record to show the above case as discontinued, settled and ended. /s/ Joseph Colavecchi, Attorney for Plaintiff.

D I S C O N T I N U E D S E T T L E D AND E N D E D.

James A. Naddeo

6/25/79
$20,000.00 Pd.
by Atty Clfd. Trust

DONALD McCLINCY

78-39-EQU

ISADORE ANSKIE and JULIA NAPIERKOWSKI, formerly JULIA ANSKIE and EDWARD H. NAPIERKOWSKI

Pro Atty	by Atty	30.00 3.00
Shff Hawkins	by Atty	14.75
Shff Jagodinski	by Atty	19.75

Trans.
Ck#3032 Julia & Edward Napierkowski $5000.00
Pd. by Ck# 7812

Sept. 12, 1984.
Ck#4807 Trans to reg acct. $19,237.98
Ck#11517 Mary Danouski 19,237.98

Check give to Timothy Durant Esq.

signed: Timothy Durant 9/12/84

JULY 31, 1978, COMPLAINT IN SPECIFIC PERFORMANCE, filed b James A. Naddeo

Three copies certified to Sheriff

AUGUST 18, 1978, SHERIFF'S RETURN, filed.

Now, August 1, 1978, Frank J. Jagodinski, Sheriff of Luzerne County was deputized.

Now, August 3, 1978 served the within Complaint Specific Performance on Edward H. Napierkowski, Julia Napierkowski and Isadore Anskie. So answers, Chester A. Hawkins by Marilyn Wood

SEPTEMBER 13, 1978, LETTER FILED by Isadore Anskie.

SEPTEMBER 20, 1978, MOTION TO STRIKE DEFENSIVE PLEADINGS, filed by Belin, Belin & Naddeo.

One copy certified to Attorney.

ORDER:

NOW, this 20 day of September, 1978, upon consideration of the foregoing Motion to Strike Defensive Pleading it is hereby ORDERED AND DIRECTED that hearing be held on October 6, 1978 at 3:00 P.M. in the Main Court Room whether pleading filed by the Defendant, Isadore Anskie, should be stricken as unresponsive. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

OCTOBER 9, 1978, ORDER, filed.

Now, this 6th day of October, 1978, following Argument into the above-captioned Motion to Strike, the Court being satisfied that good and sufficient grounds exist therefor, it is the ORDER of this Court that Document filed on the 31st day of July, 1978, on behalf of the Defendant and prepared on behalf of the Defendant, Isadore Anskie, and prepared by him pro se, be and is hereby stricken and said Defendant given Twenty (20) days from date hereof within which to file Responsive Pleadings. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

NOVEMBER 6, 1978, PRAECIPE, filed by James A. Naddeo

Please enter judgment by default against the above named defendant, Isadore Anskie, for failure to file an amended responsive pleading to the complaint in equity served upon him on August 3, 1978 in accordance with the Order of Court dated October 6, 1978 wherein the Court directed that the original Answer filed by the said Isadore Anskie be striken and that he be afforded an additional twenty (20) days from October 6, 1978 to file a responsive pleading and also enter judgment against the defendants, Julia Napierkowski, formerly Julia Anskie, and Edward H. Napierkowski for their failure to file a responsive pleading to the complaint in equity within twenty (20) days from service made upon the defendants, Julia Napierkowski and Edward H. Napierkowski, on August 3, 1978. s/James A. Naddeo

Judgment is entered in favor of the Plaintiff and against the Defendants for failure to file responsive pleading.

DEFAULT JUDGMENT

Raymond S. Sutherson
Prothonotary

DECEMBER 5, 1978 LETTER, filed from Mr. Auskie.

DECEMBER 11, 1978, LETTER, filed by Isadore Anskie.

DECEMBER 21, 1978, MOTION AND ORDER, filed by Belin, Belin & Naddeo.

Two copies certified to Attorney James Naddeo.

ORDER:

NOW this 21 day of December, 1978, upon motion of counsel for the plaintiff, it is hereby ORDERED and DIRECTED that hearing be held for the purpose of taking testimony to assist the Court in its final adjudication and in the proper framing of a decree said hearing to be held in the Main Court Room of the Clearfield County Court House, Clearfield, Pennsylvania on the 22 day of January, 1979 at 2:00 p.m. It is further ordered and directed that a certified copy of plaintiff's motion and this order be served by regular mail upon the defendants in the above captioned action. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 25, 1979, ADJUDICATION AND DECREE NISI, filed by Belin, Belin and Naddeo.

DECREE NISI:

NOW, this 25th day of June, 1979, it is hereby ORDERED and DIRECTED as follows:

A. That the plaintiff pay to the Clearfield County Prothonotary within ten (10) days from date hereof the sum of Twenty thousand ($20,000.00) Dollars to be held by said Prothonotary pending a conveyance by the defendants of all their right, title and interest in and to a certain piece or parcel of land situate in Knox Township, Clearfield County, Pennsylvania, consisting of approximately 50 acres which premises is subject to a certain agreement of Sale entered into between the parties on March 23, 1978, said premises being more particularly bounded and described as follows:

BEGINNING at a hemlock corner of Abraham Walker; thence North 52 degrees East 97.8 perches to a post; thence by land of D. A. Cathcart North 36 3/4 degrees West 96.6 perches to a post; thence by lands of Wallace and Co. South 52 degrees West 87.8 perches to a post; and

CONTINUED TO PAGE 79-B on other side of this page

CONTINUED FROM PAGE 79-A NO. 78-39-EQU DONALD McCLINCY -vs- ISADORE ANSKIE, et al

thence by land of Abraham Walker South 36 3/4 degrees East 96.6 perches to a hemlock and place of beginning. Containing 50 acres and allowance.

SUBJECT to all reservations, easements, restrictions, conditions, covenants, and exceptions as appear in chain of title.

Together with all the coal, oil and gas and rents and royalties therefrom lying or being in, under or upon the above-described land, including the laying out, building and maintaining roads of any and all kind into, over and across said land, under or upon the surface thereof, for purposes more particularly set forth in Clearfield County Deed Book 449, page 296.

B. That the defendant be specifically impeded from mortgaging or encumbering said property in any way and from selling or conveying the same or any part thereof to any person other than the plaintiff.

C. That the defendants be and are hereby commanded to specifically perform the written Sales Contract dated March 23, 1978 and by good and sufficient warranty deed convey and assure said premises and each part thereof with marketable title and free of all encumbrances to the plaintiff in fee simple and legally sign, seal, acknowledge and deliver said deed to the plaintiff in proper legal form and accept the consideration therefor in the amount of Twenty thousand ($20,000.00) Dollars from the Prothonotary of Clearfield County, said deed to be executed and delivered to plaintiff within twenty (20) days from date hereof unless exceptions hereto are filed by the defendants within ten (10) days as required by Pa. R.C.P. 1518.

D. That if exceptions are not filed to this decree within ten (10) days after notice of filing the Prothonotary shall on praecipe of either party enter this decree nisi as a final decree. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JULY 5, 1979, LETTER, filed by Isadore Anskie.

AUGUST 7, 1979, ORDER, filed.

NOW, this 6th day of August, 1979, following hearing on Exceptions filed to the Decree Nisi entered by this Court on June 25, 1979, it is the ORDER of this Court that said Exceptions be and are hereby dismissed and the Decree Nisi shall be entered as a final Decree. It is the further ORDER of this Court that the Defendant Isadore Anskie execute the deed as directed by this Court is said Decree.

Opinion to be filed in the event of Appeal. By the Court, /s/ John K. Reilly, Jr., President Judge

SEPTEMBER 14, 1979, PETITION TO DIRECT EXECUTION OF DEED AND ORDER, filed by James A. Naddeo.

WHEREFORE, plaintiff by his attorneys, Belin, Belin & Naddeo, respectfully request your Honorable Court to direct that the Sheriff of Clearfield County execute a deed in the form attached hereto as Exhibit "C", said deed to be executed and acknowledged in open court on the date and time to be set by the court. /s/Belin, Belin & Naddeo by James A. Naddeo.

ORDER:

NOW this 14 day of September, 1979, upon consideration of the petition of the plaintiff in the above captioned action by his attorneys, Belin, Belin & Naddeo, it is hereby ORDERED and DIRECTED that the Sheriff of Clearfield County appear in the Main Court Room, Clearfield County Court House, Clearfield, Pennsylvania on the 10 day of October, 1979 at 9:00 A.M. and that the said Sheriff then and there execute and acknowledge in open court a deed in the form attached to plaintiff's petition as Exhibit "C". It is further ORDERED and DIRECTED that a certified copy of plaintiff's petition and this order be directed to the defendant, Isadore Anskie. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

One copy Certified to Attorney.

OCTOBER 11, 1979, ORDER, filed by James A. Naddeo.

NOW, THIS 10th day of October, 1979, after hearing upon application of plaintiff to direct execution by deed by the Sheriff of Clearfield County and it appearing from the record of said hearing that the defendant, Isadore Anskie, failes to comply with the Order of Court dated August 6, 1979, directing that he convey the premises subject to the above captioned action to the plaintiff and it further appearing that the defendant, Isadore Anskie, failed to file an appeal from said order, it hereby ORDERED and DIRECTED that in accordance with authority granted to the court by the Act of 1901, April 19, P.L. 83, §1 21 P.S. 53 that Chester A. Hawkins, Sheriff of Clearfield County execute and acknowledge in open court a deed for said premises conveying to plaintiff, Donald McClincy, any and all interest which the said Isadore Anskie may have or ever have in the subject premises. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

NOVEMBER 13, 1979, PETITION AND ORDER, filed by Darling and Mitchell.

WHEREFORE, title having been conveyed to plaintiff and the purchase price of $20,000 having been deposited in the Office of the Prothonotary of Clearfield County, your petitioners pray your Honorable Court to enter an order directing the Prothonotary of Clearfield County to pay over to Julia Napierkowski and Edward H. Napierkowski the sum of $5,000 as their share of the proceeds of sale in accordance with the Agreement of Sale of March 23, 1978. /s/Julia Napierkowski Edward H. Napierkowski.

ORDER:

NOW, this 13 day of November, 1979, upon consideration of the within Petition, IT IS HEREBY ORDERED AND DIRECTED that the Prothonotary of Clearfield County shall pay over to Julia Napierkowski and Edward H. Napierkowski, the sum of $5,000 as compensation to them for their interest in the premises which were the subject of this Bill for Specific Performance. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

AUGUST 20, 1984 PETITION and ORDER' filed by Thomas P. Brennan, Attorney for Mary Danouski, Executrix of the Estate of Isadore Anskie.

ORDER

AND NOW, this 20th day of August, 1984, upon the Petition of Mary Danouski, Executrix of the Estate of Isadore Anskie, Deceased, for for good cause shown:

IT IS HEREBY ORDERED AND DECREED that the Prothonotary of The Court of Common Pleas of Clearfield County shall deliver to said Executrix or her Attorney by check made payable to Mary Danouski, Executrix of the Estate of Isadore Anskie, Deceased, any and all funds held on deposit and/or in escrow in the above-captioned matter together with interest if any. By the Court, s/John K. Reilly, Jr., President Judge.

Edward V. Cherry	ORWIN W. SROCK 78-40-EQU DOROTHY M. SROCK	
	Pro by Atty	30.00
	Atty	3.00
	by Atty	
	Shff. Hawkins	15.85

AUGUST 15, 1978, COMPLAINT PARTITION IN EQUITY, filed by Edward V. Cherry.
One copy certified to Sheriff.

AUGUST 25, 1978, SHERIFF'S RETURN, filed.
August 17, 1978, served within Complaint in Equity of Grace Hilliard, Guardian for Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

APRIL 3, 1979, PETITION, filed by Edward V. Cherry.

ORDER:
NOW, April 3, 1979, upon consideration of the foregoing case, it is
ORDERED ADJUDGED AND DECREED that ELIZABETH CUNNINGHAM Esq., is appointed Trustee to make public sale of the real property described in the Order of Court dated August 14, 1978, and to sell 109 shares of $1.15 convertible preferred stock of the Cyclops Corporation, series B No. BB303 through a Stock Broker at the prevailing market price, after first entering security in the sum of Forty-two Thousand Dollars ($42,000.00).
1. That the said Trustee shall give notice of sale of real estate, advertising the same in two (2) daily newspapers of general circulation in the county and by handbills posted on the property and in other public places once a week for four (4) consecutive weeks before the day of the sale.
2. That the proceeds of said sale of real estate and stock, after payment of the expenses thereof, shall be divided equally between the plaintiff and the defendant.
3. That this Order is returnable the 4th day of June, 1979, at 9:00 A.M. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

MAY 16, 1979, BOND in the amount of $50,000.00 with Statesman Insurance Company as Surety, filed by Elizabeth Cunningham.

MAY 30, 1979, PETITION FOR ALLOWANCE OF ATTORNEY FEES, filed by Gleason & Cherry.
One copy for acceptance by Elizabeth Cunningham.
WHEREFORE, your Petitioner prays your Honorable Court to award him his attorney's fees in the sum of Two Thousand One Hundred Dollars ($2,100.00) and consts of appraisal fees in the sum of One hundred Dollars ($100.00) /s/ Edward V. Cherry, Attorney for Orwin W. Srock.

ORDER
NOW, May 30, 1979, upon consideration of the foregoing petition, it is
ORDERED, ADJUDGED and DECREED that the sum of Two Thousand Two Hundred Dollars ($2,200.00) be awarded to EDWARD V. CHERRY, ESQ., for his attorney fees in the sum of Two Thousand One Hundred Dollars($2,100.00) and reimbursements of appraisal fees, costs in the sum of One Hundred Dollars ($100.00). Said amount to be assessed as costs and be paid by ELIZABETH CUNNINGHAM, ESQ., Master in Partition in the above case from the said proceeds of the sale of the real estate of the said parties. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

JUNE 4, 1979, MASTER'S REPORT AND PROPOSED DECREE, filed by Elizabeth Cunningham.

JUNE 4, 1979, MASTER'S RETURN OF SALE, filed.

JUNE 4, 1979, DECREE NISI, filed.

NOW, this 6th day of June, 1979, after reviewing the report of Elizabeth Cunningham, Esquire Trustee in Partition in the above captioned case, the Court hereby approves the propsed schedule of distribution and does further direct the Trustee to make, execute and deliver a deed to Orwin W the successful bidder at the public sale, said deed to be in the form attached to the report, and to make distribution to the parties as set forth in the report.

Unless exceptions are filed to the within decree nisi within twenty (20) days from the date hereof, the same shall become final without further order of the Court. By the Court, /s/ John K. Reilly, Jr., P.J.

SEPTEMBER 19, 1979, PETITION FOR DISCHARGE AND ORDER, filed by Elizabeth Cunningham.

ORDER:
AND NOW, this 19th day of September, 1979, upon consideration of the foregoing Petition of Elizabeth Cunningham, Esquire, and Trustee in the above captioned matter, it is directed and ORDERED that Elizabeth Cunningham, Trustee, and her surety, Statesman Insurance Company, be discharged from the obligations under the $42,000.00 bond filed as security. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

Robert M. Hanak	BOROUGH OF SYKESVILLE 78-41-EQU CITY OF DU BOIS Pro by Atty 30.00 Atty 3.00 Pro by Atty 20.00 Postage 3.89	AUGUST 16, 1978, COMPLAINT FOR INJUNCTIVE RELIEF, filed by Robert M. Hanak. ORDER: AND NOW, to wit this 15 day of August, 1978, upon a Complaint duly filed and after determination from the averments of said Complaint, that a municipality may have its water source terminated unless relief is granted the City of DuBois is hereby ordered restrained from terminating or shutting off the water flow to the Borough of Sykesville until further order of the Court or until dissolution of this injunction. From January 1, 1978, the Borough of Sykesville shall pay as a rate for water used to the City of DuBois the rate heretofore agreed to be acceptable by said Borough. In addition, the Borough of Sykesville shall pay into an escrow account the difference between said agreeable rate and the rate demanded by the City. Upon termination of the matter, the escrowed amount shall be disbursed in accordance with the Order of this Court. The Court having been informed, the parties have agreed in accordance with Pa. R.C.P. 1531 that a hearing on the merits of the matter may be held on August 21, 1978 or thereafter, and said hearing is hereby ordered to be held on the 22nd day of August, 1978, at 1:30 o'clock P.M., in the Court House of Clearfield County, at Clearfield, Pennsylvania. BY THE COURT, /s/John K. Reilly, Jr., President Judge. APRIL 8, 1981, TRANSCRIPT OF TESTIMONY taken before the Hon. John K. Reilly, Jr., lodged this day and date in Prothonotary Office. /s/Raymond Witherow

DECEMBER 1, 1981 OPINION AND ORDER filed

Plaintiff, Borough of Sykerville, Jefferson County, Pennsylvania, has purchased its water from the Defendant, City of DuBois, Clearfield County, Pennsylvania, under a series of contracts dated bakc to 1934. Between February 24, 1975 and January 1, 1978 inclusive, the agreement between the parties called for payment for said water at the rate of fifty (50¢) Cents per one thousand (1,000) gallons flowing through a specified meter within the City of DuBois, said rate to be in effect for the first three Hundred Thousand (300,000) gallons used per day. Any gallonage supplied to the Plaintiff above that figure was to be billed at a rate of One ($1.00) Dollar per on thousand (1,000) gallons.

Defendant, City of DuBois, has enacted an Ordinance which governs the sale of water to all its customers except the Plaintiff, Borough of Sykesville, and the Sandy Township Water Company (also known as Slab Run). This Ordinance, DuBois Ordinance No. 1257 (Plaintiff's Exhibit No. 2) provides for a sliding scale rate wherein less is paid for one thousand (1,000) gallons as the amount of water consumed increases. As an example, while the party consuming seven hundred thousand (700,000) gallons of wst er per quarter would pay an effective rate of seventy (70¢) cents per one thousand (1,000) gallons, a consumer using over ten million (10,000,000) gallons would pay only fifty (50¢) per one thousand (1,000) gallons.

Upon expiration of the most recent contract between the parties, negotiations for a new agreement commenced. At that time the City of DuBois demanded an increase in payment to reflect seventy (70¢) per one thousand (1,000) gallons up to three hundred thousand (300,000) gallons per day with the overage charge to remain at one ($1.00) per one thousand (1,000) gallons. The Borough of Sykesville requested that it be charged under the Ordinance cited above, arguing that because the Borough consumes approximately sixty-five million (65,000,000) gallons of water per year, it would, therefore, save itself a considerable amount of money. The City of DuBois refused and this Action in Equity followed seeking injunctive relief. This Court has been asked to determine whether the contract proposed by the Defendant, City of DuBois, is discriminatory and/or unreasonable, and if so, what the correct billing rate should be. This Court is of the opinion that the proposed contr ract is neither discriminatory or unreasonable.

A municipality supplying water or electricity ot those outside its boundaries acts in a private capacity although it would be given wide discretion in determining the rates to be charged, a municipality's decision can be questioned by the courts when determined to be unreasonable or discriminatory. AMERICAN ANILINE PRODUCTS v. CITY OF LOCK HAVEN,288 Pa. 420, 135 A. 726 (1927): Barne Laundry v. City of Pittsburgh 266 ¼a/ 24. 109 A. 535 (1920).

In determining rates to be charged, a municipality may distinguish between parties within the municipality and those without. Borough of Ambridge v. Pa. Public Utility Comm., 137 Pa. Super. 50 8 A.2d 429 (1939). However, no distinction may be made between those applying for service "under like conditions". Reigle v. Smith, 287 Pa. 30, 134 A. 38 (1927). The Commonwealth Court of Pennsylvania has suggested several classifications that can be used in determining whether several customers applying for service do so "under like conditions"/ Those classifications include;

> The quantity of (service) use, the nature of the use, the time of the use, the pattern of the use, or...differences of conditions of service or cost of service.

Philadelphia Suburban Transportation Co. v. Public Utility Commission, 3 Pa. Com 184, 281 A.2d 179 (1971), cited in U.S. Steel Corp. v. Com. of Pa., Public Utility Comm, , 37 Pa. Com. 195, 390 A.2d 855 (1978).

In the instant, case, an analysis of the facts reveals that the City of DuBois is not discriminating against the Borough of Sykesville in invoking the new water rates. Sykesville bears the closest overall similarity to the Sandy Twonship Water Company as boah purchased water for resale to their own customers. Both receive their water and assume responsibility for it at meters within the City of DuBois (n.t., page 39) and both are municipal corporations (n.t., page 39). Clearly, on those bases, both the Borough of Sykesville and Sandy Township can be grouped together in one classification. No other DuBois customer fits the above description. Therefore, if the City of DuBois wishes to set a different rate for these two customers, it may legitimately do so,

Therefore, it only remains for this Court to determine whether the Plaintiff, Borough of Sykesville, is being distinguished from Sandy Twonship in an unjustly discriminatory fashion. The record indicates that no such discrimination is present. Sandy Twonship consumes approximately twelve million (12,000,000) gallons of water a year (n.t., page 57, Defendant's Exhibit A) and pays on a separate contract under a sliding scale rate with an effective rate of seventy-three (73¢) cent per one thousand (1,000) gallons of water (n.t., pages 40 and 57) . The proposed flat rate for Plaintiff, Borough of Sykesville, is seventy (70¢) cents per one thousand (1,000) gallons. Therefore, while both the Plaintiff, Borough of Sykesville, and Sandy Township may be paying under contracts, their effective rates are virtually the same, and indeed, Plaintiff's effective rate is

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CONTINUED FROM PAGE 83 78-41-EQU BOROUGH OF SYKESVILLE -vs- CITY OF DUBOIS

OPINION AND ORDER continued
less than that of Sandy Township.

Therefore, this Court cannot find that the Plaintiff has suffered discrimination in the setting of its water rates and enters the following Order:

ORDER filed
NOW, this 23rd day of November, 1981, following hearing into the above-captioned matter, it is the ORDER of this Court that Plaintiff's Complaint for Injunctive Relief be and is hereby dismissed. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

DECEMBER 17, 1981, NOTICE OF APPEAL, filed by Querino R. Torretti, Esq.
One copy mailed to Commth Court, Harrisburg, Pa.

DECEMBER 17, 1981, PROOF OF SERVICE OF NOTICE OF APPEAL, filed by Querino R. Torretti, Esquire
One copy mailed to Commth Court.

DECEMBER 23, 1981, NOTICE OF APPEAL from Commonwealth Court of Pa to their No. 3111 C.D. 1981, filed by Querino R. Torretti, Esquire

JANUARY 26, 1982 ALL PAPERS MAILED TO COMMONWEALTH COURT (Copies of all papers in bucket).

JANUARY 26, 1982, SENDER'S RECEIPT, filed.

JANUARY 29, 1982, RETURN RECEIPT, filed.

FEBRUARY 22, 1982 MEMORANDUM AND ORDER filed

Plaintiff above-named filed its Complaint in Equity on August 16, 1978, seeking injunctive relief against the City of DuBois claiming a discriminatory increase in the rate charged by the Defendant for water supplied to the Plaintiff. On November 23, 1981, this Court issued a Decree finding that Defendant was not discriminating against the Plaintiff and dismissing Plaintiff's Complaint for Relief.

Plaintiff timely filed an Appeal to the Commonwealth Court which is currently pending. On February 8, 1982, Plaintiff filed with this Court an Application for Injunction to Restrain Defendant from terminating the water supply altogether to the Plaintiff for failure to pay the increased rate. Since the date of the Complaint, Plaintiff has been paying into an interest-earning escrow account the difference between the original rate and the increase rate and the Defendant seeks to have the escrow agent release the money to the Defendant in view of this Court's determination in their favor. Since this Court cannot directly Order the release of the money, Defendant proposes to terminate the water supply to the Plaintiff resulting in this Application.

In view of the scheduled proeeedings by the Commonwealth Court, this Court is of the opinion that a decision on the Appeal should be had within sixty (60) days, and since such decision will determine the issue on the merits, it will not be unreasonable to delay disposition of Plaintiff's Application for that period. Neither party will be severely prejudiced by such action, and therefroe, this Court has determined to continue action on Plaintiff's Petition until May 3, 1982. In the event that the Commonwealth Court has not filed its Opinion on the Appeal by said date, this Court will act on Plaintiff's Application.

WHEREFORE, the Court enters the following Order:

ORDER filed
NOW, this 22nd day of February, 1982, it is the ORDER of this Court that final determination of Plaintiff's Application for Injunction shall be delayed until May 3, 1982, pending such determination, no further action shall be taken by either party pending the Opinion of the Commonwealth Court on Plaintiff's Appeal. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

MAY 7, 1982, PETITION, filed by Edward V. Cherry
One copy certified to Attorney

WHEREFORE, Your Petitioner respectfully prays that your Honorable Court will make a final determination of Plaintiff's Application for Injunction as set forth in the Order of this Court, dated February 22, 1982. s/Edward V. Cherry

FEBRUARY 9, 1982, APPLICATION FOR INJUNCTION, filed by Querino R. Torretti
One Copy cert to Atty.

AUGUST 22,1985, ALL papers returned by Commonwealth Court with no decision made.
Papers filed in Legal Drawer "F".

Laurance B. Seaman	ROBERT L. KESTER, DONALD R. MIKESELL and ANN B. MIKESELL 78-42-EQU T. W. PHILLIPS GAS & OIL COMPANY and J & J ENTERPRISES, INCORPORATED	SEPTEMBER 1, 1978, PRAECIPE FOR SUMMONS, filed by Laurence B. Seaman. Enter our appearance for Plaintiffs and issue a Writ of Summons in Equity in above case, returnable sec. leg. /s/Gates & Seaman by Laurance B. Seaman, Attorney for Plaintiffs. SEPTEMBER 1, 1978, SUMMONS IN EQUITY, ISSUED TO SHERIFF FOR SERVICE. SEPTEMBER 26, 1978, SHERIFF'S RETURN, filed. September 6, 1978, served within Summons in Equity On T. W. Phillips Gas & Oil Co. by deputizing Sheriff of Butler County. September 7, 1978, served within Summons in Equity on J & J Enterprises, Inc. by deputizing Sheriff of Indiana County. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. FEBRUARY 1, 1979, COMPLAINT FOR DISCOVERY, filed by Laurance B. Seaman. Two copies certified to Attorney. FEBRUARY 22, 1979, PRELIMINARY OBJECTIONS TO PLAINTIFFS' COMPLAINT FOR DISCOVERY, filed by Fisher, Ruddock & Simpson. One copy certified to Attorney Scott Jones. FEBRUARY 22, 1979, OBJECTIONS TO INTERROGATORIES, filed by Fisher, Ruddock & Simpson. One copy certified to Attorney Scott Jones. FEBRUARY 22, 1979, PRELIMINARY OBJECTION TO PLAINTIFFS' Complaint For Discovery, filed by J.L Wilson and P.H. Shaffer. One copy certified to Attorney Scott Jones FEBRUARY 22, 1979, OBJECTIONS TO INTERROGATORIES, filed by J.L. Wilson and P.H. Shaffer. One copy certified to Attorney Scott Jones.

Pro	by Atty	15.00
Atty	by Atty	3.00
Shff. Hawkins	by Atty	12.75
Shff. Gondal	by Atty	13.00
Shff. Watson		14.75
Pro	by Atty	15.00
Pro	by Atty	15.00

MARCH 22, 1979, ORDER, filed.
NOW, this 21st day of March, 1979, following argument into Preliminary Objections filed on behalf of the Defendants to Plaintiffs' Complaint for Discovery, it is the ORDER of this Court that the Objection raising the question of jurisdiction is dismissed, and the Motion to Strike Off Plaintiffs' Complaint for Discovery is granted. Plaintiff is directed to file a Complaint setting forth for cause of action within twenty (20) days from date hereof.
IT is the further ORDER of this Court that said Complaint shall specifically set forth Plaintiffs' chain of title under which they claim relief and that Plaintiffs shall retain the right to amend or expand or add on to said Complaint in any manner following completion of any discovery allowed by this Court as a result of the filing of said Complaint. By the Court, /s/ John K. Reilly, Jr., President Judge

APRIL 11, 1979, ORDER, filed.
NOW, this 11th day of April, 1979, upon consideration of the request of attorneys for the plaintiffs in the above captioned matter, plaintiffs are granted an extension to April 16, 1979 within which to file their Complaint. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

APRIL 16, 1979, NOTICE TO DEFEND, filed by Gates & Seaman By /s/ Laurance B. Seaman, Attorneys for Plaintiffs.

APRIL 19, 1979, AFFIDAVIT OF SERVICE, filed by Laurance B. Seaman, Esq.

MAY 1, 1979, PRELIMINARY OBJECTIONS, filed by Peter H. Shaffer. One copy Certified to Atty.

MAY 1, 1979, OBJECTIONS TO INTERROGATORIES, filed by Peter H. Shaffer. One copy Certified To Attorney.

MAY 1, 1979, OBJECTIONS TO INTERROGATORIES, filed by Fisher, Ruddock & Simpson. One copy Certified to Attorney.

MAY 1, 1979, PRELIMINARY OBJECTIONS, filed by Fisher, Ruddock & Simpson. One copy Certified to Attorney.

JUNE 22, 1979, ORDER, filed.
NOW, this 22nd day of June, 1979, this matter coming before the Court on Preliminary Objections filed on behalf of Defnedants above-named, it is the ORDER of this Court that Objections in the nature of a demurrer to the Complaint are sustained for the reason that Plaintiffs have a full complete and adequate remedy at law, and this Court does, therefore, dismiss the Complaint filed to the above caption and instructs the Plaintiffs to file a proper action at law.
Opinion to be filed in the event of Appeal. By the Court, /s/ John K. Reilly, Jr., President Judge

JUNE 29, 1979, PLAINTIFFS' EXCEPTIONS, filed by John B. Gates & Laurance B. Seaman.

OCTOBER 16, 1979, ORDER, filed.
AND NOW, this 16 day of October, 1979, the Court having previously sustained the Defendants' Preliminary Objections in thenature of a demurrer to the Complaint on the basis that Plaintiffs have a full, complete and adequate remedy at law, IT IS ORDERED AND DECREED that said action be certified to the law side of the Court and the Plaintiffs are directed to amend the Complaint therein, within twenty (20) days, deleting therefrom any prayer for relief sounding in equity and this matter shall proceed on the law side of the Court as though the same had originally been initiated there. BY THE COURT: /s/ John K. Reilly, Jr., President Judge

OCTOBER 17, 1979, 78-42-EQU--transferred to CIVIL DOCKET NO. 79-2761-CD.

EQUITY DOCKET NO. 12 1978

Joseph Colavecchi	RALPH EDWARD HOOVER	SEPTEMBER 1, 1978, COMPLAINT IN PARTITION, filed by Joseph Colavecchi. 46 copies Certified to Attorney. SEPTEMBER 15, 1978, AFFIDAVIT OF SERVICE, filed by Joseph Colavecchi September 11, 1978, certified copy of Complaint in Partition given personally to Daniel Lines. s/Joseph Colavecchi SEPTEMBER 18, 1978, PRAECIPE FOR APPEARANCE, filed by Joseph J. Lee Please enter my appearance on behalf of RAY E. HOOVER, one of the Defendants in the above entitled matter. s/Joseph J. Lee SEPTEMBER 20, 1978, AFFIDAVIT OF SERVICE, filed by Joseph Colavecchi. SEPTEMBER 26, 1978, AFFIDAVIT OF SERVICE, filed by Joseph Colavecchi Service of Complaint mailed to Mr. & Mrs. John A. Hoover by certified mail, return receipt attached. s/Joseph Colavecchi SEPTEMBER 26, 1978, SHERIFF'S RETURN, filed by Chester A. Hawkins, Sheriff. Please see original for service. OCTOBER 6, 1978, SHERIFF'S RETURN, filed. Now, October 2, 1978 served within Complaint in Partition on Elwood W. Buck. Now, October 2, 1978 served within Complaint in Partition on Elwood W. Buck, father of Ralph E. Buck. So answers, Chester A. Hawkins by Marilyn Wood DECEMBER 8, 1978, AGREEMENT, filed by Belin, Belin & Naddeo. DECEMBER 8, 1978, AGREEMENT, filed by Belin, Belin & Naddeo. DECEMBER 8, 1978, AGREEMENT, filed by Belin, Belin & Naddeo. DECEMBER 8, 1978, AGREEMENT, filed by Belin, Belin & Naddeo DECEMBER 8, 1978, AGREEMENT, filed by Belin, Belin & Naddeo. DECEMBER 8, 1978, AGREEMENT, filed by Belin, Belin & Naddeo. DECEMBER 8, 1978, AGREEMENT, filed by Belin, Belin & Naddeo. DECEMBER 8, 1978, AGREEMENT, filed by Belin, Belin & Naddeo. AND POWER OF ATTORNEY. DECEMBER 8, 1978, ANSWER TO COMPLAINT, filed by Belin, Belin & Naddeo. One copy certified to Attorney. JANUARY 9, 1979, ORDER, filed by Belin, Belin & Naddeo. NOW THIS 9th day of January, 1979, pleadings in the above captioned case having been closed and the defendants answer having admitted facts warranting partition, it is hereby ORDERED and DIRECTED that the premises subject to the above captioned action be and is hereby ordered to be partitioned with the further determination that the names of all co-tenants and the nature and extent of their interests in the subject premises is as follows: (a) Heirs of Huey Hoover, Deceased: 1. John A. Hoover - (1/12) 2. Cecelia Dale - (1/12) (b) Heirs of I. H. Hoover, Deceased: 1. Mrs. Myrtle Hoover, widow (life estate) 2. Bill G. Hoover - (1/18) - remaining interest 3. Bertha A. Rowles - (1/18) - remaining interest 4. Patricia L. Errigo - (1/54) - remaining interes 5. William B. Lines - (1/54) - remaining interest 6. Daniel H. Lines - (1/54) - remaining interest (c) Heirs of William E. Hoover, Deceased: 1. James H. Hoover - (1/60) 2. Roy S. Hoover - (1/60) 3. Fred P. Hoover - (1/60) 4. Isaac A. Hoover - (1/60) 5. Hughie A. Hoover - (1/60) 6. George J. Hoover - (1/60) 7. Richard S. Hoover - (1/60) 8. Elsie M. Riddle - (1/60) 9. Teresa Hoover - (1/60) 10. Deloris Degrasse - (1/60) 11. Luann Fetzer Mulhollem - (1/60) (d) Heirs of Jefferson Hoover, Deceased: 1. Jefferson Hoover, Jr. - (1/36) 2. John C. Hoover - (1/36) 3. William J. Hoover (1/36) 4. Samuel Hoover - (1/36) 5. Sarah Buck - (1/36) 6. Hilda Yacabucci - (1/36) CONTINUED TO OTHER SIDE OF THIS PAGE
2-19-81 $211.00 Pd Clfd Tr.	78-43-EQU	
Joseph J. Lee	HEIRS OF HUEY HOOVER, Deceased; NORA JEAN HOOVER; JOHN J. HOOVER and LOIS J. HOOVER; CECELIA DALE and WILLIAM L. DALE; HEIRS OF I. H. HOOVER; MYRTLE HOOVER a/k/a MRS. I. H. HOOVER; BILL G. HOOVER; MRS. BERTHA ROWLES MRS. SARA ELLEN LINES; PATRICIA ERRIGO WILLIAM LINES; DANIEL LINES HEIRS OF WILLIAM E. HOOVER; ELIZABETH HOOVER; ROY S. HOOVER; JAMES H. HOOVER and RUTH V. HOOVER; FRED P. HOOVER and ALVERTA HOOVER; ISAAC A. HOOVER and AUDREY JEAN HOOVER; HUGHIE A. HOOVER and DELORIS HOOVER; GEORGE J. HOOVER and DOROTHY HOOVER; RICHARD S. HOOVER and JANE HOOVER; ELSIE M. RIDDLE; TERESA HOOVER; RACHEL HOOVER FETZER; DELORIS DEGRASSE and MARK DEGRASSE; LUANN FETZER MULHOLLEM; HEIRS OF JEFFERSON HOOVER, SR., Deceased ZELDA HOOVER; JEFFERSON HOOVER, JR. and BETTY HOOVER; JOHN C. HOOVER and EDNA M. HOOVER; WILLIAM J. HOOVER and HAZEL HOOVER; SAMUEL HOOVER and LOUISE HOOVER; SARAH BUCK and LESLIE BUCK; HILDA HOOVER YACABUCCI and DOMINIC YACABUCCI; HEIRS OF FREDERICK S. HOOVER, Deceased RUTH E. HOOVER; HAZEL BUCK, now deceased whose husband is ELWOOD BUCK and who has since re-married; ELWOOD THOMAS BUCK; SAMUEL LEE BUCK; WOODROW WILSON BUCK; RALPH EVANS BUCK; SAMUEL HOOVER; CLARENCE HOOVER; LEE HOOVER; BETTY HOOVER BUCK; JUDY HOOVER; ERNEST HOOVER HEIRS OF JAMES A. HOOVER, SR., Deceased MRS. TWILA HOOVER; JAMES A. HOOVER, JR. TWILA H. SHUBERT; RALPH E. HOOVER; PAUL E. HOOVER; RALPH A. HOOVER; RAY E. HOOVER; MRS. MARY KRUPELAK; MRS. DOROTHY TIBBENS; RALPH E. HOOVER Defendants	

Pro	by Atty	63.00
Atty		3.00
	by Atty	
Shff. Hawkins		110.15
	by Atty	
Shff. Krainski		15.50
Shff	by Atty	16.35
Pro		3.00

(e) Heirs of Frederick S. Hoover, Deceased:
1. Samuel Hoover - (1/42)
2. Clarence Hoover - (1/42)
3. Lee Hoover - (1/42)
4. Betty Hoover Buck - (1/42)
5. Judy Hoover Ambrosia - (1/42)
6. Ernest Hoover - (1/42)
7. Elwood Buck - (1/126)
8. Elwood Thomas Buck - (1/252)
9. Samuel Lee. Buck - (1/252)
10. Woodrow Wilson Buck - (1/252)
11. Ralph Evans Buck - (1/252)

(f) Heirs of James H. Hoover, Sr., Deceased:
1. Twila Hoover - (5/72
2. James A. Hoover, Jr. - (1/72)
3. Twila H. Shubert - (1/72)
4. Paul E. Hoover - 1/72)
5. Ralph A. Hoover - (1/72)
6. Ray E. Hoover - (1/72)
7. Mary Krupelak - (1/72)
8. Dorothy Tibbens - (1/72)

BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 28, 1979, ORDER, filed.
NOW, this 28th day of March, 1979, this being the day and date for preliminary conference into the above-captioned partition proceedings, the Court finds as a fact that the property is not subject to physical partition and that the parties cannot resolve the matter amicably among themselves, it is the ORDER of this Court that Barbara Schickling, Esquire, be and is hereby appointed Master to offer at public sale the real estate described in the Complaint. By the Court, /s/ John K. Reilly, Jr., President Judge

JULY 27, 1979, OBJECTION TO SALE, filed by Belin, Belin & Naddeo.
Two copies Certified to Attorney.
NOW COME the defendants in the above captioned action and by their attorney-in-fact, Mickey Hoover, set forth the following:
Pursuant to Pa. R.C.P. 1563 (B) the above captioned defendants being the owners of a majority in value of the premises subject to the above captioned action object to any sale of the premises and request that the property be awarded to them at the valuation fixed by the court and that their interests in the same remain undivided. Payment for plaintiff's interest to be paid in such manner and time as the court shall direct. /s/Mickey Hoover, Attorney-in-Fact.

NOVEMBER 20, 1979, EXCEPTIONS TO REPORT OF MASTER, filed by Belin, Belin & Naddeo.

JANUARY 24, 1980, ORDER, filed.
NOW, this 24th day of January, 1980, following arbument into Objections to Report of the Master in Partition in the above-captioned Action, it is the ORDER of this Court that the Matter is remanded to the Master Barbara Schickling, Esquire, for further proceeding.
IT is the further ORDER of this Court that the cost expended for the appraisal of the timber be assessed as costs in the Action. BY THE COURT, /s/John K. Reilly, Jr., President Judge

MAY 22, 1980, PETITION UNDER RULE 1568 OF PA. RULES OF CIVIL PROCEDURE & ORDER, filed by Barbara H. Schickling.
Attorney to give Notice of Hearing Set
WHEREFORE, the Master respectfully requests the Court to authorize the Master to conduct a public sale of the property. /s/Barbara H. Schickling, Master.
ORDER:
AND NOW, to wit: this 22nd day of May, 1980, upon consideration of the foregoing Petition, the same is hereby Ordered filed and the matter raised therein is set for hearing on the 11 day of June, 1980, at 9:00 o'clock, A.M., in the Main Courtroom of the Clearfield County Court House, Clearfield, Pennsylvania. Notice of said hearing is to be given by the Master to all parties in interest. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MAY 30, 1980, ORDER, filed.by Barbara H. Schickling
AND NOW, to wit: this 30 day of May, 1980, upon consideration of the oral request of the Master in the above captioned matter, the Petition for authorization to conduct a public sale scheduled for June 11, 1980, at 9:00 o'clock, A.D., is continued and the hearing is rescheduled for the 13 day of June, 1980, at 9:30 o'clock, A.M., in the Main Courtroom of the Clearfield County Court House, Clearfield, Pennsylvania.
Notice of the new hearing date is to be given by the Master to all parties in interest. BY THE COURT: /s/ John K. Reilly, Jr., President Judge

JUNE 13, 1980, ORDER, filed by Barbara H. Schickling.
NOW, THIS 13th day of June, 1980, this being the day and date set for hearing into the Petition of the Master under Rule 1568 of the Pennsylvania Rules of Civil Procedure, it is the ORDER of this Court that the Master is directed to submit property subject of this action to Public Sale and the advertisement for the said Public Sale shall be published once a week for three (3) successive weeks in the DuBois Courier Express, DuBois, Pa., commencing with the week of June 16, 1980, and indicating the sale shall be held on July 31, 1980. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

SEPTEMBER 22, 1980, DECREE, filed by Barbara H. Schickling.
AND NOW, this 22 day of September, 1980, upon consideration of the report of Barbara H. Schickling, Master in Partition, this Court hereby finds that:
1. That the property located in Union Township, Clearfield County, Pennsylvania, and more fully described in the Complaint filed inthis action, is not capable of physical partition and that the parties are not able to resolve the matter amicably among themselves;
2. That there being no confirmable bid submitted by any of the parties at the scheduled sale limited to the parties and that there being no Objections or Exceptions being filed to the Petition requesting that said property be exposed to public sale, this Court ordered a public sale of said property on June 13, 1980;
3. That the value of the entire property as determined by James Dudak, licensed realtor; Hess & Fisher, Professional Engineers, and Appalachian Forest Consumtants, was determined to be $72,675.00;
4. That said property was exposed to public auction sale on Thursday, July 31, 1980, at 10:00 A.M., with the highest bid submitted being the sum of $60,000.00;
5. That the said sum of $60,000.00 is approved by this Court as being the highest and best

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CONTINUED FROM PAGE 88 NO. 78-43-EQU

price possible for said property;

6. That there are various mortgages, liens and encumbrances that appear of record representing charges against the undivided interest of a number of the parties which are to be satisfied or released prior to disbursement of their proceeds or balance thereof;

7. That the claim for reimbursement for past real estate taxes made by one Twila Hoover does not represent a claim from a party to this action and must be denied;

8. That the claim for reimbursement by four co-tenants represents improvements made to the subject property for their own pleasure and convenience and the interest of the said four co-tenants having been determined on January 9, 1979, with no Exceptions being timely filed their claim must be denied.

AND it is hereby ORDERED and DECREED that:

All right, title and interest in the property located in Union Township, Clearfield County, Pennsylvania, and described in the Complaint, namely that of the heirs of Huey Hoover, deceased, Nora Jean Hoover, John K. Hoover and Lois J. Hoover, Cecelia Dale and William L. Dale; heirs of I. H. Hoover, Myrtle Hoover, a/k/a Mrs. I. H. Hoover, Bill G. Hoover, Mrs. Bertha Rowles, Mrs. Sara Ellen Lines, Patricia Errigo, William Lines, Daniel Lines; heirs of William E. Hoover, Elizabeth Hoover, Roy S. Hoover, James H. Hoover and Ruth V. Hoover, Fred P. Hoover and Alverta Hoover, Isaac A. Hoover and Audrey Jean Hoover, Hughie A. Hoover and Deloris Hoover, George J. Hoover and Dorothy Hoover, Richard S. Hoover and Jane Hoover, Elsie M. Riddle, Teresa Hoover, Rachel Hoover Fetzer, Deloris Degrasse and Mark Degrasse, Luann Fetzer Mulhollem; heirs of Jefferson Hoover, Sr., deceased, Zelda Hoover, Jefferson Hoover, Jr. and Betty Hoover, John C. Hoover, and Edna M. Hoover, William J. Hoover and Hazel Hoover, Samuel Hoover and Louise Hoover, Sarah Buck and Leslie Buck, Hilda Hoover Yacabucci and Dominic Yacabucci; heirs of Frederic S. Hoover, deceased, Ruth E. Hoover, Hazel Buck, now deceased, whose husband was Elwood Buck and who has since remarried, Elwood Thomas Buck, Samuel Lee Buck, Woodrow Wilson Buck, Ralph Evans Buck, Samuel Hoover, Clarence Hoover, Lee Hoover, Betty Hoover Buck, Judy Hoover, Ernest Hoover; heirs of James A. Hoover, Sr., deceased, Mrs. Twila Hoover, James A. Hoover, Jr., Twila H. Shubert, Ralph E. Hoover, Paul E. Hoover, Ralph A. Hoover, Ray E. Hoover, Mrs. Mary Krupelak, Mrs. Dorothy Tibbens and Ralph E. Hoover is hereby awarded to Matthew Greenland subject to the payment of the sum of $60,000.00, the highest amount bid on said property at the public sale on July 31, 1980. The Master is directed to make, execute and deliver a deed to Matthew Greenland upon receipt of the balance of payment of the said sum in the form attached to the report. The Master is further directed to accept said amount and to make distribution of the proceeds as set forth in the Schedule of Distribution of her report after the mortgages, liens, and encumbrances on the subject property are satisfied or released.

Unless exceptions are filed to the within Decree within twenty (20) days from the date hereof, the same shall become final without further Order of Court. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

OCTOBER 15, 1980, ADJUDICATION AND DECREE PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE NO. 1570, filed by Barbara H. Schickling.

AND NOW, this 15 day of October, 1980, Barbara H. Schickling, Master in Partition having filed her Report in the above-captioned matter on September 22, 1980, and notice of the same having been given to all parties in interest more than twenty (20) days prior hereto, as will appear of record, and there being no exceptions filed by any party to the rulings on the evidence, to findings of facts, to conclusions of law, to the proposed adjudication and decree pursu pursuant to Rule 1570, or to the decree nisi executed upon the filing of this report and further, there being no exceptions to the return of sale, schedule of distribution and proposed decree filed by the Master on September 22, 1980, and it further appearing to the Court that a decree nisi was executed by this Court more than twenty (20) days prior hereto and was served on all parties in interest as will appear of record and there having been no exceptions filed to said decree,

NOW, THEREFORE, pursuant to Pennsylvania Rule of Civil Procedure 1570, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The report and recommendations of the Master in Partition, including all rulings on evidence, findings of fact, conclusions of law, proposed decree and other matters contained therein shall be and hereby are approved and confirmed and this Court hereby incorporates by reference as though the same were set forth herein at length all of the findings and conclusions of the Master;

2. The Court hereby ratifies and confirms its previous Order that the subject property shall be exposed to public sale as has been accomplished and that the return of said sale and proposed schedule of distribution as set forth in said Master's Report is hereby confirmed and approved in its entirety and is incorporated herein by reference as though the same were set forth herein at length verbatim;

3. The recommended sale is hereby approved and confirmed and the Master is hereby authorized to execute in the name of the parties to this action and to deliver to the purchasers a deed and other necessary documents, if any, necessary or advisable to effectively and permanently transfer title to the subject property to the successful purchaser;

4. The Master is further hereby authorized and directed to accept the total proceeds due from the purchasers pursuant to her Report to pay the costs, charges, reimbursements, liens emcumbrances, taxes, Master's fees and other disbursements or expenses set forth in her Report forthwith and is further directed and authorized to distribute the net balance in her hands after the same is accomplished pursuant to the proposed schedule of distribution as set forth in her Report; and

5. All parties in interest are hereby advised that they have a right to appeal the matters and issues determined in the above-captioned proceeding to the appropriate appellate court for review for a period of thirty (30) days from the date of this Decree, failing which said decree shall be final. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

OCTOBER 29, 1980, BOND--Surety, Travelers Indemnity, Chatham Center Office Bldg., Pittsburgh, Pa., in the penal sum of $60,000.00., filed by Barbara H. Schickling

DECEMBER 2, 1980, PETITION TO AMEND PROPOSED SCHEDULE OF DISTRIBUTION, filed by Barbara H. Schickling. Two copies Certified to Attorney.

ORDER:

NOW, this 2nd day of December, 1980, upon consideration of the herein Petition and upon oral motion of Barbara H. Schickling, Master in Partition, it is ORDERED and DECREED that the Master file the Amended Proposed Schedule of Distribution and proceed with distribution of the proceeds of sale accordingly. BY THE COURT: /s/ John A. Cherry, Senior Judge

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CONTINUED FROM OTHER SIDE OF THIS PAGE 78-43-EQU RALPH EDWARD HOOVER -vs- HEIRS OF HUEY HOOVER, al

APRIL 8, 1981, RELEASE, filed by Barbara Schickling.

KNOW ALL MEN BY THESE PRESENTS, that the Department of Public Welfare of the Commonwealth of Pennsylvania, acting through its General Counsel, an Assistant Attorney general authorized by the Department of Justice of the said Commonwealth, hereby acknowledges, that the Woodrow Wilson Buck who has been shown to be an heir of Sarah Hoover in the above partition action is not the same individual who is also named Woodrow W. Buck which is covered by the Department of Public Welfare's judgment No. 78-3111-CD reviving No. 74-561-CD, which is filed in the Court of Common Pleas of Clearfield County, Pennsylvania. The Department hereby releases the individual known as Woodrow W. Buck, who was born on December 30, 1946 in Niagara Falls, New York, and who has the Social Security No. 111-38-1676, from the said judgment and as a result releases from the lien of said judgment the following described real estate situate in Union Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at stones on line of land now or formerly of Henry Best; thence South sixty-eight (68°) degrees, thirty (30') minutes East, One Hundred sixty-two and eight-tenths (162.8) perches to stone; thence North forty (40°) degrees East, forty-five (45) perches to a dead chestnut; thence North forty-five (45°) degrees West, sixty-five (65) perches to a pine; thence North three (3°) degrees East forty-eight (48) perches to stone; thence North eighty-seven (87°) degrees West, seventy-six (76) perches to a stone; thence South three (3°) degrees west ninety-seven and four-tenths (97.4) perches to stones and place of beginning. Containing ninety-two (92) acres, more or less.

Nothing contained herein shall be construed to impair the lien of the said judgment upon the Woodrow W. Buck covered by said judgment.

IN WITNESS WHEREOF, the said Commonwealth of Pennsylvania, Department of Public Welfare, has caused this release to be executed and its seal to be affixed by its General Counse and Assistant Attorney General, authorized by the Department of Justice, this 17th day of March, A.D. 1981. /s/Commonwealth of Pennsylvania, Department of Public Welfare by Jean E. Graybill, Assistant Attorney General.

APRIL 8, 1981, RECEIPT AND RELEASE, for Ralph Edward Hoover, filed by Barbara Schickling.

APRIL 8, 1981, RECEIPT AND RELEASE for Ray E. Hoover, filed by Barbara Schickling.

APRIL 8, 1981, RECEIPT AND RELEASE for Mickey Hoover, filed by Barbara Schickling.

APRIL 8, 1981, RECEIPT AND RELEASE for Mickey Hoover, filed by Barbara Schickling.

APRIL 8, 1981, RECEIPT AND RELEASE for Mickey Hoover, filed by Barbara Schickling.

APRIL 8, 1981, RECEIPT AND RELEASE for Dorothy Tibbens, filed by Barbara Schickling.

APRIL 9, 1981, PETITION FOR DISCHARGE, filed.by Barbara H. Schickling. One copy Certified to Attorney.

ORDER:

AND NOW, this 9 day of April, 1981, upon consideration of the foregoing Petition of Barbara H. Schickling, Esquire and Master in the above-captioned matter, it is hereby DIRECTED and ORDERED that BARBARA H. SCHICKLING, Master and her surety, the Travelers Indemnity Company, be discharged from the obligations under the $60,000.00 bond filed as security. BY THE COURT: /s/ John K. Reilly, Jr., President Judge

EQUITY DOCKET NO. 12 1978

Joseph Colavecchi	JOHN LYNCHA 78-44-EQU MARY KUZILLA; ANNA FORCE; JOSEPH LYNCHA; ANDREW LYNCHA and EDWARD LYNCHA Pro by Atty 30.00 Atty 3.00 by Atty Shff. Hawkins 25.95	SEPTEMBER 1, 1978, COMPLAINT IN PARTITION, filed by Joseph Colavecchi. Five copies Certified to Attorney. SEPTEMBER 12, 1978, SHERIFF'S RETURN, filed. September 5, 1978, served within Complaint in Partition on Mrs. J. Lyncha, Wife of Joseph Lyncha Defendant. September 5, 1978, served within Complaint in Partition on Anna Force, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. SEPTEMBER 22, 1978, AFFIDAVIT OF SERVICE, filed by Joseph Colavecchi.

EQUITY DOCKET NO. 12 1978

Donald R. Mikesell John R. Carfley	NORMAN P. SUNDERLIN MARGARET S. STRICKLER	
	78-45-EQU	
John Sughrue Constance B. Foster	HAMLIN COAL COMPANY, INC. a Pennsylvania Corporation	
Pro	by Atty	30.00
Atty	by Plff	3.00
Shff. Hawkins		21.15

SEPTEMBER 13, 1978, COMPLAINT IN EQUITY, filed by Donald R. Mikesell.

One copy certified to Attorney.

SEPTEMBER 13, 1978, TEMPORARY RESTRAINING ORDER, filed by Donald R. Mikesell.

Two copies certified to Attorney.

NOW, September 13, 1978, the Plaintiffs, Norman P. Sunderlin and Margaret S. Strickler, having filed a Complaint duly verified and executed by them and they being present in the Court Room and from their testimony and the testimony of Mr. Roger Thurston, Registered Surveyor, from the Office of Robert L. Kester, Registered Surveyor, Clearfield, Pennsylvania, and it appearing that immediate and irreparable damage is resulting and will result to the Plaintiffs before the matter can be heard on notice, IT IS ORDERED, ADJUDGED AND DECREED that a Temporary Restraining Order as prayed for in the Complaint be and the same is hereby granted against the Defendant or persons acting in concert therewith, enjoining and restraining said Defendant and all persons acting in concert therewith or participation therewith from and in any manner continuing to strip mine or auger mine or in any way mine or remove any coal from, under, or upon the premises belonging to the Plaintiffs as set forth in the Complaint.

IT IS FURTHER ORDERED that the Defendant and/or persons acting in concert therewith or participation therewith shall and hereby are:

a. Enjoined from removing any and all coal now stockpiled and remaining in the pits on Plaintiff's land in question.

b. Enjoined from removing any machinery or equipment from the premises in question until such time as the Defendant has fully complied with any Court Order made in this proceedings.

THIS RESTRAINING ORDER shall remain in force and effect until the cause be decided by the Court and a preliminary hearing upon the matter-said hearing to be held at the Court House in Clearfield, Clearfield County, Pennsylvania, on Monday, the 18 day of September 1978 at 10:00 o'clock A.M. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

SEPTEMBER 18, 1978, PRAECIPE FOR APPEARANCE, filed.

Enter my appearance for Hamlin Coal Company, Inc.
s/John Sughrue

SEPTEMBER 28, 1978, PRAECIPE FOR HEARING, filed by John Sughrue

OCTOBER 4, 1978, ORDER OF COURT, filed.

AND NOW, to-wit: this 4th day of October, 1978, upon oral motion of Donald R. Mikesell, Attorney for Plaintiffs, and John Sughrue, Attorney for Defendant, both of whom are before the Court, it is ORDERED that the temporary restraining order dated September 13, 1978 issued in the above captioned matter shall be and hereby is cancelled effective retroactively to 12:01 A.M., October 2, 1978. This Order is entered without prejudice to any of the issues raised in the pleadings. BY THE COURT, /s/John K. Reilly, Jr., President Judge
Consented to: /s/John Sughrue, Donald R. Mikesell

NOVEMBER 15, 1978, SHERIFF'S RETURN, filed.

September 14, 1978, served within Complaint in Equity on Bob Homan, President of Hemlin Coal Co., Inc.

September 13, 1978, served within Temporary Restraining Order on Hamlin Coal Company, Inc. by posting on Property at Bell Township.
/s/Chester A. Hawkins, Sheriff by Marilyn Wood.

NOVEMBER 17, 1978, MOTION FOR CONTINUANCE and ORDER OF COURT, filed.

AND NOW, comes the undersigned, Donald R. Mikesell, Attorney for Plaintiffs and John Sughrue, Attorney for Defendant, and make a motion to continue indefinitely the trial scheduled in the above captioned matter for November 22, 1978 at 1:30 P.M. s/Donald R. Mikesell s/John Sughrue

ORDER OF COURT

AND NOW, to-wit: this 17th day of November, 1978, upon consideration of the foregoing joint motion indicating consent of all parties, trial scheduled in the above captioned matter for November 22, 1978 shall be and hereby is continued to a date to be set by the Court at a later time upon request of either party. BY THE COURT: John K. Reilly, Jr., P.J.

AUGUST 22, 1980, PRAECIPE AND CERTIFICATION OF READINESS, filed by Donald R. Mikesell.

On behalf of the Plaintiffs, I hereby certify that the above matter is ready for trial. Please place the above captioned matter on the next Trial List. /s/Donald R. Mikesell, Attorney for Plaintiffs.

FEBRUARY 2, 1981, ANSWER, filed by John Sughrue, Esquire.

JULY 13, 1982, REPLY TO NEW MATTER, filed by Donald R. Mikesell
One copy certified to Attorney

JULY 13, 1982, AMENDED COMPLAINT, filed by Donald R. Mikesell
One copy certified to Attorney

AUGUST 9, 1982, PRAECIPE AND CERTIFICATION OF READINESS, filed by Donald R. Mikesell
On behalf of the Plaintiffs, I hereby certify that the above matter is ready for trial. Please place the above captioned matter on the next trial list. s/Donald R. Mikesell

CONTINUED ON PAGE 92

CONTINUED FROM PAGE 91 78-45-EQU NORMAN P. SUNDERLIN al -vs- HAMLIN COAL COMPANY, INC.

AUGUST 27, 1982, AFFIDAVIT OF SERVICE, filed by Donald R. Mikesell
DONALD R. MIKESELL, ESQUIRE, being duly sworn according to law, deposes and says that he did, as Attorney for the Plaintiffs in the above captioned matter, serve a copy of the Amended Complaint on John Sughrue, Esquire, Attorney for the Defendant, at his office located at 23 North Second Street, Clearfield, Pennsylvania 16830 by handing said copy to his secretary, M. Bonita Buzzanca, on July 13, 1982. s/Donald R. Mikesell

SEPTEMBER 3, 1982, DEFENDANT'S PRELIMINARY OBJECTIONS TO THE AMENDED COMPLAINT, filed by John Sughrue, Esquire

SEPTEMBER 3, 1982, ANSWER TO PETITION AND NOTION FOR JURY TRIAL, filed by John Sugjrue, Esquire.

SEPTEMBER 7, 1982, PRE-TRIAL ORDER, filed
NOW, this 7th day of September, 1982, following Pre-Trial Conference in the above captioned matter, it is the ORDER of this Court that Plaintiffs' Amended Complaint filed the 13th day of July, 1982, be and is hereby admitted into the record and further that trial by the Court sitting without a jury shall be scheduled at the convenience of the parties, and Defendant shall file responsive pleadings to said Amended Complaint within twenty (20) days from date hereof. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

SEPTEMBER 7, 1982, DEFENDANT'S BRIEF IN OPPOSITION TO A JURY TRIAL, filed by John Sughrue, Esquire.

SEPTEMBER 9, 1982, DEFENDANT'S SUPPLEMENTAL PRE-TRIAL STATEMENT, filed by John Sughrue, Esquire

OCTOBER 18, 1982, ANSWER AND NEW MATTER TO AMENDED COMPLAINT, filed by Sughrue & Kesner

NOVEMBER 19, 1982, REPLY TO NEW MATTER filed by Donald R. Mikesell
One copy certified to Attorney
AND NOW, this 19th day of November, 1982, service is hereby accepted and copy received and personal service is waived. s/John Sughrue

NOVEMBER 23, 1982, PETITION FOR LEAVE OF COURT TO WITHDRAW & RULE TO SHOW CAUSE, filed by Sughrue & Kesner
AND NOW, to-wit: this 22 day of November, 1982, a Rule shall be and is hereby issued directed to Hamlin Coal Company, Inc. to show cause, if any, why John Sughrue, Esquire should not be granted leave of court to withdraw as counsel in the above-captioned matter.
This matter will be heard and this Rule is returnable on the 23 day of November, 1982 at 9:00, A.M. in the main court room of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT /s/ John K. Reilly Jr., President Judge

NOVEMBER 23, 1982, ORDER OF COURT, filed
AND NOW, to-wit: this 23rd day of November, 1982, upon Petition of John Sughrue, Attorney, for leave of court to withdraw as counsel on behalf of the Defendant, after consideration and the Court being satisfied that such leave should be granted and the Court further being satisfied that such will not cause any prejudice to the Defendant due to the fact that the trial scheduled for December 6 and 7, 1982 has been continued at the request of the Defendant and the Defendant will have adequate time to select new counsel, it is ORDERED that John Sughrue shall be and is hereby granted leave of court to withdraw on the condition that he shall immediately give notice of this Order by forwarding a copy of the same to the Defendant and the Defendant if it has any objections to said Order shall make such objections to the Court in writing within ten (10) days from the date hereof and said attorney shall not withdraw on the record until said ten day period has expired. BY THE COURT /s/ John K. Reilly Jr., President Judge

NOVEMBER 23, 1982, MOTION FOR CONTINUANCE OF TRIAL AND/OR PROTECTIVE ORDER, filed by Sughrue & Kesner

NOVEMBER 23, 1982, RULE TO SHOW CAUSE, filed
AND NOW, to-wit: this 22 day of November, 1982, upon consideration of the foregoing Motion, a Rule shall be and is hereby issued directed to the Plaintiffs to show cause, if any, why the prayer of this Petition should not be granted.
This Rule is returnable the 23rd day of November, 1982, at 9:00 a.m. in the main court room of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT /s/ John K. Reilly Jr., President Judge

NOVEMBER 23, 1982, ORDER OF COURT, filed
AND NOW, to-wit: this 23rd day of November, 1982, this being the date and time set for return of Rule on Motion of Hamlin Coal Company, Inc. for a continuance of trial, after argument and consideration, the Court being satisfied that Robert Homan, President of Hamlin Coal Company, Inc. and its chief operating officer, a material witness for the Defendant, has been unavailable in recent weeks to aid in the preparation of said case and may be unavailable at trial due to grave illness within his immediate family, it is ORDERED that trial scheduled in this matter for December 6 and 7, 1982 shall be and is hereby continued and shall be rescheduled by the Court at the next available trial date.
It is the further ORDER of this Court that the pleadings are now closed. All matters raised therein are at issue and upon rescheduling of trial, there shall be no further continuances. BY THE COURT /s/ John K. Reilly Jr., President Judge

APRIL 5, 1983 ENTRY OF APPEARANCE, filed by Constance B. Foster, Atty for Deft.
Please enter my appearance on behalf of Defendant Hamlin Coal Company, Inc. in the above-captioned matter. s/Constance B. Foster, Atty for Deft.
APRIL 12, 1983, DEFENDANT'S INTERROGATORIES TO PLAINTIFFS' EXPERT WITNESSES filed by Constance B. Foster

CONTINUED TO PAGE 92A

EQUITY DOCKET #12

CONTINUED FROM PAGE 92 78-45-EQU NORMAN P. SUNDERLIN -vs- HAMLIN COAL COMPANY, INC.

MAY 9, 1983, PRAECIPE FOR ENTRY OF APPEARANCE filed by John R. Carfley
Please enter my appearance on behalf of the Plaintiffs, Norman P. Sunderlin and Margaret S. Strickler, in the above captioned matter. s/John R. Carfley

MAY 17, 1983 MOTION FOR LEAVE TO FILE AMENDED ANSWER AND NEW MATTER TO AMENDED COMPLAINT filed by Constance B. Foster
One copy certified to Attorney

ORDER

AND NOW, this 18 day of May, 1983, upon consideration of defendant Hamlin Coal Company's Motion for Leave to File Amended Answer and New Matter to Amended Complaint and of the Memoranda of the parties with respect thereto, it is hereby ORDERED, ADJUDGED and DECREED that said Motion shall be and hereby is GRANTED. BY THE COURT: John K. Reilly, Jr., J.

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR LEAVE TO FILE AMENDED ANSWER AND NEW MATTER TO AMENDED COMPLAINT

AMENDED ANSWER AND NEW MATTER TO AMENDED COMPLAINT

CERTIFICATE OF SERVICE

JUNE 14, 1983, AMENDED ANSWER AND NEW MATTER TO AMENDED COMPLAINT filed by Constance B. Foster

JUNE 28, 1983, PETITION TO RESCIND A COURT ORDER filed by John R. Carfley and D nald R. Mikese
One copy certified to Attorney

ORDER OF COURT

AND NOW, this 27 day of June, 1983, upon consideration of the foregoing petition and upon motion of counsel, the defendant Hamlin Coal Company, Inc., by and through its counsel, is directed to appear and show cause why the prayer of said petition should not be granted.

RULE RETURNABLE AND HEARING THEREON the 15 day of August, 1983, at 2:30 o'clock. BY THE COURT: John K. Reilly, P.J.

AUGUST 9, 1983, DEFENDANT HAMLIN COAL'S BRIEF, filed by Constance B. Foster

396 928
A 57

Keystone Legal Serv.

LILLY GALLAGHER

78-46-EQU

CHARLES REEDER

Clfd. Clfd Co.

Pro 30.00

Clfd Co. # 17798

Shff. 16.15

SEPTEMBER 18, 1978, PETITION TO PROCEED IN FORMA PAUPERIS, filed by Keystone Legal Services, Inc.

WHEREFORE, Plaintiff prays your Honorable Court to enter an Order permitting Plaintiff to file the Complaint, serve the Defendant and proceed as an indigent party in this equity action. After a hearing on the merits of Plaintiff's equity action, the Court may place such costs on Plaintiff as the Court finds her able to pay; or the Court may Order defendant to pay the costs involved herein after a hearing on the merits of Plaintiff's claim. /s/Paul Osborne, Keystone Legal Services, Inc.

ORDER:

AND NOW, this 18 day of September, 1978, upon consideration of the foregoing Petition and on motion of Paul Osborne, Esquire, the prayer of the Petition is granted and Plaintiff shall be permitted to file the Complaint, serve the Defendant, and proceed as an indigent party in her equity action. After hearing on the merits of Plaintiff's equity action, the Court may place said costs on Plaintiff if the Court finds her able to pay. The Court may Order defendant to pay the costs involved herein after a hearing on the merits of Plaintiff's claim. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

SEPTEMBER 18, 1978, COMPLAINT IN EQUITY, filed by Keystone Legal Services, Inc.

One copy certified to Attorney.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enjoin Defendant from improperly denying water service to her, and that judgment be granted against the Defendant in the amount of Two Hundred ($200.00) Dollars actual damage, plus One Thousand ($1,000.00) Dollar punitive damages, plus costs and any other relief this Court deems appropriate. /s/Paul Osborne, Keystone Legal Services.

PRELIMINARY INJUNCTION:

AND NOW, this 18 day of September, 1978, upon consideration of the Complaint in Equity, it appearing to the Court that immediate and irreparable damage and injury will result to the Plaintiff before the case can be heard on its merits if this Preliminary Injunction is not issued, it is on the Motion of Counsel for the Plaintiff:

ORDERED AND DECREED

that Preliminarily until further hearing, the Defendant and any persons acting on behalf, are hereby restrained and Ordered to desist from denying the Plaintiff water service to her mobile home, or otherwise interfering with the Plaintiff's right to peaceful possession and quiet enjoyment of the leased premises.

A hearing is scheduled for the purpose of allowing the Defendant to show cause, if any he has, why the injunction should not be made permanent and damages awarded to Plaintiff, and will be held on the 20 day of September, 1978, at 1:30 o'clock P.M. at the Clearfield County Courthouse, Clearfield, Pennsylvania. /s/John K. Reilly, Jr., President Judge.

OCTOBER 6, 1978, SHERIFF'S RETURN, filed

Now September 18, 1978 served within Complaint, Preliminary Injunction & Order on Charles Reeder. So answers, Chester A. Hawkins by Marilyn Wood

EQUITY DOCKET NO. 12 SEPTEMBER 1978

Anthony S. Guido	RESTAURANT CONSTRUCTION SERVICES, INC. 78-47-EQU INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 66, A, B, C, & R, AFL-CIO; and LESTER SMILEY, JR.	Pro	by Atty	30.00

SEPTEMBER 19, 1978, COMPLAINT IN EQUITY, filed by Anthony S. Guido.

Two copies certified to Attorney.

SEPTEMBER 19, 1978, ORDER, filed by Anthony S. Guido.

AND NOW, this 18 day of September, 1978, upon consideration of the facts set forth in the foregoing Complaint, it is hereby ordered and decreed as follows:

1. The Defendants and all others in similar interest are enjoined and restrained from directly or indirectly or by any pretext interfering with the operation of the Plaintiff's project at Route 255, Sandy Township, Clearfield County, Pennsylvania, or elsewhere, or with the employment of the Plaintiff's employees, or any of them.

2. The Defendants and all others in similar interest are enjoined and restrained from any mass picketing or interfering with the ingress and egress to and from Plaintiff's project as aforesaid.

3. The Defendants shall not station more than three pickets at any one time at the entrance to Plaintiff's project located along Route 255, Sandy Township, Clearfield County, Pennsylvania.

4. The Defendants and all others in similar interest are enjoined and restrained from threatening, molesting or abusing, insulting, assaulting, or advising, instructing or encouraging others to threaten, molest, abuse, insult, or assault, the Plaintiff, its officers, agents or employees, or any other person for dealing or doing business with the Plaintiff or the Plaintiff's employees.

5. A copy of this Order shall be served upon the Defendants and their counsel by certified mail, return receipt requested. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

	J. Richard Mattern, II	ROBERT D. RORABAUGH, DANIEL J. RORABAUGH, ROBERT R. RORABAUGH, T/D/B/A RORABAUGH LUMBER COMPANY	SEPTEMBER 21, 1978, COMPLAINT IN EQUITY, filed by J. Richard Mattern, II Eight copies certified to Sheriff Six copies certified to Attorney OCTOBER 30, 1978, PRAECIPE, filed. Enter our appearance for Alice Rorabaugh, William E. Rorabaugh, James R. Rorabaugh, M. Irvin Rorabaugh, Mildred Rorabaugh, Mary R. Skiff, William P. Rorabaugh, Ai Rorabaugh, Ethel VanNatta, John L. Rorabaugh, Russell A. Rorabaugh, and Dora Woodward, in the above case. s/Paul Silberblatt of Bell, Silberblatt & Swoope OCTOBER 31, 1978, SHERIFF'S RETURN, filed. Now, September 22, 1978 served within Complaint in Partition on William Franson, V.P. of County National Bank. Now, September 22, 1978 served within Complaint in Partition on Alice Rorabaugh. Now, September 22, 1978 served within Complaint in Partition on Alice Rorabaugh, Mother of Mildred Rorabaugh. Now, September 21, 1978 Frederick Plowfield, Sheriff of Lancaster County was deputized. Now, September 26, 1978 served within Complaint in Partition on Ethel VanNatta and Ai Rorabaugh, return of Sheriff Plowfield attached. Now, October 5, 1978 served within Complaint in Partition on James R. Rorabaugh, return of Sheriff Plowfield hereto attached. Now, October 30, 1978 attempted to serve within Complaint in Partition on John L. Rorabaugh, defendant by deputizing the Sheriff of Lancaster County. The retur of Sheriff Plowfield is hereto attached and made a part o this return marked "NOT FOUND". So answers, Chester A. Hawkins by Marilyn Wood.
		78-48-EQU	
Paul	Silberblatt	ALICE RORABAUGH,	
Paul	Silberblatt	WILLIAM E. RORABAUGH, RUSSELL B. SCHRODE, COUNTY NATIONAL BANK, Executor of the Estate of MABEL E. RORABAUGH,	
Paul	Silberblatt	JAMES R. RORABAUGH,	
Paul	Silberblatt	M. IRVIN RORABAUGH,	
Paul	Silberblatt	MILDRED RORABAUGH,	
Paul	Silberblatt	MARY R. SKIFF,	
Paul	Silberblatt	WILLIAM P. RORABAUGH,	
Paul	Silberblatt	AI RORABAUGH,	
Paul	Silberblatt	ETHEL VANNATTA,	
Paul	Silberblatt	JOHN L. RORABAUGH,	
Paul	Silberblatt	RUSSELL A. RORABAUGH,	
Paul	Silberblatt	DORA WOODWARD	
		Pro by Atty	30.00
		Atty	3.00
		by atty	
		Shff Hawkins	37.25
		by atty	
		Shff Plowfield	24.55

J.L. Lehman	ALLAN McCLURE 78-49-EQU WINIFRED MAINES a/k/a WINIFRED CROWELL Pro by Atty 30.00 Atty 3.00 Shff by Atty 16.45	OCTOBER 3, 1978, PETITION FOR CANCELLATION OF AN AGREEMENT OF SALE AND RULE, filed by John L. Lehman. One copy certified to Sheriff. RULE TO SHOW CAUSE: AND NOW, this 3 day of October, 1978, a rule is granted to show cause why the agreement should not be cancelled. Rule returnable October 25, at 9:00 A.M. BY THE COURT, /s/John K. Reilly, Jr., President Judge. OCTOBER 13, 1978, SHERIFF'S RETURN, filed. Now, October 5, 1978 served within Petition on Winifred Crowell. So answers, Chester A. Hawkins by Marilyn Wood

Carl A. Belin, Jr.	NEW SHAWMUT MINING COMPANY	
	78-50-EQU	
David R. Tomb, Jr.	LADY JANE COLLIERIES, INC.	
	Pro by Atty	30.00
	Atty	3.00
	by Atty	
	Shff Hawkins	10.75
	by Atty	
	Shff Waite	21.75
	Pro by Atty	3.00

OCTOBER 4, 1978, COMPLAINT IN EQUITY, filed by Carl A. Belin, Jr.

One copy certified to Sheriff.

OCTOBER 13, 1978, SHERIFF'S RETURN, filed.

Now, October 4, 1978, Richard V. Waite, Sheriff of Centre County was deputized.

Now, October 6, 1978 served within Complaint in Equity on Lady Jane Collieries Inc., return of Sheriff Waite attached. So answers, Chester A. Hawkins by Marilyn Wood

OCTOBER 18, 1978, PRELIMINARY OBJECTIONS TO COMPLAINT filed by Tomb and Tomb

One copy certified back to Attorney

OCTOBER 23, 1978, APPEARANCE, filed by David R. Tomb, Jr.

Now, October 19, 1978, enter my appearance on behalf of the Defendant in the above entitled matter. /s/David R. Tomb, Jr.

APRIL 6, 1979, ORDER, filed.

NOW, this 5th day of April, 1979, following argument into Preliminary Objections filed to the Complaint, it is the ORDER of this Court that Preliminary Objections in the nature of a Motion to Strike Off Complaint are granted and the Plaintiff instructed to amend Exhibit B of said Complaint to eliminate any reference to Pennsylvania Power and Light Company. Preliminary Objections in the nature of a Motion for More Specific Complaint is dismissed insofar as it seeks to require Plaintiff to plead his title and granted to the extent that the Plaintiff is instructed to amend his Complaint to specifically state the paragraphs of the leese between the parties with regards to his claim for damages as to waste and as to wheelage. And further that the Preliminary Objections in the nature of a Demurrer are dismissed provided that Plaintiff amends his Complaint within Twenty (20) Days from day hereof to include a Prayer for an Injunction. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

MAY 4, 1979, AMENDED COMPLAINT, filed by /s/ Carl A Belin, Jr., Attorneys for Plaintiffs. One copy certifie back to Attorney.

I hereby certify that a true and correct copy of the enclosed Amended Complaint was served on the attorney for the defendant, David R. Tomb, Jr., Esq., by mail this 4th day of May, 1979. /s/ Carl A. Belin,Jr

MAY 16, 1979, ANSWER AND NEW MATTER, filed by Tomb and Tomb.

JUNE 5, 1979, REPLY TO NEW MATTER, filed by Belin, Belin & Naddeo.

I hereby certify that a true and correct copy of the enclosed Reply to New Matter was served on the attorney for the defendant by mail this 5th day of June, 1979. /s/ Carl A. Belin, Jr.

MARCH 21, 1980, PRAECIPE, filed by Carl A. Belin, Jr.

Mark the above-captioned action settled, ended and discontinued upon payment of costs. /s/Belin, Belin & Naddeo by Carl A. Belin, Jr., Attorneys for Plaintiff.

S E T T L E D, E N D E D, A N D D I S C O N T I N U E

Joseph J. Lee	SHIRLEY HARVEY and DEBORAH HUBLER	
	78-51-EQU	
Clarence R. Kramer	FOSTER M. COULTER and JOHN COULTER	
Pro by Atty		30.00
Atty by Atty		3.00
Shff Hawkins		20.55
Pro by atty		3.00

OCTOBER 11, 1978, COMPLAINT IN PARTITION, filed by Joseph J. Lee.

Two copies certified to Attorney.

NOVEMBER 9, 1978, SHERIFF'S RETURN, filed.

Now, October 16, 1978 served within Complaint in Partition on Mae Coulter, Mother of Foster M. Coulter.

Now, October 23, 1978 served within Complaint in Partition on Karen Coulter, Wife of John Coulter.

So answers, Chester A. Hawkins by Marilyn Wood

MAY 14, 1979, MOTION FOR DEFAULT JUDGMENT IN PARTITION AND ORDER, filed by Joseph J. Lee.

Five copies certified in accordance with Court Order to persons by Certified Mail, Return Receipt Requested.

ORDER:

NOW, to-wit this 14 day of May, 1979, the foregoing Motion on behalf of Plaintiffs Shirley Harvey and Deborah Hubler in the above captioned matter having been read and considered, it is hereby ORDERED AND DECREED as follows:

(1) The Court hereby directs partition of the premises described in the complaint between the plaintiffs, Shirley Harvey and Deborah Hubler, and the defendants, Foster M. Coulter and John Coulter, in accordance with each of the parties plaintiff and defendant interest in the premises which are hereby declared to be as set forth in Paragraph 5 of the Complaint to which no responsive pleading has been filed, to-wit:- Shirley Harvey an undivided 1/6th thereof, Deborah Hubler an undivided 1/6th thereof, John Coulter an undivided 1/6th thereof, and Foster M. Coulter an undivided one-half thereof.

(2) The parties shall have twenty (20) days from the date of the entry of this Order within which to file exceptions,and if no exceptions are filed then this Court will proceed further to order the parties or their attorneys to appear for a preliminary conference as provided under Pa. R.C.P. 1558.

(3) The Prothonotary of Clearfield County is directed to send certified copies of the Motion for Default Judgment in Partition and this Order to the following persons:

MRS. SHIRLEY HARVEY
R.D., Box 301
Morrisdale, Penna. 16858

MRS. DEBORAH HUBLER
P.O. Box 55
Allport, Penna. 16821

MR. JOHN COULTER
R.D., Box 301
Morrisdale, Pa. 16858

MR. FOSTER M. COULTER
R. D.
Morrisdale, Penns. 16858

CLARENCE R. KRAMER, ESQUIRE
217 East Market Street
Clearfield, Pa. 16830

BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MAY 15, 1979, SENDER'S RECEIPTS (5) filed.

MAY 18, 1979, JOINT MOTION FOR PRELIMINARY CONFERENCE AND ORDER, filed by Joseph J. Lee.

ORDER:

NOW, to-wit this 18 day of May, 1979, the foregoing Joint Motion of Counsel for the plaintiffs and defendants having been read and considered, and it appearing on representation that a preliminary conference under Rule 1558 would be in order, the Court hereby directs that a preliminary conference be held at 9:30 o'clock A.M. on the 7 day of June, 1979, and hereby directs that the following parties and their attorneys be present at said conference:- SHIRLEY HARVEY and DEBORAH HUBLER, Plaintiffs, and Joseph J. Lee, Attorney for the Plaintiffs; FOSTER M. COULTER and JOHN COULTER, Defendants, and Clarence R. Kramer, Attorney for the Defendants. At said conference the following matters will be considered:

(a) Whether the parties can agree upon a prayer of partition or sale;

(b) The simplification of the issues;

(c) Whether any issues or matters relating to the carrying out of the order of partition shall be referred to a master; and,

(d). Such other matters as may aid in disposition of the action. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MAY 17, 1979, RETURN RECEIPT, filed.

MAY 17, 1979, RETURN RECEIPT, filed.

MAY 21, 1979, PRAECIPE FOR APPEARANCE FOR FOSTER M. COULTER and JOHN COULTER, filed.

Ehter my appearance on behalf of Foster M. Coulter and John Coulter, in the above case. /s/ Clarence R. Kramer, Attorney for parties herein named.

MAY 23, 1979, RETURN RECEIPT, filed.

MAY 23, 1979, (2) RETURN RECEIPTS, filed.

JUNE 7, 1979, ORDER, filed.

NOW, this 7th day of June, 1979, following Hearing in the above-captioned Action in Partition, and the Parties having agreed as follows: The area that is outlined in red on Petitioners' Exhibit Number 1 map shall be and become the property of Shirley Harvey and Deborah Hubler and that the remaining part of the premises outside of the area marked in red that belongs to the Parties jointly presently will become the property of Foster M. Coulter and John Coulter. The Parties have agreed that Robert L. Sheroke, or a Registered Surveyor, will place pins on the appropriate corners of the property to be conveyed to Mrs. Harvey and Mrs. Hubler, and upon the remaonder of the property to be conveyed to Foster Coulter and John Coulter. The Parties further agreed to share the expense of the necessary engineering work required to secure property descriptions and deeds. The Parties further agreed that with respect to

CONTINUED TO PAGE 103-B & all pages with this Case No.

easements, they will agree that provisions will be made in the deeds providing for easements from Legislative Route Number 17061 as they presently exist, eastward along the property line and southward along the property line as access way for the Plaintiffs in this Action and the Defendants in this Action. In addition, there would be a provision of an easement to the Defendants for a further access way across a portion of the premises to be conveyed to the Plaintiffs so that access in inclement weather can be made to the property being conveyed to Foster Coulter and John Coulter. In addition, the Parties will include in the deed permanent easements for drainage from the house presently existing on the property to be acquired by Harvey, onto the balance of property being conveyed to the Defendants, easements for drainage. And similarly, an easement for drainage will be written into the deed to the Foster Coulter and JohnCoulter for drainage from an existing trailer presently owned by John Coulter, and onto the property that would be acquired by the Plaintiffs. And finally, that there will be an easement for water lines and water rights extending from the property to be acquired from Foster Coulter and John Coulter by the Plaintiffs with a perpetual right to maintain and care for the same. And similarly, an easement from the trailer or the area in the vicinity of the trailer for John Coulter and Foster Coulter across the part that is to be conveyed to the Plaintiffs for water purposes. It is the ORDER of this Court that unless Exceptions to said Agreement are filed within Seven (7) Days from date hereof, they shall be confirmed absolutely. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

FEBRUARY 19, 1981, PRAECIPE, filed by Joseph J. Lee.

Each of the parties plaintiff and defendant in this action having agreed to an amicable partition of the premises more particularly described in the Complaint, and by virtue thereof each of the parties having made, executed and delivered to the other parties Deeds of Conveyance each dated the 5th day of September, 1980, whereby the amicable partition of the subject premises has been effected, and each of said Deeds provided that by the execution of the same the parties agreed that a copy of said deed shall be filed of record in thispartition proceeding and that the execution and delivery of each deed and the acceptance thereof by the parties represents the full and complete release of all claims of property rights by any of the parties against the others in this proceeding, you are hereby directed to file with these proceedings this Praecipe with the following identified Deeds attached:

(a). Deed from Foster M. Coulter, John Coulter, Shirley Harvey and Deborah Hubler, Grantors, to Foster M. Coulter and John W. Coulter, Grantees, dated September 5, 1980.

(b). Deed from Foster M. Coulter, John W. Coulter, Shirley Harvey and Deborah Hubler, Grantors, to Shirley J. Harvey and Deborah K. Hubler, Grantees, dated September 5, 1980.

(c). Deed from Foster M. Coulter, John W. Coulter, Shirley Harvey and Deborah Hubler, Grantors, to Shirley Harvey, Grantee, dated September 5, 1980.

You are further directed to so note the filing of these Deeds on the record, and upon the filing of the same you are directed to mark this case settled and discontinued with prejudice as to all parties. /s/Joseph J. Lee, Attorney for Plaintiffs.

SETTLE AND DISCONTINUE WITH PREJUDICE

EQUITY DOCKET NO. 12 1978

John Sughrue	LORNA MALLOY, GLADYS M. SHOPE and R. MARLENE SHAPANUS 78-52-EQU WILLIAM H. MILLER, Individually and as Administrator of the Estate of Ruth V. Miller, Deceased Pro by Atty 15.00 Atty 3.00 Disc by atty 3.00 Shff. Hawkins by Atty 12.55	OCTOBER 13, 1978, PRAECIPE FOR WRIT OF SUMMONS IN EQUITY, filed by John Sughrue. Kindly issue a Writ of Summons in Equity in the above captioned matter. This proceeding involves two parcels of real property situate in the Village of Glen Richey, Lawrence Township, Clearfield County, Pennsylvania, being particular one-half of Lot No. 21 and Lot No. 22 in Spackman's Addition in the name of William H. Miller, being more particularly described in the deed of Ruth Miller dated May 16, 1978 recorded in Deed Book Volume 760, Page 351. Please index lis pendens. /s/John Sughrue. OCTOBER 13, 1978, SUMMONS IN EQUITY, ISSUED TO SHERIFF FOR SERVICE. OCTOBER 26, 1978 PRAECIPE FOR DISCONTINUANCE, filed by John Sughrue, Atty for Plaintiff. Kindly mark this action discontinued with costs taxed to the Plaintiff. s/John Sughrue, Attyfor Plaintiffs. NOVEMBER 16, 1978, SHERIFF'S RETURN, filed. October 25, 1978, served within Summons in Equity on Mrs. William Miller, Wife of Defendant. /s/Chester A. Hawkins ****D I S C O N T I N U E D**** by Marilyn Wood.

Joseph Colavecchi	MELVIN L. BORING DEBRA BORING		OCTOBER 18, 1978 COMPLAINT IN EQUITY, filed by Joseph Colavecchi. One copy certified back to Attorney One copy certified to the Sheriff. OCTOBER 31, 1978, SHERIFF'S RETURN, filed. Now, October 23, 1978, served within Complaint in Equity on Vincent Warner. So answers, Chester A. Hawkins by Marilyn Wood
	78-53-EQU		
John B. Gates	VINCENT C. WARNER JOAN WARNER		NOVEMBER 9, 1978, ANSWER OF DEFENDANTS, filed by John B. Gates. One copy certified to Attorney. NOVEMBER 9, 1978, APPEARANCE, filed by John B. Gates. Enter my appearance for defendants in above case. /s/John B. Gates, Attorney for Defendants.
	Pro by Atty Atty	30.00 3.00	NOVEMBER 30, 1978, FOUR SUBPOENAES, filed by Joseph Colavecchi. One copy of each Subpoena certified to Attorney. Directed to: John B. Gates, Henry Leib, Manager, Laurel National Bank; Jay Williams, Surveyor; Nancy L. Holtz, Ass't Manager, Laurel National Bank.
	Shff by Atty	21.55	JANUARY 12, 1979, SHERIFF'S RETURN, filed. December 1, 1978, served the within Subpoena on John B. Gates, Defendant. December 5, 1978, served the within Subpoena on Jay Williams, Nancy L. Holtz and Henry Leib, Defendants by deputized Sheriff of Cambria County. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
	Pro (4 subpoenaes) by Atty	4.00	
	Shff. Hawkins by Atty	17.75	
	Shff. Cavanaugh	24.75	
	Pro Subpoenaes by Atty	4.00	MARCH 16, 1979, SUBPOENA ISSUED TO JOHN B. GATES, filed by Joseph Colavecchi. One copy certified to Sheriff. MARCH 16, 1979, SUBPOENA ISSUED TO NANCY L. HOLTZ, filed by Joseph Colavecchi. One copy certified to Sheriff. MARCH 16, 1979, SUBPOENA ISSUED TO HENRY LEIB, filed by Joseph Colavecchi. One copy certified to Sheriff. MARCH 16, 1979, SUBPOENA ISSUED TO JAY WILLIAMS, filed by Joseph Colavecchi, One copy certified to Sheriff.
	Shff Hawkins by Atty	17.75	
	Shff Cavanaugh	24.00	

APRIL 11, 1979, SHERIFF'S RETURN, filed.
Now, March 19, 1979 at 10:45 AM, EST served the within Subpoena on John Gates, Deft. at his place of business, by handing him a true copy of original Subpoena.
Now, March 19, 1979, Joseph E. Cavanaugh, Sheriff of Cambria Co., was deputized by Shff. of Clearfield, to serve Subpoena on Nancy L. Holtz, Henry Leib and Jay Williams, Deft.
Now, March 21, 1979, served the within on Nancy L. Holtz, Henry Leib and Jay Williams, Defts.. So answers, Chester A. Hawkins, By /s/ Marilyn Wood.

APRIL 30, 1979, TRANSCRIPT OF TESTIMONY taken before Honorable John K. Reilly, Jr. lodged this day and date in Prothonotary Office. /s/Raymond Witherow, Prothonotary.

MAY 25, 1979, MEMORANDUM AND ORDER, filed.

Plaintiffs bring this Action in Equity requesting reformation of a deed to Defendants on the basis of accident and mistake in the drafting of the property description in said deed. The evidence shows that Plaintiffs' execution of that deed under the alleged impression that it conveyed something less than what it described was at most a unilateral mistake of fact, neither induced by or known to Defendants. Plaintiffs' complaint must therefore be dismissed, for this is not the sort of accident or mistake which equity will relieve. See Yohe v. Yohe, 466 Pa. 405, 414-15 (1976) (concurring opinion).

There is no clear proof of the terms of any contract of sale, and the testimony as to the respective intentions of the parties is conflicting. Plaintiffs rely heavily upon the survey map which they had prepared prior to their conveyance of the property, showing a division of the entire parcel described by the deed in question. Although Plaintiff-wife testified that she left a copy of this map with a Laurel Bank teller with instructions to forward it to the appropriate bank officials, these officials deny ever receiving this map or any other information prior to the conveyance which would indicate that Plaintiffs intended to convey anything less than the entire tract which they owned.

Defendants testified that they heard rumors that they were not to receive Plaintiffs' entire property, and when they contacted the Laurel Bank official handling the transaction, they were told to come to the bank and examine the deed prepared by attorney Gates to satisfy their concern. The property description in that deed, drafted at the request of Laurel Bank, contains a property in question. This deed into Plaintiffs was, in fact, the one forwarded by Laurel Bank to attorney Gates for preparation of a deed into Defendants.

Plaintiffs testified that when they went to Laurel Bank to sign and acknowledge the deed prepared by attorney Gates, they did not observe a survey map attached to the deed, nor did they pay much attention to the contents of the deed, including the property description. What was said in Yohe v. Yohe, supra, applies here:

> "Appellant's only "mistake" appears to be in not being prudent enough to read the deed before signing it. As we have stated, "If a party, who can read, will not read a deed put before him for execution... he is quilty of supine negligence, which ... is not the subject of protection, either in equity or at law." (Citations omitted).

466 Pa. at 410. This principle is especially applicable in this case where there was nothing to prevent Plaintiffs from comparing the deed description to a copy of their survey map, which comparison would have revealed a discrepancy between what they claim they intended to convey and what the deed actually conveyed.

WHEREFORE, the Court enters the following Order:

(CONTINUED TO PAGE 108)

CONTINUED FROM PAGE 107 No. 78=53-EQUITY MELVIN L. BORING, al -vs- VINCENT C. WARNER, al

ORDER:

NOW, this 25th day of May, 1979, it is the ORDER of this Court that judgment in the above-captioned Action in Equity be and is hereby entered in favor of the Defendant and against the Plaintiffs and said Complaint dismissed. By the Court, /s/ John K. Reilly, Jr., President Judge.

Judgment is entered in favor of the Defendants and against the Plaintiffs and said Complaint dismissed by Order of Court.

JUDGMENT IN EQUITY.

Raymond Witherow
Prothonotary

MAY 30, 1979, PLAINTIFFS' EXCEPTIONS TO MEMORANDUM AND ORDER, filed by Joseph Colavecchi.

JULY 30, 1979, ORDER, filed.

NOW, this 30th day of July, 1979, following argument into Plaintiffs' Exceptions to Order of this Court dated May 25, 1979, it is the ORDER of this Court that said Exceptions be and are hereby dismissed. By the Court, /s/ John K. Reilly, Jr., President Judge

Gary H. Nash Oct. 26, 1978 2:40 P.M.	COMMONWEALTH OF PENNA. ACTING BY ATTORNEY GENERAL GERALD GORNISH 78-54-EQU WILLIAM R. FOX, DBA F & R CONSTRUCTION COMPANY 250 San Spur Road DuBois, Pa. 15801 Pro by Atty 30.00 Atty 3.00	OCTOBER 26, 1978, ACTION IN EQUITY, filed by Gary H. Nash Assistant Attorney General Two copies certified to Attorney ASSURANCE OF VOLUNTARY COMPLIANCE

EQUITY DOCKET NO. 12 1978

Leo M. Kiscaden	LEONA ZERBE and HOWARD ZERBE, her husband 78-55-EQU ROBERT HALLSTROM	
	Pro by Atty	30.00
	Atty by Atty	3.00
	Shff. Hawkins	16.45

OCTOBER 31, 1978, COMPLAINT IN EQUITY, filed by Leo M. Kiscaden.

One copy certified to Attorney.

OCTOBER 31, 1978, PETITION FOR APPOINTMENT OF GUARDIAN AD LITEM PLAINTIFF AND RULE, filed by Leo M. Kiscaden.

One copy certified to Attorney.

WHEREFORE, your Petitioner prays that Leona Zerbe or some other competent person, be appointed Guardian Ad Litem to represent the Plaintiff, Howard Zerbe in these proceedings and that the proceedings be stayed meanwhile. /s/Leona Zerbe, Petitioner, Leo Michael Kiscaden, Attorney for Petitioner

RULE:

AND NOW, October 31, 1978, a Rule is granted upon Robert Hallstrom, Defendant, to show cause, if any there be, why a Guardian Ad Litem should not be appointed for Howard Zerbe, Plaintiff in this action.

Rule is returnable 22 day of November, 1978, at 9:00 A.M. at the Clearfield County Courthouse in Clearfield, Pennsylvania. All proceedings stay meanwhile. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

NOVEMBER 20, 1978, DEMURRER, filed by Anthony S. Guido.

NOVEMBER 29, 1978, SHERIFF'S RETURN, filed.

November 7, 1978, served within Complaint, Petition and Order on Robert Hallstrom, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

DECEMBER 4, 1978 ORDER, filed.

NOW, this 22nd day of November, 1978, this being the day and date set for Hearing into the above-captioned Petition for Guardian Ad Litem, no one appearing in opposition thereto, due and proper notice having been given it is the ORDER of this Court that Leona Zerbe be and is hereby declared Guardian Ad Litem for her husband, Howard Zerbe, for the purposes of proceeding with the above-captioned action. BY THE COURT, s/John K. Reilly, Jr., President Judge.

DECEMBER 18, 1978, PRAECIPE, filed by Leo M. Kiscaden.

Please place the above captioned matter on the argument list. /s/Leo M. Kiscaden, Attorney for Plaintiff.

JANUARY 19, 1979, ORDER, filed.

NOW, this 19th day of January, 1979, this matter coming before the Court on Preliminary Objections in the nature of a demurrer filed to the Complaint in the above-captioned matter, it is the ORDER of this Court that on the issue of mental capacity of the Plaintiffs to enter into and execute the agreement in question, the demurrer is denied. On all other issues, the demurrer is sustained and to those issues, the Complaint is quashed. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 8, 1979, ANSWER AND COUNTER-CLAIM, filed.

WHEREFORE, in the event it is determined that the Plaintiffs were incompetent at the time said agreement was executed, Defendant demands judgment against the Plaintiffs in the sum of $ 37,760.55, plus miscellaneous grounds and roof repairs, together with interest and costs of suit. /s/ Anthony Guido, Attorney for Defendant.

MARCH 19, 1979, PRELIMINARY OBJECTIONS TO COUNTER-CLAIM, filed by Leo M. Kiscaden, Attorney for the Plaintiff.

Two copies Certified to Attorney.

MARCH 19, 1979, INTERROGATORIES TO THE DEFENDANT, filed by Leo M. Kiscaden, Attorney for the Plaintiff.

Two copies Certfied to Attorney.

MAY 30, 1979, REPLY TO COUNTERCLAIM, filed by Leo Michael Kiscaden.

One copy certified to Attorney.

DECEMBER 14, 1979, MEMORANDUM AND ORDER, filed.

This matter comes before this Court as an Action to Set Aside an Agreement of Sale on the grounds that both Plaintiffs were mentally incompetent at the time the agreement was signed. There are two issues to be considered by the Court, First, were the Plaintiffs mentally incompetent at the time the agreement was signed, and second, if so, did the Plaintiffs ratify the agreement thereafter?

From testimony, it appears that Howard Zerbe suffered a stroke in September of 1975. As a result of the attack, he was left a hemiplegic and unable to speak. From these facts it was argued that Howard Zerbe was mentally incapable of managing his own affairs at the time of the Agreement of Sale.

A person is presumed to be mentally competent to conduct business and control his personal affairs, see Hagopian v. Eskandrian, 396 Pa. 401, 153 A.2d 897 (1959). Therefore, when one attempts to prove that a person is mentally incompetent, "the evidence must be strong, clear, and compelling", Masciantonio Will, 392 Pa. 362, 379 (1958). Consequently, Plaintiff has a heavy burden of proof. Here Plaintiffs have failed to sustain the burden.

Plaintiffs called as a medical witness Dr. James Fugate. Dr. Fugate testified, that, in his opinion, had Plaintiff's condition remained the same from the time of the stroke until the time of the agreement in November, he would have probably been unable to manage his affairs. The Court is very cognizant of Dr. Fugate's expertise as a psychiatrist and realizes that his testimony should be given appropriate weight. However, Dr. Fugate's testimony is not based upon actual observations and dealings with Mr. Zerbe. Rather, his opinion is based upon his readings of

over

hospital records and reports from hospital personnel. Furthermore, these records cover only the period of time when Howard Zerbe was hospitalized immediately after his stroke, from September 16, 1975 to October 24, 1975. The agreement itself was signed nearly a month later, in November. Dr. Fugate's testimony as to Howard Zerbe's condition in November was merely a prediction based upon no immediate personal or reported information.

The only other testimony as to Howard Zerbe's incompetency was offered by Plaintiff Leona Zerbe. Mrs. Zerbe referred to Howard Zerbe's confusion, inability to use and recognize letters and pictures, and inability to communicate. The Court recognizes this testimony's importance, but must also take into account contradictory evidence presented by Defendant. In addition, Plaintiffs offered no further testimony to bolster their case, such as could have been presented by the therapists who worked with Howard Zerbe. As Plaintiffs' evidence has been so limited, this Court must find that Plaintiffs have failed to sustain their burden of proof as to Howard Zerbe's incompetency.

Finally, as to the matter of Mrs. Zerbe's competence, the only testimony offered to prove that she was of unsound mind at the time she signed the agreement was her own testimony that she was suffering from great stress and strain as a result of her duties in caring for her husband. Without additional evidence, this Court finds this is not a clear and convincing indication of incompetence.

As Plaintiffs have not sustained their burden of proof as regards their mental incompetence, this Action must be dismissed. This, of course, disposes of the matter of ratification of the agreement. Therefore, the second issue need not be considered.

WHEREFORE, the Court enters the following Order:

ORDER

NOW, this 14th day of December 1979, it is the ORDER of this Court that in the above-captioned Action, judgment be and is hereby entered in favor of the Defendant and against the Plaintiffs and the Complaint dismissed. By the Court, John K. Reilly, Jr., President Judge

Judgment is entered in favor of the Defendant and against the Plaintiffs and the Complaint dismissed as per Order of Court dated December 14, 1979.

Raymond A. Williams
Prothonotary

MAY 29, 1981, ORDER, filed.

NOW, this 29th day of May, 1981, it is the ORDER of this Court that Plaintiff's Exhibits 1 through 4 and Defendant's Exhibits A through E entered into evidence in the above-captioned Trial on October 29, 1979, be placed in the custody of Anthony S. Guido, Esquire, to be returned to its rightful owner. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

EQUITY DOCKET NO. 12 1978

John L. Geiser UNICO CORPORATION

78-56-EQU

8/24/79 $31,150.00
Dep. Escrow (Unico Corp)
Ck. 013930 Clfd. Trust

SAMUEL C. PAYNE

Pro Atty	by Atty	30.00
	by Atty	3.00
Shff. Hawkins		16.45

Oct. 9, 1980.
Ck#3389 Trans to reg acct. $31,150.00
Pro.(Disc.) 3.00
#8945 Unico Corp. $31,147.00
31,150.00

NOVEMBER 2, 1978, COMPLAINT IN EQUITY, filed by John L. Geiser.

One copy certified to Sheriff.

NOVEMBER 29, 1978, SHERIFF'S RETURN, filed.

November 7, 1978, served within Complaint in Equity on Samuel C. Payne, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

JULY 30, 1979, PRAECIPE FOR DEFAULT JUDGMENT, filed. One copy certified to Attorney.

Enter Judgment by default against the defendant, Samuel C. Payne, and in favor of the plaintiff, Unico Corporation, for failure to plead to the Complaint filed herein within 20 days after service thereof, the defendant having been served on the 7th day of November, 1978. /s/ John L. Giser, Attorney for Plaintiff

Judgment is entered in favor of the Plaintiff and against the defendants for failure to answer within twenty days.

DEFAULT JUDGMENT.

Prothonotary

AUGUST 2, 1979, MOTION FOR ENTRY OF FINAL DECREE UPON DEFAULT, filed by James N. Bryant.
One certified copy mailed to Attorney.

AUGUST 2, 1979, RULE TO SHOW CAUSE, filed by James N. Bryant.

AND NOW, this 2 day of Aug, 1979, in consideration of the Motion by Plaintiff to enter a final decree upon default, the Court issues a rule upon the Defendant, Samuel C. Payne, to show cause why the relief prayed for in the Motion should not be granted. A hearing upon said Rule to be held on the 21day of Aug., 1979, at 1:30 o'clock. BY THE COURT, /s/ John K. Reilly, Jr., J.
One copy certified to Attorney.

AUGUST 9, 1979, RULE ISSUED and mailed to Deft.

AUGUST 24, 1979, ORDER, filed by James N. Bryant at 11:00 A.M.

AND NOW, this 24 day of August, 1979, in consideration of the motion of James N. Bryant, Esq., Attorney for the Plaintiff, it is hereby ordered and decreed:

1. That the Plaintiff shall forthwith deposit with the Prothonotary of Clearfield County, the sum of thirty one thousand one hundred and fifty dollars ($31,150.00), said sum representing the purchase price stated in an agreement of sale recorded in Misc. Book 208, at page 114, less monies previously received by the Defendant or his designate and the transfer tax due from the Defendant.

2. Within five days of deposit of said sum, the Defendant shall deiver a duly executed deed of general warranty conveying to Plaintiff property more fully described in Deed Book Volume 553 at page 380.

3. Within thirty days of this order, the Defendant shall exert his best efforts to obtain releases from the following lien or mortgage holders:

a. Gulf Oil Corporation, Mtg. Book Volume 232 at page 172.
b. Associates Consumer Discount, 74 May Term 1972, 430 January Term 1971.
c. Deposit National Bank, 74-1341-CD.
d. DuBois Consumer Discount, 74-1968-CD.
e. Keystone National Bank, 75-2333 CD, 7502332 CD, 75-2331 CD.
f. BVA Credit, 75-1309 CD.
g. Dorothy Parulski, 75-1093-CD.

The Defendant shall keep Plaintiff informed of the results of these efforts and have any releases so obtained properly recorded.

4. Within thirty days the Defendant shall furnish to Plaintiff evidence that any and all real estate taxes past due or currently due have been paid.

5. The funds depositsd with the prothonotary shall not be released except by further order of this court. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

OCTOBER 8, 1980, ORDER, filed.by Timothy E. Durant.
Three copies Certified to Attorney

NOW, this 7 day of October, 1980, in light of the discontinuance filed herein and the stipulation of counsel, John L. Geiser, Esquire for the Plaintiff, Timothy E. Durant, Esquire for the Defendant, the Prothonotary is hereby directed to worthwith return to the Plaintiff the escrow filed herein in the sum of $31,150.00. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

OCTOBER 9, 1980, PRAECIPE, filed by John L. Geiser.

Mark the above captioned matter settled, discontinued and ended. /s/John L. Geiser, Attorney for Plaintiff.

S E T T L E D D I S C O N T I N U E D A N D E N D E D

William U. Smith	GEORGE W. BRETT and JOAN BRETT, his wife 78-57-EQU TREASURE LAKE OF PENNSYLVANIA INC.		NOVEMBER 30, 1978, COMPLAINT IN EQUITY, filed by William U. Smith. One copy certified to Sheriff. DECEMBER 21, 1978, SHERIFF'S RETURN, filed. December 14, 1978, served within Complaint in Equity on Bo Price, Chief Accountant for Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. DECEMBER 28, 1978, PRELIMINARY OBJICTIONS OF DEFENDANT TO PLAINTIFFS COMPLAINT. filed: JANUARY 10, 1980, MOTION OF DEFENDANTS FOR SUMMARY JUDGMENT, filed by Scott V. Jones. AND NOW, this 10 day of January, 1980, upon consideration of Defendant's foregoing Motion for Summary Judgment, a Rule is issued against the Plaintiffs to show cuase why the same should not be granted. Rule returnable the 28 day of January, 1980, 9:00 A.M. /s/John K. Reilly, Jr., President Judge. JANUARY 11, 1980, RULE ISSUED TO WILLIAM U. SMITH IN ACCORDANCE WITH DEFENDANT'S MOTION AND RULE. JANUARY 28, 1980, AFFIDAVIT OF SERVICE, filed by Scott V. Jones. JANUARY 28, 1980, ORDER, filed by Scott V. Jones. One copy Certified to Attorney. AND NOW, this 28 day of January, 1980, a Motion having been made by Defendant Treasure Lake of Pennsylvania, Inc., for Summary Judgment in its favor, and after hearing thereon, on consideration of the Pleadings and affidavits, and argument of counsel for Defendant, it is ORDERED that the Motion is granted, and that judgment is entered in the Defendant's favor dismissing this action. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
		Pro by Plff 30.00 Atty by Plff 3.00 Shff. Hawkins 16.45	

EQUITY DOCKET NO. 12 1978

John M. Elliott

SHAWVILLE COAL COMPANY
Main & River Streets
P. O. Box 14
Shawville, PA. 16873

78-58-EQU

Joseph Colavecchi, Esq.

Timothy E. Durant

ROGER MENARD t/d/b/a
MENARD DODGE
216 N. Third Street
Clearfield, PA. 16830

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins		11.75
Pro	by Atty	20.00
Postage		5.61
Costs		250.40
Postage		1.40

NOVEMBER 30, 1978, COMPLAINT IN EQUITY, filed by John M. Elliott, Esquire.
One copy certified to Sheriff
One copy certified to Attorney.

DECEMBER 13, 1978, ANSWER, filed by Joseph Colavecchi.
Four copies certified to Attorney.

DECEMBER 19, 1978 SHERIFF'S RETURN, filed.
NOW, December 4, 1978 served the within Complaint in Equity on Roger Menard, defendant. So answers, s/Chester A. Hawkins, by Marilyn Wood.

DECEMBER 29, 1978, PLAINTIFF'S REPLY TO NEW MATTER, filed by Joseph P. Dougher.
Two copies certified to Attorney.

JANUARY 11, 1979, PRAECIPE TO PLACE CASE ON TRIAL LIST, filed by Joseph Colavecchi.
The above case being at issue, place place it on the trial list. /s/Joseph Colavecchi, Attorney for Defendant.

FEBRUARY 16, 1979, INTERROGATORIES OF PLAINTIFF SHAWVILLE COAL COMPANY-FIRST SET TO ROGER MENARD, filed by John M. Elliott.

FEBRUARY 26, 1979, OBJECTIONS TO INTERROGATORIES, filed by Joseph Colavecchi

JULY 20, 1979, PLAINTIFF'S REPLY MEMORANDUM IN SUPPORT OF SUMMARY JUDGMENT, filed by Joseph P. Dougher, Esq.

AUGUST 8, 1979 MEMORANDUM AND ORDER, filed.
This Complaint in Equity seeks to eject the Defendant from a tract of land located in Lawrence Township and containing 34.75 acres, more or less, and to require said Defendant to account to said Plaintiff for all coal and minerals mined from said premises. Initially the matter comes before the Court on a Motion for Summary Judgment filed on behalf of the Plaintiff, but both parties have agreed that should the Plaintiff fail in said Motion, the Court shall proceed to determine the issue on the merits based on the pleadings, This Court does now refuse Plaintiff's Motion for Summary Judgment and enters verdict and judgment in favor of the Defendant on the merits.

The dispute centers around a deed from Eulala McClure, grantor, to River Valley Construction Company, grantee, dated December 30, 1955, and recorded in the Office of the Recorder of Deeds of Clearfield County, In this deed, Eulala McClure transferred to River Valley Construction Company the mineral rights, including coal and other minerals, under the above-mentioned premises and following said conveyance, the deed contained the following language:

> "Excepting and reserving, however, from this last grant all the coal and other minerals togethe with the right, jointly with the grantee, its successors and assigns, of ingress, egress and regress into and from the said land for the purpose of examining and searching for and of mining and preparing said coal for market and removing and transporting the same and other coal now owned or hereafter to be purchased, or operated, by the grantor, her heirs and assigns and for these purposes to build railroads, roads and drains upon or under the surface of said land, locate and erect such buildings and structures as may be necessary and proper for the convenient use and working of the mines with the right to deposit the waste or dirt of said mines upon the surface convenient thereto."

Both parties have agreed that Eulala McClure was the sole owner of the mineral rights in the tract, but not the surface, and the issue then becomes whether the minerals rights were conveyed to River Valley Construction Company by operation of said deed or reserved to the grantor Eulala McClure. The Defendant takes title through River Valley Construction Company while the Plaintiff's contention is that the mineral rights were reserved to Eulala McClure, claiming title through her heirs and devisees.

It is a well recongnized principle of law that in construing a deed, a court will attempt to effectuate the intent of the parties, This interpretation is, of course, to be a reasonable one. In particular, where the difficulty in interpretation is due to a doubtful restriction, such restriction is to be read in favor of the granttt and against the grantor. Heidt v. Aughenbaugh Coal Co., 176 A.2d 400, 406 Pa. 188, 192 (1962).

The principles apply to the dispute in question. If we were to interpret the 1955 Deed from Eulala McClure to River Valley' Construction Company literally, we would in effect be sanctioning the transfer of a nullity. This cannot have been the intention of the parties. Otherwise, there would have been no reason for entering into the agreement in the first place. Therefore, the reservation in the above deed must be interpreted in favor of River Valley Construction Company and, in effect, be struck out.

It has also been held that "A reservation which is as large as the original grant is void, and the grant is valid", Shoenberger v. Lyon, 7 Watts and Sergent 184, 194 (1838). A reservation must b a restriction of a larger quantity. Otherwise, it would be a cancellation. Such is the case here. Eulala McClure's reservation of all coal, mineral and other rights immediately after her granting of them would clearly not be a reservation of a greater quantity; rather, it is, for all practical effect, a cancellation. Therefore, the reservation must fail, and the Court enters the following Order:

ORDER

NOW, this 8th day of August, 1979, it is the ORDER of this Court that Plaintiff's Motion for Summary Judgment be and is hereby denied and Verdict and Judgment entered in favor of the Defendant and the Complaint is dismissed. By the Court, s/John K. Reilly, Jr., President Judge.

Judgment is entered in favor of the Defendant and against the Plaintiff as per Court Order.

Raymond Wetherow
Prothonotary

Judgment.

ACTION NO. 78-58-EQU SHAWVILLE COAL COMPANY -vs- ROGER MENARD

AUGUST 28, 1979, NOTICE OF APPEAL, filed by Constance B. Foster.
Notice is hereby given that Shawville Coal Company, plaintiff above-named, hereby appeals to the Superior Court of Pennsylvania from the order entered in this matter on the 8th day of August, 1979. /s/Constance B. Foster.

AUGUST 28, 1979, PROOF OF SERVICE, filed by Constance B. Foster.

SEPTEMBER 10, 1979, NOTICE OF APPEAL FROM SUPERIOR COURT, filed.
Their No. 804 APRIL TERM 1979.

OCTOBER 4, 1979, Appeal prepared and checked and double-checked to be sure each and every paper that has been filed to date in this case has been forwarded by Registered Mail to Superior Court of Pennsylvania, 801 City County Building, Pittsburgh, PA 15219. /s/bjas, lfb.

OCTOBER 29, 1979, APPELLANT'S RECORD DESIGNATIONS AND PRELIMINARY STATEMENT OF ISSUES TO BE REVIEWED from Superior Court of Pennsylvania filed by Joseph P. Dougher.

OCTOBER 27, 1980, BILL OF COSTS, filed by John M. Elliott, Attorneys for Shawville Coal Co.
AFFIDAVIT - filed this day and date.
PRAECIPE FOR ACCOUNTING, filed this day and date by John M. Elliott.
Pursuant to the decision and opinion of The Honorable Edmund B. Spaeth, Jr., Judge of the Pennsylvania Superior Court, filed September 26, 1980, it is requested that Defendant, Roger Menard, t/d/b/a Menard Dodge, be instructed to file an accounting in this matter no later than November 14, 1980. /s/John M. Elliott.
PROOF OF SERVICE filed this day and date.
Re: Service of Plaintiff's Bill of Cost and Praecipe for Accounting upon Joseph Colavecchi, Attorney for Roger Menard.

NOVEMBER 3, 1980, REMITTUR, filed by Superior Court of Pennsylvania, Pittsburgh Office.
All papers returned along with remittur.
ORDER:
AND NOW, this 26th day of September, 1980, it is ordered as follows:
Order Reversed and remanded with instructions. BY THE COURT, /s/Irma T. Gardner, Deputy Prothonotary.

FEBRUARY 23, 1981, RULE TO SHOW CAUSE, filed.
AND NOW, this 19 day of February, 1981, a Rule is hereby entered upon Defendant Roger Menard to Show Cause why an Order should not be entered requiring Defendant to pay the following cost incurred by Plaintiff Shawville Coal Company in connection with its successful appeal to the Superior Court of Pennsylvania (Shawville v. Menard, No. 804, April Term, 1979):

Fee for Lodging Appeal with Court of Common Pleas of Clearfield County	$ 20.00
Fee for Lodging Appeal with the Superior Court	12.00
Costs of Reproduction of Brief and Paper Books	215.40
Statutory Attorney Fee	3.00
TOTAL COSTS	$250.40

Returnable the 1 day of April, 1980, at 2:30 P.M. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

FEBRUARY 23, 1981, RULE ISSUED UPON ROGER MENARD, DEFENDANT IN ACCORDING TO PRECEDING RULE MAILED CERTIFIED, RETURN RECEIPT REQUESTED.

FEBRUARY 24, 1981, SENDER'S RECEIPT, filed.

FEBRUARY 26, 1981, RETURN RECEIPT, filed.

MARCH 27, 1981, PRAECIPE TO WITHDRAW APPEARANCE, filed by Joseph Colavecchi, Esquire.
Please let the records show that I do not represent Roger Menard in this matter. It is the understanding of the undersigned that Roger Menard is represented by Timothy Durant, Esquire. /s/ Joseph Colavecchi, Esquire.

MARCH 31, 1981, PRAECIPE, filed by Timothy E. Durant.
Kindly enter my appearance on behalf of the above Defendant, Roger Menard. /s/Timothy E. Durant, Attorney for Defendant.
One copy Certified to Attorney.

JUNE 18, 1981, PRAECIPE TO WITHDRAW APPEARANCE, filed by John M. Elliott
Kindly withdraw our appearance on behalf of Plaintiff Shawville Coal Company in the above captioned matter. /s/ John M. Elliott

EQUITY #12 1978

Gary H. Nash Assistant Attorney Gen.	COMMONWEALTH OF PENNSYLVANIA ACTING BY ATTORNEY GENERAL, GERALD GORNISH 78-59-EQU JAMES DRAYER, d/b/a DRACO, and d/b/a DORELCO Pro by atty 30.00	DECEMBER 5, 1978 COMPLAINT IN EQUITY. ASSURANCE OF VOLUMTARY COMPLIANCE. 2 copies cert to Attorney.

Carl A. Belin	ROBERT S. GAVLAK		DECEMBER 7, 1978, COMPLAINT IN PARTITION, filed by Carl A. Belin, Jr. One copy Certified to Sheriff. DECEMBER 18, 1978, SHERIFF's RETURN, filed. December 12, 1978, served within Complaint in Partition on Faye M. Gavlak, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
	78-60-EQU		JANUARY 12, 1979, APPEARANCE, filed by Elizabeth Cunningham. Enter my appearance for Faye M. Gavlak, Defendant. /s/Elizabeth Cunningham, Attorney for Faye M. Gavlak, Defendant.
Elizabeth Cunningham	FAYE M. GAVLAK		JANUARY 12, 1979, PRELIMINARY OBJECTIONS, filed by Elizabeth Cunningham. One copy certified to Attorney
	Pro by Atty	30.00	APRIL 10, 1979, ORDER, filed. NOW, this 9th day of April, 1979, this matter coming before the Court on Preliminary Objections filed in the above Complaint in Partition, and the Court being satisfied that same are well taken, it is the ORDER of this Court that said Preliminary Objections be and are hereby sustained and the Complaint in Partition filed in the above-captioned matter be and is hereby dismissed. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
	Atty by Atty	3.00	
	Shff. Hawkins	11.75	

NORTH CENTRAL PATHOLOGY ASSOCIATES, P.C., NORTH-WESTERN PENNSYLVANIA PATH-OLOGY ASSOCIATES, P.C., H-P LAB ASSOCIATES, INC., H-P REFERRAL LABS, INC. and RODGER B. HAGLUND, M.D.

79-EQU
/

GARY F. HAVERTY, D.O., BROOKVILLE PATHOLOGY ASSOCIATES, P.C., PUNXSU-TAWNEY AREA HOSPITAL, JOSEPH O. YESH and ADRIAN HOSPITAL ASSOCIATION, INC.

Pro by Atty 30.00
Pro by Atty 5.00

JANUARY 11, 1979 CHANGE OF VENUE FROM ALLEGHENY COUNTY, filed.

ORDER OF COURT

AND NOW, to-wit, this 28th day of December, 1978, the within case having come on for consideration of the Preliminary Objections of the defendants raising the defense that there is no venue for this action in Allegheny County, and each side having presented a Petition to transfer the action, and the plaintiffs having withdrawn their Petition to Amend the Complaint, after consideration of oral arguments, it appearing to the Court that venue does not lie in Allegheny County, because none of the defendants was served in Allegheny County and because it does not appear that there is any property located in Allegheny County which is the subject matter of the action, and it further appearing that there is venue in Clearfield County, therefore,

IT IS ORDERED, ADJUDGED AND DECREED that the defendants' Preliminary Objections raising the defense of improper venue be and the same hereby are sustained. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this action shall be transferred to the Court of Common Pleas of Clearfield County, Pennsylvania, and the Prothonotary of Clearfield County certified copies of the documents, process, pleadings, depositions and other papers filed in this action. Ruling on the Petition of the defendants to transfer the action to Jefferson County is reserved for the Court of Common Pleas of Clearfield County, Pennsylvania. This transfer is being effected pursuant to the provisions of Rule 1006(e). The costs and fees for transfer and removal of the record shall be paid by the plaintiffs. s/Grigsby

A true and correct copy of this Order has been mailed to all counsel of record this 28th day of December, 1978.

FEBRUARY 5, 1979, PETITION FOR CHANGE OF VENUE AND ORDER OF COURT, filed by Nicholas F. Lorenzo.

WHEREFORE, defendants, Punxsutawney Area Hospital, Adrian Hospital Association, Inc., and Joseph O. Yesh respectfully request this Court to enter a rule on the plaintiffs to show cause why this matter should not be tra sferred to the Court of Common Pleas of Jefferson County. /s/Nicholas F. Lorenzo, Jr.

ORDER OF COURT:

AND NOW, this 5 day of Feb., 1979, upon presentation of the foregoing petition for a change of venue, a rule is entered upon the plaintiffs to show cause why this case should not be transferred to the Court of Common Pleas of Jefferson County.

Rule returnable on the 14 day of February, 1979, at Room ....., Clearfield County Courthouse, Clearfield, Pennsylvania, at 1:00 o'clock P.M., at which time a hearing will also be held on this matter. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Three copies certified to Attorney.

APRIL 5, 1979, ORDER, filed.

NOW, this 4th day of April, 1979, following argument into Defendants' Motion for Change of Venue, and this Court being satisfied that under Rule 1006 of Pa. Rules of Civil Procedure that for the convenience of parties and witnesses such Motion should be granted, it is the ORDER of this Court that the Clerk of Courts is instructed to certify the record in the above-captioned matter to Jefferson County for purposes of further proceedings. By the Court, /s/ John K. Reilly, Jr., President Judge

APRIL 9, 1979, ALL papers sent to Cadwallader M. Emery, Proth. of Jefferson County.

James A. Naddeo	THOMAS G. HURD, an individual	JANUARY 17, 1979, COMPLAINT, filed by James A. Naddeo. One copy certified to Sheriff. JANUARY 23, 1979 SHERIFF'S RETURN, filed. NOW, January 18, 1979 served the within Complaint in Equity on Constance Welch, Secretary for Defendant. So answers, s/Chester A. Hawkins, Sheriff by Marilyn Wood.
	79-2-EQU	FEBRUARY 20, 1979, ANSWER TO COMPLAINT, filed by R. Edward Ferraro. One copy certified to Attorney.
	HILL COAL COMPANY, INC.	JUNE 28, 1979, STIPULATION AND DECREE, filed by Belin, Belin & Naddeo. Three copies certified to Attorney. CONSENT DECREE: NOW, this ___ day of June, 1979, in view of the foregoing Stipulation requesting a consent decree, the Court hereby ORDERED and DIRECTS: 1. That the Finder's Fee Agreement dated November 25 1977 between the plaintiff, Thomas G. Hurd, and the defendant, Hill Coal Company, Inc., be and is hereby terminated as of the date of this order. 2. That the defendant, Hill Coal Company, Inc., its heirs, executors and assigns shall pay to the plaintiff, Thomas G. Hurd, the sum of Two thousand one hundred ($2,100.00) Dollars within thirty (30) days from the date hereof in full satisfaction of past, present and future royalty payments, other than those described in Paragraph Three herein, which may be due to the plaintiff in accordance with the terms of the agreement referred to in Paragraph One hereof to the date of this order. 3. That the defendant, Hill Coal Company, shall pay to the plaintiff, Thomas G. Hurd, the sum of Twenty ($.20) Cents per net ton of all coal mined and removed by the aforesaid defendant, its heirs, executors and assigns from the property leased by the defendant, its heirs, executors and assigns from the property leased by the defendant from Thomas McKendrick, attorney-in-fact for Dorothy Kos, which lease is dated November 25, 1977 and which lease was obtained through the efforts of plaintiff. 4. That the payment of Twenty ($.20) cents a ton to be made to the plaintiff shall be for that property described in the preceding paragraph or any renewal of said lease and that there shall be no claim by the plaintiff for any further finder's fee on any past, present or future lease agreements entered into by Hill Coal Company on or after the date of this consent order regardless from whom said leases are obtained. 5. That after the filing of this consent order the defendant will furnish Belin, Belin & Naddeo at their offices located at 15 North Front Street, Clearfield, Pennsylvania, with a complete statement of the total tonnage removed from the leased premises set forth in Paragraph Three hereof and each month thereafter will furnish them with a monthly statement of additional tonnage mined and removed from the premises referred to in said paragraph. The defendant shall with each monthly statement of coal mined and removed remit to Belin, Belin & Naddeo a check in the amount of Twenty ($.20) cents per ton for all coal mined and removed from the premises referred to in Paragraph Three hereof and will continue to make such payments on a monthly basis. 6. That the defendant, in addition to providing Belin, Belin & Naddeo with a monthly statement showing the amount of coal mined and removed from each of the various premises, shall permit Belin, Belin & Naddeo, or their authorized agent, at all times during regular office hours of the defendant to examine all the truck scale weights of the properties covered by this consent order and/or make copies of said truck scale weights if they so desire. 7. That the defendant shall pay the court costs of this proceeding. BY THE COURT, /s/ John K. Reilly, Jr., P.J.
	Pro by Atty 30.00 Atty 3.00 by Atty Shff Hawkins 11.75	

EQUITY DOCKET NO. 12 1979

David E. Blakley Michael P. Yeager	TREASURE LAKE OF PENNA. INC. and TREASURE LAKE PROPERTY OWNERS ASSN, INC. 79-3-EQU JOSEPH H. FONTANA and VIVIAN L. FONTANA, his wife	FEBRUARY 6, 1979, COMPLAINT IN EQUITY, filed by David E. Blakley. Two copies certified to Sheriff. APRIL 25, 1979, SHERIFF'S RETURN, filed. Now, February 6, 1979, John Peck, Sheriff of Westmoreland Co., was deputized to serve the within Complaint on Defts. Now, April 24, 1979 attempted to serve the within on Defts. The return of Sheriff Peck is hereto attached and made a part of this return marked "NOT FOUND". So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood. APRIL 25, 1979, PRAECIPE, filed. Please reinstate the Complaint in the above captioned matter. /s/ Michael P. Yeager, Esquire, Attorney for Plaintiffs. OCTOBER 16, 1979, PRAECIPE, filed by Michael P. Yeager. Please reinstate the Complaint in the above captioned matter as the first attempted service was returned by the Westmoreland County Sheriff as being "Not Found". /s/Michael P. Yeager, Attorney for Plaintiff. OCTOBER 16, 1979, COMPLAINT REINSTATED AND REISSUED TO SHERIFF FOR SERVICE. APRIL 27, 1979, COMPLAINT REINSTATED AND REISSUED TO SHERIFF FOR SERVICE. OCTOBER 16, 1979, SHERIFF'S NOTE, filed. April 27, 1979, received 2 copies of reinstated Complaint from Prothonotary. Called Attorney for new address and he said to HOLD for a couple of days, he was going to serve them himself. I took them back to the Prothonotary Office to HOLD for him and Jean said when he picks them up she will mark the Docket. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. DECEMBER 19, 1979, SHERIFF'S RETURN, filed. Now, October 18, 1979, John W. Peck, Shff of Westmoreland Co. was deputized to serve within Complaint on defts. Now, November 13, 1979 attempted to serve within Complaint. The return is marked "NOT FOUND". So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood JANUARY 30, 1980, PRAECIPE, filed by Michael P. Yeager. Please reissue or reinstate the Complaint in the above captioned matter. /s/Michael P. Yeager, Attorney for the Plaintiff. JANUARY 30, 1980, COMPLAINT REINSTATED AND REISSUED TO SHERIFF FOR SERVICE. JANUARY 31, 1980, MOTION FOR LEAVE TO SERVE BY PUBLICATION, AFFIDAVIT AND ORDER, filed by Michael P. Yeager. AND NOW, this 31 day of January, 1980, upon consideration of the foregoing motion of Michael P. Yeager, attorney for the Plaintiff, Treasure Lake Property Owners Association, Inc. and further upon review of the enclosed Affidavit of Michael P. Yeager, it is hereby ORDERED, ADJUDGED AND DECREED that the Plaintiffs are granted leave to make service of the Complaint on the Defendants by publication once a week for three (3) successive weeks in the Dubois Courier-Express (a newspaper of general circulation in the area closest to the subject matter of the action), and in the Greensburg Tribune-Review (a news paper of general circulation in Westmoreland County); and proof of publication shall be filed with the proceedings in this action and the said advertisement shall state that the Defendants are required to answer the Complaint within twenty days (20) from the last advertisement thereof. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
	Pro by Atty 30.00 Atty by Atty 3.00 Shff Hawkins by Atty 12.75 Shff Peck by Atty 22.00 Shff Hawkins by Atty 10.75 Shff Peck 19.00 Pro 3.00	

APRIL 28, 1980, ANSWER, filed by Anthony S. Guido.

AUGUST 14, 1980, PRAECIPE AND CERTIFICATION OF READINESS, filed.
Kindly place the above captioned matter on the next available trial list. I hereby certify that the same is ready for trial. /s/ Michael P. Yeager, Esquire, Attorney for Plaintiff, Treasure Lake Property Owners Association, Inc.

DECEMBER 9, 1980, PRAECIPE, filed.
Please enter Praecipe to settle, discontinue and end the above-captioned lawsuit. /s/ Michael P. Yeager, Attorney for the Plaintiff

*******S E T T L E D I S C O N T I N U E and E N D*******

James H. English

NEAL H. WOODEL, a Bankrupt, by James H. English, Esquire, Trustee in Bankruptcy, Plaintiff

79-4-EQU.

MALVIN WOODEL, GILBERT WOODEL, and ELLIOTT WOODEL, Defendants

Pro by Atty 15.00
Disc by atty 9.00

MARCH 5, 1979, PRAECIPE FOR WRIT OF SUMMONS IN EQUITY, filed.

Summons in Equity Issued, but not served as stated by attorney.

Kindly issue Writ of Summons in Equity in the above-captioned matter and list as a lis pends against the following described real estate, being known as 922-924 South Fourth Street, Clearfield, Clearfield County, Pennsylvania, and being more particularly described in Clearfield County Deed Book Volume 776 at Page 386.
/s/ James H. English, Esquire, Trustee in Bankruptcy for Neal H. Woodel and Attorney pro se.

MAY 23, 1983 PRAECIPE TO DISCONTINUE, filed by James H. English, Atty for Plff.

Kindly mark the above-captioned matter, at the Motion of the Plaintiff, Discontinued and Settled.
s/James H. English, Atty for Plff.

Record.costs.in the sum of $24.00 have been paid in full by James H. English, this case marked Settled and Discontinued.

ORDER APPROVING SETTLEMENT OF LITIGATION

NOW, this 13th day of July, 1981, in the City of Pittsburgh, in the Western District of Pennsylvania upon consideration.of.the.foregoing Petition, IT IS HEREBY ORDERED that.James H. English, Trustee, shall have authortity to settle litigation.commenced by Complaint to Avoid.Voidable Preference filed to the above Number, for the sum.of.Five.Hundred Fifty Dollars ($550.00)

. AND FURTHER, to affectuate said settlement, the said James H. English, Trustee, is hereby authorized to Discontinued Action in Equity pending. in the Court of Common Pleas of Clearfield County, Penna., to Equity Number 79-4-Equity and to Discontinue and Release any claim arising under Complaint to Avoid Voidable Preference heretofore filed to the above Number.

AND FINALLY, IT IS.ORDERED that this authority shall be notwithstanding.ORDER previously entered on April 23, 1981, Avoiding Voidable Preference in this matter. BY TH COURT, s/_____ Bankruptcy Judge.

*****SETTLED DISCONTINUED*****

Timothy E. Durant

Barbara H. Schickling

GRACE W. WARDO

79-5-EQUITY

JUNE A. REBAR and ANDREW REBAR

Pro By Atty 30.00
Atty by Atty 3.00
Shff. Hawkins 23.55

MARCH 7, 1979, COMPLAINT IN EQUITY, filed by Timothy E. Durant.

Two copies certified to Sheriff.

MARCH 15, 1979 SHERIFF'S RETURN, filed.
March 8, 1979, served within Complaint in Equity on June Rebar, Defendant.
March 8, 1979, served within Complaint in Equity on June Rebar, Wife of Andrew Rebar. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

APRIL 2, 1979, APPEARANCE, filed.
Enter my appearance for June A. Rebar and Andrew Rebar, defendants in above case. /s/ Barbara H. Schickling, Attorney for Defendants.

APRIL 5, 1979, PRELIMINARY OBJECTIONS, filed by Barbara H. Schickling.
APRIL 5, 1979, ANSWER, filed by Barbara H. Schickling.

APRIL 19, 1979, PRAECIPE, filed.
Please place the above-captioned matter on the Argument List. /s/ Timothy E. Durant, Attorney for Plaintiff
One Copy Certified to Attorney.

APRIL 19, 1979, PRAECIPE, filed. One copy certified to Attorney.
Please place the above-captioned matter on the Trial List. /s/ Timoth E. Durant, Attorney for Plaintif

MAY 14, 1979, PETITION FOR CONTINUANCE AND ORDER, filed by Barbara H. Schickling.
WHEREFORE, your petitioner requests your Honorable Court to grant a continuance for the non-jury trial scheduled for May 17, 1979, until such time as Attorney Archer will be available. /s/Barbara Schickling, Attorney for Defendants.
ORDER:
NOW, this 14 day of May, 1979, upon petition of the Attorney for Defendants, it is the Order of this Court that the non-jury trial scheduled in the above-captioned matter for May 17, 1979, is hereby continued until May 31, 1979 at 9:30 A.M. /s/John K. Reilly, Jr. President Judge.

MAY 31, 1979, ORDER, filed.
NOW, this 31st day of May, 1979, this Matter coming before the Court on Preliminary Objections, asking that the Complaint be dismissed as to the Defendant, Andrew Rebar, upon agreement of Counsel, it is the ORDER of this Court that said Objections be and are hereby sustained and the Complaint dismissed as to Andrew Rebar upon condition that should the Plaintiff succeed in her Claim as to Defendant June A. Rebar, any rescission of Deed or reconveyance of property shall act to cancel any rights in said property Andrew Rebar may have gained as the soupse of June A. Rebar. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

AUGUST 24, 1979, MOTION FOR ENTRY OF FINAL DECREE AND RULE, filed by Timothy E. Durant.
Two copies Certified to Attorney.
RULE:
AND NOW, this 24 day of August, 1979, a Rule is issued on the Defendant, June A. Rebar, to show cause, if any, why the foregoing Motion of Timothy E. Durant, Esquire, Attorney for the Plaintiff, should not be granted.
Rule returnable the 29 day of August, 1979, at 9:00 A.M. in the main courtroom. Copies of the foregoing Motion and Rule will be given to the Defendant, June A. Rebar, by service on her attorney of record, Barbara Schickling, Esquire. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

AUGUST 28, 1979, AFFIDAVIT OF SERVICE, filed by Timothy E. Durant.

AUGUST 30, 1979, ORDER, filed.
AND NOW, this 29th day of August, 1979, hearing on Plaintiff's Motion for Entry of Final Decree having been set for this date at 9:00 o'clock A.M.; service of said Motion and hearing date having been made on the Defendant, June A. Rebar, by serving her attorney of record, Barbara Schickling, Esquire, Defendant's attorney of record, Barbara Schickling, Esquire, having been present at said hearing; and there being no objections, it is the ORDER of this Court:
A. That the deed from Plaintiff to Defendant, June A. Rebar, recorded in the Clearfield County Recorder's Office in Deed Book 763, at Page 524, be and is hereby declared void;
B. That the Defendants surrender, within ten (10) days of the date of this Order to the Prothonotary of this Court the above mentioned deed to the land from the Plaintiff to the Defendant, June A. Rebar, for cancellation by the Prothonotary;
C. That the Recorder of Deeds of Clearfield County cancel or remove from the record the above mentioned deed to the land executed by the Plaintiff to the Defendant, June A. Rebar; and
D. That the Defendants are hereby enjoined from transferring or encumbering the land in any way. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
August 30, 1979, One copy certified to Register and Recorder.

SEPTEMBER 17, 1979, PURSUANT to Order dated August 29, 1979, Deed returned for cancellation by Prothonotary Office. /s/ Raymond Witherow, Prothonotary.

Gary H. Nash	COMMONWEALTH OF PENNSYLVANIA ACTING BY ATTORNEY GENERAL, EDWARD G. BIESTER, JR. 79-6-EQU RUSSELL J. MAHAN, Indv. and RUSSELL J. MAHAN, Pres. MONTGOMERY MEAT PACKING CO., INC. and DBA DUBOIS QUALITY MEATS 520 Liberty Blvd. DuBois, Pa. 15801 and, DBA MERCER BEEF HOUSE 650 E. Butler Street Mercer, Pa. 16137 Pro By atty 30.00 Atty 3.00	MARCH 8, 1979, ASSURANCE OF VOLUNTARY COMPLIANCE, filed by Gary H. Nash, Esq., Assistant Attorney General. Two copies certified to Attorney. NOW, THEREFORE, without the admission of any violatic wrongdoing, Respondents agree by the signing of this Assurance of Voluntary Compliance that Respondents shall henceforth abide by each and every of the aforementioned provisions and that breach of any or all of the terms of this Assurance of Voluntary Compliance shall be sufficient warrant for the Commonwealth to petition the Court of Common Pleas of Clearfield County to assess civil penalties, and to order any other equitable relief which the Court deems to be needed or proper; this Court shall maintain jurisdiction over the subject matter of this Assurance of Voluntary Compliance and over the parties thereto in accordance with Section 8 of the Act. AND FURTHER, this matter may at any time be re-opened by the Attorney General for futher proceedings in the public interest pursuant to Section 4 of said Act. AND FURTHER, nothing in this Assurance of Voluntary Compliance shall affect or limit any provision of the previous Assurance of Voluntary Compliance entered into between the Commonwealth of Pennsylvania and Russell J. Mahan, acting as President of Montgomery Meat Packing Company, which was filled in June, 1977, at Commonwealth Docket No. 265. The filing of this present Assurance of Voluntary Compliance is not a waiver of the Commonwealth's right to petition the Commonwealth Court for subsequent violations and to make reference in any subsequent action to all violations including but not limited to those alleged in Section I of this Assurance of Voluntary Compliance. WITNESS, THE following signatures this 2nd day of March, 1979. FOR THE PLAINTIFF: /s/ Edward G. Biester, Jr., Acting Attorney General /s/ Terry Lazin, Deputy Attorney General /s/ Gary H. Nash, Assistant Attorney General FOR THE DEFENDANTS: /s/ Russell J. Mahan, Individually /s/ Russell J. Mahan, President, Montgomery Meat Pacing Co., Inc. d/b/a DuBois Quality Meats and also d/b/a Mercer Beef House.

Baird,Miller & Test

BARBARA A. ROOS

79-7-EQU.

Ronald M. Lucas

MARY GUNTER, RUTH PELTON BARANCHAK, ~~ELIZABETH NEUBAURER~~, JOHN BARANCHAK, JR., LAWRENCE BARANCHAK, NANCY BARANCHAK BONAVENTURA, MICHAEL BARANCHAK

EDWARD C. NEUBAURER, Executor of the Estate of Elizabeth Neubaurer.

Pro	By Atty	30.00
Shff Hawkins	by Atty	26.15
Shff Coon	by Atty	17.25
Shff Watson	by Atty	19.75
Pro		3.00

APRIL 16, 1979, COMPLAINT IN EQUITY IN PARTITION, filed by Baird, Miller & Test.

Five copies Certified to Sheriff.

WHEREFORE, Plaintiff prays this Honorable Court:

A. Decree of the partition and division of said real property in accordance with the Pennsylvania Rules of Civil Procedure 1551, et. sez. and the applicable statute of the Commonwealth of Pennsylvania.

B. Decree that the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that if the said real estate can not be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same be made by such person or persons and in such manner as this Honorable Court may direct.

C. That the Court appoint a trustee to conduct such sale of said real property in accordance with the aforementioned Rules of Civil Procedure.

D. That such other and further relief be granted as the Court shall deem just and proper. /s/ George A. Test, Jr., Attorney for Plaintiff

PRELIMINARY DECREE

AND NOW, this 16th day of April, 1979, after consideration of the allegations contained in the foregoing Complaint IT IS ORDERED, ADJUDGED, AND DECREED:

1. That a partition and division be made of the property described in the foregoing Complaint situate in Morris Township, Clearfield County, Pennsylvania.

2. That the parties hereto and/or their respective counsel are directed to appear for a mandatory preliminary conference pursuant to Rule 1558 of the Pennsylvania Rules of Civil Procedure on the 29th day of May, 1979 at 9:30 o'clock A.M. in Court Room No. 37 in the Clearfield County Courthouse, Clearfield, Pennsylvania. /s/ John K. Reilly, Jr., P.J.

APRIL 30, 1979, VOLUNTARY SUBSTITUTION OF E.C. NEUBAURER AS A PARTY DEFENDANT, filed.

1. I, E.C. Neubaurer, Executor of the Estate of Elizabeth Neubaurer, and the successor in interest of Elizabeth Neubaurer, who is a Defendant herein and desires to substitute myself for Elizabeth Neubaurer as a Defendant herein.

2. Material facts on which my right of successor and substitution is based are as follows: Elizabeth Neubaurer was the owner of an undivided 60/720 interest in a certain real property situate in Morris Township, Clearfield County, Pennsylvania, 48/720 of which she inherited as a surviving sibling of Andrew Baranchak who died intestate or without a surviving spouse on January 15 1956, and 12/720 of which she inherited as the surviving sibling of Ann Emory who died intestate and without surviving spouse or children on July 9, 1973, being 1/4 of the 48/720 interest which Ann Emory inherited from the aforesaid Andrew Baranchak, deceased. The aforesaid Elizabeth Neubaurer died testate on the 18th day of January, 1979, and by her Last Will and Testament which has been duly probated she appointed the undersigned, E.C. Neubaurer, as her Executor.

3. I do hereby voluntarily substitute myself as Defendant herein in place and instead of Elizabeth Neubaurer. /s/ Edward C. Neubauer.

MAY 18, 1979, SHERIFF'S RETURN, filed.

Now, April 17, 1979 at 3:20 PM DST served the within Complaint in Partition on Asenath Baranchak, wife of Lawrence Baranchak, Deft. at her place of residence.

Now, April 18, 1979 at 7:55 PM DST served the within Complaint on Ruth Pelton Baranchak, deft. at her place of residence.

Now, April 17, 1979, Robert L. Watson, Shff of Butler Co. was deputized to serve the within Complaint on John Baranchak, Jr., deft.

Now, April 19, 1979 served the within Complaint on John Baranchak, Jr. deft.

Now, April 17, 1979, Eugene L. Coon, Shff of Allegheny Co., was deputized to serve the within on Mary Gunter, deft.

Now, April 23, 1979 served the within Complaint on Mary Gunter by deputizing the Shff of Allegheny Co.

No, May 2, 1979 at 7:20 PM DST served the within Complaint on Michael Baranchak, deft., at 303 Marg. St., Clfd., Pa. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood.

MAY 18, 1979, ENTRY OF APPEARANCE, filed.

Please enter my appearance on behalf of Defendants Ruth Pelton Baranchak, John Baranchak, Jr., Lawrence Baranchak, Nancy Baranchak Bonaventura, and Michael Baranchak, in the above-captioned action. CORNEAL & LUCAS, By /s/ Ronald M. Lucas, Esquire

MARCH 23, 1981, PRAECIPE, filed by Baird, Miller, & Test, Attorneys at Law, by: George S. Test, Jr., Esquire.

Please discontinue and mark satisfied the above captioned partition action. /s/ George S. Test, Jr., Esquire.

D I S C O N T I N U E D and S A T I S F I E D

Joseph Colavecchi	JOHN L. DAVIS and CECELIA G. DAVIS, his wife	
	79-8-EQU	
J.L. Lehman	HEIRS OF EDWARD PUSEY, Deceased; TILDA PUSEY, SANDRA SNYDER and CHARLES SNYDER, her husband, CAROL KRAMP and MERLE KRAMP, her husband; HEIR OF CALVIN PUSEY, Deceased; MARTHA PUSEY, DOROTHY SHAW; HEIRS OF RUTH PUSEY BEERS Deceased; LOIS BURDETTE, JAMES BURDETTE, her husband; JUDITH BEERS BELL and JOHN BELL, her husband; CALVIN BEERS, LAWRENCE BEERS; ESTHER BEERS WITHERITE and HAROLD WITHERITE, her husband; BEATRICE BEERS YANUSHONIS and FRANK YANUSHONIS, her husband; Defendants	
Pro by Atty		30.00
Atty by Atty		3.00
Shff Hawkins by Atty		29.05
Shff Waite		26.65

MAY 14, 1979, COMPLAINT IN PARTITION, filed by Joseph Colavecchi.

Seventeen copies certified to Sheriff.

Ten copies certified to Attorney.

Nine copies certified to Attorney

JUNE 5, 1979, SHERIFF'S RETURN, filed.

Now, May 23, 1979 at 2:35 PM DST served the within Complaint on Judith Beers Bell, wife of James Bell, deft. at her place of residence.

Now, May 23, 1979 at 2:36 PM DST served the within Complaint on Judith Beers Bell, deft. at her place of residence.

Now, May 25, 1979 at 7:35 PM DST served the within Complaint on Martha Pusey, deft at her place of residenc

Now, May 23, 1979, Richard V. Waite, Shff of Centre Co. was deputized to serve within Complaint on Tilda Pusey, Sandra Snyder and Charles Snyder, defts.

Now, May 26, 1979 served the within Complaint on Tilda Pusey, Sandra Snyder & Charles Snyder, defts. by deputizing the Shff of Centre Co. So answers, Chester A Hawkins, By /s/ Marilyn Wood.

JUNE 11, 1979, APPEARANCE, filed.

Please enter my appearance in the above captioned case for the Defendants excepting Lawrence Beers and his wife. /s/ J.L. Lehman, Attorney for Defts.

JUNE 14, 1979, MOTION AND RULE, filed by Joseph Colavecchi.

Three copies Certified to Attorney.

WHEREFORE, Plaintiffs move your Honorable Court to order John L. Lehman, Esquire, to file a Warrant of Attorney showing that he has authority to act as counsel for the Defendants as per his Entry of Appearance. It is further requested that the Court issue a Rule directed to John L. Lehman, Esquire, to show cause why said Warrant of Attorney should not be be filed of record to show his authority to act for the Defendants. /s/Joseph Colavecchi.

RULE:

AND NOW, this 14 day of June, 1979, upon consideration of the foregoing Motion, a Rule is issued and directed to John L. Lehman, Esquire, to show cause why he should not file a Warrant of Attorney of record to show his authority to act on behalf of the Defendants for whom he entered his appearance.

Rule returnable the 2 day of July, 1979 at 11:00 A.M. at the Clearfield County Courthouse. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 19, 1979, AFFIDAVIT OF SERVICE, filed by Joseph Colavecchi.

JULY 6, 1979, ORDER, filed.

NOW, this 5th day of July, 1979, following Preliminary Conference into the above-captioned Action in Partition, and the Court being satisfied that the property involved is not subject to Partition, and that the Parties cannot amicably resolve the issue, it is the ORDER of this Court that John Sughrue, Esquire, be and is hereby appointed Master in Partition to dispose of the Property at public sale and distribute the proceeds in accordance with law. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

SEPTEMBER 28, 1979, CERTIFICATION OF SERVICE, PETITION FOR ORDER IDENTIFYING AND ADJUDICATING THE INTEREST OF CO-TENANTS AND RULE TO SHOW CAUSE, filed by John Sughrue.

WHEREFORE, the Master respectfully moves this Court to forthwith enter an order in the form set forth and attached hereto; and further, prior thereto, issue a rule directed to the Defendants to show cause, if any, why the proposed order should not be entered. /s/John Sughrue.

RULE TO SHOW CAUSE:

AND NOW, to-wit: this 28 day of September, 1979, upon consideration of the foregoing Petition, aRule shall be and hereby is issued, directed to each and every one of the parties in the above-captioned matter to appear on the date set forth above and to show cause, if any, why the prayer of the Petition should not be granted; specifically why the Order of Court attached to said Petition should not be executed and filed pursuant to Pennsylvania Rule of Civil Procedure 1557.

This Rule is returnable and argument on said Rule will be had on the 4 day of October, 1979, at 9:00 A.M. in the main court room of the Clearfield County Court House, Clearfield, Pennsylvania 16830. BY THE COURT, /s/John K. Reilly, Jr., President Judge

OCTOBER 4, 1979, ORDER OF COURT, filed.

AND NOW, to wit: this 4 day of Oct., 1979, upon consideration of the foregoing Petition, this being the date and time set for return of rule issued in this matter, it is ORDERED, ADJUDGED and DECREED as follows:

1. There shall be a partition of the real property which is the subject matter of these proceedings and the same is hereby directed.

2. The names of all of the co-tenants and the nature and extent of their interest in the real property which is the subject matter of these proceedings are as foloows:

CONTINUED TO PAGE 148

CONTINUED FROM PAGE 147 NO. 79-8-EQU JOHN L. DAVIS, al -vs- HEIRS OF EDWARD PUSEY

NAME AND ADDRESS	PERCENT OF INTEREST
A. Tilda Pusey Parkwest Manor Nursing Home 450 Waupelani Drive State College, Pa. 16801	1/48
B. Carol Kramp and Merle Kramp 357 Walker Street Aberdeen MD 21001	1/48
C. Sandra Snyder and Charles Snyder 403 Jesse Street Philipsburg, Pa. 16866	1/48
D. Martha Pusey Madera, Pa. 16661	1/16
E. Dorothy Shaw 222 Winjah Street Georgetown, S.C. 29440	1/16
F. Lois and James Burdette 5003 Larno Drive Alexandria, Va 22310	1/96
G. Judith Beers Bell and John Bell 1405 Joseph Road Clearfield, Pa. 16830	1/96
H. Calvin Beers 1006 Joppa Road Joppa, Md 21085	1/96
I. Lawrence Beers Box 185 Edgewood, Md. 21040	1/96
J. Esther Beers Witherite and Harold Witherite R.D.2, Box 4 Linda Lane Jarrettsville, Md. 21804	1/96
K. Beatrice Beers Yanushonis and Frank Yanushonis 805 Greenbriar Court Edgewood, Md. 21040	1/96
L. John L. Davis and Cecelia G. Davis Irvona, Pa. 16656	3/4

3. The above-named co-owners own their respective interest in fee.

4. Exceptions may be filed by any party to this Order within twenty (20) days after the entry thereof. BY THE COURT: /s/ John K. Reilly, Jr., P.J.

OCTOBER 12, 1979, AFFIDAVIT OF SERVICE OF ORDER OF COURT DATED OCTOBER 4, 1979, filed by John Sughrue.

DECEMBER 13, 1979, PETITION UNDER RULE 1559 OF THE PENNSYLVANIA RULES OF CIVIL PROCEDURE AND ORDER OF COURT, filed by John Sughrue.

WHEREFORE, the Master respectfully requests the Court to determine what additional experts, if any, should be employed by him with respect to valuing the subject premises; and further, to authorize the same and in connection therewith to set a date and time for hearing on this Petition so that all parties may be given notice of the same and given an opportunity to be heard on this issue. /s/John Sughrue, Master in Partition.

ORDER OF COURT:

AND NOW, to-wit: this 13 day of December, 1979, upon consideration of the foregoing Petition, the same is hereby ordered filed and the matter raised therein is set for hearing on the 28 day of December, 1979 at 9:00 a.m. in the main court room of the Clearfield County Court House, Clearfield, Pennsylvania. Notice of said hearing is to be given by the Master to all parties in interest. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

DECEMBER 28, 1979, ORDER, filed.

NOW, this 28th day of December, 1979, this being the day and date set for hearing into the Petition of the Master under Rule 1559 of the Pennsylvania Rules of Civil Procedure and upon agreement of the parties, it is the ORDER of this Court that the drill records of the one hundred seventy-five (175) acre tract presently in the possession of Plaintiffs shall be delivered to the Master for copying and the advertisement for the Public Sale shall be published once a week for three (3) successive weeks commencing with the week of December 31, 1979, and indicating that sale shall be held Thursday, February 14, 1980, and further, that at any time prior thereto, the drill records of the one hundred seventy-five (175) acre tract shall be available for inspection in the office of the Master. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

APRIL 7, 1980, NOTICE OF INTENT TO FILE REPORT, RETURN OF SALE, PROPOSED DECREE AND SCHEDULE OF DISTRIBUTION, filed by John Sughrue.

APRIL 8, 1980, AFFIDAVIT OF SERVICE OF NOTICE OF INTENTION TO FILE REPORT, RETURN OF SALE, PROPOSED DECREE AND SCHEDULE OF DISTRIBUTION, filed by John Sughrue.

CONTINUED TO FOLLOWING PAGE 148A

CONTINUED FROM PAGE 148 NO. 79-8-EQU JOHN L. DAVIS, al -vs- HEIRS OF EDWARD PUSEY

APRIL 18, 1980, STIPULATION AND WAIVER, filed by Joseph Colavecchi.

Plaintiffs, John L. Davis and Cecelia G. Davis, his wife, by their attorney, Joseph Colavecchi, hereby stipulate that the above-captioned matter shall go to public sale and hereby waive the requirements of the Pennsylvania Rules of Civil Procedure that the Master in Partition conduct a private sale among the parties. /s/John L. Davis, Cecelia G. Davis, Joseph Colavecchi.

APRIL 18, 1980, STIPULATION AND WAIVER, filed by John L. Lehman.

Defendants above named, except for Lawrence Beers, by their attorney, John L. Lehman, hereby stipulate that the property which is the subject of the above-captioned matter shall be subjected to a public sale and hereby waive any requirements of the Pennsylvania Rules of Civil Procedure requiring the Master in Partition to subject the property to a private sale limited to the parties only. /s/J. L. Lehman, Attorney for all Defendants except Lawrence Beers.

APRIL 21, 1980, AFFIDAVIT OF SERVICE OF NOTICE OF FILING OF REPORT, PROPOSED ADJUDICATION, RETURN OF SALE AND PROPOSED SCHEDULE OF DISTRIBUTION, filed by John Sughrue.

APRIL 21, 1980, NOTICE OF FILING OF MASTER'S REPORT IN PARTITION, PROPOSED DECREE OF ADJUDICATION, RETURN OF PUBLIC SALE AND PROPOSED SCHEDULE OF DISTRIBUTION OF SALE PROCEEDS, filed by John Sughrue.

JULY 3, 1980, ADJUDICATION AND DECREE PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE 1570, filed by John Sughrue.

AND NOW, to-wit: this 3 day of July, 1980, John Sughrue, Master in Partition having filed his Report in the above-captioned matter on April 18, 1980 and notice of the same having been given to all parties in interest more than twenty (20) days prior hereto, as will appear of record, and there being no exceptions filed by any party to the rulings on the evidence to findings of facts to conclusions of law to the proposed adjudication and decree pursuant to Rule 1570 or to the decree nisi executed upon the filing of said report and further, there being no exceptions to the return of sale, schedule or distribution and proposed decree filed by the Master on April 18, 1980, and it further appearing to the Court that a decree nisi was executed by this Court more than twenty (20) days prior hereto and was served on all parties in interest as will appear of record and there having been no exceptions filed to said decree,

NOW THEREFORE, pursuant to Pennsylvania Rule of Civil Procedure 1570, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The report and recommendations of the Master in Partition, including all rulings on evidence, findings of fact, conclusions of law, proposed decree and other matters contained therein shall be and hereby are approved and confirmed and this Court hereby incorporates by reference as though the same were set forth herein at length all of the findings and conclusions of the Master;

2. The Court hereby ratifies and confirms its previous Order that the subject property shall be disposed to public sale as has been accomplished and that the return of said sale and proposed schedule of distribution as set forth in said Master's Report is hereby confirmed and approved in its entirety and is incorporated herein by reference as though the same were set forth herein at length verbatim;

3. The recommended sale is hereby approved and confirmed and the Master is hereby authorized to execute in the name of the parties to this action and to deliver to the purchasers a deed and other necessary documents, if any, necessary or advisable to effectively and permanently transfer title of the subject property to the successful purchaser;

4. The Master is further hereby authorized and directed to accept the total proceeds due from the purchasers pursuant to his Report to pay the costs, charges, reimbursements, liens, encumbrances taxes, Master's fees and other disbursements or expenses set forth in his Report forthwith and is further directed and authorized to distribute the net balance in his hands after the same is accomplished pursuant to the proposed schedule of distribution as set forth in his Report; and

5. All parties in interest are hereby advised that they have a right to appeal the matters and issues determined in the above-captioned proceeding to the appropriate appellate court for review for a period of thirty (30) days from the date of this decree, failing which said decree shall be final. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

APRIL 18, 1980, DECREE NISI, filed by John Sughrue.

AND NOW, to-wit: this 18 day of April, 1980, it appearing to the Court thatJohn Sughrue was appointed Master in Partition in the above-captioned action and that he has filed concurrent herewith a return of said sale and proposed schedule of distribution pursuant to Pennsylvania Rule of Civil Procedure 1573, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The proposed sale of the subject property to John L. Davis and Cecelia G. Davis, his wife, is hereby approved and confirmed, pursuant to the terms and conditions set forth in the return of sale and report of said Master;

2. John Sughrue, Master in Partition, shall be and is hereby authorized and directed to execute and deliver in the names of all of the parties to this action the appropriate deed in the form set forth in his Report and all other instruments of title deemed necessary or advisable for the purpose of effectively, legally and permanently transferring and conveying all the right, title and interest of the parties to this action in and to the subject property to the approved purchasers;

3. John Sughrue, Master in Partition, is hereby authorized and directed to receive from the approved purchasers the receipts and purchase price due as set forth in his Report and to forthwith pay therefrom all costs of these proceedings, Court costs, charges, reimbursements, liens, encumbrances, taxes, Master's fees and other items of expense as set forth in his Report and return of sale;

4. John Sughrue, Master in Partition is likewise authorized to provide for and to pay for the net balance of distribution in his hands any additional Court cost assessed in this matter;

5. John Sughrue, Master in Partition, is hereby authorized and directed to distribute the net proceeds of sale in his possession after payment as aforesaid to the persons and parties entitled thereto as set forth in the proposed schedule of distribution contained in his return of sale and Report, all of which is hereby approved and confirmed;

6. Notice of the filing of the return of sale and proposed schedule of distribution and notice of this decree nisi shall be given to all parties in interest and any party in interest shall have twenty (20) days from the date of this decree within which to file exceptions or objections to any matter contained in this decree, the Report of the Master, the return of the Master's sale or the proposed schedule of distribution. If no exceptions are filed within said time, this decree shall become final and the Master shall execute the duties of his office in accordance therewith. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JULY 8, 1980, AFFIDAVIT OF SERVICE OF ADJUDICATION AND DECREE DATED JULY 3, 1980, filed by John Sughrue.

The Undersigned, John Sughrue, Master in Partition, being duly sworn according to law,

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CONTINUED FROM OTHER SIDE OF THIS PAGE NO. 79-8-EQU JOHN L. DAVIS, al -vs- EDWARD PUSEY, et al

deposes and says that he caused a true and correct copy of the Adjudication and Decree entered under Pa. Rule of Civil Procedure 1570, in the above-captioned matter by the Court, dated July 3, 1980, to be served upon the parties hereto by causing the same to be mailed in the United States Mail, postage pre-paid, first class, to Joseph Colavecchi, Attorney for the Plaintiff, at his office at 2 E. Market Street, Clearfield, Pennsylvania 16830, and to Attorney John L. Lehman, Attorney for all Defendants except Lawrence Beers, at his office at 230 N. Front Street, Philipsburg, Pennsylvania, 16866, and to Lawrence Beers, at his address at Box 185, Edgewood, Maryland 21040, and that the same was mailed on July 7, 1980. /s/John Sughrue.

SEPTEMBER 30, 1980, RECEIPT AND RELEASE, filed on behalf of Lawrence Beers.

I, Lawrence Beers, hereby acknowledge receipt from John Sughrue, Master in Partition in the above-captioned matter, the sum of $923.52, representing payment in full for all sums due me on account of the partition and sale of my property situate Bigler Township, Clearfield County, Pennsylvania at the above-captioned term and number and I further hereby release said Master from any and all further liability on account of his appointment, his receipt of the sale proceeds and distribution of the same, pursuant to adjudication and decree of the Court of Common Pleas of Clearfield County, Pennsylvania dated July 3, 1980. I further acknowledge and approve said sum paid as being the amount shown as due in the Master's Report, to-wit: $923.52 as my interest in said partition action and discharge said Master from any further obligations as a result of his appointment. I agree to an Order of Court being entered releasing and discharging the Master from his office. /s/Lawrence Beers.

JANUARY 8, 1981, RECEIPT AND RELEASE OF TILDA PUSEY, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF CAROL KRAMP AND MERLE KRAMP, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF CHARLES SNYDER AND SANDRA SNYDER, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF MARTHA PUSEY, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF DOROTHY SHAW, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF LOIS BURDETTE AND JAMES BURDETTE, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF JUDITH BEERS BELL AND JOHN BELL, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE, filed by John Sughrue on Calvin Beers.

JANUARY 8, 1981, RECEIPT AND RELEASE OF ESTHER BEERS WITHERITE AND HAROLD WITHERITE, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE, filed on Beatrice Beers Yanushonis and Frank Yanushonis by John Sughrue.

J. Richard Mattern II

JOHN E. LITZINGER and FAY L. LITZINGER

79-9-EQU

ARTHUR LITZINGER, JR., JESS LITZINGER, and THOMAS E. LITZINGER

Pro by Atty 30.00
by Atty
Shff. Hawkins 28.35

MAY 18, 1979, COMPLAINT IN EQUITY, filed by J. Richard Mattern, II.

Three copies Certified to Attorney.

WHEREFORE, Plaintiffs pray:

(a) That an injunction may issue preliminary to hearing and final thereafter, restraining and enjoining the Defendants from entereing upon the Plaintiffs' land and from cutting and removing timber from said land;

(b) Damages in the sum of Five Thousand($5,000) Dollars from the said trespass, cutting, removing and sale of timber;

(c) General relief.

/s/ J. Richard Mattern, II, Attorney for Plaintiffs

MAY 18, 1979, ORDER and NOTICE, filed by J. Richard Mattern, II. Three copies certified to Attorney.

ORDER

AND NOW, this 18th day of May, 1979, the Plaintiffs having filed an affidavit that immediate and irreparable loss and damage will result to them before the matter can be heard on motion, upon consideration of the complaint and injunction affidavits filed therewith, it is ORDERED and DECREED that a preliminary injunction issue without any security being entered by the Plaintif at this time. The amount of security, if any, will be determined at the hearing on the injunction.

The Defendants are hereby enjoined and restrained from entering upon Plaintiffs' land and cutting and removing timber from said land and are hereby restrained and enjoined from any further trespass on Plaintiffs' land.

May 23, 1979, at 1:00 P.M., Courtroom, Clearfield County Courthouse, Clearfield, Pennsylvania, is fixed as the time and place of hearing of Plaintiffs' motion to continue the injunction. BY THE COURT: /s/ John K. Reilly, Jr., President Judge

NOTICE

Take notice that on May 18, 1979, the Court in the above-entitled matter entered a preliminary injunction against you, a copy of which is attached.

Plaintiffs' motion to continue the preliminary injunction will be held by the Court on May 23, 1979 at 1:00 P.M. in the Courtroom, Clearfield County Courthouse Clearfield, Pennsylvania. /s/ J. Richard Mattern, II, Attorney for Plaintiffs.

MAY 23, 1979, SHERIFF'S RETURN, filed.

May 18, 1979, served within Complaint in Equity, Notice and Order on Arthur Litzinger, Jr., Defendant.

May 18, 1979, served within Complaint in Equity, Notice & Order on Thomas E. Litzinger, Defendant.

May 19, 1979, served within Complaint in Equity, Notice & Order on Jess Litzinger, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

MAY 23, 1979, ORDER, filed by J. Richard Mattern. Three copies certified to Attorney.

AND NOW, this 23rd day of May, 1979, the day and date scheduled for hearing in regard to the Preliminary Injunction, and the Defendants Thomas E. Litzinger and Arthur Litzinger, Jr. having appeared without counsel and waiving the right to have counsel present, and after preliminary discussion with the Court, having declined to appear at a formal hearing in regard to the Preliminary Injunction, and the Court being satisfied that the Defendant Jess Litzinger also is willing to waive formal hearing, it is the ORDER of this Court that the Preliminary Injunction be made permanent and the Defendants are permanently enjoined and restrained from entering upon Plaintiffs' land, consisting of approximately 269 acres situate in Knox Township, Clearfield County, Pennsylvania, and cutting and removing timber from said land.

The Defendants are also hereby enjoined and restrain ed from any further trespass on Plaintiffs' land. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

DECEMBER 17, 1979, CERTIFICATION OF SERVICE, filed by John Sughrue.

Joseph Colavecchi	JOHN L. DAVIS and CECELIA G. DAVIS, his wife	
	79-10=EQU	
J.L. Lehman	HEIRS OF EDWARD PUSEY, Deceased; TILDA PUSEY, SANDRA SNYDER and CHARLES SNYDER, her husband, CAROL SRAMP and MERLE KRAMP, her husband; HEIR of CALVIN PUSEY, Deceased; MARTHA PUSEY, DOROTHY SHAW; HEIRS OF RUTH PUSEY BEERS, Deceased; LOIS BURDETTE, JAMES BURDETTE, her husband; JUDITH BEERS BELL and JOHN BELL, her husband; CAAVIN BEERS, LAWRENCE BEERS, ESTHER BEERS WITHERITE and HAROLD WITHERITE, her husband; BEATRICE BEERS YANUSHONIS and FRANK YANUSHONIS, her husband; Defendants	

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins	by Atty	29.05
Shff Waite	by Atty	26.65

MAY 22, 1979, COMPLAINT IN PARTITION, filed by Joseph Colavecchi.

Eighteen copies certified to Attorney.

JUNE 5, 1979, SHERIFF'S RETURN, filed.

Now, May 23, 1979 at 2:35 PM DST served the within Complaint on Judith Beers Bell, Wife of James Bell, deft. at her place of residence.

Now, May 23, 1979 at 2:36 PM DST served the within Complaint on Judith Beers Bell, deft. at her place of residence.

Now, May 25, 1979 at 7:35 PM DST served the within Complaint on Martha Pusey, deft at her place of residence.

Now, May 23, 1979, Richard V. Waite, Shff of Centr Co. was deputized to serve the within Complaint on Tilda Pusey, Sandra Snyder & Charles Snyder, defts.

Now, May 26, 1979 served the within Complaint on Tilda Pusey, Sandra Snyder & Charles Snyder, defts. by deputizing the Shff of Centre County. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood.

JUNE 11, 1979, APPEARANCE, filed.

Please enter my appearance in the above captioned case for the Defendants excepting Lawrence Beers and his wife. /s/ J.L. Lehman, Attorney for Defts.

JUNE 14, 1979, MOTION AND RULE, filed by Joseph Colavecchi.

Three copies certified to Attorney.

WHEREFORE, Plaintiffs move your Honorable Court to order John L. Lehman, Esquire, to file a Warrant of Attorney showing that he has authority to act as Counsel for the Defendants as per his Entry of Appearance. It is further requested that the Court issue a Rule directed to John L. Lehman, Esquire, to show cause why said Warrant of Attorney should not be filed of record to show his authority to act for the Defendants /s/Joseph Colavecchi.

RULE:

AND NOW, this 14 day of June, 1979, upon consideration of the foregoing Motion, a Rule is issued and directed to John L. Lehman, Esquire, to show cause why he should not file a Warrant of Attorney of Record to show his authority to act on behalf of the Defendants for whom he entered his appearance.

Rule returnable the 2 day of July, 1979 at 11:00 a.m. at the Clearfield County Courthouse. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 19, 1979, AFFIDAVIT OF SERVICE, filed by Joseph Colavecchi.

JULY 6, 1979, ORDER, filed.

NOW, this 5th day of July, 1979, following Preliminary Conference into the above-captioned Action in Partition, and the Court being satisfied that the property involved is not subject to Partition, and that the Parties cannot amicably resolve the issue, it is the ORDER of this Court that John Sughrue, Esquire, be and is hereby appointed Master in Partition to dispose of the Property at public sale and distribute the proceeds in accordance with law. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

SEPTEMBER 28, 1979, CERTIFICATION OF SERVICE; RULE TO SHOW CAUSE: PETITION FOR ORDER IDENTIFYING AND ADJUDICATING THE INTEREST OF CO-TENANTS; AND ORDER OF COURT, filed by John Sughrue.

WHEREFORE, the Master respectfully moves this Court to forthwith enter an order in the form set forth and attached hereto; and further, prior thereto, issue a rule directed to the Defendants to show cause, if any, why the proposed order should not be entered. /s/John Sughrue.

RULE TO SHOW CAUSE:

AND NOW, to-wit: this 28 day of September, 1979, upon consideration of the foregoing Petition, a Rule shall be and hereby is issued, directed to each and every one of the parties in the above-captioned matter to appear on the date set forth above and to show cause, if any, why the prayer of the Petition should not be granted; specifically why the Order of Court attached to said Petition should not be executed and filed pursuant to Pennsylvania Rule of Civil Procedure 1557.

This Rule is returnable and argument on said Rule will be had on the 4 day of October, 1979 at 9:00 A.M. in the main court room of the Clearfield County Court House, Clearfield, Pennsylvania 16830. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

OCTOBER 4, 1979, ORDER OF COURT, filed.

AND NOW, to-wit: this 4th day of Oct., 1979, upon consideration of the foregoing Petition, this being the date and time set for return of rule issued in this matter, it ORDERED, ADJUDGED and DECREED as follows:

1. There shall be a partition of the real property which is the subject matter of these proceedings and the same is hereby directed.

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CONTINUED FROM PAGE 151 NO. 79-10-EQU JOHN L. DAVIS, al -vs- HEIRS OF EDWARD PUSEY, al

2. The names of all of the co-tenants and the nature and extent of their interest in the real property which is the subject matter of these proceedings are as follows:

	NAME AND ADDRESS	PERCENT OF INTEREST
A.	Tilda Pusey Parkwest Manor Nursing Home 450 Waupelani Drive State College, Pa. 16801	1/24
B.	Carol Kramp and Merle Kramp 357 Walker Street Aberdeen, Md. 21001	1/24
C.	Sandra Snyder and Charles Snyder 403 Jesse Street Philipsburg, Pa. 16866	1/24
D.	Martha Pusey Madera, Pa. 16661	1/8
E.	Dorothy Shaw 222 Winjah Street Georgetown, S.C. 29440	1/8
F.	Lois Burdette and James Burdette 5003 Larno Drive Alexandria, Va. 22310	1/48
G.	Judith Beers Bell and John Bell 1405 Joseph Road Clearfield, Pa. 16830	1/48
H.	Calvin Beers 1006 Joppa Road Joppa, Md. 21085	1/48
I.	Lawrence Beers Box 185 Edgewood, Md 21040	1/48
J.	Esther Beers Witherite and Harold Witherite R.D.2, Box 4 Linda Lane Jarrettsville, Md. 21804	1/48
K.	Beatrice Beers Yanushonis and Frank Yanushonis 805 Greenbriar Court Edgewood, Md. 21040	1/48
L.	John L. Davis and Cecelis G. Davis Irvona, Pa. 16656	1/2

3. The interest of each and every one of the parties subject to this proceeding is all of their right, title and interest in the real property which is the subject matter of these proceedings (believed to be surface rights and two (2) acres in fee located under the area where the house sits) and all of their right, title and interest is owned by each of them in the proportional undivided interest set forth above.

4. Exceptions may be filed by and party to this Order within twenty (20) days after the entry thereof. BY THE COURT: /s/ JohnK. Reilly, Jr., P.J.

OCTOBER 12, 1979, AFFIDAVIT OF SERVICE OF ORDER OF COURT DATED OCTOBER 4, 1979, filed by John Sughrue.

DECEMBER 13, 1979, PETITION UNDER RULE 1559 OF THE PENNSYLVANIA RULES OF CIVIL PROCEDURE AND ORDER OF COURT, filed by John Sughrue.

WHEREFORE, the Master respectfully requests the Court to determine what additional experts, if any, should be employed by him with respect to valuing the subject premises; and further, to authorize the same and in connection therewith to set a date and time for hearing on this Petition so that all parties may be given notice of the same and given an opportunity to be heard on this issue. /s/John Sughrue, Master in Partition.

ORDER OF COURT:

AND NOW, to-wit: this 13 day of December, 1979, upon consideration of the foregoing Petition, the same is hereby ordered filed and the matter raised therein is set for hearing on the 28 day of December, 1979 at 9:00 A.M. in the main court room of the Clearfield County Court House, Clearfield, Pennsylvania. Notice of said hearing is to be given by the Master to all parties in interest. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

DECEMBER 17, 1979, CERTIFICATION OF SERVICE, filed.by John Sughrue.

DECEMBER 28, 1979, ORDER, filed.

NOW, this 28th day of December, 1979, this being the day and date set for hearing into the Petition of the Master under Rule 1559 of the Pennsylvania Rules of Civil Procedure and upon agreement of the parties, it is the ORDER of this Court that the drill records of the ninety-one (91) acre tract presently in the possession of Plaintiffs shall be delivered to the Master for copying and the advertisement for the Public Sale shall be published once a week for three (3) successive weeks commencing with the week of December 31, 1979, and indicating the sale shall be held Thursday, February 14, 1980, and further, that at any time prior thereto, the drill records of the ninety-one (91) acre tract shall be available for inspection in the office of the Master. By the Court, /s/ John K. Reilly, Jr., President Judge

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CONTINUED FROM PRECEDING PAGE (No. 152) NO. 79-10-EQU JOHN L. DAVIS, al -vs- HEIRS OF E. PUSEY, al

APRIL 7, 1980, NOTICE OF INTENT TO FILE REPORT, RETURN OF SALE, PROPOSED DECREE AND SCHEDULE OF DISTRIBUTION, filed by John Sughrue.

APRIL 8, 1980, AFFIDAVIT OF SERVICE OF NOTICE OF INTENTION TO FILE REPORT, RETURN OF SALE, PROPOSED DECREE AND SCHEDULE OF DISTRIBUTION, filed by John Sughrue.

APRIL 18, 1980, STIPULATION AND WAIVER, filed by John L. Lehman.
The above-named Defendants, except Lawrence Beers, by their attorney, John L. Lehman, hereby stipulate that the property which is the subject of the above-captioned matter shall be subjected to a public sale and hereby waive any requirements of the Pennsylvania Rules of Civil Procedure requiring the Master in Partition to subject the property to a private sale limited to the properties only. /s/J. L. Lehman

APRIL 18, 1980, STIPULATION AND WAIVER, filed by Joseph Colavecchi.
Plaintiffs, John L. Davis and Cecelia G. Davis, his wife, by their attorney, Joseph Colavecchi, hereby stipulate that the above-captioned matter shall go to public sale and hereby waive the requirement of the Pennsylvania Rules of Civil Procedure that the Master in Partition conduct a private sale among the parties. /s/Joseph Colavecchi, Attorney for Plaintiffs.

APRIL 21, 1980, NOTICE OF FILING OF MASTER'S REPORT IN PARTITION, PROPOSED DECREE OF ADJUDICATION, RETURN OF PUBLIC SALE AND PROPOSED SCHEDULE OF DISTRIBUTION OF SALE PROCEEDS, filed by John Sughrue.

APRIL 21, 1980, AFFIDAVIT OF SERVICE OF NOTICE OF FILING OF REPORT, PROPOSED ADJUDICATION, RETURN OF SALE AND PROPOSED SCHEDULE OF DISTRIBUTION, filed by John Sughrue.

APRIL 18, 1980, REPORT OF JOHN SUGHRUE, MASTER IN PARTITION PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE 1569 ET SEQ., filed by John Sughrue.

APRIL 18, 1980, DECREE NISI, filed by John Sughrue.

AND NOW, to-wit: this 18 day of April, 1980, it appearing to the Court that John Sughrue was appointed Master in the Partition in the above-captioned action and that he has filed concurrent herewith a return of said sale and proposed schedule of distribution pursuant to Pennsylvania Rule of Civil Procedure 1573, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The proposed sale of the subject property to John L. Davis and Cecelia G. Davis, his wife, is hereby approved and confirmed, pursuant to the terms and conditions set forth in the return of sale and report of said Master;

2. John Sughrue, Master in Partition, shall be and is hereby authorized and directed to execute and deliver in the names of all of the parties to this action the appropriate deed in the form set forth in his Report and all other instruments of title deemed necessary or advisable for the purpose of effectively, legally and permanently transferring and conveyeing all the right, title and interest of the parties to this action in and to the suject property to the approved purchasers;

3. John Sughrue, Master in Partition, is hereby authorized and directed to receive from the approved purchasers the receipts and purchase price due as set forth in his Report and to forthwith pay therefrom all costs of these proceedings, Court costs, charges, reimbursements, liens, encumbrances, taxes, Master's fees and other items of expense as set forth in his Report and return of sale;

4. John Sughrue, Master in Partition is likewise authorized to provide for andto pay for the net balance of distribution in his hands any additional Court cost assessed in this matter;

5. John Sughrue, Master in Partition, is hereby authorized and directed to distribute the net proceeds of sale in his possession after payment as aforesaid to the persons and parties entitled thereto as set forth in the proposed schedule of distribution contained in his return of sale and Report, all of which is hereby approved and confirmed;

6. Notice of the filing of the return of sale and proposed schedule of distribution and notice of this decree nisi shall be given to all parties in interest and any party in interest shall have twenty (20) days from the date of this decree within which to file exceptions or objections to any matter contained in this decree, the Report of the Master, the return of the Master's sale or the proposed schedule of distribution. If no exceptions are filed within said time, this decree shall become final and the Master shall execute the duties of his office in accordance therewith. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JULY 3, 1980, ADJUDICATION AND DECREE PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE 1570, filed by John Sughrue.

AND NOW, to-wit: this 3 day of July, 1980, John Sughrue, Master in Partition having filed his Report in the above-captioned matter on April 18, 1980 and notice of the same having been given t to all parties in interest more than twenty (20) days prior hereto, as will appear of record, and there being no exceptions filed by any party in the rulings on the evidence to findings of facts to conclusions of law to the proposed adjudication and decree pursuant to Rule 1570 or to the decree nisi executed upon the filing of said report and further, there being no exceptions to the return of sale, schedule of distribution and proposed decree filed by the Master on April 18, 1980, and it further appearing to the Court that a decree nisi was executed by this Court more than twenty (20) days prior hereto and was served on all parties in interest as will appear of record and there having been no exceptions filed to said decree,

NOW, THEREFORE, pursuant to Pennsylvania Rule of Civil Procedure 1570, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The report and recommendations of the Master in Partition, including all rulings on evidence, findings of fact, conclusions of law, proposed decree and other matters contained therein, shall be and hereby are approved and confirmed and this Court hereby incorporates by reference as though the same were set forth herein at length all of the findings and conclusions of the Master;

2. The Court hereby ratifies and confirms its previous Order that the subject property shall be disposed to public sale as has been accomplished and that the return of said sale and proposed schedule of distribution as set forth in said Master's Report is hereby confirmed and approved in its entirety and is incorporated herein by reference as though the same were set forth herein at length verbatim;

3. The recommended sale is hereby approved and confirmed and the Master is hereby authorized to execute in the name of the parties to this action and to deliver to the purchasers a deed and other necessary documents, if any, necessary or advisable to effectively and permanently transfer title of the subject prpperty to the successful purchaser;

4. The Master is further hereby authorized and directed to accept the total proceeds due from the purchasers pursuant to his Report to pay the costs, charges, reimbursements, liens, encumbrances, taxes, Master's fees and other disbursements or expenses set forth in his Report forthwith and is further directed and authorized to distribute the net balance in his hands after the same is accomplished pursuant to the proposed schedule of distribution as set forth in his Report; ar

CONTINUED TO PAGE 152B

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CONTINUED FROM PAGE 152A NO. 79-10-EQU JOHN L. DAVIS, et al -vs- HEIRS OF EDWARD PUSEY, et al

5. All parties in interest are hereby advised that they have a right to appeal the matters and issues determined in the above-captioned proceeding to the appropriate appellate court for review for a period of thirty (30) days from the date of this decree, failing which said decree shall be final. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JULY 3, 1980, AFFIDAVIT OF SERVICE OF ADJUDICATION AND DECREE DATED JULY 3, 1980, filed by John Sughrue.

The undersigned, John Sughrue, Masterin Partition, being duly sworn according to law, deposes and says thathe caused a true and correct copy of the Adjudication and Decree entered under Pa. Rule of Civil Procedure 1570, in the above-captioned matter by the Court, dated July 3, 1980, to be served upon the parties hereto by causing the same to be mailed in the United States Mail, postage pre-paid, first class, to Joseph Colavecchi, Attorney for the Plaintiff, at his office at 2 E. Market Street, Clearfield, Pennsylvania 16830, and to Attorney John L. Lehman, Attorney for all Defendants except Lawrence Beers, at his office at 230 N. Front Street, Philipsburg, Pennsylvani 16866, and to Lawrence Beers, at his address at Box 185, Edgewood, Maryland 21040, and that the same was mailed on July 7, 1980. /s/John Sughrue.

SEPTEMBER 30, 1980, RECEIPT AND RELEASE, filed.

I, Lawrence Beers, hereby acknowledge receipt from John Sughrue, Master in Partition in the above-captioned matter, the sum of $954.12, representing payment in full for all sums due me on account of the partition and sale of my property situate Bigler Township, Clearfield County, Pennsylvania at the above-captioned term and number and I further hereby release said Master from any and all further liability on account of his appointment, his receipt of the sale proceeds and distribution of the same, pursuant to adjudication and decree of the Court of Common Pleas of Clearfield County, Pennsylvania dated July 3, 1980. I further acknowledge and approve said sum paid as being the amount shown as due in the Master's Report, to-wit: $954.42 as my interest in said partition action and discharge said Master from any further obligations as a result of his appointment. I agree to an Order of Court being entered releasing and discharging the Master from his office. /s/Lawrence Beers.

JANUARY 8, 1981, RECEIPT AND RELEASE OF TILDA PUSEY, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF CAROL KRAMP AND MERLE KRAMP, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF CHARLES SNYDER AND SANDRA SNYDER, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF MARTHA PUSEY, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF DOROTHY SHAW, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF LOIS BURDETTE AND JAMES BURDETT, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF JUDITH BEERS BELL AND JOHN BELL, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF CALVIN BEERS, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF ESTHER BEERS WITHERITE AND HAROLD WITHERITE, filed by John Sughrue.

JANUARY 8, 1981, RECEIPT AND RELEASE OF BEATRICE BEERS YANUSHONIS AND FRANK YANUSHONIS, filed by John Sughrue.

~~Carl A. Belin~~ Richard H. Milgrub	CLEARFIELD VOLUNTEER FIRE DEPARTMENT, FAIR AND PARK BOARD	
5/25/79 $500.00 Cash Bond Clfd. Trust	79-11-EQU	
	DARRELL D. LINGLE and NANCY E. LINGLE	
	Pro by Atty	30.00
	Atty by Atty	3.00
	Shff Hawkins	11.75
4/20/87 Ck#5504 Trans to reg acct.		$500.00
#12516 Atty. $		500.00

MAY 25, 1979, COMPLAINT AND REQUEST FOR PRELIMINARY INJUNCTION, filed by Carl A. Belin, Jr.

One copy certified to Attorney.

TEMPORARY INJUNCTION:

AND NOW, May 25, 1979, Clearfield Volunteer Fire Department, Fair and Park Board, having filed a Complaint duly verified and supported by injunction affidavits, including an affidavit of Donald Kelly and Edwin R. Hallstrom, President and Secretary of plaintiff, who are cognizant of the fact that immediate and irreparable damage will result to the plaintiff before the matter can be heard on notice, IT IS ORDERED, ADJUDGED and DECREED that a temporary injunction as prayed for in the Complaint be and the same is hereby granted against the defendants named in the Complaint, individually or collectively as follows:

(a) Defendants are ordered and directed to remove all conduits placed on plaintiff's property and to restore said property to its original condition;

(b) Defendants are ordered and directed to immediately cease any and all excavation and other entry onto plaintiff's property;

(c) It is further ordered and decreed that cash bond in the sum of $500.00 shall be provided by the plaintiff naming the Commonwealth of Pennsylvania as obligee, conditioned that, if the injunction is dissolved because improperly granted, or for failure to hold a hearing, the plaintiff shall pay to defendants injured all damages sustained by reason of granting the injunction and all legally taxable costs and fees.

(d) This injunction order shall remain in force and effect until the cause be decided by the Court at a preliminary hearing upon the matter, such hearing to be held at the Courthouse in Clearfield, Clearfield County, Pennsylvania on the 30 day of May, 1979, at 11:00 o'clock A.M. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Bond filed and approved May 25, 1979. BY THE COURT, /s/John K. Reilly, Jr., P.J.

MAY 25, 1979, INJUNCTION BOND in the sum of $500.00 Cash, filed.

MAY 31, 1979, ORDER, filed.

NOW, this 30th day of May, 1979, following Hearing into the above-captioned proceedings in Equity seeking a Preliminary Injunction, it is the ORDER of this Court that said injunction be and is hereby made permanent. It is the Further ORDER of this Court that permission is granted to substitute copies for the original exhibits. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

JUNE 5, 1979, AFFIDAVIT OF SERVICE, filed.

NOW, May 25, 1979 at 3:50 PM o'clock DST served the within Complaint on Darrell Lingle, deft. at his place of residence. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood.

APRIL 15, 1987 PRAECIPE TO WITHDRAW filed

I hereby withdraw my appearance on behalf of the Clearfield County Volunteer Fire Department, Fair and Park Board in the above captioned case and hereby direct the bond filed in the above captioned matter may be paid over to Richard H. Milgrub, Esquire, attorney for the Clearfield County Volunteer Fire Department, Fair and Park Board. s/Carl A. Belin, Jr., Esq.

APRIL 15, 1987 PETITION TO DISCONTINUE ACTION AND RELEASE INJUNCTION BOND filed by Richard H. Milgrub, Esq.

ORDER

NOW, this 13 day of April, 1987, it is the order of this Court that the injunction granted in the above captioned case be dissolved and that the Injunction Bond in the amount of $500.00 presently being held by the Prothonotary of Clearfield County be returned to the Plaintiff. BY THE COURT: John K. Reilly, Jr.

Anthony S. Guido	LARRY M. KLINGENSMITH and STANLEY SEKULA	
	79-12-EQU	
Elizabeth Cunningham	ROBERT KITCHEN, HAROLD KENNELLEY, SR., and CRAIG POWERS	
Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins		31.85

JUNE 4, 1979, COMPLAINT IN EQUITY, filed.
Three copies certified to Sheriff.

JUNE 21, 1979, SHERIFF'S RETURN, filed.
Now, June 5, 1979 at 2:18 PM DST served the within Complaint on Robert Kitchen, deft. at his place of employment.
Now, June 5, 1979 at 2:31 PM DST served the within Complaint on Craig Powers, deft. at his place of employment.
Now, June 5, 1979 at 2:35 PM DST served the within Complaint on Harold Kennelley Sr., deft. at his place of employment.
Now, June 5, 1979 at 2:35 PM DST served the within Complaint on Harold Kennelley Sr., deft. at his place of employment. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood.

JUNE 26, 1979, PRELIMINARY OBJECTIONS, filed by David P. King.

JUNE 5, 1980, PETITION FOR LEAVE TO WITHDRAW AS COUNSEL AND RULE TO SHOW CAUSE, filed by David P. King.
Three copies Certified to Attorney.
WHEREFORE, petitioner respectfully request leave of Court to withdraw his appearance as attorney for the defendants, Robert Kitchen, Harold Kennelley, Sr., and Craig Powers, and further that prior to entry of said Order, a Rule to Show Cause be directed to said respondents to appear at a time and place determined by the Court to show cause, if any, why the prayer of this Petition should not be granted. /s/David P. King.
RULE TO SHOW CAUSE:
AND NOW, to-wit, this 4 day of June, 1980, upon consideration of the foregoing Petition, it is the ORDER of this Court that the Prothonotary and Clerk of Courts of Clearfield County shall forthwith issue a Rule directed to Robert Kitchen, of R.D. 3, DuBois, Clearfield County, Pennsylvania, and to Harold Kennelley, Sr., of 115 Tozier Avenue, DuBois, Pennsylvania, and to Craig Powers, of R.D. 1, DuBois, Pennsylvania, to appear at a stated time and place to show cause, if any, why the Petition of David P. King, Esq., to withdraw his representation on their behalf in the above-captioned matter should not be granted. Rule to be served by the Prothonotary/Clerk of the Courts and to be returned the 17 day of June, 1980, at 9:00 o'clock A.M., in the Main Court Room of the Clearfield County Court House, Pennsylvania, at which time the merits of this Petition will be held. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 17, 1980, APPEARANCE, filed.
Enter my appearance for defendants above in above case. /s/ Elizabeth Cunningham, Attorney for defendants

JUNE 20, 1980, AFFIDAVIT OF SERVICE, filed by Anthony S. Guido.
Re: service of Petition for Leave to Withdraw as Counsel on Harold Kennelley, Sr. /s/Adolph P. Misko.

JUNE 20, 1980, AFFIDAVIT OF SERVICE, filed by Anthony S. Guido.
Re: Service of Petition for Leave to Withdraw as Counsel on Craig Powers, Defendant. /s/Adolph Misko.

JUNE 20, 1980, AFFIDAVIT OF SERVICE, filed by Anthony S. Guido.
Re: Service of Petition for Leave to Withdraw as Counsel on Robert Kitchen, Defendant. /s/Adolph Misko.

JUNE 20, 1980, ORDER, filed.
AND NOW, this 20 day of June, 1980, in consideration of the Petition for Leave to Withdraw as Counsel brought at the above Term and Number, with none of the parties objecting or appearing at the scheduled hearing on the same on June 17, 1980, at 9:00 a.m, and after being duly served notice of the same, it is hereby ordered and decreed that the petitioner, David P. King, Esq., shall no longer be the Attorney of record for the defendants, upon the entry of appearance on their behalf by other counsel. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JULY 2, 1980, MEMORANDUM AND ORDER, filed.
The above-captioned matter is an Action in Equity brought by the Plaintiffs as taxpayers of Sandy Township against the Supervisors of said Township, alleging that the Defendants, during their terms as Township Supervisors, were guilty of fraud, gross neglect, inattention, palpable breach of trust, wilful and fraudulent mismanagement and malfeasance in the control of the affairs of the Township. alleging therein six specific examples and praying that an injunction issue until hearing and that the Defendants individually act for and pay to Sandy Township all monies obtained from Sandy Township which were unauthorized and illegal. The matter is now before the Court on Preliminary Objections filed on behalf of the Defendants, seeking to strike the Complaint as being an inappropriate proceeding. The Defendants take the position that by virtue of the provisions of the Township Code, more specifically, Sections 65, 545, et seq., the proper remedy of the Plaintiff would be an Appeal from the Report of the Auditors in view of the fact that Paragraph 11 alleges:

"The Plaintiffs and others similarly situated brought the above facts to the attention of the Township Auditors, who refused to investigate the matter and rectify the misappropriation."

This Court agrees.
It appears that the issue has been determined in Gribble v. Miller, et al, 3 Com. Ct. Reports

Continued on Page 156

Continued from Page 155 79-12-EQU LARRY M. KLINGENSMITH al -vs- ROBERT KITCHEN al

520, in which a similar situation arose involving borough concilmen. In holding that the proper remedy is an Appeal from the Report of the Auditors, the Court stated:

"...The Legislature has created this special tribunal (the township auditors) giving it all the judicial powers necessary to determine the indebtedness from or to the officer. The decision of this tribunal is conclusive and cannot be inquired into either by the same tribunal at another time or by a court of law except in the manner provided by statute."

and the Court states further:

"If the accounts of the tax collector and of the school board have not been audited as required by law, this suit is premature; if they were audited, the conclusions reached are final, and this action, in apparent disregard of the results of the sudit will not be."

and

"It is too plain for argument that judicial review of a report of borough auditiors can be had only be appeal to the court of common pleas pursuant to the provision of Section 1038 of The Borough Code of 1927. The statutory remedy so provided must be strictly pursued...and constitutes the exclusive remedy. Consequently, the reports of auditors of municipal or other governmental subdivisions can be challenged only in the manner provided by statute."

and also

"...Here the plaintiff seeks to open for review and judgment transactions openly carried out, subjected to audit and settlement, and not questioned in the manner or at times provided by statute.

"As noted, neither fraud nor concealment such as might justify an appeal nunc pro tunc, were here alleged."

The same general factual situation applies here. As alleged in Paragraph 11, the matters complainted of were brought to the attention of the Township Auditors who apparently refused to incorporate them in their Report. While it is true that the final paragraph of Gribble did indicate that the existence of fraud or concealment such as might justify an Appeal nunc pro tunc to support an Action such as this, this Court interprets that to mean that the fraud or concealment must have been such as to prevent an Appeal from the Auditors' Report within the statutory time period. Such was obviously not the case here, and therefore, the Court enters the following Order:

O R D E R

NOW, the 2nd day of July, 1980, following argument into the above-captioned Preliminary Objections, it is the ORDER of this Court that said Objections be and are hereby sustained, demurrer granted and Complaint stricken. BY THE COURT, John K. Reilly, Jr., President Judge

JULY 22, 1980, PETITION FOR RECONSIDERATION AND FOR EVIDENTIARY HEARING, filed by Anthony S. Guido, P.C.

ORDER:

AND NOW, this 22nd day of July, 1980, upon consideration of the foregoing Petition, the Petition of the Petitioners for reconsideration of the Court's Order dated July 2, 1980 is hereby granted, and the evidentiary hearing as requested is scheduled for the 25 day of Aug, 1980, at 11:00 A.M. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

July 24, 1980, RULE ISSUED AND MAILED TO DEFENDANTS ATTORNEY.

AUGUST 28, 1980, PETITION TO WITHDRAW APPEARANCE, filed by Elizabeth Cunningham.

RULE TO SHOW CAUSE:

AND NOW, this 27 day of Aug, 1980, after consideration of the attached Petition, it is ORDERED and DIRECTED that a rule to show cause why Elizabeth Cunningham, Esquire, should not be allowed to withdraw her appearance as attorney for Defendants in the above-captioned matter is issued. Rule returnable on the 3rd day of September, 1980, at 1:00 p.m. at the Clearfield County Courthouse, Courtroom, Clearfield, Pennsylvania. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

SEPTEMBER 3, 1980, AFFIDAVIT OF SERVICE, filed by Elizabeth Cunningham.

Re: mailing true and certified copy of the Petition to Withdraw Appearance to the above defendants. /s/Elizabeth Cunningham.

SEPTEMBER 5, 1980, ORDER, filed.

NOW, September 3, 1980, the above-stated matter having been called for hearing and the Defendants not having appeared, although an Affidavit of Service of Notice of Presentation, therefore, was duly served upon the said Defendants, and is filed with this Court, it is the ORDER of the Court that the rule heretofore issued be and it is hereby made absolute and the said attorney, Elizabeth Cunningham, is withdrawn in appearance as Counsel for the said Defendants in the above-stated matter. BY THE COURT, /s/ John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding.

EQUITY DOCKET #12

Anthony S. Guido	MICHAEL RICE 79-13-EQU WILTON R. TURNER, t/a W.R. TURNER CLAY CO.	JUNE 11, 1979, COMPLAINT IN EQUITY, filed. One copy certified to Sheriff. JULY 5, 1979, PRELIMINARY OBJECTIONS, filed by Laurance B. Seaman JULY 3, 1979, AFFIDAVIT OF SERVICE, filed. NOW, June 20, 1979 at 6:50 PM o'clock DST served the within Complaint on Wilton R. Turner, deft at his place of residence. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood AUGUST 6, 1979, ORDER, filed. NOW, this 6th day of August, 1979, following argument into Preliminary Objections filed to the above-captioned matter, it is the ORDER of this Court that said Objections be and are hereby sustained upon a finding that the Plaintiff has an adequate remedy at law, and therefore, it is the further ORDER of this Court that the matter be certified to the law side of the Court of Common Pleas for further proceedings in accordance with law. BY THE COURT, /s/John K. Reilly, Jr., President Judge. AUGUST 6, 1979, TRANSFERRED TO NO. 79-2089-CD
	Pro by Atty 30.00 Atty 3.00 by Atty Shff Hawkins 15.55	

EQUITY DOCKET #12

Bell,Silberblatt & Swoope	GULF OIL CORPORATION 79-14-EQU CHARLES H. IRVIN and MALCOLM G. IRVIN	JUNE 13, 1979, COMPLAINT IN EQUITY, filed. Two copies certified to Attorney. ORDER OF COURT AND NOW, this 13th day of June, 1979, a Rule is granted on the Defendants to show cause why a Preliminary Injunction should not issue in accordance with the prayer of the Complaint filed by the Plaintiff and why such other relief should not be granted as set out therein, Hearing upon the said Rule to Show Cause shall be held in the Clearfield County Courthouse on the 19th day of June, 1979 at 4:00 o'clock P.M. Service of this Complaint and notice of the hearing as set out in this Order shall be made upon the Defendants as follows: personal service. BY THE COURT, /s/ John K. Reilly, Jr., President Judge JUNE 13, 1979, INJUNCTION BOND, filed by Bell, Silberblatt & Swoope. Fidelity & Deposit Company of Maryland, as surety in the sum of $25,000.00. JUNE 13, 1979, PETITION FOR SPECIAL EX PARTE INJUNCTION, filed. Two copies certified to Sheriff. ORDER OF COURT: AND NOW, this _____day of June, 1979, upon consideration of the within Petition the Court issues the following Order: (1). A Preliminary Injunction is granted against the Defendants enjoining the Defendants and each of them, their agents and representatives, as well as all persons in active concert or participating with them from: (a) In any manner impeding, obstructing or interfering with the business of the Plaintiff. (b). In any manner blocking or interring with free ingress, egress and regress in and to the premises located in Bell Township, Clearfield County, Pennsylvania by the Plaintiff or those with whom the Plaintiff is doing business in the pursuance of their work assignments. (c) In preventing or otherwise interfering with the free ingress, egress and regress of any vehicles or other equipment to and from the premises owned by the Plaintiff or those with whom the Plaintiff is doing business. (d) In any way interfering with the operation of the said gas wells, their servicing and maintenance, or in any other way interfering with the operations of the Plaintiff.

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins	by Atty	20.85
Shff Dinger		26.25

(2) The Plaintiff shall immediately file a Surety Bond with a reputable surety company in the amount of $25,000 with the condition that if this Injunction is dissolved because improperly granted or for failure to hold a hearing, the Plaintiff shall pay to any person injured all damages sustained by reason of granting the Injunction and all legally taxable costs and fees.
(3) Hearing shall be held upon this Injunction at the Clearfield County Courthouse on the 15 day of June, 1979 at 9:00 o'clock A.M.
(4) Notice to the Defendants shall be given by having the personal service made as required by the Rules of Civil Procedure and further by sending notice to the Defendants by Certified Mail.
BY THE COURT, /s/ John K. Reilly, Jr., President Judge

JUNE 15, 1979, ORDER, filed.
NOW, this 15th day of June, 1979, this being the day and date set for Hearing into the above-captioned Petition for Special Injunction, it is the ORDER of this Court That teimporary injunction issued Wednesday, June 13th, 1979, be and is hereby continued in full force and effect until July 1, 1979, at 9:00 o'clock a.m. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

JULY 5, 1979, SHERIFF's RETURN, filed.
Now, June 13, 1979 John Dinger, Shff of Jefferson Co. was deputized to serve within Complaint on Charles H. & Malcolm G. Irvin, defts.
Now, June 14, 1979 served the within Complaint on Charles & Malcolm Irvin, deft. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood

EQUITY DOCKET # 12-- 1979

~~Joseph Colavecchi -~~	HARRY GOULD		
	79-15-EQU		
Ervin S. Fennell, Jr. Ferraro & Young	GEORGE GOULD, RUTH MARGARET GOULD, and RUTH B. HAMILL, a/k/a FRANCES RUTH SMITH		
	Pro by Atty	30.00	
	Atty	3.00	
	by Atty Shff Hawkins	12.75	
	by Atty Shff Dinger	17.85	
	by Atty Shff Livingston	14.50	
(RAB)	Pro by atty	3.00	
Ck#2991	Costs	81.10	
10011	J. Colavecchi	78.10	
	Pro	3.00	
		81.10	

JUNE 13, 1979, COMPLAINT IN PARTITION, filed by Joseph Colavecchi.

Four (4) copies certified to Attorney.

JUNE 27, 1979, PRAECIPE FOR APPEARANCE, filed.
Please enter the appearance of FERRARO & YOUNG, Attorneys at Law, of 306 West Mahoning Street, Punxsutawney, Pennsylvania 15767, as Attorneys for Defendant, improperly identified above as RUTH B. HAMILL a/k/a FRANCES RUTH SMITH, whose real name is RUTH H. SMITH. Ferraro & Young, Attorneys for Ruth H. Smith, By /s/ David L. Young, Esq.

JULY 2, 1979, ANSWER OF DEFENDANT, RUTH MARGARET GOULD ESTATE, filed by Norman M. Yoffe.

JULY 5, 1979, SHERIFF'S RETURN, filed.
Now, June 13, 1979, John Dinger, Shff of Jefferson Co was deputized to serve within Complaint on Ruth B. Hamill.
Now, June 14, 1979 served the within Complaint on Ruth B. Hamill.
Now, June 13, 1979, William Livingston, Shff of Dauphin Co. was deputized to serve the within Complaint on Norman F. Yoffee, deft.
Now, June 18, 1979 served the within Complaint on Norman F. Yoffee, deft. So answers, Chester A. Hawkins Sheriff By /s/ Marilyn Wood

JULY 6, 1979, ANSWER WITH NEW MATTER, filed.by Ferraro & Young. One copy certified to Attorney.

JULY 18, 1979, REPLY, filed by Joseph Colavecchi. Three copies Certified to Attorney.

JULY 31, 1979, ORDER, filed.
NOW, this 31st day of July, 1979, following Pre-Trial Conference into the above-captioned Action in Partition, it is the ORDER of this Court that Richard A. Bell, Esquire, be and is hereby appointed as Master in Partition to determine the feasibility of physical partition among the owners of the tract of land involved, and in the alternative, the sale of the property and the disposition of the proceeds. By the Court, /s/ John K. Reilly, Jr., President Judge

AUGUST 16, 1979, AFFIDAVIT OF SERVICE, filed by Joseph Colavecchi.

SEPTEMBER 20, 1979, PRAECIPE UNDER PA., R.C.P. 2352 TO SUBSTITUTE NORMAN M. YOFFE, ADMINISTRATOR OF THE ESTATE OF RUTH MARGARET GOULD, FOR RUTH MARGARET GOULD, AS A PARTY DEFENDANT IN THIS ACTION, filed by Norman M. Yoffe, P.C.

OCTOBER 8, 1979, PRAECIPE, filed.
The undersigned hereby accepts service of the complaint filed in this case and in addition specifically adopts as its own, the answer heretofore filed of defendant, Ruth Margaret Gould Estate, as fully and effectively as though said answer was filed on behalf of the undersigned. ESTATE OF RUTH MARGARET GOULD, By /s/ Norman M. Yoffe, Administrator

NOVEMBER 6, 1979, APPEARANCE, filed by Ervin S. Fennell.
Enter my appearance for the defendant George Gould. /s/Ervin S. Fennell, Jr.

NOVEMBER 26, 1979, PRAECIPE TO WITHDRAW AS ATTORNEY FOR HARRY GOULD, filed.
Please withdraw my appearance as attorney for Harry Gould, the Plaintiff in the above-captioned Partition Action. /s/ Joseph Colavecchi, Esquire

SEPTEMBER 2, 1980, EXCEPTIONS TO MASTER'S REPORT, filed by David P. King.
One copy Certified to Mr. Gould.

OCTOBER 23, 1980, PRELIMINARY MASTER'S REPORT, filed by Richard A. Bell.
ORDER:
AND NOW, this 14th day of August, 1980, the Court having studied the Report filed by the Master, the Court approves the Report of the Master and finds as follows:

1. Ownership of the property shall be one quarter interest to Ruth H. Smith and three quarters interest to the Walter Brooks Gould Estate.
2. Valuation of the property shall be Fifty Thousand, Five Hundred Dollars ($50,500.00).
3. The property is incapable of division with the exception of the 9.66 acres which shall be awarded to Ruth H. Smith and deducted from her one quarter share of the total property at a valuation of Three Hundred Fifty Dollars ($350.00) per acre as set forth in the Master's Report.
4. The fee of James M. Dudak, Realtor, of Five Hundred and Fifty Dollars ($500.00) is hereby approved and the Master is authorized to pay the same.
5. If no objections are filed to the findings of the Court, the Master is directed to proceed to private sale confined to the parties, the said property to be sold no less than the valuation placed upon it herein.

The Master is directed to send a copy of his Report and the Court's Order to all counsel of record by ordinary mail and to any party not represented by counsel by certified mail. The parties shall then have a period of twenty (20) days from the date of service of the Report and Order as shown by the mailing date of the same to file objections thereto. Said objections shall be filed with the Court at which time the Court shall set a date for hearing. If no objections are filed within the twenty (20) day period, the Master is directed to proceed as set forth herein. BY THE COURT, /s/John A. Cherry, Senior Judge.

CONTINUED TO PAGE 162

CONTINUED FROM PAGE 161 NO. 79-15-EQU HARRY GOULD -vs- GEORGE GOULD, et al

DECEMBER 24, 1980, PRAECIPE, filed by David P. King.
The plaintiff, Harry Gould, hereby withdraws his Exceptions to the Master's Report at the above Term and Number, and requests that the same withdrawal be so indicated on the record. /s/David P. King, Attorney for Harry Gould

FEBRUARY 13, 1981, NOTICE OF PRIVATE SALE, filed by Bell, Silberblatt & Swoope, Attorneys at law, by: Richard A. Bell, Attorney at Law.

AUGUST 6, 1981, RETURN OF SALE AND SCHEDULE OF DISTRIBUTION, filed by Bell, Silberblatt & Swoope

DECREE NISI:
AND NOW this 6 day of August, 1981, the Court having examined the final report of the Master containing the Return of Sale and Schedule of Distribution, the Court hereby enters the following Order:

(1.) The private sale proceeding is hereby confirmed.
(2.) There are no mortgages or liens against this property with the exception of current years taxes which shall be the responsibility of the parties acquiring the property.
(3.) The Master is hereby authorized to execute a Deed to Ruth H. Smith for 9.66 acres as described in the Article of Agreement recorded in the Office of the Recorder of Deeds of Clearfield County in Miscellaneous Book 22 at Page 553.
(4.) The Master is further authorized to execute a Deed to Harry Gould for the property which is the subject of this proceeding excepting and reserving therefrom the 9.66 acres to be conveyed to Ruth H. Smith.
(5.) Distribution of the proceeds is directed to be made in accordance with the Schedule of Distribution set forth in the Master's Report.
(6.) All persons in interest shall have a period of twenty (20) days from the date hereof to file exceptions to the Decree if they so desire. If no exceptions are filed to the Decree within twenty (20) days from the date hereof, the same shall become final and absolute. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

OCTOBER 14, 1981, PETITION FOR DISCHARGE, filed by Richard A. Bell, Esquire.
WHEREFORE, the Master respectfully requests that your Honorable Court discharge him from his duties as Master-In-Partition and relieve him of all liability therefore. /s/ Richard A. Bell, Esquire.

ORDER filed
AND NOW, this 14th day of October, 1981, upon consideration of the within Petition, it is hereby Ordered and Decreed that Richard A. Bell, Esquire is discharged from his duties as Master-IN-Partition and is released from all further liability therefore.BY THE COURT, /s/ John K. Reilly, Jr., President Judge.
One (1) copy of ORDER Certified to Atty.

EQUITY DOCKET NO. 12 1979

Winifred H. Jones-Wenger	JOHN THOMAS HARCHAK 79-16-EQU PATRICIA J. SROCK Pro by Atty 30.00 Atty by Atty 3.00 Shff. Hawkins 11.75		JUNE 25, 1979, COMPLAINT IN PARTITION, filed by Winifred H. Jones-Wenger of Smades and Jones-Wenger One copy certified to Attorney JULY 10, 1979, SHERIFF'S RETURN, filed. July 3, 1979, served within Complaint in Partition on Patricia J. Srock, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. JULY 19, 1979, PRELIMINARY OBJECTIONS, filed by Belin, Belin & Naddeo.

EQUITY DOCKET NO. 12 1979

Carl A. Belin, Jr.	FAHY W. McDONALD		
	79-17-EQU		
	HARRY TENON and AUGUSTUS TENON		
11/19/79 Cks # 3721=1604.29 2287=2206.24			
Clfd Tr.			
	Pro by Atty		30.00
	Atty by Atty		3.00
	Shff Hawkins		11.75
	Disc by atty		3.00
Nov 28, 1979			
Ck#3039	Transfer Costs		3810.53
7830	Harry Tenon		970.10
7831	Augustus Tenon		970.10
7832	L. Seaman, Master		1870.33
			3810.53

JUNE 25, 1979, COMPLAINT IN PETITION, filed by Carl A. Belin Jr. of Belin, Belin & Naddeo
One copy certified to Sheriff
One copy certified to Attorney

JUNE 28, 1979, AFFIDAVIT OF SERVICE, filed.
NOW, June 26, 1979, at 12:50 PM o'clock DST served the within Complaint on Harry Tenon, deft. at Market St., Clearfield, Pa. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood

JULY 3, 1979, AFFIDAVIT OF SERVICE, filed by Belin, Belin & Naddeo.

JULY 13, 1979, ANSWER AND NEW MATTER, filed by Nicholas F. Lorenzo, Jr.
Two copies certified to Attorney.

JULY 20, 1979, ANSWER AND NEW MATTER, filed by Nicholas F. Lorenzo, Jr.

JULY 20, 1979, REPLY TO NEW MATTER, filed by Belin, Belin & Naddeo. One copy certified to Attorney.
I hereby certify that a true and correct copy of the enclosed Reply to New Matter was served on the attorney for the defendant, Augustus Tenon, by mail this 20th day of July, 1979. /s/Carl A. Belin, Jr.

JULY 20, 1979, REPLY TO NEW MATTER, filed by Belin, Belin & Naddeo. One copy certified to Attorney.
I hereby certify that a true and correct copy of the enclosed Reply to New Matter was served on the Attorney for the Defendant, Harry Tenon, by mail this 20th day of July, 1979. /s/ Carl A. Belin, Jr.

JULY 20, 1979, MOTION FOR SUMMARY JUDGMENT, filed by Belin, Belin & Naddeo. One copy certified to Attorne
I hereby certify that a true and correct copy of the enclosed Motion for Summary Judgment was served on the attorney for the defendants by mail this 20th day of July, 1979. /s/ Carl A. Belin, Jr.

JULY 23, 1979, ACCEPTANCE OF SERVICE, filed by Carl A. Belin, Jr., Attorney for Plaintiff.

AUGUST 7, 1979, ORDER, filed.
NOW, this 7th day of August, 1979, following Preliminary Conference into the above-captioned Action in Partition, and the Parties having agreed that physical partition of the premises is impossible, it is the ORDER of this Court that Laurence B. Seaman, Esquire, be appointed Master in Partition to determine the value of that interest in the total premises owned by the Defendants and to deliver a Deed in Partition to the Plaintiff upon the payment for said values and the Court; further that the Master also determine the amounts due the Defendants for rent, if any, and for royalty of coal mined and removed, which period of rent, if any, shall be determined by the Master. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

AUGUST 8, 1979, ORDER, filed.
AND NOW, this 7th day of August, 1979, the Court being advised that the defendants have admitted that plaintiff and defendants are the owners of the property in question, it is the ORDER of this court that the Motion for Summary Judgment be and is hereby granted and the court does hereby enter an order directing partition of said property. It is the further order of this court that the judgment in partition shall not foreclose the defendants in said action from prosecuting an action in trespass for the cutting of timber, for the rental value and value of coal mined and removed from the property, except as to the actions for rent coal and timber the matters shall proceed for resolution under the applicable civil rules relating to partition. BY THE COURT, /s/ John K. Reilly, Jr., P.J.

NOVEMBER 15, 1979, MOTION AND ORDER, filed by Carl A. Belin, Jr.
Two copies Certified to Attorney.
WHEREFORE, plaintiff moves your Honorable Court for a confirmation of the Master's Report filed in the above action and further to have the Court direct the Master to execute a deed for the premises involved to Fahy W. McDonald upon payment of the amounts as specified in said Master's Report. /s/Belin, Belin and Naddeo by Carl A. Belin, Jr., Attorneys for Plaintiff.
ORDER:
AND NOW, this 15 day of November, 1979, upon reading and considering the foregoing Motion and it appearing that the defendants have not filed exceptions to the Master's Report within the twenty (20) days specified in said Report, it is the ORDER of this Court that said Master's Report is hereby confirmed and the Master, Laurance B. Seaman, Esq., is hereby directed to execute a Deed for the interest of Harry Tenon and Augustus Tenon to Fahy W. McDonald for the premises involved in this action, upon receipt of a check in the amount of $3,810.53, which shall be paid to the Prothonotary of Clearfield County who is to distribute said proceeds as follows:

Harry Tenon	$970.10
Augustus Tenon	970.10
Laurance B. Seaman, Master	1870.33

Further, that upon payment of said funds to the Prothonotary and distribution to the parties entitled thereto, this case is to be marked settled, ended and discontinued. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

OCTOBER 24, 1979, MASTER'S REPORT, filed.by Laurance B. Seaman, Master.
ADJUDICATION AND DECREE:

Continued to other side of this page.

CONTINUED FROM OTHER SIDE OF THIS PAGE NO. 79-17-EQU FAHY W. MC DONALD -vs- HARRY TENON, al

AND NOW, this 24 day of October, 1979, after consideration of the report of Laurance B. Seaman, Master in the above captioned matter, it is ADJUDICATED That:

FINDING OF FACT

1. The premises located in Greenwood Township, Clearfield County, Pennsylvania, and described in Paragraph 4 of Plaintiff's Complaint is not capable of division, without prejudice to or spoiling the whole, into purparts proportionate in value to the interests of the co-tenants.

2. The value of the entire premises is the sum of Ninety-Five Thousand ($95,000.00) Dollars.

3. The coal was mined only for the purposes of preparing the site for the load-out facility, was not removed from said premises and based on the testimony presented, any attempt to place a value thereon would constitute pure speculation, and thus said coal shall be deemed worthless for the purposes of these proceedings.

4. Defendants are entitled to no rent from Plaintiff.

5. The interest held by each party in these proceedings is as follows:

a. Plaintiff, Fahy W. McDonald	94/96ths
b. Defendant, Harry Tenon	1/96th
c. Defendant, Augustus Tenon	1/96th

AND it is hereby ORDERED AND DECREED that:

The Property in question is hereby awarded to the Plaintiff, Fahy W. MCDonald, subject to payment to Defendants, Harry Tenon and Augustus Tenon for their proportionate interests therein as set forth below, upon delivery by the Master of a Deed in Partition, subject to a charge on said real estate that Plaintiff, Fahy W. McDonald, his heirs and assigns, shall pay to Defendants, Harry Tenon and Augustus Tenon, their heirs and assigns, in accordance with their interests in said property at the time of filing the Complaint herein, a royalty of five (5%) percent of the gross selling price or the sum of ONE ($1.00) DOLLAR, whichever amount is greater, within sixty (60) days of removal, in the event any coal is mined and removed from said property; and subject to the payment of costs as set forth in the Proposed Schedule of Distribution, to wit, payment to be made by Plaintiff as follows:

a. To Harry Tenon	$970.10
b. To Augustus Tenon	970.10
c. To Laurance B. Seaman, Master, for disbursement	1870.33

It is further ADJUDGED and DECREED that the within Adjudication and Decree shall become absolute and final, as of course, upon the expiration of twenty (20) days from the date hereof.

BY THE COURT, /s/John K. Reilly, Jr., President Judge.

SETTLED ENDED DISCONTINUED AS PER COURT ORDER DATED
NOVEMBER 17, 1979

EQUITY DOCKET NO. 12, 1979

Jerry B. Landis	WILLIAM J. ANGEL	
	79-18-EQU	
John Sughrue	DEBORAH V. ANGEL	
	Pro By Atty	30.00
	Atty By Atty	3.00
	Shff Hawkins By Atty	10.75
	Shff Coon	15.25
	Pro by Atty	3.00

JULY 17, 1979, COMPLAINT FOR SPECIFIC PERFORMANCE, filed by Jerry B. Landis.
One copy certified to Sheriff.

JULY 31, 1979, PRELIMINARY OBJECTIONS AND DEMURRER, filed by James R. Barozzini.

AUGUST 3, 1979, PRAECIPE TO PLACE ON ARGUMENT LIST, filed.
Kindly place the Defendant's Prliminary Objections and Demurrer, filed at the above number, on the next available argument list. /s/ James R. Barozzini, Attorney for Defendant.

SEPTEMBER 12, 1979, SHERIFF'S RETURN, filed.
Now, July 17, 1979, Eugene L. Coon, Shff of Alleghe ny Co. was deputized to serve within Complaint on deft.
Now, July 20, 1979 served within Complaint on deft. So answers, Chester A. Hawkins, Sheriff By /s/ Marily Wood.

DECEMBER 7, 1979, APPEARANCE, filed.
Enter my appearance for Deborah V. Angel, Defendant as co-counsel with James R. Barozzini, Esquire. /s/ John Sughrue, Esquire, Attorney for Defendant

DECEMBER 14, 1979, ORDER, filed.
NOW, this 14th day of December, 1979, this matter coming before the Court on Preliminary Objections filed by the Defendant requesting that the above Complaint in Equity be stricken because the oral agreement relied upon violates the Statute of Frauds, it is the ORDER of this Court that said Preliminary Objections be and ar hereby dismissed for the reason that the Defense raising the Statute of Frauds is properly raised by Answer and New Matter and not through Preliminary Objections.
IT is the further ORDER of this Court that Defendan filed Responsive Pleadings to said Complaint within twenty (20) days from date hereof. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JANUARY 3, 1979, ANSWER AND NEW MATTER, filed by James R. Barozzini.

JULY 3, 1980, PRAECIPE TO DISCONTINUE, filed by Jerry B. Landis, Esq.
Please discontinue the above-captioned action. /s/Jerry B. Landis, Attorney for Plaintiff.

D I S C O N T I N U E D

EQUITY DOCKET NO. 12

Dennis B. Rafferty	EDWARD L. GALOVICH and BARBARA GALOVICH 79-19-EQU DAVID P. GALOVICH and VIVIAN GALOVICH	JULY 20, 1979, COMPLAINT IN PARTITION, filed by Dennis B. Rafferty. Two copies Certified to Sheriff. AUGUST 22, 1979, PRELIMINARY OBJECTIONS, filed by Belin, Belin & Naddeo. One copy Certified to Attorney. AUGUST 31, 1979, PRAECIPE FOR ARGUMENT LIST, filed. Please place the above captioned case on the next available Argument List to dispose of preliminary objections filed by defendants. /s/ Dennis B. Rafferty, Attorney for Plaintiffs. SEPTEMBER 12, 1979, SHERIFF'S RETURN, filed. Now, July 30, 1979, Joseph E. Cavanaugh, Shff of Cambria Co. was deputized to serve within Complaint on defts. Now, August 2, 1979 served the within Complaint on defts. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood. OCTOBER 12, 1979, STIPULATION OF ATTORNEYS and ORDER, filed by Dennis B. Rafferty. ORDER OF COURT AND NOW, this 12 day of October, 1979, upon consideration of the foregoing Stipulation of Attorneys, it is hereby ordered as follows: 1. Preliminary Objection #1 filed by defendants is sustained and therefore the Complaint of plaintiffs is dismissed as against the defendant, Vivian Galovich. 2. Preliminary Objection #2 filed by defendants is dismissed as Clearfield County is a proper venue and the Court of Common Pleas of Clearfield County does have jurisdiction of this case. BY THE COURT: /s/ John K. Reilly, Jr., P.J. JULY 10, 1980, ANSWER TO COMPLAINT, filed by Belin, Belin & Naddeo. One copy Certified to Attorney. TO THE WITHIN PLAINTIFFS: You are hereby notified to plead to the within New Matter and Counterclaim within twenty (20) days from date of service or default judgmen will be entered against you. BELIN, BELIN & NADDEO, By /s/ James A. Naddeo, Attorney for Defendants

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins	by Atty	12.75
Shff Cavanaugh		21.91

SEPTEMBER 2, 1980, REPLY TO NEW MATTER AND ANSWER TO COUNTERCLAIM, filed by Dennis B. Rafferty
SEPTEMBER 2, 1980, CERTIFICATE OF READINESS FOR TRIAL, filed by Dennis B. Rafferty
ORDER OF COURT, filed by Dennis B. Rafferty.
AND NOW, this 22nd day of September, 1980, with the consent of the Attorneys for the Parties in the above captioned case, it is hereby ordered in accordance with Pa.R.C.P. No. 1557 that the three properties described in paragraphs 3, 15 and 31 of Plaintiffs'Complaint be partitioned and that the names of the cotenants and nature and extent of their interests in the three properties is as follows:

1. Property described in paragraph 3 of Plaintiffs' Complaint: Cotenants are David P. Galovich and Edward L. Galovich with each owning a one-half (½) interest in the said property now as tenants in common.
2. Property described in paragraph 15 of Plaintiffs' Complaint: Cotenants are David P. Galovich and Edward L. Galovich with each owning a one-half (½) interest in the said property now as tenants in common.
3. Property described in paragraph 31 of the Plaintiff's Complaint: Cotenants are David P. Galovich, who owns a one-half (½) interest in the said property, now as a tenant in common, and Edward L. Galovich and Barbara Galovich, who owns a one-half (½) interest in the said property, now as tenants in common with David P. Galovich and as tenants by the entirety between themselves.

It is ordered that a preliminary conference be held on the 3rd day of Nov., 1980 at 9:00 a.m. before this Court at which the Parties and their Attorneys appear for the purposes set forth in Pa.R.C.P. No. 1558. BY THE COURT, s/John K. Reilly, Jr., P.J.

NOVEMBER 4, 1980, ORDER, filed.
NOW, this 3rd day of November, 1980, following Preliminary Conference in the above-captioned matter, it is the finding of this Court that the property is owned by David P. Galovich and Edward L. Galovich as co-tenants, each with one-half (½) interest, that said premises shall be partitioned, and therefore, this Court does hereby appoint Dan P. Arnold Esquire, to proceed to effect the partition according to the Rules of Court. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
SEPTEMBER 14, 1981, MASTER'S REPORT IN PARTITION,filed by Dan Arnold
ORDER AND DECREE
NOW, this 14 day of September, 1981, after reviewing the Master's report and the stipulation of the respective parties and their attorneys which is attached to the report, the Court hereby enters the following

DECREE NISI

1. The Court hereby approves the Master's fee of Dan P. Arnold in the amount of $3,500.00. It appears that all of the court costs, appraiser's fees and court reporting fees have been paid by the Master from funds previously deposited with him in equal shares by the Plaintiffs and the Defendants. After payment of all the aforesaid, there is a balance in the hands of the Master of $1,946.96 which shall be applied by the Master to the total fee awarded herein. The balance of the Master's fee of $1,553.04 shall be paid one-half each by the plaintiffs and defendants and said payments shall be made by the plaintiffs and defendants directly to the Master, to wit:

Edward L. Galovich and Barbara Galovich-1/2 or $776.52
David P. Galovich and Vivian Galovich-1/2 or $776.52

On receipt by the Master from the plaintiffs and defendants of the amount set forth above, this shall constitute payment in full of the Master's fee in the amount of $3,500.00

2. Edward L. Galovich and Barbara Galovich, his wife, shall convey the Homestead Property to David P. Galovich.

CONTINUED ON PAGE 170

CONTINUED FROM PAGE 169 NO. 79-19-EQU GALOVICH VS GALOVICH
DECREE NISI, continued

3. David P. Galovich and Vivian Galovich, his wife, shall convey the Waksmunski Property and the Birchall Property to Edward L. Galovich and Barbara Galovich, his wife.

4. With respect to items 2 and 3 of this Order, the parties shall forthwith, as soon as is practicable, exchange deeds for the therein mentioned properties and their respective attorneys will place these deeds on record. The plaintiffs and defendants shall each assume any transfer taxes and recording costs attributable to the property or properties and/or deeds they are receiving hereunder.

5. David P. Galovich will pay all liens of record in Cambria County and Clearfield County, except those whose liens have expired, affecting any of the three properties, with the exception of the lien of Laurel National Bank-Hastings Office. These items which are presently liens against any of the properties shall be paid by David P. Galovich on or before March 1, 1982. David P. Galovich shall pay the debts, if any, due the National Bank of the Commonwealth-Cherry Tree Office, and the dept due Aaron C. Leamer, and shall indemnify and hold harmless Edward L. Galovich and Barbara Galovich from any obligation to pay any part of the aforesaid two debts.

6. Edward L. Galovich and Barbara Galovich shall pay all real estate taxes and keep current the existing fire insurance policies on the Homestead Property. The taxes and insurance for the calendar year of 1982 shall be prorated as of the date that they vacate the Homestead Property.

7. Edward L. Galovich and Barbara Galovich shall have the right to possession of the Homestead Property, and to the use and enjoyment of the property in the manner that they are currently using it, until March 1, 1982.

8. During the period Edward L. Galovich and Barbara Galovich are in occupancy of the Homestead Property, they shall be responsible for maintenance of the property. At the time of delivery of possession of the property to David P. Galovich and Vivian Galovich, Edward L. Galovich and Barbara Galovich are ordered and directed to deliver the same to David P. Galovich in good repair and in at least as good a condition as the premises are at the date of this Order and Decree.

9. As part of this consent order, the parties to this litigation hereby remise, quitclaim and release each other from all claims, past, present or future, arising from their former partnership relationship and/or co-ownership of the properties which are the submect of this partition proceeding.

10. Edward L. Galovich and Barbara Galovich agree to satisfy forthwith all liens of record which they have against David P. Galovich including, but not limited to, mortgages and judgments.

11. With regard to the recorded liens referred to in paragraph 5 hereof, in the event that any expired lien of record is validly renewed by a creditor, David P. Galovich shall discharge such lien within six (6) months from the date of any such valid revival or renewal of said lien.

The Master is directed to serve a copy of this Order and Decree on the attorney for the plaintiffs and the attorney for the defendants forthwith and, if no exceptions are filed to the Order and Decree within twenty (20) days, the same shall become absolute. BY THE COURT, John K. Reilly, Jr., President Judge

EQUITY DOCKET NO. 12

Cantor & Levine	ELLA M. WEIBLE 79-20-EQU RALPH W. PARKER		JULY 24, 1979, COMPLAINT IN EQUITY, filed by Cantor and Levine, P.C. One copy certified to Attorney. AUGUST 20, 1979, AFFIDAVIT OF SERVICE, filed by Cantor and Levine. SEPTEMBER 11, 1979, PRAECIPE FOR ENTRY OF JUDGMENT, filed by Cantor and Levine. Please enter Default Judgment in favor of the Plaintiff and against the Defendant for failure to Answer or otherwise plead to the Complaint. By /s/ Arnold H. Cantor, Esquire Judgment is entered in favor of the Plaintiff and against the Defendant for failure to Answer or otherwise plead to the Complaint. DEFAULT JUDGMENT. Raymond Sathmow Prothonotary
	Pro by Atty Atty	30.00 3.00	

OCTOBER 19, 1979, MOTION, filed by Cantor and Levine, P.C.

DECREE:

AND NOW, this 19th day of October, 1979, upon Motion of the plaintiff, Ella M. Weible, and it appearing to the Court that a default judgment has been entered in favor of plaintiff and against defendant, it is hereby directed that there shall be partition between plaintiff and defendant of the property known as Lot No. 355, Section No. 17, "San Salvador" in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania.

IT IS FURTHER ORDERED that a hearing be scheduled for the 9th day of Nov., 1979 in Courtroom No. 39, Clearfield County Courthouse, Clearfield, Pennsylvania at 1:30 o'clock P.M., for the purpose of determining the respective interests of the parties in the designated property. BY THE COURT, /s/ John K. Reilly, Jr., j.

NOVEMBER 9, 1979, ORDER, filed.

NOW, this 9th day of November, 1979, this being the day and date set for determination of the respective interests of the Parties in the subject property in the above-captioned Proceedings, both Parties being in agreement therewith, it is the ORDER of this Court that the Defendant shall transfer and convey unto the Plaintiff all of his rights, title, and interest in and to that certain lot known as Lot Number 355, Section Number 17, "San Salvador", in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania, upon proper proof submitted that said Plaintiff has undertaken obligation to discharge the proceeds on a certain Note held by Westinghouse Credit Corporation in the amount of $2,046.20 presently in the name of the Defendant. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

EQUITY DOCKET NO. 12

Blakley & Jones

COMPASS COAL COMPANY, INC

79-21-EQU

PENNSYLVANIA GAME COMMISSION

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins	by Atty	12.75
Shff Livingston		24.55

AUGUST 2, 1979, COMPLAINT IN EQUITY, filed by Blakley & Jones. Two copies certified to Sheriff.

AUGUST 27, 1979, PRELIMINARY OBJECTIONS, filed by William R. Pouss.

SEPTEMBER 12, 1979, SHERIFF'S RETURN, filed.
Now, August 2, 1979 William Livingston, Shff of Dauphin Co. was deputized by Chester A. Hawkins, Shff of Clearfield Co. to serve within on Pa. Game Comm.
Now, August 7, 1979 served within Complaint on Atty Gen., deft.
Now, August 15, 1979 served within Complaint on Pa. Game Comm., deft. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood.

OCTOBER 5, 1979, OPINION AND ORDER, filed.
Plaintiff above-named is the owner of the coal rights in a certain tract of land in Huston and Union Township, Clearfield County, Pennsylvania, containing 4717.1 acres. Defendant owns the surface of the tract, and in this Action in Equity, Plaintiff seeks to require the Defendant to permit the drilling of the property and removal of the coal. Plaintiff alleges Defendant has deprived the Plaintiff of its right in and to said coal by erecting gates and fences on and about the property. Plaintiff seeks to enjoin Defendant from maintaining said gates and fences and from interfering in any way with Plaintiff's right to go upon said property for the above purposes.

Defendant seeks to hide behind the Doctrine of Sovereign Immunity and further claims that suits of this type must be brought before the Board of Property in whom whom exclusive jurisdiction is vested. This Court finds in favor of the Defendant. It is true that the Doctrine of Sovereign Immunity is no longer the all-encompassing shield that it once was for protecting the action of the Commonwealth. In recognition of this development, the Pennsylvania Supreme Court completely abrogated the Doctrine in July of 1978 in Mayle v. Pennsylvania Department of Transportation, 479 Pa. 384, 388 A.2d 709 (1978). However, in September of this same year the General Assembly chose to reaffirm the concept of Sovereign Immunity in Act. No. 152. The Legislature distinctly stated in §2310 of that same Act that:

> "It is hereby declared to be the intent of the General Assembly that the Commonwealth and its officials and employees acting within the scope of their duties, shall continue to enjoy sovereign and official immunity and shall remain immune from suit except as the General Assembly shall specifically waive the immunity."

Clearly, this indicates that Sovereign Immunity is to remain viable in Pennsylvania except in those specific instances where it is waived by the Legislature.

In situations involving title to land, as is the one before this Court, there has been a specific waiver of immunity. The General Assembly has given jurisdiction to the Board of Property to settle disputes arising over title to land occupied or claimed by the Commonwealth of Pennsylvania (71 P.S. §334). A note to that Statute states specifically that "nothing in Section 4 of said Act (No. 152 - reaffirmance of sovereign immunity) shall repeal the waiver of sovereign immunity in this section." Clearly, then, it must have been the intent of the Legislature that the Board of Property remain the arbiter of disputes involving title to land.

Plaintiff has cited the case of Philadelphia Life Insurance Co. v. Commonwealth, 410 Pa. 571, 190 A.2d 111 (1963), however, as authority to take this case out of the Sovereign Immunity area. The case does state that "suits which simply seek to restrain state officials from performing affirmative acts are not within the rule of immunity" (id. at 114). Moreover, Plaintiff's Complaint is worded such that it seeks to enjoin the Game Commission from maintaining any obstructions standing in Plaintiff's way as opposed to actually removing those obstructions. At first glance, therefore, it would seem Plaintiff's suit fits this exception.

However, the Philadelphia exception can be distinguished from this situation in several aspects. First, in Philadelphia Life Insurance, the Plaintiff was seeking to keep various state officers from enforcing an allegedly invalid statute imposing a tax on insurance premiums. The tax had not yet been enforced. Here, the fences and gates have already been erected. For all practical effect, Plaintiff is requesting an affirmative act on the part of Defendant. In other words, rather than requesting that Defendant remove its fences, Plaintiff is attempting to attain the same end by enjoining the Defendant from maintaining them. Suits which seek to compel affirmative acts on the part of state officials are within the rule of sovereign immunity.

In addition, the suit instituted in the Philadelphia case was based on the argument that the statute in question was inconstitutional. When the Pennsylvania Supreme Court refers to refraining from affirmative acts, they are referring to acts done under color of an unconstitutional statute or done when there is no authority do so. It states that:

> "The distinction is clear between suits against the Commonwealth which are within the rule of its immunity and suits to restrain officers of the Commonwealth from enforcing the provisions of the statute claiming to be unconstitutional." (p. 114).

In those situations, sovereign immunity does not apply, Bell Tel. Co. of Pa. v. Driscoll, 343 Pa. 109, 21 A.2d 912 (1941). Here, no argument was made that there was an unconstitutional

CONTINUED TO 173 B

statute involved or that the Game Commission had a statutory authority to erect its fences and keep Plaintiff out. Rather, the dispute centered around title to the property.

Therefore, this Court finds that Sovereign Immunity does bar suit. The proper forum for this Action is the Board of Property, as opposed to this Court of Common Pleas.

WHEREFORE, the court enters the following Order:

O R D E R

NOW, this 5th day of October, 1979, it is the ORDER of this Court that Preliminary Objections filed on behalf of the Defendant are sustained and the Clerk of the Court of Common Pleas of Clearfield County, Pennsylvania, is instructed to certify the above proceedings to the Commonwealth of Pennsylvania Board of Property for further action. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

OCTOBER 29, 1979, ALL PAPERS MAILED TO THE PENNSYLVANIA BOARD OF PROPERTY IN ACCORDANCE WITH PRECEDING COURT ORDER, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

OCTOBER 30, 1979, SENDER'S RECEIPT, filed.

NOVEMBER 5, 1979, RETURN RECEIPT, filed.

DOCKET #12 EQUITY 1979

Elizabeth Cunningham

ASHLAND SAVE OUR SCHOOL (ASHLAND SOS), BY RUSSELL TICE, TRUSTEE AD LITEM

79-22-EQU

PHILIPSBURG-OSCEOLA AREA SCHOOL DISTRICT

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins		18.53
Pro	by atty	3.00

AUGUST 8, 1979, COMPLAINT AND REQUEST FOR INJUNCTION, filed.
Two copies certified to Attorney.

AUGUST 15, 1979, PETITION FOR PRELIMINARY INJUNCTION and RULE TO SHOW CAUSE, filed by Elizabeth Cunningham.
Two copies Certified back to Attorney.

RULE TO SHOW CAUSE

On reading the Complaint filed in this case and on petition of Elizabeth Cunningham, Attorney for the Plaintiff, it is ORDERED that the above-named Defendant, Philipsburg-Osceola Area School District show cause before this Court on August 22nd, 1979 at 10:00 a.m., at the Clearfield County Court Hose, Clearfield, Pennsylvania, why a preliminary injunction should not issue, according to the prayer of such petition, and it is further ORDERED that Plaintiff cause a copy of this Order, together with a of the petition, to be served on the Defendant. BY THE COURT, /s/ John A. Cherry, Senior Judge, 46th Jud. Dist., Specially Presiding.

AUGUST 22, 1979, ORDER, filed.
NOW, this 22nd day of August, 1979, following hearing into the above-captioned Petition for Preliminary Injunction, it is the ORDER of this Court that said Petition be and is hereby denied. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

AUGUST 31, 1979, AFFIDAVIT OF SERVICE, filed.
NOW, August 16, 1979 at 10:21 AM o'clock DST served the within Complaint on Esther Wirt, Sec'y at her place of employment. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood.

OCTOBER 3, 1979, PETITION TO DISCONTINUE AND ORDER, filed by Elizabeth Cunningham.
Upon consideration of the foregoing Petition to Discontinue, it is the ORDER of this Court that the action in the above captioned matter be and is hereby discontinued. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

D I S C O N T I N U E D

Gary H. Nash	COMMONWEALTH OF PENNSYLVANIA ACTING BY ATTORNEY GENERAL, EDWARD G. BIESTER, JR. 79-23-EQU GERALD J. MARTIN,President RAIN GARD Pro by Atty 30.00 Atty 3.00	AUGUST 16, 1979, ASSURANCE OF VOLUNTARY COMPLIANCE--IN EQUITY, filed. Two copies Certified to Attorney.

Gary H. Nash	COMMONWEALTH OF PENNSYLVANIA ACTING BY ATTORNEY GENERAL, EDWARD G. BIESTER, JR. 79-24-EQU MR. A.J. FELLO, PRESIDENT GUARANTY BUILDERS & SUPPLY, INC. Pro by Atty 30.00 Atty 3.00	AUGUST 16, 1979, ASSURANCE OF VOLUNTARY COMPLIANCE--IN EQUITY, filed. Two copies Certified to Attorney.	

Smades & Jones-Wenger

CATHERINE E. FETZER

79-25-EQU

GENEVIEVE LESKOVAN, MADELINE DUDLEY, LAURA CUSTER, VERNA ASQUITH, JOSEPH T. EISENHAUER, ROBERT EISENHAUER, THOMAS EISENHAUER, DANIEL SEIFERT, CHARLES SEIFERT, RUTH S. MOORE, RICHARD SEIFERT, JAMES PHILLIP, WILLIAM P. EISENHAUER, JULIA VAN WINKLE, JAMES HARTLE, VELMA HARTLE, MARJORIE ENCK, RITA GODDARD, BARBARA WHITE, ARTHUR MALONEY, LORETTA BARBE, CAROL BURTON, MARY THERESA FREE, BARBARA FITCH, REV. EDWARD STEINKIRCHNER, JOSEPH STEINKIRCHNER and MARGUERITE MUNTZ

Pro	by Atty	30.00
Atty	by Atty	3.00
	by Atty	
Shff. Hawkins		22.75
	by Atty	
Shff. Cavanaugh		18.55
	by Atty	
Shff. Livingston		19.70
	by Atty	
Shff. Coon		22.75
	by Atty	
Shff. Fulton		30.13
	by Atty	
Shff. Hawkins		5.00
	by Atty	
Shff. Fulton		27.07

SETTLED AND DISCONTINUED

AUGUST 16, 1979, EQUITY-IN PARTITION, filed.

SEPTEMBER 27, 1979 AFFIDAVIT OF SERVICE ON JAMES HARTLE, filed by Ira P. Smades.

SEPTEMBER 27, 1979 AFFIDAVIT OF SERVICE ON GENEVIEVE LESKOVAN, filed by Ira P. Smades.

SEPTEMBER 27, 1979 AFFIDAVIT OF SERVICE ON MICHAEL WHITE (husband of Barbara), filed by Ira P. Smades.

SEPTEMBER 27, 1979 AFFIDAVIT OF SERVICE ON VELMA HARTLE, filed by Ira P. Smades.

SEPTEMBER 27, 1979 AFFIDAVIT OF SERVICE ON MICHAEL ENCK (son of Marjorie Enck), filed by Ira P. Smades.

SEPTEMBER 27, 1979 PRAECIPE FOR REINSTATEMENT, filed by Ira P. Smades.

SEPTEMBER 28, 1979 COMPLAINT REINSTATED AND REISSUED TO THE SHERIFF FOR SERVICE.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF JULIA VAN WINKLE, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF LAURA CUSTER, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF CAROL BURTON BAKER, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF MARGUERITE MUNTZ, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF ARTHUR MALONEY, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF JOSEPH STEINKIRCHNER, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF BARBARA FITCH, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF LORETTA BARBRE, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF RUTH S. MOORE, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF VERNA ASQUITH, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF JOSEPH T. EISENHAUER, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF ROBERT EISENHAUER, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF RITA GODDARD, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF THOMAS EISENHAUER, filed by Smades and Jones-Wenger.

OCTOBER 31, 1979, AFFIDAVIT OF SERVICE OF REV. EDWARD STEINKIRCHNER, filed by Smades and Jones-Wenger.

JANUARY 29, 1980, SHERIFF'S RETURN, filed.
October 2, 1979, served within Complaint in Partition on Madeline Dudley, Defendant by deputized Sheriff of Cambria County.
October 3, 1979, served within Complaint in Partition on William Eisenhauer, Defendant by deputized Sheriff of Dauphin County.
October 29, 1979, attempted to serve within Complain on Mary Theresa Free (Frueh), defendant by deputized Sheriff of Chester County.
October 18, 1979, served within Complaint on Richard Charles and Daniel Seifert, Defendant by deputized Sheriff of Allegheny County.
October 29, 1979, served within Complaint on Daniel Seifert, Defendant by deputized Sheriff of Chester County. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

FEBRUARY 11, 1980, PRAECIPE FOR REINSTATEMENT, filed by Ira P. Smades.
Please reinstate the Complaint in the above captioned matter. /s/Ira P. Smades, Attorney for Plaintiff.

FEBRUARY 11, 1980, COMPLAINT REINSTATED AND REISSUED TO SHERIFF FOR SERVICE.

MARCH 6, 1980, MOTION FOR PUBLICATION and ORDER OF PUBLICATION, filed.
ORDER OF PUBLICATION:
AND NOW, this 6 day of March, 1980, upon consideration of the foregoing Motion, the Plaintiff is granted leave to make service of the Complaint upon the Defendant above named, his heirs and assigns, by publication once a week for 3 successive weeks in a newspaper of general circulation in Clearfield County, and Proof of Publication shall thereto be filed with the proceedings in said action, said advertisement shall state that the Defendant be required to answer the Complaint within twenty (20) days from the las advertisement thereof. BY THE COURT, /s/ John K. Reilly, Jr., P.J.

APRIL 10, 1980, SHERIFF'S RETURN, filed.
March 3, 1980, served within Complaint in Partition on Mary Theresa Frueh, Defendant by deputized Sheriff of Chester County. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

CONTINUED TO PAGE 182

CONTINUED FROM PAGE 181 NO. 79-25-EQU CATHERINE. FETZER-vs-GENEVIEVE LESKOVAN, al

AUGUST 18, 1980, PRAECIPE, filed.
Please mark the above captioned action settled and discontinued upon payment of your costs. /s/ Ira P. Smades, Esq., Attorney for Plaintiff

******S E T T L E D AND D I S C O N T I N U E D******

EQUITY 1979

Litke, Lee, Martin, Grine & Green	JOANNE G. VALLI		AUGUST 21, 1979, PETITION FOR PARTITION OF JOINTLY OWNED PROPERTY, filed. One copy Certified to Sheriff. SEPTEMBER 10, 1979, ANSWER, filed by Smades & Jones-Wenger., Attorney for Defendant. SEPTEMBER 25, 1979, AFFIDAVIT OF SERVICE, filed. NOW, August 23, 1979 at 1:18 o'clock P.M. DST served the within Petition; on Deft. at his place of employment. So answers, Chester A. Hawkins, Sheriff By /s/ Darlene Shultz.
	79-26-EQU		
	ROBERT F. VALLI		NOVEMBER 29, 1979, PRAECIPE, filed by Ira P. Smades. Please schedule the above captioned matter for trial at the next term of Court (Non-Jury). /s/Ira P. Smades, Attorney for Defendant.
	Pro by Atty	30.00	
	Atty by Atty	3.00	
	Shff Charney	16.19	

Keystone Legal Services, Inc.	DIANE GRAHAM HAMILTON 79-27-EQU THOMAS E. RANCIK		AUGUST 21, 1979, COMPLAINT and PRELIMINARY INJUNCTION, filed. Two copies Certified to Sheriff. PRELIMINARY INJUNCTION AND NOW, this 21 day of August, 1979, upon consideration of the Complaint in Equity, it appearing to the Court that immediate and irreparable damage and injury will result to the Plaintiff before the case can be heard on its merits if this Preliminary Injunction is not issued, it is on the Motion of Counsel for the Plaintiff: ORDERED AND DECREED that Preliminarily until further hearing, the Defendant and any persons acting on his behalf, are hereby Restrained and Ordered to desist from denying the Plaintiff electrical service and hot water to her apartment or otherwise interfering with the Plaintiff's right to peaceful possession and quiet enjoyment of the leased premises. A hearing is scheduled for the purpose of allowing the Defendant to show cause, if any he has, why the injunction should not be made permanent and damages awarded to Plaintiff, and will be held on the 24 day of Aug, 1979, at 9:00 o'clock, A.M., at the Clearfield County Courthouse, Clearfield, Pennsylvania. BY THE COURT,: /s/ John K. Reilly, Jr., President Judge
	Pro by Atty 30.00 Atty by Plff 3.00 Shff Hawkins 14.83		AUGUST 24, 1979, PRELIMINARY OBJECTIONS, filed by Timothy E. Durant, Attorney for Defendant. AUGUST 27, 1979, ORDER, filed. NOW, this 24th day of August, 1979, this being the day and date set for hearing in the above-captioned Preliminary Injunction and the parties having met and entered into the following agreement, it is the ORDER of this Court, in view of said agreement, the Preliminary Objections filed on behalf of the Defendant are dismissed, and the Court enters the following Order: First, the Preliminary Injunction entered by this Court on August 21, 1979, is dissolved and the Defendant Ordered to restore electric power and hot water to the Plaintiff's apartment at 224 Nichols Street, Clearfield, Pennsylvania, by 12:00 midnight tonight. Further, that the Defendant is hereby restrained from harrassing, annoying or taking any action against the Plaintiff except as otherwise provided in this Order. IT is the further Order of this Court that the Plaintiff shall pay the sum of Ninety-two and 50/100 ($92.50) Dollars as rental for said apartment for the period from September 1, 1979 to September 14, 1979, and Ninety-two and 50/100 ($92.50) Dollars as rental for the period September 15, 1979, to September 30, 1979. The Plaintiff shall not be liable for rent for any period of time after which the Plaintiff has vacated the apartment. Defendant shall refund any prepaid portion of rent at the rate of Six and 15/100 ($6.15) Dollars per day in the event that Plaintiff vacates said premises with a rental credit. IT is the further Order of this Court that Defendant shall receive a Writ of Possession for said premises simply by Petitioning this Court without further proceedings therefore on September 17, 1979, should there then be rent due and owing and the Plaintiff still in possession, and on October 1, 1979, should Plaintiff still then be in possession. IT IS THE further Order of this Court that Plaintiff shall be relieved from responsibility of any damages to said premises which have been inflicted prior to this time and shall not be responsible for any accumulated cost of garbage removal prior to this time. Further, Plaintiff shall restrain from inflicting damage to the premises in any manner from this time forward, and further, for said period of time shall be responsible for payment of garbage removal. Finally, the Defendant shall forthwith provide Plaintiff with a key to the present lock of said apartment to be retained by the Plaintiff throughout legal tenancy. BY THE COURT, /s/John K. Reilly, Jr., President Judge. SEPTEMBER 19, 1979, AFFIDAVIT OF SERVICE, filed. NOW, August 22, 1979 at 3:20 o'clock P.M. DST served the within COMPLAINT & PRELIMINARY INJUNCTION on Deft. So answers, Chester A. Hawkins, Sheriff By /s/ Darlene Shultz.

Bell,Silberblatt & Swoope

NED E. JOHNSTON
DONALD JOHNSTON
LLOYD T. JOHNSTON
DENNIS D. JOHNSTON
PATRICIA KOSTURA

79-28-EQU

Thomas F. Morgan JOHN A. JOHNSTON and
Thomas F. Morgan STEPHEN H. JOHNSTON

Timothy E. Durant

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins	by Atty	12.75
Shff Watson	by Atty	21,75
Shff Frick	by Atty	18.53
Shff Hawkins	by Atty	10.75
Shff Watson		21.75
Pro	by Atty	30.00
Copies		27.00
Postage		3.89
Postabe		2.40
Pro		9.00

AUGUST 23, 1979, COMPLAINT IN EQUITY, filed by Bell, Silberblatt & Swoope.
Two copies Certified To Sheriff.

SEPTEMBER 25, 1979, SHERIFF'S RETURN, filed.
Now, August 27, 1979, Joseph B. Frick Shff of Armstrong Co. was deputized to serve within Complaint on Stephen H. Johnston, deft.
Now, September 6, 1979 served within Complaint on Stephen H. Johnston, deft.
Now, August 27, 1979, Robert L. Watson, Shff of Butler Co. was deputized to serve within Complaint on John A. Johnston, deft.
Now, Sept. 11, 1979 served within Complaint on John A. Johnston, deft. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood.

SEPTEMBER 27, 1979, PRAECIPE, filed.
Please enter my appearance on behalf of defendant Stephen H. Johnston. s/Thomas F. Morgan

OCTOBER 3, 1979, PRELIMINARY OBJECTION, filed by Thomas F. Morgan.

APRIL 15, 1980, ORDER, filed.
NOW, this 15th day of April, 1980, following argument into Defendants' Preliminary Objections to the Complaint filed by Plaintiffs above-named, it is the ORDER of this Court that said Objections be and are here by sustained and the Plaintiffs instructed to amend the Complaint within twenty (20) days from date hereof to plead the existence or nonexistence of written contract or agreement, and if none exists, to plead the basis for their claim. By the Court, /s/ John K. Reilly, Jr., President Judge

MAY 7, 1980, AMENDED COMPLAINT, filed by Richard A. Bell.
One copy Certified to Sheriff.

MAY 22, 1980, SHERIFF'S RETURN, filed.
Now, May 7, 1980 Robert L. Watson, Shff of Butler Co. was deputized to serve within Amended Complaint on John A. Johnston, deft.
Now, May 12, 1980, served within on John A. Johnston, deft. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

JULY 14, 1980, APPEARANCE, filed.
Enter my appearance for defendant, John A. Johnston in above case. /s/ Thomas F. Morgan, Esquire, Attorney for defendants.

AUGUST 28, 1980, PRAECIPE, filed.
Please place the above captioned case on the trial list. BELL, SILBERBLATT & SWOOPE, BY /s/ Richard A. Bell, Esquire, Attorneys for Plaintiffs

AUGUST 28, 1980, ANSWER and NEW MATTER, filed by Thomas F. Morgan

SEPTEMBER 22, 1980, REPLY TO NEW MATTER, filed by Bell, Silberblatt & Swoope.

SEPTEMBER 23, 1981, ORDER, filed.
NOW, September 23rd, 1981, the Court hereby accepts the agreement entered into, fully recognizing that it is presented to the Court in rough form but that the contents of the said agreement will be the basis upon which the trust agreement shall be formally prepared and signed by each of the parties and their individual spouses, Further, upon the completion of the said trust agreement, the same shall be filed in the Recorder's Office of Clearfield County, and the Prothonotary of the County is hereby directed that upon payment of all costs and the recordation of the said trust agreement, he shall mark the records in this case settled and discontinued. BY THE COURT, /s/ John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding

JANUARY 28, 1983, MOTION FOR RULE TO SHOW CAUSE filed by Richard A. Bell
ORDER OF COURT
And now this 27th day of January, 1983 upon consideration of the within Motion of Bell, Silberblatt & Swoope, attorneys for Plaintiffs, it is hereby Ordered that a Rule issue against the Defendants to show cause why they should not comply with the Order of Court dated September 23, 1981 and execute the Trust Agreement prepared pursuant thereto or be held in contempt of Court, said Rule returnable the 11th day of February, 1983 at 9:00 A.M. s/John A. Cherry, Senior Judge
JANUARY 31, 1983 RULE ISSUED ON ATTORNEY FOR DEFENDANTS BY REGULAR MAIL

FEBRUARY 8, 1983, PRAECIPE FOR ENTRY OF APPEARANCE, filed. One Copy Certified to Attorney.
Kindly enter my appearance for John A. Johnston and Stephen H. Johnston, Defendants in the above captioned action. /s/ Timothy E. Durant,

FEBRUARY 28, 1983, ORDER, filed
NOW, this 11th day of February, 1983, out of consideration for new Counsel for the Respondents, John A. Johnston and Stephen H. Johnston, it is ORDERED that hearing in this matter and/or argument in this matter be continued, and they are continued and rescinded until the Court may receive full transcript in the matter. Secondly, continuance is further Granted in order to allow for the availability of Thomas Morgan, Esquire, who according to the statement of Respondent's present Counsel, Timothy Durant, Esquire, has removed himself from the case or has been dismissed as Counsel by the Respondents. In further explanation, the Court deems it necessary that Mr. Morgan's assertions be made a part of this record in order that the Court may have before it at future hearing all matters affecting or possibly affecting decision of the Petition for Rule to Show Cause why the Respondents, John A. Johnston and Stephen H. Johnston should not be held in contempt of the Court's Order of September 23rd, 1981. BY THE COURT /s/ John A. Cherry, Senior Judge

JULY 28, 1983, TRANSCRIPT OF TESTIMONY, filed
(filed in transcript drawer under "J")

CONTINUED TO PAGE 188

CONTINUED FROM PAGE 187 NO. 79-28-EQU. JOHNSTON, al -vs- JOHNSTON, al

DECEMBER 15, 1983, MEMORANDUM AND ORDER, filed
WHEREFORE, the Court enters the following Order:

O R D E R

NOW, November 30, 1983, after hearing on theRule issued on Defendants to show cause why they should not comply with the Court's Order of September 23, 1981 in the above-captioned matter and execute the trust agreement prepared pursuant thereto or be held in contempt of Court, it is the ORDER of this Court that defendants execute said trust agreement within 15 days of this date; failing which the defendants shall be held in contempt of Court and such action taken by the Court as proper. BY THE COURT /s/ John A. Cherry, Senior Judge

DECEMBER 15, 1983, NOTICE OF APPEAL, & PROOF OF SERVICE, filed by Timothy E. Durant
1 Copy mailed to Superior Court

JANUARY 3, 1984, APPEAL FROM SUPERIOR COURT, THEIR NUMBER 01513PGH83, filed.

FEBRUARY 6, 1984, TRANSCRIPT OF PROCEEDINGS filed by Lisa M. Foradori

FEBRUARY 7, 1984, ALL PAPERS MAILED TO SUPERIOR COURT OF PENNSYLVANIA
Copies of papers filed in bucket

FEBRUARY 7, 1984 SENDER'S RECEIPT filed.

FEBRUARY 15, 1984, RETURN RECEIPT, filed.

FEBRUARY 27, 1984, TRANSCRIPT OF PROCEEDINGS filed by Karen M. Streams

FEBRUARY 28, 1984, CORRECTED ORDER OF COURT filed.
NOW, this 9th day of February, 1984, the Court Order dated February 11, 1984, having been found in error, said Order should read as follows:
NOW, this 11th day of February, 1984, out of consideration for new counsel for the Respondents, John A. Johnston and Stephen H. Johnston, it is ORDERED that hearing in this matter and/or argument in this matter be continued, and they are continued and recessed until the Court may receive full transcript in the matter. Secondly, continuance is further Granted in order to allow for the availability of Thomas Morgan, Esquire, who according to the statement of Respondent's present Counsel, Timothy Durant, Esquire, has removed himself from the case or has been dismissed as Counsel by the Respondents. In further explanation, the Court deems it necessary that Mr. Morgan's assertions be made a part of this record in order that the Court may have before it at future hearing all matters affecting or probably affecting the decision of the Petition for Rule to Show Cause why the Respondents, John A. Johnston and Stephen H. Johnston, should not be held in contempt of the Court's Order of September 23rd, 1981. BY THE COURT, John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding

MARCH 1, 1984 TRANSCRIPT AND CORRECTED ORDER OF COURT MAILED TO SUPERIOR COURT

MARCH 2, 1984 SENDER'S RECEIPT filed.

MARCH 8, 1984 RETURN RECEIPT filed.

MAY 16, 1984 PRAECIPE, filed by Timothy E. Durant, Atty for Defts.
Kindly enter a Final Decree on the Order of Court dated November 30, 1983, and filed on December 15, 1983 and forward a supplemental record to the Superior Court. s/Timothy E. Durant, Atty for Defts.

Final Decree is entered as per Court Order for failure to comply with the Order dated November 30, 1983 and filed December 15, 1983.

Raymond Bitterman

Prothonotary

MAY 18, 1984 SUPPLEMENTAL RECORD MAILED TO SUPERIOR COURT BY REGULAR MAIL. s/lb

NOVEMBER 27, 1985, ORDER, filed
Order reversed and remanded for further proceedings. Jurisdiction is not retained.
/s/ Eleanor R. Valecko, Deputy Prothonotary

*** PAPERS FILED IN LEGAL DRAWER "F". ***

AUGUST 20, 2013, ORDER, FILED.
NOW, this 16th of August, 2013, a status conference is scheduled for the 29th of Aug. 2013, at 1:30 p.m. in Courtroom 1. By the Court, /s/Fredric J. Ammerman, Pres. Judge.
1CC Attys: Bell, Durant

Sept. 10, 2013, Order Filed
This 29th of Aug., 2013, this matter is scheduled for further status conference to be held at 2:30 p.m. on Sept. 23, 2013./s/Fredric J. Ammerman, Pres. Judge. 2CC Attys. Bell, Durant

September 20th, 2013 Praecipe for Entry/Withdrawal of appearance, Filed
Enter the appearance, on behalf of Defts, John A. Johnston and Stephen J. Johnston, of Linda C. Lewis, Esq. and withdraw the appearance of Timothy E. Durant, Esq. Filed by s/Linda C. Lewis, Esq. Cert to Atty Lewis.

Sept. 24th, 2013, Praecipe to Discontinue Filed by s/Richard A. Bell, Esq.
NoCC.

October 2nd, 2013 Certificate of Service filed.
On October 1st, 2013, a copy of the Praecipe to Discontinue was served upon Linda C. Lewis, Esq. via Regular mail, Postage prepaid. Filed by s/Richard A. Bell, Esq.
NoCC.

EQUITY DKT. # 12

Joseph Colavecchi

LESTER P. COLLINS

79-29-EQU

KENNETH WOLF
E. JEAN WOLF

Pro by Atty 30.00
Atty by Atty 3.00
Shff. Hawkins. 14.83
Final Order by atty 3.00
Certification by atty 3.00

SEPTEMBER 5, 1979, COMPLAINT FOR SPECIFIC PERFORMANCE, filed by Joseph Colavecchi.
Two copies Certified to Attorney.

OCTOBER 11, 1979, SHERIFF'S RETURN, filed.
October 1, 1979, served within Complaint for Specifi Performance on Kenneth Wolf, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

OCTOBER 25, 1979, PRAECIPE TO ENTER JUDGMENT BY DEFAULT, filed by Joseph Colavecchi.
Enter judgment by default against the Dendants for failure to plead to the Complaint within twenty (20) days after service thereof, said Defendants having been served by the Office of the Clearfield County Sheriff on September 27, 1979 and no Answer having been filed. /s/ Joseph Colavecchi, Attorney for Plaintiff

Judgment is entered in favor of the Plaintiff and against the Defendants for failure to plead to the Complaint within twenty days after service.

DEFAULT JUDGMENT.

Prothonotary

OCTOBER 31, 1979, MOTION FOR ENTRY OF FINAL DECREE AND DECREE CONVEYING REAL ESTATE, filed by Joseph Colavecchi.
Two copies Certified to Attorney.
DECREE CONVEYING REAL ESTATE:
AND NOW, this 29 day of October, 1979, a judgment of default having been entered against the Defencant for failure to plead to the Complaint, and upon consideration of the Motion for entry of a Final Decree upon default and examination of the record, it is hereby ORDERED AND DECREED that the property presently in the name of Kenneth Wolf and E. Jean Wolf, his wife, described below, is being conveyed to Lester P. Collins, Plaintiff in the above-captioned action, to complete the conveyance of sai land in accordance with the Agreement of Sale dated September 1, 1969 recorded at Clearfield in Miscellaneous Book 152, Page 154; a copy of which is attached to Plaintiff's Complaint.
WHEREFORE, it is ORDERED AND DECREED that said property is hereby granted and conveyed to Lester P. Collins, said property being described in more detail as follows:
All that certain piece or parcel of land situate in Pike Township, Clearfield County, Pennsylvania, being bounded and described as follows:
Beginning at an iron pipe and Northern most corner of land of Dennis Weisgarber, at the line of land of or formerly of Alice C. Campbell; thence
1. South 56 degrees 30 minutes West along said Weisgarber one hundred seventy-one and nine tenths (171.9) feet to an iron pin and corner of land of Howard Wolf, Sr.,; thence
2. North 37 degrees zero minutes West along said Howard Wolf, Sr., one hundred twenty-seven (127) feet to an iron pin; thence
3. South 58 degrees 25 minutes West still along said Wolf one hundred twenty-eight and eight tenths (128.8) feet to an iron pin at the Eastern edge of the sixty (60) foot wide right-of-way of Traffic Route PA-861; thence
4. North 28 degrees 1 minute West along said right-of-way fifty-one and one tenth (51.1) feet to a point; thence
5. North 26 degrees 29 minutes West still along said right-of-way two hundred eighty-six and two tenths (286.2) feet to an iron pin; thence
6. North 53 degrees 44 minutes East two hundred thirty-five and one-tenth (235.1) feet to an iron pin at the line of land of Harbison Walker Rrefractories; thence
7. South 37 degrees 33 minutes East along land of Harbison Walker Refractories and along land of or formerly of Alice C. Campbell four hundred seventy-eight and five tenths (478.5) feet to an iron pipe and place of beginning.
Containing 2.61 acres.
Being shown in more detail on the survey map prepared by N. Gary Barger, P.E., a copy of which is attached to this Decree and marked Exhibit "A".
Being the same premises conveyed to Simon Wolf by deed dated March 20, 1909 from John W. Woods, et ux, said deed being recorded at the Clearfield County Court House in Deed Book 175, Page 208.
Simon Wolf died testate on December 7, 1960 leaving a Last Will recorded at Clearfield in Will Book 6, Page 406, which left to his wife, Josephine Wolf certain land he owned at the time of his death and upon the death of Josephine Wolf, this land was to vest in his grandson, Kenneth Allen Wolf.
Subsequently, by a Decree in Confirmation and Distribusion dated October 5, 1961 from the Estate of Wimon Wolf, deceased, recorded in Deed Book 491, Page 710, this property was conveye to Kenneth Allen Wolf subject to the life estate of Josephine Ellinger Wolf.
Josephine Ellinger Wolf died on April 7, 1965 terminating her life estate and vesting title in this property in Kenneth Allen Wolf.
A copy of this Decree shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, and indexed under Kenneth Wolf and E. Jean Wolf as Grantors and under Lester P. Collins as Grantee. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

October 31, 1979, One copy Certified to Register and Recorder.

EQUITY DKT. # 12

Edward V. Cherry

TONI M. CHERRY

79-30-EQU

George S. Test, Jr.
Gay B. Banes

AVERY COAL COMPANY, INC.

Bernard J. McGowan
Ronald A. Lombardo,
Intervenors

Pro	by Atty	15.00
Atty		3.00
Shff	by Atty	14.15
	Gay B. Barnes	
Pro	by Atty	30.00
Pro	by atty	15.00
Disc	by atty	5.00
Ck#1387	Adv costs	82.15
12206	E. Cherry	32.15
12207	G. Banes	30.00
	Pro	20.00
		82.15

SETTLED DISCONTINUED

SEPTEMBER 11, 1979, PRAECIPE FOR WRIT OF SUMMONS in EQUITY, filed.

Please enter our appearance for Toni M. Cherry and issue a Summons in Equity against Avery Coal Company, Inc., Defendant in above case. Gleason & Cherry By /s/ Edward V. Cherry, Attorney for Plaintiff.

SUMMONS ISSUED TO SHERIFF FOR SERVICE.

SEPTEMBER 26, 1979, SHERIFF'S RETURN, filed.
Now, September 19, 1979 served within Summons in Equity on John Custaney, Cont. for defendant. So answers Chester A. Hawkins by Marilyn Wood

OCTOBER 11, 1979, PRAECIPE FOR RULE TO FILE COMPLAINT, filed by George S. Test, Jr.
Please enter a Rule pursuant to Pa. R.C.P. 1037(a) upon the Plaintiff to file a Complaint within twenty days after service of said rule or judgment of non pros will be entered. /s/George S. Test, Jr., Attorneys for the Defendant.

OCTOBER 11, 1979, RULE ISSUED ON EDWARD V. CHERRY, ATTORNEY FOR PLAINTIFF IN ACCORDANCE WITH PRECEDING PRAECIPE.

OCTOBER 31, 1979, COMPLAINT IN EQUITY, filed by Edward V. Cherry.
One copy for acceptance by George Test, Jr.
And Now this 1st day of November 1979 service of the within Complaint is hereby accepted on behalf of the Defendant. /s/Baird, Miller & Test by William L. Miller, Attorneys for Defendant.

NOVEMBER 16, 1979, ANSWER AND NEW MATTER, filed by George S. Test, Jr.

NOVEMBER 16, 1979, AFFIDAVIT OF SERVICE regarding Answer and New Matter of Defendants, filed by John R. Lhota.

DECEMBER 7, 1979, ANSWER TO NEW MATTER, filed by Gleason and Cherry.

JANUARY 18, 1980, PRAECIPE, filed by Edward V. Cherry.
Willyou please place the above captioned case on the Trial List for Spring Term of Court, 1980. /s/Gleason, Cherry and Cherry by Edward V. Cherry, Attorneys for Plaintiff.

AUGUST 15, 1980, PRAECIPE, filed.
Will you please place the above captioned case on the present Trial List. GLEASON, CHERRY AN CHERRY, P.C., By /s/ Edward V. Cherry, Attorney for Plaintiff

JANUARY 16, 1981, PRAECIPE, filed by Toni M. Cherry.
Will you please place the above captioned case on the present Trial List. /s/Gleason, Cherry and Cherry, P.C., by Toni M. Cherry, Attorney for Plaintiff.

AUGUST 14, 1981, PRAECIPE, filed by Gleason, Cherry & Cherry, Attorneys for Plaintiff, by: Edward V. Cherry, Esquire.
Will you please place the above captioned case on the Trial List for present Term of Court. /s/ Edward V. Cherry, Esquire of Gleason, Cherry & Cherry, Attorneys for Plaintiff.

OCTOBER 28, 1981, PETITION TO ALLOW INTERVENTION UNDER PA. R. C. P. 2326 ET SEQ. filed by Gay B. Banes, J.D.
(1) One Certified copy to Attorney.

JANUARY 14, 1982 PRAECIPE filed by Edward V. Cherry

Please place the above case on the present trial list.

AUGUST 20, 1982, PRAECIPE, filed by Edward V. Cherry, Esquire.
Will you please place the above captioned case on the present Trial List.

JANUARY 21, 1983, PRAECIPE, filed by Edward V. Cherry, Esquire.
Will you please place the above captioned case on the present Trial List. NON-JURY

AUGUST 19, 1983, PRAECIPE, filed by Edward V. Cherry, Esquire
Will you pelase place the above captioned case on the Trial List for Present Term of Court.

JANUARY 20, 1984, PRAECIPE, filed.
Will you please place the above captioned case on the Trial List for Present Term of Court. GLEASON, CHERRY AND CHERRY, By /s/ Edward V. Cherry, Attorneys for Plaintiff

OCTOBER 28, 1981 ORDER
AND NOW, to-wit, this 27th day of October, 1981, it is hereby ORDERED and DECREED that the Petition to Intervene under Pa. R.C.P. 2326, et seq. in the above captioned matter be and the same is hereby granted and the Intervention of the Petitioners is allowed. This Order is entered without the necessity of a hearing under Pa. R.C.P. 2329, et seq. upon the advice of Attorney for the Petitioners that counsel for both Plaintiff and Defendant have consented to this intervention. By the Court., s/John K. Reilly, Jr., President Judge.

JANUARY 18, 1985, PRAECIPE, filed by Edward V. Cherry, Esquire.
Will you please place the above captioned case on the Trial List for present Term of Court.

EQUITY # 12

79-30-EQU TONI M. CHERRY -vs- AVERY COAL CO., INC.

JUNE 16, 1986 PRAECIPE, filed by Toni M. Cherry, Plaintiff.

Please mark the above captioned matter settled and discontinued upon payment by the Defendants of all costs in this matter. s/Toni M. Cherry, Plff.

Record costs in the sum of $82.15 have been paid in full by George E. Test, Jr., Check#1387, this case marked Settled and Discontinued.

XXXX

John Carfley	EILEEN DeRONDA KORMAN 79-31-EQU RICHARD H. KORMAN Pro by Atty 30.00 Atty 3.00 by Atty Shff. Hawkins 16.53	SEPTEMBER 27, 1979 COMPLAINT IN PARTITION, filed by John R. Carfley One copy certified to the Sheriff. OCTOBER 29, 1979, SHERIFF'S RETURN, filed. October 17, 1979, served within Complaint in Partition on Richard H. Korman, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. NOVEMBER 6, 1979, ANSWER TO COMPLAINT AND NEW MATTER, filed by Winifred H. Jones-Wenger. NOVEMBER 19, 1979, ANSWER TO NEW MATTER FILED ON BEHALF OF THE DEFENDANT, filed by John R. Carfley.

Bruce E. Cooper	MARCUS KATZEN	
	79-32-EQU	
Edward V. Cherry	MARK VRAHAS, Mayor, and ELMER R. HALLSTROM, BARBARA DUGAN, RALPH J. BOYER, and BERNARD M. WARNICK, both individually and as members of City Council of the City of DuBois, and CLETAS HELLER,	
Edward V. Cherry		
Pro by Atty		30.00
Shff. Hawkins by Plff		53.05

OCTOBER 2, 1979, COMPLAINT IN EQUITY, filed by Bruce E. Cooper.

Six copies Certified to Sheriff.

OCTOBER 23, 1979, PRELIMINARY OBJECTIONS, MOTION FOR MORE SPECIFIC PLEADING, filed by Gleason and Cherry. One copy Certified to Attorney.

OCTOBER 23, 1979, APPEARANCE, filed.

Enter my appearance for Mark Vrahas, Mayor, Elmer R. Hallstrom, Barbara Dugan, Ralph J. Boyer, and Bernard R. Warnick, both individually and as members of the City Council of DuBois, defendants in above case. /s/ Edward V. Cherry, Attorney for defendants.

OCTOBER 24, 1979, APPEARANCE, filed.

Enter my appearance for Cletas Heller in above case. /s/ Edward V. Cherry, Attorney for Defendant Cletas Heller

OCTOBER 31, 1979, SHERIFF'S RETURN, filed.

October 3, 1979, served within Complaint in Equity on Mrs. Vrahas, Wife of Mark Vrahas, Defendant.

October 3, 1979, served within Complaint in Equity on Mrs. Hallstrom, Wife of Elmer R. Hallstrom, Defendant.

October 4, 1979, served within Complaint in Equity on Ralph J. Boyer, Defendant.

October 9, 1979, served within Complaint in Equity on Barbara Dugan, Defendant.

October 16, 1979, served within Complaint in Equity on Mrs. Bernard Warnick, Wife of Bernard M. Warnick, Defendant.

October 22, 1979, served within Complaint in Equity on Mrs. Heller, Wife of Cletas Heller, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

NOVEMBER 5, 1979, PRELIMINARY OBJECTIONS - MOTION FOR MORE SPECIFIC PLEADING, filed by Edward V. Cherry. One copy Certified to Attorney.

NOVEMBER 16, 1979, PRAECIPE, filed by Bruce E. Cooper.

Please list the within matter for Pre-Trial Argument Court on defendants' motions for more specific pleading.

Bruce E. Cooper, Esquire, will argue the case for the plaintiff; Edward V. Cherry, Esquire, for the defendants. /s/Bruce E. Cooper, Attorney for Plaintiff.

DECEMBER 6, 1979, ORDER, filed.

NOW, this 5th day of December, 1979, following argument into Defendants' Preliminary Objections filed to the above-captioned Complaint and the Court being satisfied that the required information can be obtained through the discovery methods, it is the ORDER of this Court that Defendants shall file Interrogatories on the Plaintiff on or before December 31, 1979.

IT is the further ORDER of this Court that Plaintiff shall respond within ten (10) days of receipt and Defendants shall filed their Answer to said Complaint within twenty (20) days of receipt of Answers. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JANUARY 3, 1980, PRELIMINARY OBJECTIONS MOTION FOR MORE SPECIFIC PLEADING, filed by Gleason and Cherry. One copy Certified to Attorney.

APRIL 28, 1980, DEFENDANTS' INTERROGATORIES DIRECTED TO PLAINTIFF, with ANSWERS ATTACHED, filed by Edward V. Cherry.

MAY 30, 1980, DEFENDANTS' SECOND INTERROGATORIES DIRECTED TO PLAINTIFF, filed by Edward V. Cherry.

AUGUST 5, 1980, AGREEMENT, filed by Bruce E. Cooper.

AUGUST 5, 1980, ORDER, filed by Bruce E. Cooper. One Copy Certified to Attorney.

AND NOW, this 4 day of Aug, 1980, upon agreement of the parties above named, their successors and assigns, through their respective counsel, BRUCE E. COOPER, ESQUIRE and EDWARD V. CHERRY, ESQUIRE, duly authorized to enter into a stipulation for this agreed Order, IT IS THE ORDER OF THIS COURT that the above action be settled, satisfied and discontinued upon the following conditions:

1. The City of DuBois (CITY) sells and conveys to Marcus Katzen (KATZEN) four separate parcels of property currently zoned "BUSINESS-OFFICE", bounded by Beaver Drive and Division Street, consisting of appriximately five acres, as more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, at a price of $5,000 per acre.

2. The CITY extends water and sewer lines to the property lines of the parcels of property described in paragraph 1 hereof within 120 days of the date of the agreement of the parties attached hereto. CITY likewise reserves for the use of these properties an additional 500 gallons per day for each parcel for the treatment of sewage.

3. CITY sells and conveys to KATZEN a parcel of land fronting on Beaver Drive currently zoned "Transitional", said parcel consituting between two and three acres, at a price of $5,000 per acre. A description of this property is attached as Exhibit "B" to the agreement of the parties attached hereto.

CONTINUED TO PAGE 196

CONTINUED FROM PAGE 195 NO. 79-32-EQU MARCUS KATZEN -vs- MARK VRAHAS, Mayor, et al

4. The CITY extends water and sewer lines to the site described in paragraph 3 hereof within 120 days of the date of the agreement of the parties attached hereto and reserves for the use of the aforesaid property 500 gallons per day for sewage treatment.

5. KATZEN constructs a 6,000 square foot building on the parcel described in paragraph 1 hereof. Said construction shall begin in the year 1981 and be completed on or before December 31, 1983. In the event KATZEN fails to complete the building by December 31, 1983, he shall be obligated forthwith to pay a penalty to the CITY in the amount of $5,000.

6. KATZEN constructs an additional 6,000 square foot building on the parcels described in paragraph 1 hereof, construction of which shall commence in the year 1983, with completion thereof on or before December 31, 1988. In the event that KATZEN fails to complete the building on or before December 31, 1988, he shall be obligated forthwith to pay a penalty in the amount of $5,000 to the CITY and an additional $1,000 penalty for every year after 1988, and before 1994 during which the building remains uncompleted.

7. KATZEN constructs a 6,000 square foot building on the property described in paragraph 3 hereof commencing in 1980, with completion on or before December 31, 1983. In the event KATZEN fails to complete construction on or before December 31, 1983, he shall be obligated forthwith to pay a penalty to the CITY in the amount of $5,000.

8. CITY issues building permits for all of the buildings described in paragraphs 5,6 and 7 hereof within thirty days of the date of the agreement of the parties attached hereto.

9. KATZEN executes releases to the named defendants and their successors in office.

BY THE COURT: /s/ John K. Reilly, Jr., P.J.

David S. Ammerman	WILMONT G. ADAMS and LINDA L. ADAMS, his wife and NATHANIEL DENNIS and PATRICIA DENNIS, his wife 79-33-EQU CARL B. WILLIAMS and EMMA L. WILLIAMS, his wife and CARL E. YOUNG and CORA J. YOUNG, his wife	Pro by Atty 30.00 Atty 3.00 by Atty Shff. Hawkins 18.75

OCTOBER 4, 1979, COMPLAINT IN EQUITY, filed by David S. Ammerman.
Four copies Certified to Sheriff.

OCTOBER 16, 1979, SHERIFF'S RETURN, filed.
October 10, 1979, served within Complaint on Carl E. Young, Defendant.
October 10, 1979, served within Complaint on Carl E. Young, Husband of Cera J. Young, Defendant.
October 10, 1979, served within Complaint in Equity on Emma Williams, Defendant.
October 10, 1979, served within Complaint on Emma Williams, Wife of Carl B. Williams, Defendant.
/s/Chester A. Hawkins, Sheriff by Marilyn Wood.

OCTOBER 29, 1979, ANSWER TO COMPLAINT, filed by R. Denning Gearhart.
One copy certified to Attorney.

NOVEMBER 8, 1979, ANSWER TO DEFENDANTS' COU NTER-CLAIM, filed by David S. Ammerman.

FEBRUARY 7, 1980, MOTION FOR SUMMARY JUDGMENT, RULE TO SHOW CAUSE, filed by David S. Ammerman.
One copy certified to Attorney.
RULE TO SHOW CAUSE,
AND NOW, this 7 day of February, 1980, upon consideration of the averments contained in the within Motion for Summary Judgment and upon motion of David S. Ammerman, Esquire, counsel for Plaintiffs, it is directed that a Rule be issued forthwith directing the Defendants, Carl B. Williams and Emma L. Williams, his wife, Carl E. Young and Cora J. Young, his wife, to show cause as to why judgment on the pleadings should not be entered at a hearing to be held on the 19 day of February, 1980, at 9:30 a.m. , in the main Courtroom of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

FEBRUARY 8, 1980, RULE ISSUED TO R. DENNING GEARHART, ATTORNEY FOR DEFENDANTS.

AUGUST 6, 1980, ORDER, filed by David S. Ammerman.
AND NOW, this 6 day of August, 1980, a Motion having been made by Plaintiffs for Summary judgment in Plaintiffs' favor and after hearing thereon and in consideration of the pleadings and it appearing to the Court that Plaintiffs' Complaint avers the existence of a private alley which Defendants' Answer and Counter-Claim admits and therefore the matter at issue is the unlawful interference of the right to use the alleys in the Mossop Addition subject of this action by obstruction and otherwise and it being clear to the Court that by the very existence of said alley or alleys as admitted to by the parties carries with it the free and uninterrupted right to use said alley or alleys by the abutting owners thereof and that it is therefore ORDERED and DECREED that Plaintiffs' Motion be and hereby is granted and the Court does hereby Order all parties to this action to remove any and all obstructions erected or placed upon said alley or alleys within thirty (30) days of the date of this Order, and further, that all parties are hereby enjoined from any future interference with the rights of the others in the use and enjoyment of the alley or alleys herein. Costs of this action to be divided equally among the parties. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Gleason & Cherry

11/29/1979
$7500.00
Surety Bond

LAWRENCE H. KIRK

79-34-EQU

GLENN KIRK and
MIRIAM KIRK

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins	by Atty	17.17
Shff Hawkins		15.17

OCTOBER 5, 1979, COMPLAINT IN EQUITY, filed by Gleason and Cherry.
Two copies Certified to Attorney.

RULE TO SHOW CAUSE
AND NOW, Oct. 5, 1979, a rule is granted on the Defendants, GLENN KIRK and
to show cause why a preliminary injunction should not issue as prayed for.
Rule returnable Oct. 31, 1979, at 1:30 PM. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

OCTOBER 17, 1979, SHERIFF'S RETURN, filed.
Now, October 9, 1979 at 11:30 AM DST served the within Complaint on Glenn Kirk, deft. at his place of residence.
Now, October 9, 1979 at 11:30 AM DST served the within Complaint on Glenn Kirk, Husband of Miriam Kirk, deft at his place of residence. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood

OCTOBER 29, 1979, ANSWER, filed by S. Paul Mazza and Associates.

NOVEMBER 5, 1979, ORDER, filed.
NOW, this 31st day of October, this being the day and date set for hearing into the above-captioned Complain for Preliminary Injunction, upon agreement of the parties, it is the ORDER of this Court that said Injunction be and is hereby granted and the Defendants instructed to permit Plaintiffs to proceed with drilling the subject premises to determine the existence and quantity and quality of coal therein as per locations of drill holes on the attached map, Defendants having withdrawn their Answer and New Matter.
IT is the further ORDER of this Court that Plaintiffs shall post a bond in the amount of Seven Thousand Five Hundred ($7,500.00) Dollars to insure payment of any damages to the property should such occur. By the Court, /s/ John K. Reilly, Jr., President Judge

NOVEMBER 29, 1979, SURETY BOND, filed.

WESTERN SURETY COMPANY -- $7500.00.

JANUARY 14, 1980, PETITION and ORDER, filed by Gleason and Cherry. One copy Certified to Sheriff.
ORDER:
AND NOW, this 14 day of January, 1980, in consideration of the foregoing Petition, the Sheriff of Clearfield County is directed forthwith to accompany an employee of Lee-Simpson Associates, Inc. and gain entrance into the home jointly owned by the plaintiffs and the defendants located in Brady Township, Clearfield County, Pennsylvani either peaceably or forceably for the purpose of permitting Lee-Simpson Associates, Inc. in order to obtain water samples. BY THE COURT, /s/ John K. Reilly, Jr., Presiden Judge

JANUARY 24, 1980, AFFIDAVIT OF SERVICE, filed.
NOW, January 16 1980 at 8:40 AM o'clock EST served the within Petition & Order on deft. at his place of residence. So answers, Chester A. Hawkins Sheriff By /s/ Marilyn Wood

Robert J. Jeffery	SARAH A. MONELLA 79-35-EQU CHARLOTTE BUTLER, Executrix of THE ESTATE OF PAUL M. MONELLA a/k/a PAUL MONELLA, Deceased Pro by Atty 30.00 Atty 3.00 by Atty Shff. Hawkins 13.30	OCTOBER 23, 1979, COMPLAINT IN EQUITY, filed by Robert J. Jeffery. One copy Certified to Attorney. OCTOBER 31, 1979, SHERIFF'S RETURN, filed. October 27, 1979, served within Complaint in Equity on Charlotte Butler, Defendant, by certified mail marked "ADDRESSEE ONLY". /s/Chester A. Hawkins, Sheriff by Marilyn Wood. NOVEMBER 16, 1979, ANSWER AND NEW MATTER, filed by Gleason and Cherry. Two copies Certified to Attorney NOVEMBER 29, 1979, ACCEPTANCE OF SERVICE, filed by Robert J. Jeffery. Re: Answer and New Matter FEBRUARY 1, 1980, ANSWER TO DEFENDANT'S NEW MATTER, filed by Robert J. Jeffery. A copy of the within pleading has been served on all other parties or counsel by mail sent on January 28, 1980. /s/Robert J. Jeffery. FEBRUARY 1, 1980, PRAECIPE, filed by Robert J. Jeffery. Please place the above encaptioned matter on the Non-Jury Trial List. /s/Robert J. Jeffery. A copy of the within pleading has been served on all other parties or counsel by mail sent on January 28, 1980. /s/Robert J. Jeffery. DECEMBER 15, 1981, ORDER, filed by James E. Wesiman, Atty. This matter having come on for a hearing on the 24th day of April, 1981 and the parties having agreed upon a Stipulated Settlement and after due deliberation of all the circumstances heretofore had herein, it is ORDERED, ADJUDGED, AND DECREED, that the petitioner, Sarah Monella, may stay in the house of theEstate of Paul M. Monella in DuBois, Pennsylvania for so long as she shall live or until such time as she wishes to move. Should the said Sarah Monella decide to move, the house of the respondent estate in DuBois, Pennsylvania shall be sold and the net proceeds from the sale shall firstly be applied to estate taxes and thereafter to administration expenses, fees, and commissions and thereafter applied to the purchase of a home of comparable quality and size in the locale in which the said Sarah Monella decides to relocate, and she shall occupy the said new house of the estate until the time of her demise or decision to move. It is further directed that the Executrix shall approve of the purchase of the new house but she shall not unreasonably withhold her consent to the said purchase, and it is further ORDERED, ADJUDGED, AND DECREED, that Sarah Monella shall advise in writing the Executrix of the Estate, Charlotte Butler, of her intention to move thirty days prior thereto. The said Executrix shall then undertake retention of a local realtor to sell the aforesaid property. Sarah Monella shall have the right to approve or disapprove the sale price prior to acceptance thereof by the Executrix of an offer of sale, and it is further ORDERED, ADJUDGED, AND DECREED, that should the Executrix not expeditiously undertake the retention of a local realtor as aforesaid, or not expeditiously carry out her duty of selling the said property after notice of removal by the said Sarah Monella, Sarah Monella may apply to this Court for permission to act on behalf of the estate for the said sale, and it is further ORDERED, ADJUDGED, AND DECREED, that upon the demise of Sarah Monella the DuBois, Pennsylvania property, if still within the ownership of the estate, or the relocation house, shall be sold and its assets distributed pursuant to the terms of the Will of the late Paul M. Monella, and it is further ORDERED, ADJUDGED, AND DECREED, that the furniture in the premises of the estate in DuBois, Pennsylvania is hereby declared to be owned exclusively by Sarah Monella alone, and it is further ORDERED, ADJUDGED, AND DECREED, that Sarah Monella shall be paid from estate assets, Two Hundred Dollars per month, should such monies be available within the Estate, or more, if necessary, for her care and maintenance such as medical care or nursing home care in accordance with the terms of same of the Will of the said Paul Monella, and it is further ORDERED, ADJUDGED, AND DECREED, that Sarah Monealla shall return to the Executrix herein, family pictures and any firearms of Paul Monella in her possession, and it is further ORDERED, ADJUDGED, AND DECREED, that the Executrix of the Estate of Paul M. Monella shall carry our her functions as stated in the Will of the said Paul M. Monella forthwith which said functions are not inconsistent with the terms of this Order. DATED: Dec. 15, 1981 ENTER: Nov.___, 1981. /s/ John K. Reilly, Jr., Presiding Judge, 46th Judicial District of Pennsylvania, Clearfield County. DECEMBER 9, 1983, COMPLAINT TO REMOVE EXECUTRIX filed by James E. Westman FEBRUARY 14, 1984, NOTICE OF MOTION filed by James E. Westman Two copies certified to Attorney

Belin,Belin & Naddeo	JAMES E. MOORE 79-36-EQU DORIS H. MOORE		
	Pro by Atty	30.00	
	Atty by Atty	3.00	
	Shff. Hawkins by Atty	10.75	
	Shff. Kennedy	11.92	
	Pro by Atty	3.00	

OCTOBER 25, 1979, COMPLAINT IN PARTITION, filed by Belin, Belin & Naddeo.
One copy Certified to Sheriff.

NOVEMBER 28, 1979, SHERIFF'S RETURN, filed.
October 26, 1979, served within Complaint in Partition on Doris H. Moore, Defendant by deputized Sheriff of Juniata County. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

JANUARY 18, 1980, ANSWER, filed by John R. Miller.

AUGUST 27, 1980, CERTIFICATE OF READINESS, filed by Carl A. Belin, Jr.

JANUARY 26, 1981, MOTION TO DISMISS, ORDER, filed by Robert B. Mitinger, Jr.
WHEREFORE, DORIS MOORE humbly requests your Honorable Court to dismiss the action in partition and to direct a hearing for equitable distribution. /s/Miller, Kistler & Campbell, Inc., by Robert B. Mitinger, Jr.
ORDER:
AND NOW, this 26 day of January, 1981, upon motion of Miller, Kistler & Campbell, Inc., the original Plaintiff, James E. Moore, is ordered to show cause why the action in partition should not be dismissed and a hearing for equitable distribution ordered. Rule and hearing Tuesday, February 17, 1981 at 2:00 p.m. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

FEBRUARY 9, 1981, RULE ISSUED UPON CARL A. BELIN, JR. IN ACCORDANCE WITH PRECEDING MOTION AND ORDER.

APRIL 2, 1981, STIPULATION FOR DISCONTINUANCE, filed.
Now come, Carl A. Belin, Jr., Esq., counsel for Pla ntiff, James E. Moore and Robert B. Mitinger, Jr., counsel for the Defendant, Doris H. Moore, and hereby stipulate and agree that the foregoing action has been settled in full and counsel for plaintiff and defendant hereby direct the Prothonotary to mark said action settled, ended and discontinued. /s/Belin, Belin & Naddeo by Carl A. Belin, Jr., Attorneys for Plaintiff, Miller, Kistler & Campbell, Inc., by Robert B. Mitinger, Attorneys for Defendant.

S E T T L E D D I S C O N T I N U E D A N D

E N D E D

EQUITY DOCKET NO. 12 1979

R.L. Pawlowski	BELVA FULLER and KENNETH FULLER, Executors of the Will of Enna Porter Smith, Deceased	OCTOBER 25, 1979, PRAECIPE FOR WRIT OF SUMMONS, filed by R.L. Pawlowski. Issue writ of summons in equity on defendant. /s/R. L. Pawlowski, Attorney for Plaintiffs. OCTOBER 25, 1979, SUMMONS IN EQUITY ISSUED TO SHERIFF FOR SERVICE. DECEMBER 13, 1979, SHERIFF'S RETURN, filed. November 6, 1979, served within Summons in Equity on Mary Bretzin, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
	79-37-EQU	JULY 21, 1980, COMPLAINT IN EQUITY, filed by Pawlowski Law Offices. One copy Certified to Sheriff. AUGUST 21, 1980, SHERIFF'S RETURN, filed. August 14, 1980, served the within Complaint on Mary Bretzin, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
Paul Silberblatt	MARY BRETZIN	AUGUST 29, 1980, CERTIFICATE OF READINESS FOR TRIAL filed by R. L. Pawlowski SEPTEMBER 2, 1980, APPEARANCE, filed by Paul Silberblatt. Enter our appearance for Defendant. /s/Bell, Silberblatt & Swoope by Paul Silberblatt, Attorney for Defendant. SEPTEMBER 2, 1980, ANSWER AND NEW MATTER, filed by Bell, Silberblatt & Swoope. SEPTEMBER 19, 1980, PLAINTIFFS REPLY TO NEW MATTER, filed by Pawloswki Law Offices DECEMBER 5, 1980, PRAECIPE FOR HEARING DATE, filed by R. L. Pawlowski. Please schedule a hearing date on this case. /s/R. L. Pawlowski, Attorney for Plaintiffs. MARCH 5, 1981, AMENDED COMPLAINT, filed by Pawlowski Law Offices. ACCEPTANCE OF SERVICE: AND NOW, this 5th day of March, A.D. 1981 I hereby accept service of a copy of the within pleadings. /s/Paul Silberblatt, Attorney for Defendant.

Pro	by Atty	15.00
Atty	by Atty	3.00
Shff. Hawkins		12.79
Pro	by Atty	15.00
Shff. Hawkins		12.79

R.L. Pawlowski	BELVA FULLER and KENNETH FULLER, Executors of the Will of Enna Porter Smith, deceased	OCTOBER 25, 1979, PRAECIPE FOR WRIT OF SUMMONS, filed by R.L. Pawlowski. Issue writ of summons in equity on defendants. /s/R.L. Pawlowski, Attorney for Plaintiffs. OCTOBER 25, 1979, SUMMONS IN EQUITY ISSUED TO SHERIFF FOR SERVICE. DECEMBER 13, 1979, SHERIFF'S RETURN, filed. November 2, 1979, served within Summons in Equity on Mrs. Kester, Assistant Vice President of the Curwensville State Bank. November 5, 1979, served within Summons in Equity on Mary Bretzin, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. DECEMBER 13, 1979, PRAECIPE, filed by R. L. Pawlowski. Please reissue the Writ of Summons in Equity as to Defendant John B. Porter, Jr., as the original Writ had not been served on this defendant within thirty (30) days of original issuance. /s/R. L. Pawlowski, Attorney for Plaintiffs. DECEMBER 13, 1979, WRIT OF SUMMONS REINSTATED AND REISSUED TO SHERIFF FOR SERVICE ON JOHN B. PORTER, JR., ONLY. MARCH 5, 1980, SHERIFF'S RETURN, filed. Now, January 5, 1980 served within Summons in Equity on John B. Porter, Jr. by certified mail, return receipt attached. So answers, Chester A. Hawkins by Marilyn Wood
	79-38-EQU	
	MARY BRETZIN, JOHN B. PORTER, JR., and CURWENSVILLE STATE BANK	

Pro	by Atty	15.00
Atty	by Atty	3.00
Shff. Hawkins	by Atty	16.83
Shff Hawkins		7.55

Gleason and Cherry

DENNIS DOKSA

79-39-EQU

T.H. ROY

Pro by Atty 30.00
Atty by Atty 3.00
Shff. Hawkins 17.21

NOVEMBER 8, 1979, PETITION, filed by Gleason and Cherry. Three copies Certified to Attorney.

RULE

AND NOW, to wit, this 8th day of November, 1979, upon consideration of the within petition and motion of EDWARD V. CHERRY, Esq., Attorney for petitioners, a Rule is granted upon DENNIS DOKSA, the plaintiff, and prospective purchaser and the Sheriff of Clearfield County to show cause why the Sheriff's sale covering the 1979 Thunderbird, Serial No. 9G 87F255471 exposed for sale under writ 8CV -1-69 from Magistrate 46 - 3 - 01 on October 19, 1979, should not be set aside.

Rule returnable on the 21 day of Nov, 1979, at 9:00 A.M., in Court Room, Clearfield County Courthouse, Clearfield County, Pennsylvania. All proceedings to stay meanwhile, including distribution of proceeds, and the Sheriff is directed to seize and hold the said vehicle upon the posting of bond. BY THE COURT, /s/ John K. Reilly, Jr.

NOVEMBER 15, 1979, ANSWER TO PETITION FOR RULE, filed by William C. Kriner.

DECEMBER 4, 1979, ORDER, filed by Gleason and Cherry. Two copies Certified to Attorney.

AND NOW, this 3rd day of December, 1979, in consideration of the foregoing petition and it appearing that the Sheriff's Office of Clearfield County had notice prior to the sale that The Union Banking and Trust Company, of DuBois, Pennsylvania, held a lien in the sum of Nine Thousand Four Hundred Forty-One Dollars and Thirty-Six Cents ($9,441.36) against the 1979 Ford Thunderbird Serial Number 9G87F255471, which was sold at a Sheriff's sale to DENNIS DOKSA for the sum of Nine Hundred Eighty Dollars ($980.00) plus costs and that the purchase price is grossly inadequate, it is hereby

ORDERED AND DECREED that sale of said car to DENNIS DOKSA is hereby declared null and void and it is further ordered and directed that the Sheriff of Clearfield County deliver the 1979 Ford Thunderbird, Serial Number 9G87F255471, titled in the name of Thomas H. Roy to the said Thomas H. Roy at 145 East Scribner Avenue, DuBois, Pennsylvania, forthwith. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

DECEMBER 13, 1979, SHERIFF'S RETURN, filed.

November 9, 1979, served within Petition in Equity and Rule on Dennis Doksa, Plaintiff. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

DECEMBER 22, 1980, PETITION FOR JUDGMENT NON PROS AND RULE TO SHOW CAUSE, filed by Toni M. Cherry.

Two copies Certified to Attorney.

WHEREFORE, your Petitions request the Court to grant a Rule upon Plaintiff to show cause why a judgment of non pros should not be entered and an Order preventing further levy on Defendant's property in execution on Plaintiff's judgment should not be issued /s/Gleason, Cherry and Cherry by Toni M. Cherry.

RULE TO SHOW CAUSE:

AND NOW, this 22 day of December, 1980, upon consideration of the foregoing Petition a Rule is hereby issued upon Plaintiff to show cause why judgment of non pros should not be entered against him for failure to pursue litigation and the above captioned matter and an Order preventing further levy on Defendant's property in execution on Plaintiff's judgment should not be issued.

Rule returnable the 9 day of January, 1981 at 9:00 A.M. in the Clearfield County Courthouse, Clearfield, Pennsylvania. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JANUARY 9, 1981, AFFIDAVIT, filed by Edward V. Cherry.

Re: Mailing copies of Defendant's Petition for Judgment Non Pros to David P. King and Mr. Dennis Doksa, t/a Doksa Excavating and returned marked "Forwarding Order Expired" with reference to Mr. Doksa. /s/Edward V. Cherry.

JANUARY 9, 1981, ORDER, filed.

One copy Certified to Attorney Cherry.

NOW, this 9 day of January, 1981, in consideration of the Petition of T. H. Roy for Judgment Non Pros and there being scheduled a Rule Returnable on said Petition for Friday, January 9, 1981 at 9:00 o'clock A.M. and neither plaintiff nor his attorney nor any agent for him having appeared, it is hereby

ORDERED AND DECREED that a Judgment Non Pros be entered against the Plaintiff Dennis Doksa, trading as Doksa Excavating and plaintiff is hereby barred from ever bringing execution against the said T. H. Roy on the Judgment taken at the District Justice Level at TA 197-8CV-1-70. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Judgment Non Pros is entered in the above-captioned action against T. H. Roy on the Judgments taken at the District Justice Leval at TA 197-8CF-1-70.

Judgment Non Pros

Prothonotary

Blakley and Jones	JOSEPH L.R. PALUMBO and LUANA M. PALUMBO	NOVEMBER 9, 1979, COMPLAINT IN EQUITY, filed by Blakley & Jones. One copy certified to Attorney. NOVEMBER 9, 1979, PETITION, filed by Blakley & Jones. One copy certified to Attorney. NOVEMBER 9, 1979, RULE TO SHOW CAUSE, filed by Blakley & Jones. This 9 day of Nov., 1979, on consideration of the foregoing Petition, a Rule is hereby entered directing that Defendant show cause why he should not be enjoined from interferring with the real property of the Plaintiff until such time as this matter is finally resolved. Rule returnable this 6 day of Dec., 1979 at 10:30 o'clock A.M. in the Clearfield County Courthouse in the Main Courtroom in Clearfield, Pennsylvania at which time a hearing will held on the matter. /s/ John K. Reilly, Jr., P.J.
	79-40-EQU	November 14, 1979, Rule Issued and Mailed to Defendant.
Edward V. Cherry	ANGELO CARMELLA	DECEMBER 28, 1979, SHERIFF'S RETURN, filed. November 17, 1979, served within Complaint in Equity and Petition in Equity on Mary Carmella, Daughter of Angelo Carmella, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
	Pro by Atty 30.00 Atty by Atty 3.00 Shff. Hawkins 17.21 Sub 1.00	JANUARY 31, 1980, ANSWER AND NEW MATTER, filed by Edward V. Cherry. Two copies for acceptance by B. Blakley. Service accepted this 1st day of Feb. 1980. /s/Benjamin S. Blakley, Attorney for plaintiff.
		FEBRUARY 15, 1980, ANSWER TO NEW MATTER, filed by Blakley & Jones. Two copies Certified to Attorney. JUNE 18, 1980, PRAECIPE, filed. Please place the above captioned matter on the next available trial list. s/Benjamin Blakley
		JANUARY 16, 1981, PRAECIPE, filed by Toni M. Cherry. Please place the above captioned case on the present trial list. /s/Gleason, Cherry and Cherry, P.C., Attorneys for Plaintiff by Toni M. Cherry.
		JUNE 18, 1981, SUBPOENA, filed.

Elizabeth Cunningham	HARRY M. HIXSON and ISABEL C. HIXSON, husband and wife 79-41-EQU TREASURE LAKE OF PA., INC., a Pennsylvania Corporation	Pro by Atty	30.00
		Atty by Atty	3.00
		Shff Hawkins	17.21
		Pro by Atty	3.00

DECEMBER 4, 1979, COMPLAINT IN EQUITY, filed by Elizabeth Cunningham.

One copy Certified To Attorney.

RULE TO SHOW CAUSE

AND NOW, this 4 day of Dec, 1979, the Court hereby issues a rule directed to Treasure Lake of Pa., Inc., Defendant, to show cause why a preliminary injunction should not be granted enjoining them from 1) declaring an easement through Lot 209, Section No. 1 "Barbados" as proposed in Exhibit "A" of the Complaint filed in the above captioned matter 2) from entering onto Plaintiff's property for any purpose related to the proposed installation of the sanitary sewer 3) from cutting or removing trees or plant life 4) from installing any sewer pipe or fixtures necessary for the installation of the proposed sewer line.

Rule returnable the 9 day of Jan., 1979 at 9 a.m. at the Clearfield County Courthouse. BY THE COURT, /s/ John K. Reilly, Jr.

JANUARY 4, 1980, ANSWER AND NEW MATTER, filed by Scott V. Jones.

One copy Certified to Attorney.

JANUARY 15, 1980, AFFIDAVIT OF SERVICE, filed.

NOW, December 31, 1979 at 12:45 PM oclock EST served within Complaint on James Ellenberger, Mgr. for deft. at his place of employment. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood.

JANUARY 23, 1980, REPLY TO NEW MATTER, filed by Elizabeth Cunningham. One copy Certified to Attorney.

AUGUST 29, 1980, APPLICATION FOR EXTENSION OF TIME AND ORDER, filed by Elizabeth Cunningham.

One copy Certified to Attorney.

WHEREFORE, your Petitioner respectfully requests that an extension of time be granted to the Plaintiffs. /s/Elizabeth Cunningham.

ORDER:

AND NOW THIS 29 day of August, 1980, upon consideration of the attached Application for Extension of Time presented by Elizabeth Cunningham, Esquire, Attorney for the Plaintiffs in the above claim, it is hereby ORDERED AND DIRECTED that an extension of time for trial readiness be granted. Such time to extend to January 1, 1981. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

OCTOBER 30, 1980, PRAECIPE TO DISCONTINUE, filed by Elizabeth Cunningham.

Please mark the above claim discontinued. /s/ Elizabeth Cunningham, Attorney for Plaintiff.

D I S C O N T I N U E D

Elizabeth Cunningham	HARRY M. HIXSON and ISABEL C. HIXSON, husband and wife	
	79-42-EQU	
Joseph J. Lee	LOUIS W. SMUTZER and ALICE E. SMUTZER, husband and wife	
Jerry Landis	JOHN J. DEUTSCH, t/a CUSTOM SOLAR ENERGY HOMES, GERALD T. FRANKOVICH and RICHARD L. GUTH, Add'l Defts.	
	Pro by Atty	30.00
	Atty by Atty	3.00
	Shff Hawkins by Atty	17.21
	Shff Hawkins by Atty	21.21
	Shff Dinger by Atty	14.65
	Shff Gondal	20.95

DECEMBER 4, 1979, COMPLAINT IN EQUITY, filed by Elizabeth Cunningham. One copy Certified to Attorney.

JANUARY 15, 1980, AFFIDAVIT OF SERVICE, filed.
NOW, December 31, 1979 at 1:05 PM o'clock EST served within Complaint on Louis W. Smutzer, deft. at his place of residence. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood.

JANUARY 9, 1980, PRAECIPE FOR APPEARANCE, filed by Joseph J. Lee.
Please enter my appearance on behalf of the Defendants in the above entitled matter. /s/Joseph J. Lee.

JANUARY 18, 1980, PRELIMINARY OBJECTIONS, filed by Joseph J. Lee.

FEBRUARY 13, 1980, PRAECIPE FOR ISSUANCE OF SUMMONS, filed.
Issue Summons in Equity naming RICHARD L. GUTH, of Siegel, Clarion County, Pennsylvania, GERALD T. FRANKOVICH of 720 Maple Avenue, DuBois, Pennsylvania, JOHN J. DEUTSCH of DuBois, Pennsylvania, and CUSTOM SOLAR ENERGY HOMES of DuBois, Pennsylvania as Additional Defendants. Make writ returnable sec leg and sec reg. /s/ Joseph J. Lee, Attorney for Defendants

February 15, 1980, SUMMONS ISSUED and given to Attorney Lee.

FEBRUARY 29, 1980, COMPLAINT AGAINST ADDITIONAL DEFENDANTS, filed by Joseph J. Lee. Four Copies Certified to Attorney.

APRIL 3, 1980, SHERIFF'S RETURN, filed.
Now, March 7, 1980 at 12:50 PM EST served the within Complaint Against Addt Deft. on John J. Deutsch, deft.
Now, March 7, 1980, John Dinger, Shff of Jefferson Co. was deputized to serve within Complaint against Addt Deft. on Richard L. Guth, deft.
Now, March 11, 1980 served the within Complaint against Addl Deft. on Richard L. Guth, deft.
Now, March 4, 1980, John R. Gondal, Shff of Indiana Co. was deputized to serve Complaint on Gerald T.Frankovich.
Now, March 18, 1980 served within Complaint on Gerald T. Frankovich, deft. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood.

APRIL 9, 1980, PRELIMINARY OBJECTIONS, filed by David P. King.
One copy Certified to Attorney.

MAY 13, 1980, PRAECIPE, filed by Elizabeth Cunningham.
Kindly place the Preliminary Objections filed in the above captioned action on the Argument list. /s/Elizabeth Cunningham, Attorney for Plaintiff.

MAY 30, 1980, PRAECIPE FOR APPEARANCE, filed by Jerry B. Landis.
Please enter my appearance on behalf of Additional Defendant, John J. Deutsch, trading as Custom Solar Energy Homes, in the above captioned case. /s/Jerry B. Landis, Attorney for John J. Deutsch, Additional Defendant.

JUNE 10, 1980, ORDER, filed.
NOW, this 10th day of June, 1980, following argument in the above-captioned matter, it is the ORDER of this Court that Preliminary Objections filed on behalf of Defendants Louis W. Smutzer, et ux, and Gerald T. Frankovich be and are hereby dismissed. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JULY 24, 1980, PETITION TO ORDER ANSWER FILED AND ORDER, filed by Elizabeth Cunningham. Two copies Certified to Attorney.
ORDER:
AND NOW, this 28th day of July, upon consideration of the attached Petition it is hereby Ordered that Defendants, Louis W. Smutzer and Alice E. Smutzer file an Answer to the Plaintiffs' Complaint by the 18 day of August, 1980, unless an agreement is reached prior to that date. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

AUGUST 15, 1980, ANSWER AND NEW MATTER, filed by Joseph J. Lee
Certified copies of the attached were mailed on the 15th day of August to all counsel of record. /s/ Joseph J. Lee, Attorney for Original Defendants

°AUGUST 29, 1980, APPLICATION FOR EXTENSION OF TIME AND ORDER, filed by Elizabeth Cunningham.
One copy certified to Attorney.
WHEREFORE, YOUR Petitioner respectfully requests that an extension be granted to the Plaintiffs. Such extension is requested so that Plaintiffs may certify trial readiness for the January Term. /s/Elizabeth Cunningham.
ORDER:
AND NOW THIS 29 day of August, 1980, upon consideration of the attached Application for Extension of Time presented by Elizabeth Cunningham, Esquire, Attorney for the Plaintiffs in the above daim, it is hereby ORDERED AND DIRECTED that an extension of time to certify for trial readiness be granted to January 1, 1981. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

AUGUST 28, 1980, ANSWER TO NEW MATTER, filed.by Elizabeth Cunningham. One Copy Certified to Attorney.

Continued to page 216

CONTINUED FROM PAGE 216 NO. 79-42-EQU Harry M. Hixson al -vs- Louis W. Smutzer al
SEPTEMBER 9, 1980, ANSWER OF DEFENDANT JOHN J. DEUTSCH TO COMPLAINT AGAINST ADDITIONAL DEFENDANTS AND NEW MATTER filed by Jerry B. Landis
Hereby certify true and correct copy of Answer of Additional Defendants and New Matter mailed September 5, 1980. s/Jerry B. Landis

John Sughrue	BYRON A. SCHLAG, t/a AMERICAN REAL ESTATE; and AMERICAN CONSTRUCTION AND DEVELOPMENT COMPANY, a corporation	
	79-43-EQU	
Scott V. Jones	TREASURE LAKE OF PENNSYLVANIA, INC., a Corporation and JOHN DEUTSCH, an individual	
	Pro by Atty	15.00
	Atty by Atty	3.00
	Shff Hawkins	26.17
	Pro by Atty	15.00
	Settle-Disc by atty	3.00
Ck#1302 9995	Adv costs	62.17
	J. Sughrue	59.17
	Pro	3.00
		62.17

DECEMBER 7, 1979, PRAECIPE FOR WRIT OF SUMMONS IN EQUITY, filed by John Sughrue.

Please issue a writ of summons in equity in the above-captioned matter directed to the named Defendants, Treasure Lake of Pennsylvania, Inc., having its principal address at R. D. #4, Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801; and John Deutsch, present address unknown, whose last known address was R. D. #4, Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801. Direct said summons to the Sheriff for service on the Defendants at said address. Kindly certify a copy of the same to the Recorder of Deeds Office for recording lis pendens. This action involves the following described real estate:

ALL that certain lot or tract of land situate Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania, more particularly designated on the plan of said subdivision recorded in the Recorder of Deeds Office of Clearfield County, Pennsylvania as Lot 121, Section 4 and more particularly being a corner lot located at the corner of Bay Road and Matura Road, being the southeast corner of said intersection. /s/John Sughrue, Attorney for Plaintiffs.

DECEMBER 11, 1979, SUMMONS IN EQUITY ISSUED TO SHERIFF FOR SERVICE.

JANUARY 28, 1980 PRAECIPE FOR APPEARANCE AND ISSUANCE OF RULE, filed by Scott V. Jones. Enter our appearance in the above-captioned matter on behalf of Defendant TREASURE LAKE OF PA., INC. and enter a Rule upon the Plaintiffs to file a Complaint within twenty (20) days or suffer a judgment of Non Pros in accordance with Pa. R.C.P. 1037. (a) s/Scott V. Jones., Atty for Defendant.

JANUARY 28, 1980 RULE ISSUED AND GIVEN TO ATTORNEY SCOTT V. JONES FOR SERVICE.

FEBRUARY 7, 1980, AFFIDAVIT OF SERVICE, filed by Scott V. Jones.

Re: Service of Rule.

FEBRUARY 28, 1980, SHERIFF'S RETURN, filed.

Now, December 31, 1979 at 12:45 PM EST served the within Summons in Equity on James Ellenberger, Mgr. of Treasure Lake of Pa., Inc., deft at his place of employment.

Now, January 8, 1980 after diligent search in my baliwick I return the within Summons "NOT FOUND" as to John Deutsch, deft. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood

MARCH 6, 1980, COMPLAINT IN EQUITY INVOLVING REAL ESTATE filed by John Sughrue

MARCH 21, 1980, ANSWER WITH NEW MATTER, of DEFENDANTS TREASURE LAKE OF PENNSYLVANIA, INC., filed by Blakley & Jones. One Copy Certified back to Attorney.

JUNE 13, 1980, REPLY TO NEW MATTER OF TREASURE LAKE OF PENNSYLVANIA, INC., filed by John Sughrue.

JULY 3, 1980, PRELIMINARY OBJECTIONS OF DEFENDANT TREASURE LAKE OF PENNSYLVANIA, INC. TO THE NEW MATTER CONTAINED IN PLAINTIFFS' REPLY TO DEFENDANT'S NEW MATTER filed by Scott V. Jones

AUGUST 22, 1980, ORDER, filed.

NOW, this 22nd day of August, 1980, following argument into Preliminary Objections filed on behalf of the Defendants above-named, it is the ORDER of this Court that the New Matter contained in the Plaintiffs' Reply be and is hereby stricken. By the Court, /s/ John K. Reilly, Jr., President Judge

AUGUST 25, 1980, APPLICATION FOR EXTENSION OF PERIOD FOR CERTIFICATION FOR TRIAL AND ORDER FOR EXTENSION OF TIME, filed by John Sughrue.

WHEREFORE, an extension of time within which to certify for trial is respectfully requested. /s/John Sughrue, Attorney for Plaintiff.

ORDER FOR EXTENSION OF TIME:

AND NOW, to-wit: this 25 day of November, 1980, upon consideration of the foregoing Application for Extension of Time within which to certify the above-captioned matter for trial, it is the ORDER of this Court that an extension of time within which to certify the above-captioned matter ready for trial shall be and hereby is granted and time for such certification is extended to: January 1, 1981. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

DECEMBER 31, 1980, CERTIFICATION OF READINESS AND PRAECIPE FOR TRIAL, filed by John Sughrue.

Plaintiff, by his attorney, hereby certified that the above-captioned matter is at issue and ready for trial.

Kindly place the above-captioned matter on the following trial list: Equity Non-Jury. /s/John Sughrue, Attorney for Plaintiff.

JANUARY 8, 1981, CERTIFICATION OF READINESS AND PRAECIPE FOR TRIAL, filed by John Sughrue.

Plaintiff, by his attorney, hereby certified that the above-captioned matter is at issue andready for trial.

Kindly place the above-captioned matter on the following trial list: Civil Jury. /s/John Sughrue, Attorney for Plaintiff.

CONTINUED TO PAGE 218

CONTINUED FROM PAGE 217 79-43-EQU SCHLAG, t/a -vs- TREAS. LAKE OF PA.

JANUARY 8, 1982 PRAECIPE TO SETTLE AND DISCONTINUE, filed by John Sughrue, and Scott V. Jones, Attorneys.

Kindly settle and discontinue the above-captioned matterupon payment of costs by Defendant, Treasure Lake of Pennsylvania, Inc. The cas should be settled and discontinued as to all Defendants. s/John Sughrue, Attorney for Plaintiffs and Scott V. Jones, Attorney for Defendants.

Record costs in the sum of $62.17 have been paid in full by Scott V. Jones, Attorney for Defendants, this case marked Settled and Discontinued.

*****SETTLED DISCONTINUED*****

XXXX

George R. Klotzbaugh	WILMONT G. ADAMS 79-44-EQU TOWNSHIP OF LAWRENCE	DECEMBER 10, 1979, COMPLAINT IN ASSUMPSIT AND EQUITY, filed by George R. Klotzbaugh. One copy Certified to Sheriff. DECEMBER 28, 1979, PRELIMINARY OBJECTIONS, filed by Gates & Seaman. DECEMBER 28, 1979, ANSWER and NEW MATTER, filed by Gates & Seaman. FEBRUARY 13, 1980, REPLY OF PLAINTIFF TO NEW MATTER OF DEFENDANT filed by George R. Klotzbaugh MARCH 28, 1980, SHERIFF'S RETURN, filed. December 13, 1979, served within Complaint in Assumpsit & Equity on Township of Lawrence, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. JULY 7, 1980, PRAECIPE FOR TRIAL, filed by James L. Jubelirer of Jubelirer & Klotzbaugh Please list the above captioned matter for non-jury trial at the earliest possible time. s/James L. Jubelirer JANUARY 7, 1981, ORDER, filed. NOW, this 6th day of January, 1981, upon agreement of the Parties, it is the ORDER of this Court that in settlement of all financial claims against the Township, the Plaintiff above-named shall accept the sum of Two Thousand Five Hundred ($2,500.00) Dollars to be paid by the Township no later than May 1st, 1981, and that the following shall govern the activities of the Chief of Police of Lawrence Township: 1. When the Standard operating procedures for the Lawrence Township Police Department are adopted, the Chief shall be consulted; 2. The Chief shall prepare the work schedule of the officers under his command subject to approval by the Board of Township Supervisors or by the Supervisor appointed as Police Liason; 3. The Chief shall keep the time recors of the Police Officers under his command; 4. The Chief shall make recommendation for possible disciplinary action against those under his command when he deems necessary; 5. The Chief shall be consulted in the hiring of additional Police Officers; 6. Directives issued to the Chief from the Police Liason Supervisor or the Board of Supervisors must be in writing except in cases of emergency, in which case, a written directive shall be submitted as soon as conveniently possible; 7. The Chief is authorized to remove from service any police vehicles he considers in unsafe condition upon condition that he immediately report his action to the Liason Supervisor or to the Board of Supervisors who will then determine the condition of the vehicle and the steps necessary to repair it; 8. The Chief shall be in charge of the equipment and cleanliness of those officers subject to his command; including uniform, haircut, and physical appearance; 9. The Chief shall have access to his personnel file, and; 10. The Township shall reimburse the Plaintiff above-named for one week's paid vacation for 1980. It is the further ORDER of this Court that upon agreement of the Parties, the position of police Liason Supervisor in Lawrence Township shall continue to exist. BY THE COURT, s/John K. Reilly, Jr. President Judge.

Pro Atty	by Atty	30.00
	by Plff	3.00
Shff. Hawkins		11.75

Carl A. Belin, Jr.

ROBERT J. THOMAS and SARA J. THOMAS

79-45-EQU

CHARLES R. SAUPP and LILLY ANN SAUPP, his wife

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins	by Atty	14.37
Final Order	by Atty	3.00
Certification	by Atty	3.00

DECEMBER 17, 1979, COMPLAINT, filed by Carl A. Belin, Jr. of Belin, Belin & Naddeo

Two copies certified to Attorney

AUGUST 13, 1980, CERTIFICATE OF ATTEMPTED SERVICE, filed by Carl A. Belin, Jr.

AUGUST 12, 1980, PRAECIPE, filed by Carl A. Belin, Jr.

Please reinstate the complaint filed in the above action and certify the same to the Sheriff of Clearfield County for service on the defendants at their residence at Houtzdale, Pennsylvania. /s/Carl A. Belin, Jr., Attorneys for Plaintiffs.

AUGUST 12, 1980, COMPLAINT REINSTATED AND REISSUED TO SHERIFF FOR SERVICE.

AUGUST 29, 1980 MOTION FOR EXTENSION, filed by Carl A. Belin, Jr.

ORDER

AND NOW, this 29th day of August, 1980, upon reading and considering the foregoing Motion and having examined the unclaimed letters and having examined the correspondence of Belin, Belin & Naddeo and William C. Kriner, Esq., the Court is satisfied that an extension should be granted in this case therefore, it is the ORDER of this Court that a extension is hereby granted for the filing of a Certificate of Readiness in the above action until January 1, 1981. BY THE COURT, s/John K. Reilly, Jr., P.J

SEPTEMBER 2, 1980, MOTION FOR PUBLICATION, filed by Belin, Belin & Naddeo.

AFFIDAVIT

ORDER:

AND NOW, this 2 day of Sept. 1980, upon reading and considering the foregoing Motion together with the affidavit of Carl A. Belin, Jr., Esq. setting forth the facts set forth in said motion, it is the Order of the Court that service of the Complaint in this action shall be by publication in the Clearfield Progress in one publication. BY THE COURT, /s/ John K. Reilly, Jr., J.

SEPTEMBER 15, 1980, CERTIFICATE, filed by Carl A. Belin, Jr.

I do hereby certify and return that in obedience to an Order of Court to be directed on September 2, 1980, a notice of the facts set forth in the Complaint hereto annexed, was advertised once after the presentation of said Motion in The Progress, a daily newspaper published in Clearfield County, as will appear by the schedule of said advertisement and affidavit of its publication hereto annexed. /s/Carl A. Belin, Jr.

SEPTEMBER 16, 1980, SHERIFF'S RETURN, filed.

Now, September 11, 1980 after diligent search in my baliwick I return the within Complaint "NOT FOUND" as to Charles R. & Lilly Ann Saupp, defts. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

JANUARY 19, 1981, MOTION FOR PUBLICATION AND ORDER FOR PUBLICATION, filed by Carl A. Belin, Jr.

WHEREFORE, plaintiffs move your Honorable Court for leave to make service of said Notice of Default upon the defendants by general publication in The Progress of Clearfield, Pennsylvania, once. /s/Belin, Belin & Naddeo by Carl A. Belin, Jr., Attorneys for Plaintiffs.

ORDER FOR PUBLICATION:

AND NOW, this 16 day of January, 1981, upon reading and considering the foregoing Motion, it is the Order of the Court that plaintiffs are hereby granted leave to make service of the Notice of Default required by the Pennsylvania Rules of Civil Procedure upon the defendants herein by general publication in The Progress, of Clearfield, Pennsylvania, once. BY THE COURT /s/John K. Reilly, Jr., President Judge.

MAY 12, 1981, AFFIDAVIT, filed by Carl A. Belin, Jr.; Belin, Belin, & Naddeo, Attorneys at Law.

I do hereby certify and return that in obedience to an Order of Court to me directed on January 15, 1981, a Notice of Default was advertised once after the presentation of said Motion in The Progress, a daily newspaper published in Clearfield County, as will appear by the schedule of said advertisement and affidavit of its publication hereto annexed. So answers, Carl A. Belin, Jr.; Belin, Belin, & Naddeo, Attorneys at Law.

MAY 13, 1981, MOTION FOR JUDGMENT AND ORDER, filed by Carl A. Belin, Jr.

ORDER:

AND NOW, this 13 day of May, 1981, upon reading and considering the foregoing Motion for Judgment and it appearing to the Court that a default judgment is proper under the circumstances of this case, IT IS HEREBY ORDERED that Judgment be and is hereby entered in favor of the plaintiffs requesting reformation in that certain Deed from Charles R. Saupp and Lilly Ann Saupp to John H. Alexander dated December 1, 1978 and recorded in Clearfield County Recorder of Deeds Office in Deed Book 774, page 112, and the Recorder of Deeds of Clearfield County is hereby directed to enter upon said Deed the following description which correctly reflects the description of the property therein set forth:

BEGINNING at a point on the northern right-of-way of State Highway Route 853 at the line now or formerly of H. H. Rowland; thence along said State Highway Route 853 in a southwesterly direction a distance of 296.8 feet to a point; thence through the property of the Grantors, Charles R. Saupp and Lilly Ann Saupp, North 28° 44' 30" West, 251 feet, more or less, to point on Beaver Run; thence along the southern bank of Beaver Run in a northeasterly direction 307 feet, more or less, to a point; thence South 27° 2' East 278.6 feet to point and place of beginning.

CONTINUED TO OTHER SIDE OF THIS PAGE

CONTINUED FROM OTHER SIDE OF THIS PAGE 79-45-EQU ROBERT J. THOMAS, al -vs- CHARLES R. SAUPP, et al

Being the same premises described in a certain survey map prepared by Joseph E. O'Melia, Registered Professional Engineer dated September 13, 1979, a copy of which survey map is attached hereto and made a part hereof.

IT IS THE FURTHER ORDER of the Court that this judgment of reformation shall be entered by the Recorder of Deeds on the Deed from Charles R. Saupp and Lilly Ann Saupp, husband and wife, and Charles E. Saupp, Jr. and Viola Saupp, husband and wife, to Charles R. Saupp and Lilly Ann Saupp dated December 30, 1978 and recorded in Clearfield County Recorder of Deeds Office in Deed Book 783, page 50 and on the Deed from John H. Alexander to Robert J. Thomas and Sara J. Thomas, dated December 12, 1978 and recorded in Clearfield County Recorder of Deeds Office in Deed Book 774, page 117 and that said notice shall call attention to the corrected deed of reformation recorded in Clearfield County Recorder of Deeds Office in Deed Book 774, page 112. A copy of this Order shall be certified by the Prothonotary of Clearfield County to the Recorder of Deeds of Clearfield County for recording in the Deed Books in accordance with this Order.
BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Judgment of reformation is entered in the above captioned matter for Charles R. and Lilly Ann Saupp in accordance with Order of Court dated May 13th, 1981.

Judgment of Reformation.

Prothonotary

Gary H. Nash	COMMONWEALTH OF PENNA. Acting by Attorney General Edward G. Biester, Jr.	
	79-46-EQU	
Joseph Colavecchi	HOWARD HULL d/b/a HOWARD HULL & SON, INC. R. D. 2, Box 152 Clearfield, PA 16830	
Pro by Atty		30.00
Atty by Atty		3.00
Shff Hawkins		6.75

DECEMBER 20, 1979, COMPLAINT IN EQUITY, filed by Gary H. Nash.

Two copies Certified to Attorney.

ORDER:

AND NOW, TO WIT, this 20th day of December, 1979, upon consideration of the Complaint of the Commonwealth of Pennsylvania, and on the motion of the Attorney General, Edward G. Biester, Jr., hearing is fixed upon the Plaintiff's application for Preliminary Injunction.

Hearing is fixed on the 27th day of February, 1980, in Court Room No. 1 at 1:00 P.M. o'clock, Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

FEBRUARY 7, 1980, AFFIDAVIT, filed by John F. Szkotnicki.

Re: Failure to make service.

One copy Certified to Mr. Szkotnicki.

FEBRUARY 7, 1980, PRAECIPE FOR REISSUANCE OF COMPLAINT, filed by Gary H. Nash.

Please mark the original of this Complaint reissued as of this date due to our inability to personally serve Howard Hull within the previous thirty (30) day period. /s/Gary H. Nash, Assistant Attorney General.

FEBRUARY 7, 1980, COMPLAINT REINSTATED AND REISSUED TO ATTORNEY FOR SERVICE.

FEBRUARY 27, 1980, PETITION FOR CONTINUANCE OF HEARING AND ORDER, filed by Gary H. Nash, Asst Atty Gen.

Two copies Certified back to Attorney.

ORDER:

AND NOW, upon consideration of the Petition of the Plaintiff, the hearing in the above matter is hereby continued to the 26th day of March, 1980, in Court Room No. 1 at 9:00 A.M. o'clock, Clearfield County Court House, Clearfield, Pennsylvania. /s/ John K. Reilly, Jr. J.

MARCH 18, 1980, SHERIFF'S RETURN, filed.

Now, February 29, 1980 paper returned "NOT FOUND" as it was returned to the Atty Gen. as to Howard Hull, d/b/a Howard Hull & Sons Inc., deft. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood.

MARCH 26, 1980, PRAECIPE FOR APPEARANCE, filed by Joseph Colavecchi.

Please enter my appearance on behalf of Howard Hull and on behalf of Howard Hull & Son, Inc. /s/Joseph Colavecchi, Esq., Attorney for Defendant.

MARCH 26, 1980, AFFIDAVIT OF SERVICE, filed by Gary H. Nash.

Two copies Certified to Attorney.

Served within Complaint in Equity and Order Granting Continuance upon Howard Hull by serving Mrs. Howard Hull on February 29, 1980. /s/John F. Szkotnicki, Investigator.

MARCH 26, 1980, CONSENT PETITION FOR PERMANENT INJUNCTION AND ORDER, filed by Gary H. Nash.

NOW, THEREFORE, before any testimony or evidence has been taken herein, and without trial or an adjudication of the facts or law herein, the Defendant agrees by the signing of the Consent Petition for Permanent Injunction, and the Court hereby orders that he shall be permanently enjoined in the breaching of any and all of the aforementioned prohibitions, and this Agreement shall serve as notice to him of said Injunction and the same shall be deemed to be an injunction within the meaning of Section 8 of the Act of December 17, 1968, P.L. 1224, 73 P.S. 201-1 eq seq., (1979 Supp), entitled the Unfair Trade Practices and Consumer Protection Law.

Provided, however, that this Consent Petition for Permanent Injunction shall not be construed to waive the Commonwealth's right to pursue such other remedies in the future as it deems appropriate against the Defendant.

We hereby consent to the foregoing Petition to this Honorable Court of the making and entry of the Consent Petition for Permanent Injunction.

Dated this 26th day of March, 1980. FOR THE DEFENDANT, /s/Howard Hull, d/b/a Howard Hull and Son, Inc.

ORDER:

AND NOW, TO WIT, this 26th day of March, 1980, upon consideration of the above captioned matter, the Court hereby ORDERS that the Defendant shall be permanently enjoined from the breaching of any or all of the provisions consented to by Defendant's signing of the Consent Petition for Permanent Injunction. /s/John K. Reilly, Jr., J.

One copy Certified to Attorney.

EQUITY DOCKET #12

John Sughrue

James A. Naddeo

BYRON A. SCHLAG, T/A AMERICAN REAL ESTATE; and AMERICAN REAL ESTATE AND CONSTRUCTION COMPANY, a Corporation

79-47-EQU

LEROY GROSCH and KAREN GROSCH, his wife

Pro	by Atty	15.00
Atty		3.00
Pro	by Atty	15.00
Shff	by Atty	12.75
Shff Lawr	by Atty	20.45
Pro	by Atty	3.00

DECEMBER 21, 1979, PRAECIPE FOR WRIT OF SUMMONS IN EQUITY, filed by John Sughrue

Kindly issue a writ of summons in equity in the above-captioned matter directed to the named Defendants an forward said summons to the Sheriff of Clearfield County with instruction to deputize the Sheriff of Clarion County and to serve the Defendants at their residence at 1319 Robinwood Drive, Clarion, Pennsylvania. This action involves ownership of real property located Treasure Lake Subdivision, Sandy Township, Clearfield County, Pennsylvania, more particularly referred to as Lot No. 148 Section 4. Kindly index this proceeding lis pendens. s/John Sughrue

DECEMBER 31, 1979, SUMMONS IN EQUITY ISSUED TO SHERIFF FOR SERVICE

JANUARY 4, 1980, PRAECIPE, filed by James A. Naddeo.

Please enter my appearance on behalf of the defendant in the above captioned action. /s/Belin, Belin & Naddeo by James A. Naddeo, Attorney for Defendant.

JANUARY 4, 1980, PRAECIPE, filed by James A. Naddeo.

Please issue a rule upon the plaintiffs in the above captioned action to file a complaint within twenty (20) days. /s/Belin, Belin & Naddeo by James A. Naddeo, Attorney for Defendants.

JANUARY 7, 1980, RULE MAILED TO JOHN SUGHRUE TO FILE A COMPLAINT WITHIN TWENTY (20) DAYS.

JANUARY 24, 1980, COMPLAINT, filed by John Sughrue

JANUARY 30, 1980, PRELIMINARY OBJECTIONS, filed by James A. Naddeo.

MARCH 5, 1980, SHERIFF'S RETURN, filed.

Now, December 31, 1979, Bernard Lahr, Sheriff of Clarion County was deputized.

Now, January 9, 1980 served within Summons in Equity on Leroy Grosch and Karen Grosch, return of Sheriff Lahr hereto attached. So answers, Chester A. Hawkins by Marilyn Wood

APRIL 28, 1980, PRAECIPE, filed by John Sughrue.

Kindly mark the above-captioned case settled and discontinued. Plaintiff to pay costs. /s/John Sughrue, James A. Naddeo.

S E T T L E D A N D D I S C O N T I N U E D

Joseph Colavecchi	ALLEN M. BUTLER, SR.	JANUARY 4, 1980, COMPLAINT IN PARTITION OF JOINTLY OWNED PROPERTY, filed by Joseph Colavecchi. Four copies Certified to Attorney.
	80-1-EQU	JANUARY 29, 1980, ANSWER TO COMPLAINT, filed by James A. Naddeo.
		JANUARY 29, 1980, SHERIFF'S RETURN, filed. January 23, 1980, served within Complaint in Partition on Flora A. Butler, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
	FLORA A. BUTLER	MARCH 31, 1980, ORDER, filed. NOW, this 31st day of March, 1980, following Preliminary Conference into the above-captioned Action in Partition, both parties having by stipulation waived the necessity of preliminary determination of the value of the premises and the need for Trustees' bond, it is the ORDER of this Court that John Sughrue, Esquire be and is hereby appointed Trustee in the above-captioned Action in Partition for purposes of having the property appraised and offered for public sale in accordance with law. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
		APRIL 11, 1980, CERTIFICATION OF SERVICE AND NOTICE OF EMPLOYMENT OF APPRAISER, filed by John Sughrue.
	Pro by Atty 30.00 Atty by Atty 3.00 Shff. Hawkins 11.75	AUGUST 12, 1980, NOTICE OF FILING OF TRUSTEE'S REPORT AND RETURN OF SALE AND DECREE NISI, file by John Sughrue And AFFIDAVIT OF SERVICE.
		AUGUST 5, 1980, RETURN OF SALE AND REPORT OF TRUSTEE, filed by John Sughrue.
		AUGUST 12, 1980, DECREE NISI, filed. AND NOW, to-wit: this 12th day of August, 1980, the Return of Sale and Report of Trustee, John Sughrue, in the above-captioned matter is hereby approved for filing and directed to be filed and it further appearing to the Court that notice of the Trestee's intention to file said Return and Report was given to the parties in interest on July 31, 1980, as will appear of record and after consideration of said Report and Return of Sale, it is ORDERED, ADJUDGED and DECREED as follows: 1. That the Return of Sale and Report of the Trustee shall proceed under Pennsylvania Rule of Civil Procedures No. 1573 and 1574 and such special Orders of Court as deemed appropriate; 2. That the recommendation of the Trustee to sell the subject premises for the sum of Forty Thousand ($40,000.00) Dollars to the successful bidder, Allen M. Butler, Sr., is hereby accepted and adopted and said sale is hereby approved and confirmed absolutely; 3. That the Trustee shall be and is hereby authorized at such time as this Decree becomes final or sooner if stipulated by the parties to prepare, execute and deliver a deed for the subject premises to the confirmed purchaser in the form set forth in said Report; 4. That the Trustee shall be and hereby is authorized to receive the proceeds of sale and to distribute the same pursuant to proposed Schedule of Distribution as set forth in said Report and Return of Sale; 5. That the Trustee shall upon filing an affidavit of proof that the proceeds have been distributed pursuant to Order of this Court be discharged from the duties of his office and shall no be longer be liable thereunder. In the event any individual to whom distribution is due shall fail to negotiate Trustee's draft within twenty (20) days from the date of said draft, the Trustee is hereby authorized to stop payment on said draft pay such distributee's share to the Prothonotary/Clerk of Courts of this Court to be held until such time as said distributee, his heirs or assigns shall petition for the same and upon such payment into the Court, the Trustee shall be discharged from all further liability on account of said appointment; 6. That costs of record in this matter shall be paid by the parties equally and distributed by the Trustee from the gross proceeds of sale; 7. That the parties in interest shall have twenty (20) days from the date of this Decree Nisi to file exceptions to the Return of Sale, Report of the Trustee or this Decree Nisi; 8. That if no exceptions are filed within twenty (20) days of the date of this Decree, this Decree shall become final and absolute upon all parties. BY THE COURT, /s/John A. Cherry, Senior Judge.
Ck#1216 8823 Sept 9/80	Costs 44.75 J. Colavecchi 44.75 Paid to Mr. Colavecchi for re-imbursement of costs in volved, by Order of Decree Nisi.	
	~~by Atty~~ Shff. Hawkins 11.75	
		AUGUST 29, 1980, WAIVER OF RIGHT TO FILE EXCEPTIONS AND STIPULATION TO PROCEED WITH SALE, filed by Joseph Colavecchi.
		SEPTEMBER 4, 1980, AFFIDAVIT OF TRUSTEE WITH RESPECT TO RECEIPTS AND DISBURSEMENTS, filed by John Sughrue.
		SEPTEMBER 19, 1980 RECEIPT AND RELEASE, filed by John Sughrue.
		[illegible] 1981, SHERIFF'S RETURN, filed. January 20, 1981, served within Complaint in Equity on Kenneth Rishel, Defendant. /s/ Chester A. Hawkins, Sheriff by Marilyn Wood.

Laurance B. Seaman	BOROUGH OF CURWENSVILLE 80-2-EQU SERVICE PERSONNEL and EMPLOYEES OF THE DAIRY INDUSTRY, TEAMSTERS LOCAL UNION 205, and OTIS L. KELLY, GLENN GILL, MIKE CALL and PATRICK CARFLEY Pro by Atty 30.00	JANUARY 3, 1980, PETITION AND PRELIMINARY INJUNCTION, filed by Laurance B. Seaman. One copy Certified to Attorney. WHEREFORE, Petitioner requests your Honorable Court: (1) to issue a Preliminary Injunction restraining Respondents from the use of force, violence, coercion or intimidation or the threats thereof to prevent Petitioner and its employees from being able to remove snow and/or spread cinders or salt on the streets and roads of Petitioner; (2) to limit the number of pickets at one time to two; and (3) following hearing hereon, continue said injunction. /s/Gates and Seaman by Laurance B. Seaman, Attorneys for Petitioner. PRELIMINARY INJUNCTION AND NOW, this 4 day of January, 1980, upon consideration of the foregoing Petition and Affidavit, that immediate and irreparable loss or damage will result to Petitioner, the residence of Petitioner and others using the roads and streets of Petitioner, before the matter can be heard on motion, IT IS ORDERED AND DECREED that a Preliminary Injunction issue against Respondents, Service Personnel and Employees of the Dairy Industry, Teamsters Local Union 205 and Otis L. Kelly, Glenn Gill, Mike Call ad Patrick Carfley, enjoining and restraining the same from the use of force, violence, coercion or intimidation or threats thereof or any other type of conduct or activity which would prevent Petitioner from making safe the streets and roads contained therein for travel by any means necessary, including the removal of snow and ice therefrom and the spreading of cinders and salt thereon. January 7, 1980 at 9:00 o'clock A.M. in the Main Court room, Clearfield County Court House, Clearfield, Pennsylvania, is fixed as the time and place of hearing of Petitioner's Motion to continue said injunction. IT IS FURTHER ORDERED AND DECREED, that the number of pickets at one time at any one site of Petitioner be limited to two (2) persons. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

David E. Blakley	MAX L. WOODS and ARTHUR WOODS	JANUARY 8, 1980, COMPLAINT IN EQUITY, filed by David E. Blakley. Two copies certified to Attorney. JANUARY 21, 1980, SHERIFF'S RETURN, filed. January 9, 1980, served within Complaint in Equity on Doris Swanson, Wife of Edward Swanson, Defendant. January 9, 1980, served within Complaint in Equity on Doris Swanson, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
	80-3-EQU	JUNE 30, 1982, CONSENT AND ORDER filed. NOW COME Plaintiffs, MAX L. WOODS and C. ARTHUR WOODS, by their Counsel, DAVID E. BLAKLEY, ESQUIRE, and EDWARD SWANSON and DORIS SWANSON, Defendants, by their Counsel, ANTHONY S. GUIDO, ESQUIRE, and stipulate and agree that the Court shall enter the following: ORDER filed NOW, this 30th day of June, 1982, the parties hereto having reached an agreement, it is hereby ORDERED AND DECREED as follows: 1. That the Plaintiffs herein, MAX L. WOODS and C. ARTHUR WOODS, their heirs, executors, administrators, successors, and assigns, shall have a perpetual right of way along the northern edge of the property of Defendants, EDWARD SWANSON and DORIS SWANSON, as shown on the attached survey map, and marked in green.* 2. The Defendants herein are enjoined from interfering in any way in Plaintiffs' right of way and the us thereof, for any purpose, or way.* * However Plaintiffs shall not have the right to permit third parties to tranport coal or other minerals across said easement from lands of third parties without the prior permission or approval of the Defendants. 3. The right of way shall be non-exclusive, and the Defendants herein, shall have the right to use said right of way, in connection with the use of Defendants land lying to the south of said right of way. 4. Plaintiffs shall maintain the said right of way at their own expense. However, in the event that Defendants shall use said right of way, and by such usage shall cause damage to the road way, the repair thereof shall be at the sole expense of the Defendants. 5. The fence of the Defendants, presently located upon said right of way, shall be removed and reinstalled south of the sothern line of said right of way, at the sole expense of the Plaintiffs. BY THE COURT: /s/ John K. Reilly, Jr., President Judge. and CONSENTED TO: by David E. Blakley, Attorney for plaintiffs, Max L. Woods, Plaintiff, C. Arthur Woods, Plaintiff, Anthony S. Guido, Attorney for Defendants, Edward Swanso Defendant, Doris SWanson, Defendant. One (1) copy Certified to Attorney.
	EDWARD SWANSON and DORIS SWANSON	
Pro by Atty 30.00 Atty 3.00 by Atty Shff. Hawkins 19.21		

J. L. Lehman	ROBERT MYERS, JR., KERRI MYERS and JESSE MYERS, by Timothy E. Durant, their guardian ad litem, and Carol Dobish, Administrator of the estate of Robert M. Myers	JANUARY 24, 1980, COMPLAINT IN PARTITION, filed by J. L. Lehman. Two copies certified to Sheriff. MARCH 5, 1980, SHERIFF'S RETURN, filed. Now, February 4, 1980 served within Complaint in Equity on Carl R. Ajelio, Attorney General by certified mail, return receipt attached. Now, February 5, 1980 served within Complaint in Equity on Edward W. Maher, Commissioner, return receipt attached. So answers, Chester A. Hawkins by Marilyn Wood
	80-4-EQU	
	STATE OF CONNECTICUT, Commissioner of Income Maintenance of the State of Connecticut	

Pro	by Atty	30.00
Atty		3.00
Shff	by Atty	17.63

John Sughrue	LOUISE IRWIN BRINTON, an individual; and RICHARD B. IRWIN, an individual 80-5-EQU CLEARFIELD-LAWRENCE TOWNSHIP JOINT AIRPORT AUTHORITY, a municipal corporation; BORON OIL COMPANY, a corporation; H. CLEMETH BURNSWORTH and MARIAN W. BURNSWORTH, his wife, individuals	FEBRUARY 28, 1980, PRAECIPE FOR WRIT OF SUMMONS IN EQUITY, filed by John Sughrue. Kindly issue a writ of summons in equity in the above-captioned action directed to the named Defendants. This action is an action in ejectment and related equitable remedies and involves real estate situate Lawrence Township, Clearfield County and is more particularly described as a part of those certain tracts of real property described and assessed on the tax records of Clearfield County as 123-L-7-39, and 123-L-7-40, and 123-L-7-44.1. /s/John Sughrue FEBRUARY 28, 1980, SUMMONS IN EQUITY ISSUED TO SHERIFF FOR SERVICE. MARCH 18, 1980, SHERIFF'S RETURN, filed. Now, March 6, 1980 at 11:55 AM EST served within Summons on Edie Kramer, Secy for Clfd-Lawrence Twp. Joint Airport Auth. deft. at her place of employment. Now, March 4, 1980 John R. Gondal, Shff of Indiana C was deputized to serve within Summons on H. Clemeth & Marian Burnsworth, defts. Now, March 6, 1980 served within Summons on H. Clemeth & Marian Burnsworth, defts. Now, March 10, 1980 served within Summons on Boron Oil Co., deft. by Certified Mail. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood.

Pro Atty	by Atty	15.00 3.00
Shff Hawkins	by Atty	19.15
Shff Gondal	by Atty	15.00

Corneal,Mason, Lucas & Scott	DONALD E. MONROY and BARBARA A. MONROY, husband and wife	
	80-6-EQUITY	
Ira P. Smades	ELVERDA ANNA BLOWERS	
	Pro by Atty 30.00	

MARCH 4, 1980, COMPLAINT IN EQUITY, filed by Corneal, Mason, Lucas & Scott. No Copies.

MARCH 4, 1980, PRAECIPE, filed.

Please index this matter in the judgment index as a lis pendens against the Defendant, Elverda Anna Blowers. CORNEAL, MASON, LUCAS & SCOTT, By /s/ James E. Scott, Esquire, Attorney for Plaintiffs.

MARCH 20, 1980, ACCEPTANCE OF SERVICE, filed by Smade & Jones-Wenger.

APRIL 16, 1980, PRELIMINARY OBJECTIONS, filed by Ira P. Smades, Attorney for Defendant.

MAY 28, 1980, ORDER, filed.

NOW, this 27th day of May, 1980, following argument into Defendant's Preliminary Objections in the above-captioned matter alleging an adequate remedy at law, it is the ORDER of this Court that said Preliminary Objections be and are hereby dismissed and Defendant directed to file Responsive Pleadings within twenty (20) days from date hereof. BY THE COURT, /s/ John K. Reilly, Jr. President Judge

JULY 31, 1980, ANSWER AND NEW MATTER filed by Ira P. Smades, Attorney for Elverda Anna Blowers

AUGUST 21, 1980, REPLY TO NEW MATTER, filed by James E. Scott, Attorney for Plaintiffs.

SEPTEMBER 2, 1980, CERTIFICATE OF READINESS, filed by James E. Scott
Type of Trial: Non Jury.

SEPTEMBER 2, 1980, PRAECIPE, filed.

Please list the captioned matter for trial. CORNEAL, MASON, LUCAS & SCOTT, By /s/ James E. Scott, Attorney for Plaintiffs

MARCH 9, 1981, ORDER, filed.

NOW, this 3rd day of March, 1981, this being the day and date set for Hearing in the above-captioned Action in Equity, the Parties through their Counsel having advised the Court that an agreement has been reached, terms of which are acceptable to the Court, based on said agreement, the Court enters the following Order: The Defendant shall convey to the Plaintiffs a tract of land, all that certain tract of land located in Cooper Township, Clearfield County, Pennsylvania, bound and described as follows: Commencing at a point on the southern edge of Township Road 723, known as the Knox Run Road, said point being two hundred and fifty-four point sixty-five feet from the southern intersection of Township Road with Township Road Number 720; thence, south nine degrees, one minute west, two hundred and one point 0 five feet to a point; thence, south eighty degrees, fifty-nine minutes east, one hundred and twenty-nine feet to a point; thence, north nine degrees, one minute east, two hundred and one point 0 five feet to a point on the southern edge of Township Road 723; thence, south seventy-nine degrees, fifty-nine minutes east, one hundred and twenty-nine feet to point and place of beginning. It is the further ORDER of this Court that the Plaintiffs shall pay to the Defendant based on the acreage of said described property a proportional amount based on the sum of twenty-five hundred dollars per acre. It is the further ORDER of this Court, and in addition to the above-described premises , the Defendant shall convey to the Plaintiffs all that certain piece or parcel of ground situated in Cooper Township, Clearfield County, Pennsylvania, bounded and described as follows: Commencing at an iron pin said pin being the southern corner of a point five hundred fifty-nine acre tract of land, owned by Plaintiffs, and a common corner with a sixteen point two eight five acre tract of land owned by Defendant; thence, north eighty degrees, fifty-nine minutes west, three hundred and seventy point eighty-three feet to a point; thence, south nine degrees, one minute west, eighty feet to a point; thence, north nine degrees, one minute east, eighty feet to point and place of beginning. It is the further ORDER of this Court upon agreement of the Parties that no additional compensation shall be paid for the tract of land second described above. And further, that the above conveyances and payment therefor shall be concluded within thirty days from date hereof. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Dunaway, Weyandt McCormick & Jones	DELTA EXCAVATING AND TRUCKING COMPANY, INC.		MARCH 7, 1980, COMPLAINT FOR PRELIMINARY INJUNCTION, filed by Dunaway, Weyandt, McCormick & Jones. Two copies Certified to Sheriff. MARCH 7, 1980, ORDER ALLOWING PRELIMINARY INJUNCTION WITHOUT HEARING, filed. AND NOW, March 7, 1980, the Plaintiff having filed an affidavit that immediate and irreparable loss and damage will result to him before the matter can be heard on motion, upon consideration of the complaint and the injunction affidavits filed therewith, it is Ordered and Decreed that a preliminary injunction issue upon the defendants, James Anderson and Grace Anderson, are enjoining and restraining defendants from allowing entry upon the land leased to the Plaintiff, from any use of land leased to the Plaintiff for any purpose. March 11, 1980 at 1:00 P.M. at the Clearfield Court House, Clearfield, Pennsylvania, is fixed as the time and place of hearing of Plaintiff's motion to continue the injunction. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
	80-7-EQU		
	JAMES ANDERSON and GRACE ANDERSON		MARCH 7, 1980, NOTICE OF PRELIMINARY INJUNCTION GRANED WITHOUT PRIOR NOTICE, filed by Dunaway, Weyandt, McCormick & Jones. Two copies Certified to Sheriff. MARCH 14, 1980, SHERIFF'S RETURN, filed. March 7, 1980, served within Notice on James Anderson, Defendant. March 7, 1980, served within Notice on Grace Anderson, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
	Pro by Atty	30.00	MARCH 14, 1980, PRAECIPE FOR DISCONTINUANCE, filed by Alfred Jones, Jr. Kindly file the Attached Stipulation and mark the above-captioned action "settled and discontinued pursuant to Stipulation". /s/Dunaway, Weyandt, McCormick & Jones by Alfred Jones, Attorney for Plaintiff.
	Atty by Atty	3.00	
	Shff. Hawkins	35.11	
	Pro	3.00	

S E T T L E D A N D D I S C O N T I N U E D

R. Denning Gearhart	ROBERT E. GEARHART, d/b/a GEARHART EXCAVATING 80-8-EQU CLEARFIELD COUNTY COMMISSIONERS		MARCH 13, 1980, COMPLAINT IN EQUITY, filed by R. Denning Gearhart. One Certified Copy To Attorney. RULE TO SHOW CAUSE: And now, this 13th day of March, 1980, upon Petitio of R. Denning Gearhart, Esq. attorney for Petitioner, a Rule is hereby issued upon the Clearfield County Commissioners to show cause why said relief should not be granted. Rule returnable March 19, 1980, at 9:00 o'clock a.m. BY THE COURT: /s/ John K. Reilly, Jr. , President Judge. MARCH 19, 1980, ANSWER, filed by David S. Ammerman. MARCH 21, 1980, ORDER, filed. NOW, this Twenty-first day of March, 1980, after hearing upon Rule to Show Cause issued by this Court upon Petition of R. Denning Gearhart, Esq., attorney for Robert E. Gearhart, it is the finding of this Court that the Clearfield County Commissioners were duly authorized by this Court in its Order of February 24, 1978 to remove the building in question from the premises, that the Notice for Letting of Bids for the demolition was properly made and duly advertised in accordance with the County Code and that Petitioner was bound thereby, and further that Petitioner failed to submit his bid in accordance with the County Code, and that the bid of Miles Contracting was properly submitted in accordance with the County Code, and that said bid of Miles Contracting in the amount of Fifty-eight hundred ($5800.00) Dollars is fair and reasonable. IT IS, THEREFORE, ORDERED AND DECREED that the prayer for relief of Robert E. Gearhart, d/b/a Gearhart Excavating be and hereby is denied, and the judgment be, and hereby is, entered in favor of the Clearfield County Commissioners in the above case. BY THE COURT, /s/ John K. Reilly, Jr., P.J.
	Pro by Atty	30.00	
	Atty	3.00	

Anthony S. Guido

VENETTA GURCHIEK

80-9-EQU

STELLA VICTOR and MARTIN SINCAVAGE, JR.

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins		16.53
Disc	by atty	3.00

Check#
1209
8507

Adv costs	52.53
A. Guido	49.53
Pro	3.00
	52.53

MARCH 14, 1980, COMPLAINT IN EQUITY-PARTITION, filed by Anthony S. Guido
One copy certified to Sheriff
One copy certified and mailed to Attorney

APRIL 7, 1980, RETURN OF SERVICE OF COMPLAINT, filed by Anthony S. Guido.
March 20, 1980, served Stella Victor by sending a true and attested copy of Complaint by certified mail, return receipt requested and marked "ADDRESSEE ONLY. /s/Anthony S. Guido.

APRIL 11, 1980, AFFIDAVIT OF SERVICE, filed.
NOW, April 2, 1980 at 3:20 PM o'clock EST served the within Complaint on Martin Sincavage Jr., deft. at his place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

MAY 27, 1980 PRAECIPE, filed by Anthony S. Guido, Attorney for Plaintiff.
Mark the above action settled and discontinued upon payment of costs. s/Anthony S. Guido, Atty for Plaintiff.

Record costs in the sum of $52.53 have been paid in full by Baird & Miller, Check#1209 this case marked Settled and Discontinued.

****SETTLED and DISCONTINUED****

~~Robert P. Ging, Jr.~~ Richard S. Ehmann	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES	MARCH 20, 1980, COMPLAINT IN EQUITY, filed by Robert P. Ging, Jr., Asst. Atty Gen. Two Copies Certified to Attorney. MARCH 20, 1980, REQUEST FOR SPECIAL INJUNCTION, filed. MARCH 21, 1980, ORDER, filed. NOW, this 21st day of March, 1980, this being the day and date set for hearing into the above-captioned Complaint in Equity for Special Injunction, all parties having appeared, it is the ORDER of this Court that hearing be and is hereby continued until March 31, 1980, in order to provide opportunity to Defendant above-named to supply to Complainant above-named a second mortgage on the real estate owned by Maynard and Marian Graham in an amount of at leased Sixty Thousand ($60,000.00) Dollars. In the event that said second mortgage is offered within said period, it is the ORDER of this Court that same shall be sufficient tender to comply with the provisions of the Surface Mining Act for Defendant to proceed with his current operations. Pending said continued hearing, it is the further ORDER of this Court that the temporary Injunction be and is hereby dissolved. Failure of the Defendant to meet the above requirements within the said ten (10) day period shall result in the reinstatement of said Injunction. By the Court, /s/ John K. Reilly, Jr., President Judge
	80-10-EQU	
~~R. Denning Gearhart~~	MAYNARD GRAHAM and GRAHAM BROS. COAL COMPANY	
a# 5474	Pro by Plff 30.00 Atty 3.00 by Plff Shff. Hawkins 15.47	APRIL 10, 1980, SHERIFF'S RETURN, filed. March 20, 1980, served within Injunction & Order on Maynard Graham, Defendant. March 20, 1980, served within Injunction & Order on Maynard Graham, Owner of Graham Bros. Coal Co., Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
June 11, 1981 Rec Ck#2585 $1,070.00 R.D.G. costs as Per Court Order		APRIL 23, 1980, ORDER, filed. AND NOW, to wit, this 22 day of April, 1980, it is hereby Ordered that the Order of this Court entered on March 21, 1980 in the above matter is interlocutory in nature and shall remain in effect for only 90 days from the date of its entry. /s/ John K. Reilly, Jr., J. APRIL 29, 1980, AMENDED COMPLAINT, filed by Office of Chief Counsel for Department of Environmental Resources. JANUARY 15, 1981, ORDER, filed. NOW, this 15th day of January, 1980, upon consideration of the Commonwealth's Request for Injunctive Relief, and after hearing on the merits, it is the ORDER of this Court that: 1. The Order of this Court entered the 21st day of March, 1980, be and is hereby vacated. 2. Graham Brothers Coal Company shall, within ten (10) days of receipt of this Order, cease mining on any and all areas where no bonds have been posted with and approved by the Commonwealth of Pennsylvania for the conduct of a surface mining operation, specifical on the site covered by mining permit 1314-3 in Bradford Township, Clearfield County. 3. The Department of Environmental Resources shall certify to the Court within ten (10) days of this Order that Graham Brothers Coal Company has complied with the terms of this Order. BY THE COURT, /s/John K. Reilly, Jr., President Judge. FEBRUARY 11, 1981, PETITION TO ENFORCE COURT ORDER, filed by Robert P. Ging, Jr. WHEREFORE, the Commonwealth of Pennsylvania, Department of Environmental Resources, respectfully moves this Honorable Court to issue an Order requiring the Sheriff of Clearfield County and/or the State Police to take steps as may be necessary to cease the illegal operations currently being conducted by Maynard Graham and Graham Brothers Coal Company. /s/Robert P. Ging, Jr., Assistant Attorney General. FEBRUARY 23, 1981, ORDER, filed. NOW, this 20th day of February, 1981, following hearing and argument on the Commonwealth's Petition to Enforce the Order of Court entered January 15, 1981, the Court makes the following findings of fact and Order: 1. Testimony presented by the Commonwealth of Pennsylvania and the Defendants indicates that the Defendants have violated the Order of Court dated January 15, 1981. 2. Maynard Graham and Graham Brothers Coal Company, as late as February 19, ,1981, continued to conduct mining operations on areas where no bonds had been posted, nor permits obtained, as requested by the Surface Mine Conservation and Reclamation Act; S4, as amended 1980, Oct. 10, 1968, Dec. 10, P.L. 1167, No. 370 §3; 1971, Nov. 30, No. 147 §5; 1973, Oct. 18, P.L. 306, No. 94 §1. 3. The Defendants do not dispute that they knowingly and willfully violated the Order of this Court entered January 15, 1981. THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that: 1. Maynard Graham and Graham Brothers Coal Company immediately cease all surface mine operations in the Commonwealth of Pennsylvania. 2. Upon notification of the Commonwealth of Pennsylvania, Department of Environmental Resources, that Maynard Graham and Graham Brothers Coal Company are continuing to conduct mining operations in the Commonwealth of Pennsylvania, the Sheriff of Clearfield County, with such other assistance as the Sheriff may require, shall immediately take such steps as may be necessary to cease the mining operations, including incarceration of Maynard Graham, partners of Graham Brothers Coal Company, and any other person or persons who through their actions are engaged in conduct which would violate this Order, and the Order of this Court entered at the above Term and Number on January 15, 1981. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

NO. 80-10-EQU

FEBRUARY 24, 1981, ENTRY OF APPEARANCE, filed by R. Denning Gearhart

MARCH 20, 1981, ORDER, filed.

NOW, this 19th day of March, 1981, following hearing in the above-captioned allegations of violations of Order of this Court dated February 20, 1981, the Court finds as a fact based on the testimony that on March the 18th, 1981, the Defendants, Maynard Graham and Graham Brothers Coal Company, did operate their surface mining equipment in a manner directly contrary to the above Order. And this Court does, therefore, find the Defendant in contempt and does Order the Defendants to pay a fine of One Hundred ($100.00) Dollars. It is the further ORDER of this Court that, should future violations of the Order of February 20, 1981 occur, the Defendants, Maynard Graham and Graham Brothers Coal Company, shall pay a fine of One Thousand ($1,000.00) Dollars per day. Said fine to be paid no later than 12:00 o'clock noon of the next following working day following the day of operations. It is the further ORDER of this Court that employees and/or representatives of the Department of Environmental Resources of the Commonwealth of Pennsylvania shall inspect the sites involved daily, and report to this Court weekly as to the operations of any mining equipment thereon. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 23, 1981, MEMORANDUM OF LAW, filed by Maynard Graham. (9:14 A.M.)
Three copies Certified to Mr. Graham
One copy taken to Judge Reilly, Jr.

MARCH 30, 1981, PETITION TO WITHDRAW AS COUNSEL AND RULE TO SHOW CAUSE, filed by R. Denning Gearhart and John A. Sobel, IV.

One copy Certified to Attorney.

WHEREFORE, Petitioners in the above captioned matter request that the Court allow them to withdraw as counsel for the Defendant in the above captioned matter. /s/R. Denning Gearhart, John A. Sobel, IV.

RULE TO SHOW CAUSE:

AND NOW this 30th day of March, 1981, a Rule is hereby issued upon the Defendants to show cause why the Petitioners in the above captioned matter should not be allowed to withdraw as counsel.

RULE RETURNABLE the 1st day of April, 1981, at 11:30 o'clock A.M. in the Main Courtroom of the Clearfield County Courthouse. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 31, 1981, PETITION TO ENFORCE THE ORDERS OF THE COURT DATED JANUARY 15, 1981, FEBRUARY 20, 1981, and MARCH 19, 1981, filed by Robert P. Ging.

WHEREFORE, the Commonwealth of Pennsylvania, Department of Environmental Resources, respectfully moves this Honorable Court to enter an Order:

A. Requiring the Sheriff of Clearfield County and/or such other police agencies as may be required, to accompany the inspectors of the Department on the daily inspections required under the Court's Order of March 19, 1981.

B. Appointing a receiver to manage the affairs of Graham Brothers from the date of this Order until such time as the Court is satisfied that Graham and Graham Brothers are complying with the prior Orders of this Court.

C. Immediately requiring the Sheriff of Clearfield County to impound the equipment present on the site currently being operated by Graham and Graham Brothers.

D. Issuing a writ of attachment to secure all proceeds from the sale of coal by Graham and Graham Brothers.

E. Requiring Graham and Graham Brothers to post such bonds as may be necessary to assure compliance with the Court's Orders of January 15, 1981, February 20, 1981, and March 19, 1981.

F. Incarcerating Graham and Graham Brothers until such time as they have purged themselves of contempt.

G. Assessing costs on Graham and Graham Brothers for the additional costs sustained by the Department in conducting its inspections. /s/Robert P. Ging

CERTIFICATE OF SERVICE:

Re: Service upon Maynard Graham and Graham Brothers Coal Company a copy of within Notice, Rule, and Petition. /s/Robert P. Ging, Jr.

APRIL 1, 1981, ORDER, filed.

NOW, this 1st day of April, 1981, this Court finds as a fact that on March 26, 27, and 31, the Defendant did operate his mining operation in direct violation of the Order of this Court dated March 19th, 1981, and failed to pay the penalty imposed by this Court in that Order and therefore this Court imposes the following sanctions: First, the Sheriff of Clearfield County is Ordered to impound any and all mining equipment located on the subject premises and being the property of Graham Brothers Coal Company. Second, that a Writ of Attachment issued to King Coal Company to attach any and all proceeds due the Defendant as a result of the sale of any coal from the subject premises. And third, that Maynard Graham is hereby remanded to the custody of Clearfield County for purposes of incarceration in the Clearfield County Jail pending the payment of said Defendant to Clearfield County of the sum of Three Thousand Two Hundred ($3,200.00) Dollars representing the penalties imposed by this Court in earlier proceedings. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Three copies Certified to Commonwealth Attorney Ging

APRIL 6, 1981, ORDER, filed.

NOW, this 1st day of April, 1981, upon consideration of Petition for Withdrawal as Counsel in the above-captioned matter, it is the ORDER of this Court that Petition be and is hereby granted. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

APRIL 16, 1981, PETITION TO ATTEND CHURCH SERVICES AND ORDER, filed.

WHEREFORE, your Petition respectfully requests that this Honorable Court issue a Rule to show cause why the same should not be granted. /s/Maynard Graham.

ORDER:

NOW, this 16th day of April, 1981, upon consideration of the foregoing Petition, it is the ORDER of this Court that the above-named Defendant, Maynard Graham, be released from the Clearfield County Jail on each Sunday, commencing April 19, 1981, at 9:00 a.m., into the custody of George Graham for purposes of attending Sunday School and church services at the Church of Christ Egypt, Clearfield County, Pennsylvania; he to be returned to the Clearfield County Jail no later than 1:30 p.m.

IT is the further ORDER of this Court that on each Sunday said George Graham shall certify to the Warden of the Clearfield County Jail or his duly authorized deputy that said Defendant was, during the time specified, in attendance at Sunday School or worship services at said church.

All of which until further Order of this Court. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

CONTINUED FROM PAGE 269 80-10-EQU COMMONWEALTH OF PA DEPARTMENT OF ENVIROMENTAL RESOURCES -vs- MAYNARD GRAHAM and GRAHAM BROS., COAL COMPANY.

MAY 1, 1981, PETITION FOR EXTENSION OF SUNDAY FURLOUGH, filed by R. Denning Gearhart, Esquire; and ORDER, filed.

Order:

NOW, this 30th day of April, 1981, upon consideration of the attached Petition for extension of furlough in the above captioned matter, it is the Order of this Court that Petitioner's furlough for Sunday, May 3, 1981, be extended such that Petitioner is to be released from the Clearfield County Prison at 9 a.m., May 3, 1981, until five hours after his Federal Hearing in Pittsburgh scheduled for Monday, May 4, 1981.

IT IS further Ordered from this Court, that said Petition in no way constitutes a reentry of appearance by R. Denning Gearhart on behalf of Maynard Graham and Graham Brothers Coal Company in the above captioned matter. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

(Two copies certified for Attorney)

JUNE 11, 1981, ORDER, filed.

NOW, this 10th day of June, 1981, following Hearing, the Court grants to the above named Defendant a credit of thirty dollars ($30) a day for seventy-one days of incarceration, which totals two thousand one hundred thirty dollars ($2,130) and upon payment of the balance due of one thousand seventy dollars ($1,070), it is the ORDER of this Court that Maynard Graham be released from the Clearfield County jail. The Court does so Order i n view of the fact that periodic inspection of the premises by the Department of Environmental Resources have assured the Court that the Court Order has been complied with and there has been no activity of mining on the premises in violation of the laws as has been found in the past. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

JUNE 11, 1981 Received Check#2585 for $1,070.00 Payable Clearfield County from R. Denning Gearhart. Deposited Daily Account.

JANUARY 12, 1982, WITHDRAWAL OF APPEARANCE, filed.

I hereby withdraw my appearance on behalf of the Department of Environmental Resources of the Commonwealth of Pennsylvania in the above-captioned matter. /s/ Robert P. Ging, Jr.

JANUARY 12, 1982, NOTICE OF APPEARANCE, filed.

I hereb enter my appearance on behalf of the Commonwealth of Pennsylvania, Department of Environmental Resources, in the above-captioned matter. /s/ Richard S. Ehmann

F. Cortez Bell, Jr.	MERLE OAKS 80-11-EQU CHARLES E. OAKS	MARCH 25, 1980, COMPLAINT IN EQUITY, filed by F. Cortez Bell, Jr. One copy Certified to Sheriff. MAY 1, 1980, SHERIFF'S RETURN, filed. April 24, 1980, served within Complaint in Equity on Charles E. Oaks, Defendant. /s/Chester A. Hawkins Sheriff by Marilyn Wood. MAY 15, 1980, ANSWER, filed by David L. Young. One copy Certified to Attorney. One copy for acceptance by F. C. Bell, Jr. JANUARY 9, 1981, CERTIFICATE OF READINESS, filed by F. Cortez Bell, Jr. Non-Jury Request MAY 20, 1981, MOTION FOR CONTINUANCE AND ORDER, FILED by Ann B. Wood. One copy Certified to Attorney. NOW, THEREFORE, the Plaintiff, by his attorneys, Bell, Silberblatt & Swoope, requests your Honorable Court order an indefinite continuance in the above captioned matter and cancel the trial set for May 26 1981. /s/Bell, Silberblatt & Swoope by Ann B. Wood Attorneys for Plaintiff. ORDER: IT IS HEREBY ORDERED that the trial set for May 26, 1981 in the above captioned matter is hereby postponed indefinitely upon the request of the Plaintiff due to the inability of the Plaintiff to be present because of his health. Such postponement is due with the agreement of Defendant and his counsel. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
	Pro by Atty 30.00 Atty 3.00 by Atty Shff. Hawkins 18.23	

John Carfley	NORTHWEST SAVINGS ASSN. INTEGRITY INSURANCE CO. 80-12-EQU BERNARD P. SHERWIN	

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff. Hawkins	by Atty	27.35
Shff. Hawkins	by Atty	10.75
Shff. Wegemer		18.35

APRIL 2, 1980, PETITION FOR INJUNCTIVE RELIEF, filed by John R. Carfley.

One copy Certified to Sheriff.

Wherefore, Plaintiff Integrity Insurance Company prays This Honorable Court to enter an ORDER directing the issuance of a preliminary injunction, restraining the said defendant from removing the mobile home as hereinabove described from the premises of the M & M Mobile Home Park until further Order of this Court. /s/John R. Carfley, Attorney for Plaintiff.

ORDER OF COURT:

AND NOW, this 2 day of April, 1980, the plaintiff having filed an affidavit that immediate and irreparable loss and damage will result to the said plaintiff before the matter can be heard on motion, upon consideration of the complaint and the injunction affidavits filed therewith, it is ordered and decreed that a preliminary injunction issued upon security being entered by the plaintiff in the sum of Five Hundred Dollars ($500.00)

Upon entry of said security, the defendant, Bernard P. Sherwin is hereby enjoined and restrained from removing a 1969 Golden Empress Mobile Home, Serial Number 26928, vehicle identification number 1IX6112N2N269 28 from the premises of the M & M Mobile Home Park, R. D. 1, Philipsburg, Clearfield County, Pennsylvania.

April 3, 1980, at 9:o'clock A.M., in the Clearfield County Court House, Clearfield County, Pennsylvania is fixed as the time and place of hearing of Plaintiff's motion to continue the said injunction. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

APRIL 3, 1980, INJUNCTION BOND, filed by John R. Carfley.

Surety - Northwest Savings Association, Plaintiff and Transamerica Insurance Company, surety in the sum of $300,000.00.

APRIL 21, 1980, PETITION, filed by John R. Carfley. One Copy Certified to Sheriff.

ORDER:

AND NOW, this 21 day of April, 1980, upon consideration of the foregoing Petition and upon motion of John R. Carfley, Esquire, Counsel for the Petitioner, the respondent is hereby directed to appear and show cause why the said prayer of said Petition should not be granted.

RULE RETURNABLE and hearing thereon the 27 day of May, 1980, at 9:30 o'clock A.M. BY THE COURT, /s/ John K. Reilly, Jr., J.

MAY 5, 1980, SHERIFF'S RETURN, filed.

April 3, 1980, posted within Injunction, Petition and Order on Trailer of Bernard P. Sherwin, Defendant.

April 22, 1980, after diligent search return within Injunction, Petition and Order "NOT FOUND" as to Bernard P. Sherwin, Defendant.

April 3, 1980, mailed within Injunction, Petition and Order to Bernard P. Sherwin, Defendant by Certified Mail, letter returned marked "UNCLAIMED." /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

MAY 13, 1980, SHERIFF'S RETURN, filed.

April 28, 1980, served within Petition and Order on Bernard P. Sherwin, Defendant by deputized Sheriff of Blair County. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

MAY 27, 1980, ANSWER, filed by Timothy E. Durant.

MAY 28, 1980, ORDER, filed.

NOW, this 27th day of May, 1980, upon Motion of counsel John R. Carfley, Esquire, it is hereby ORDERED that the same shall be permitted to withdraw as counsel for Integrity Insurance Company, and Howard William Cox, vice president and agent for the said Integrity Insurance Company substituted as representative thereof.

At the time and date set for hearing on the said Petition, the parties hereto, with their respective counsel, appeared and arrived at an amicable resolution of the said matter, the terms and conditions of which are hereinafter set forth. The said Bernard P. Sherwin does hereby agree to release the said collateral described as a 1969 Golden Empress mobile home, due the Northwest Savings Association and Integrity Insurance Company, and does further agree to forgive a certain indebtedness owed by the said Northwest Savings Association to the said Bernard P. Sherwin. The said Northwest Savings Association and Bernard P. Sherwin do further agree to exchange mutual releases as to the rights and duties set forth in a certain installment sales contract executed on September 26, 1977.

The said Integrity Insurance Company duly represented at the said hearing by one Ralph Wade, agent for the said Integrity Insurance Company, does agree that it shall waive any rights to subrogation against the said Bernard P. Sherwin, which rights were to have been assigned by Northwest Savings Association pursuant to their contract of Indemnity, it being recognized by the said Integrity Insurance Company that the mutual releases herein agreed to be exchanged will terminate any right of recovery which the said Northwest Savings Association might assert against Bernard P. Sherwin or assign to the said Integrity Insurance Company. The Court further finds that the parties hereto, and their respective counsel, after due consideration and discussion thereon, are in agreement with the terms and conditions of the said settlement as herein above set forth. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

~~R. Denning Gearhart~~ Timothy E. Durant	OLGA YAWORSKI, individually and as executrix of the Last Will and Testament of James Yaworski	APRIL 17, 1980, COMPLAINT IN PARTITION, filed by R. Denning Gearhart. One copy Certified to Attorney. MAY 6, 1980, APPEARANCE, filed BY Paul Silberblatt. Enter my appearance for Alex Yaworski, Defendant above named. /s/Bell, Silberblatt & Swoope by Paul Silberblatt.
	80-13-EQU	JUNE 9, 1986, PRAECIPE FOR ENTRY AND WITHDRAWAL OF APPEARANCE, filed. Kindly enter my appearance for OLGA YAWORSKI, the Plaintiff in the above captioned action. s/ Timothy E. Durant Kindly withdraw my appearance for OLGA YAWORSKI, the Plaintiff in the above captioned action. s/ R. Denning Gearhart
Paul Silberblatt	ALEX YAWORSKI	JUNE 17, 1986, PRAECIPE TO SETTLE, DISCONTINUE, AND END, filed 2 cert atty Please mark the above matter settled, discontinued and ended as the parties have divided the commonly owned parcels of ground in a manner satisfactory to them as evidenced by certain deeds executed by the parties and intended to be recorded in the Office of the Clearfield County Recorder of Deeds, /s/ Timothy E. Durant, Esq.
	Pro by Atty 30.00 Atty 3.00 Pro 5.00	SETTLED DISCONTINUED ENDED

R. Denning Gearhart	SANDRA J. HOOVER	APRIL 17, 1980, COMPLAINT IN PARTITION, filed by R. Denning Gearhart. One copy Certified to Sheriff. MAY 14, 1980, SHERIFF'S RETURN, filed. April 24, 1980, attempted to serve within Complaint in Partition on Richard H. Hoover, Defendant by deputized Sheriff of Lycoming County. Returned marked "NOT SERVED". May 5, 1980, served within Complaint in Partition on Richard H. Hoover, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
	80-14-EQU	
	RICHARD H. HOOVER	
	Pro by Atty 30.00 Atty 3.00 by Atty Shff. Hawkins 18.21 by Atty Shff. Pauling 6.75	

Joseph Colavecchi	JOHN R. DESIO and PAMELA K. DESIO, his wife 80-15-EQU UNION BANKING & TRUST CO. Busy Bee Homes, Add'l Defendant Pro by Atty 30.00 Atty 3.00	APRIL 22, 1980, PETITION FOR PRELIMINARY INJUNCTION AND RULE, filed by Joseph Colavecchi. Four copies Certified to Attorney. WHEREFORE, your Petitioners respectfully request an injunction ordering Union Banking & Trust Company to return the trailer to the property of John R. Desio and Pamela K. Desio and to pay for all damages to said trailer and belongings, and also pay for any costs incurred by them in finding another place to live and all out-of-pocket expenses. Further, to pay all attorney's fees that became necessary through the unlawful action of Union Banking & Trust Company. /s/Joseph Colavecchi, Attorney for Plaintiff. RULE: AND NOW, this 22 day of April, 1980, a Rule is granted on the Defendant, Union Banking & Trust Company of DuBois, Pennsylvania, to show cause why a Preliminary Injunction should not be issued as prayed for. Rule Returnable the 23 day of April, 1980, at 9:00 A.M. at the Clearfield County Court House. BY THE COURT, /s/John K. Reilly, Jr., President Judge. APRIL 28, 1980, ANSWER AND NEW MATTER TO PETITION FOR PRELIMINARY INJUNCTION, filed by Edward V. Cherry. One copy Certified to Attorney. APRIL 28, 1980, COMPLAINT TO JOIN ADDITIONAL DEFENDANT, filed by Edward V. Cherry. Two copies Certified to Attorney. MAY 8, 1980, REPLY, filed by Joseph Colavecchi. MAY 12, 1980, ACCEPTANCE OF SERVICE, filed by Joseph Colavecchi. I hereby accept service of Complaint against Busy Bee Homes, Additional Defendant. /s/Joseph Colavecchi. MAY 12, 1980, ACCEPTANCE OF SERVICE, filed by Joseph Colavecchi. I hereby accept service of Answer of Defendant Union Banking & Trust Company. /s/Joseph Colavecchi. JUNE 10, 1980, ANSWER TO COMPLAINT TO JOIN ADDITIONAL DEFENDANT filed by Jackson W. Casey One copy certified to Attorney JUNE 16, 1980, SHERIFF'S RETURN, filed. May 20, 1980, served the within Complaint to join Additional Defendant on James Kramer, Manager of Busy Bee Homes, Additional Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

Timothy E. Durant

BARBARA J. KURTZ

80-16-EQU

R. Denning Gearhart

LARRY L. KURTZ

Pro by Atty 30.00
Shff. Hawkins by Atty 11.75
Atty 3.00
Pro by Atty 3.00

APRIL 24, 1980, COMPLAINT IN PARTITION, filed by Timothy E. Durant.
One Copy Certified to Attorney.

MAY 13, 1980, ENTRY OF APPEARANCE, filed by R. Denning Gearhart.

Please enter my appearance on behalf of the Defendant in the above-captioned matter. /s/R. Denning Gearhart.

MAY 13, 1980, PRELIMINARY OBJECTIONS, MOTION TO STRIKE COMPLAINT IN PARTITION, filed by R. Denning Gearhart.

MAY 15, 1980, PLAINTIFF'S PRELIMINARY OBJECTIONS TO DEFENDANT'S PRELIMINARY OBJECTIONS, filed by Timothy E. Durant.

One copy Certified to Attorney.

MAY 19, 1980, PRAECIPE, filed.

Kindly place the Preliminary Objections filed to the above matter on the next Argument List. /s/ Timothy E. Durant, Esq., Attorney for Plaintiff

JUNE 4, 1980, SHERIFF'S RETURN, filed.

April 30, 1980, served the within Complaint in Partition on Larry L. Kurtz, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

JUNE 30, 1980, PRAECIPE TO WITHDRAW PRELIMINARY OBJECTIONS filed by R. Denning Gearhart

Kindly withdraw my Preliminary Objections filed in the above-captioned matter.

One copy certified to Attorney

JUNE 30, 1980, ANSWER & COUNTERCLAIM, filed by R. Denning Gearhart

One copy certified to Attorney

JULY 16, 1980, REPLY TO COUNTERCLAIM, filed by Timothy E. Durant

One copy certified to Attorney

AUGUST 18, 1980, MOTION TO DISMISS, filed by R. Denning Gearhart.

RULE:

AND NOW, this 18th day of August, 1980, upon consideration of the foregoing Motion, a Rule is hereby issued on the Plaintiff herein to show cause why the prayer of the Defendant should not be granted.

Rule returnable on the 3 day of Sept., 1980 at 9:00 o'clock a.m. in the Main Courtroom of the Clearfield County Courthouse. BY THE COURT: /s/ John K. Reilly, Jr., P.J.

8/20/80 Rule Issued and Mailed to Plaintiff's Attorney.

SEPTEMBER 2, 1980, ANSWER TO MOTION TO DISMISS, filed by Timothy E. Durant
Two copies certified to Attorney

SEPTEMBER 11, 1980, BRIEF IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT IN PARTITION filed by R. Denning Gearhart
One copy certified to Attorney

SEPTEMBER 17, 1980, REPLY BRIEF REGARDING DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT IN PARTITION, filed by Timothy E. Durant.

SEPTEMBER 24, 1980, MEMORANDUM AND ORDER, filed.

This matter comes before the Court on Petition of Defendant above-named to dismiss Plaintiff's Action in Equity seeking to partition alleged marital property. The Action was filed April 24, 1980, and on August 11 of this year, Defendant filed for divorce, and now seeks to have the partition matter heard under the provisions of the Pennsylvania Divorce Reform Code as part of the Action in Divorce.

This Court is satisfied that said Motion should be granted in view of the fact that there now e exists an adequate remedy at law under said Code for the equitable distribution of property and in order to avoid a multiplicity of actions.

WHEREFORE, this Court enters the following Order:

O R D E R

NOW, this 24th day of September, 1980, it is the ORDER of this Court that Defendant's Motion to dismiss the above-captioned Complaint in Partition be and is hereby granted and the Plaintiff above-named directed to proceed under the provisions of the Pennsylvania Divorce Reform Code in the Action in Divorce commenced by the Defendant above-named to No. 80-2027-CD. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

SEPTEMBER 25, 1980, ALL PAPERS TRANSFERRED TO NO. 80-2027-CD.

APRIL 1, 1982, PREACIPE, filed by Timothy E. Durant, Esquire Attorney for Plaintiff
Please mark the above captioned action, settled, discontinued and ended.

S E T T L E D D I S C O N T I N U E D and E N D E D

J. Colavecchi	ANN BERYL DeSHONG		APRIL 30, 1980, PETITION REQUESTING ORDER TO HAVE TRAILER TITLE REISSUED IN THE NAME OF ANN B. DeSHONG, filed by Joseph Colavecchi. Three copies Certified to Attorney. WHEREFORE, Plaintiff respectfully asks the Court to issue a Rule directed to Oliver E. DeShong to show cause why an Order should not be issued authorizing the transfer of the 1968 New Moon Trailer, having title number C00741020, into the name of Ann B. DeShong. /s/Joseph Colavecchi, Attorney for Plaintiff. RULE AND ORDER FOR PUBLICATION: AND NOW, this 30 day of April, 1980, upon consideration of the foregoing Petition, it is hereby ORDERED and DECREED that a Rule is issued directed to Oliver E. DeShong to show cause why the 1968 New Moon Trailer, having Title Number C00741020, should not be transferred into the name of Ann B. DeShong. It is further ORDERED that if Oliver E. DeShong cannot be located, it shall be sufficient to advertise notice of this Rule in the Clearfield Progress 3 times and that an Affidavit of Service be filed with the Court to show cause that said notice was advertised. Rule Returnable the 6 day of June, 1980 at the Clearfield County Court House at 10:00 A.M. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
	80-17-EQU		
	OLIVER E. DeSHONG		
	Pro by Atty	30.00	
	Atty	3.00	
	by Atty Shff. Hawkins	15.17	

MAY 7, 1980, AFFIDAVIT OF SERVICE, filed by Joseph Colavecchi.

Served Petition and Order on Defendant May 2, 1980 by Constable. /s/Frank F. Notor, Constable.

MAY 13, 1980, SHERIFF'S RETURN, filed.

May 6, 1980, served within Petition on Oliver E. DeShong, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

EQUITY DOCKET #12

R. Denning Gearhart	CLARA VERES, Plaintiff 80-18-EQU CLARA VERES & JOAN HARVEY, a partnership, d/b/a THE BEAUTY SHOPPE Pro by Atty 30.00 Atty 3.00 Pro by Atty 3.00	MAY 2, 1980, COMPLAINT, filed by R. Denning Gearhart No copies RULE AND NOW, this 1 day of May, 1980, upon consideration of the foregoing Complaint, a Rule is hereby granted to show cause why the within prayer of the Plaintiff should not be granted. The said Rule is returnable on the 27 day of May, 1980, at 1 o'clock P.M. in the Courtroom of the Clearfiel County Courthouse. BY THE COURT: John K. Reilly, Jr. MAY 7, 1980, PRAECIPE TO DISCONTINUE ACTION, filed by R. Denning Gearhart. Kindly discontinue the action in the above-captioned matter. /s/R. Denning Gearhart, Counsel for Plaintiff. D I S C O N T I N U E D

EQUITY DOCKET #12

Timothy E. Durant	THOMAS L. JAMES 80-19-EQU JEAN A. JAMES Pro by Atty 30.00 Atty 3.00 by Atty Shff Hawkins 10.75 by Atty Shff Cavanaugh 10.95	MAY 19, 1980, COMPLAINT IN PARTITION, filed by Timothy E. Durant. One Copy Certified to Attorney. JUNE 13, 1980, AFFIDAVIT OF SERVICE, filed by Timothy E. Durant. Thomas L. James says that on June 12, 1980, he served the Complaint in Partition on the above named defendant. /s/Thomas L. James. JUNE 18, 1980, AFFIDAVIT OF SERVICE, filed by Timothy E. Durant. HOWARD HUNTER, Constable, on June 16, 1980, served Complaint on deft. /s/ Howard L. Hunter OCTOBER 23, 1980, SHERIFF S RETURN, filed. NOW, May19, 1980, Joseph E. Cavanaugh, Shff of Cambria Co. was deputized to serve Complaint on deft. NOW, June 19, 1980 attempted to serve within Complain on deft. The return is marked "NOT FOUND" as to deft. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

R. Denning Gearhart	JUDY L. LITZ 80-20-EQU JAMES L. EMIGH	MAY 30, 1980, COMPLAINT IN PARTITION, filed by R. Denning Gearhart. One Copy Certified to Sheriff. JULY 3, 1980, AFFIDAVIT OF SERVICE, filed. NOW, June 4, 1980, at 1:35 PM o'clock DST served within Complaint in Partition on deft. at his place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood
	Pro by Atty 30.00 Atty 3.00 Shff by Atty Hawkins 14.15	

EQUITY DOCKET #12

Baird, Miller & Test	JOHN STRITTMATTER, MARY STRITTMATTER and WEST BRANCH PORTION PRODUCTS, INC. 80-21-EQU LILLIAN M. BAUMBARGER and DONALD BURNS Pro by Atty 30.00 Atty 3.00 by Atty Shff. Hawkins 21.59	JUNE 2, 1980, COMPLAINT IN EQUITY, filed by Baird, Mille and Test. Two copies Certified to Sheriff. JUNE 11, 1980, SHERIFF'S RETURN, filed. June 3, 1980, served within Complaint in Equity on Donald Burns, Defendant. June 5, 1980, served within Complaint in Equity on Donald Burns, for Lillian M. Baumbarger, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. JUNE 24, 1980, PRELIMINARY OBJECTIONS, filed by Laurance B. Seaman.

EQUITY DOCKET NO. 12 1980

R. Denning Gearhart

DANNIE D. WALLACE and LEATRICE A. WALLACE

80-22-EQU

JAMES M. WALLACE and BETTY LOU WALLACE

Pro Atty	by Atty	30.00 3.00
Shff Hawkins	by Atty	13.47
Shff Hawkins	by Atty	1.70
Shff Hawkins	by Atty	8.70

JUNE 2, 1980, COMPLAINT IN EQUITY, filed by R. Denning Gearhart.
One copy Certified to Sheriff.

JULY 11, 1980, AFFIDAVIT OF SERVICE, filed.
NOW, July 3, 1980 at 3:10 PM o'clock DST served within Complaint on James Wallace, deft. at his place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

JULY 23, 1980, PRELIMINARY OBJECTIONS, filed by Timothy E. Durant.

AUGUST 11, 1980, PRAECIPE TO REINSTATE COMPLAINT, filed.
A Complaint in Equity having been filed in the above-captioned matter and thirty (30) days having elapsed before the service of that complaint, kindly reinstate the complaint for service. /s/ R. Denning Gearhart, Esq., Attorney for Plaintiffs

8/15/80, Complaint Reinstated and Reissued to Sheriff.

AUGUST 21, 1980, ORDER, filed.
NOW, this 20th day of August, 1980, upon consideration of Defendants' Preliminary Objections filed to the above-captioned Complaint, it is the ORDER of this Court that said Objections be and are hereby sustained and Plaintiff directed to revive and reserve their Complaint. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

SEPTEMBER 22, 1980, SHERIFF'S RETURN, filed.
Now, September 22, 1980 return the within Complain in Equity "NOT SERVED" as to James M. & Betty Lou Wallace, defts. as time has expired. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood.

OCTOBER 31, 1980, PRAECIPE FOR REINSTATEMENT OF COMPLAINT filed by R. Denning Gearhart
A complaint having been filed in the above captioned action and no service having been made, thirty days having elapsed, please reinstate the complaint in the above captioned matter. s/R. Denning Gearhart

OCTOBER 31, 1980, COMPLAINT REINSTATED AND REISSUED TO SHERIFF FOR SERVICE

DECEMBER 17, 1980, SHERIFF'S RETURN, filed.
Now, Dec. 3, 1980 return the within Complaint in Equity "NOT SERVED" as to defts as time has expired. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

JANUARY 26, 1981, PRAECIPE FOR REINSTATEMENT OF COMPLAINT, filed by R. Denning Gearhart.
One copy Certified to Attorney.
A complaint having been filed in the above captioned action and no service having been made, thirty days having elapsed, please reinstate the complaint in the above captioned matter. /s/R. Denning Gearhart, Esq.

JANUARY 26, 1981, COMPLAINT REINSTATED AND REISSUED TO SHERIFF FOR SERVICE, ON FEBRUARY 3, 1981.

FEBRUARY 23, 1981, ANSWER, filed by Timothy E. Durant, Attorney for Defendants.

APRIL 13, 1982, SHERIFF'S RETURN, filed
NOW, February 4, 1981, at 9:40 AM EST served the within Complaint in Equity on JAMES M. WALLACE, defednant at his place of residence, Woodland, by handing to James M. Wallace a true and attested copy of the original Complaint inEquity and made known to him the contents thereof.
Now, February 4, 1981, at 9:40 AM EST served the within Complaint inEquity on JAMES M. WALLACE, Husband of Betty Lou Wallace, defendant at his place of residence, Woodland, by handing to James. M. Wallace a true and attested copy of the original Complaint in Equity and made known to him the contents thereof. /s/ Chester A. Hawkins by Marilyn Wood

F. Cortez Bell, Jr.	MERVIN K. STRICKLER, JR. and MYRA DELL STRICKLER		JUNE 3, 1980, COMPLAINT IN EQUITY, filed by F. Cortez Bell, Jr. One copy Certified to Attorney. JUNE 17, 1980, APPEARANCE, filed. Please enter our appearance for Joseph DeSalve, t/d/b/a DeSalve's Service, Defendant. PONTZER & PONTZER, By /s/ Norbert Pontzer, Attorney for Defendant JUNE 17, 1980, ACCEPTANCE OF SERVICE, filed by Pontzer & Pontzer, By /s/ Norbert Pontzer, Attorneys for Defendant
		80-23-EQU	
Pontzer & Pontzer	JOSEPH DE SALVE t/d/b/a DESALVE'S SERVICE of Penfield, PA		AUGUST 7, 1980, ORDER, filed by F. Cortez Bell, Jr. NOW, THIS 6 day of August, 1980, Complaint in Equity having been filed and counsel for the Parties having agreed that an Injunction may issue directing that the status quo at the time of filing the Equity Proceedings shall issue pending determination of the Trespass Action to determine the disputed property line filed in the Court of Common Pleas of Clearfield County, Pennsylvania to No. 79-2269-CD or further Order of this Court, and that such Injunction shall not prejudice the Defendant's right to requedst further hearing if the matter is not resolved. NOW, THEREFORE, it is hereby ordered and decreed that an Injunction is hereby issued directing that the Parties hereto shall maintain the status quo in the area in disputs in the Trespass Action filed in the Court of Common Pleas of Clearfield County, Pennsylvania to No. 79-2269-CD and no action shall be taken by either Party to increase or decrease the use as it exited June 3, 1980 or to change the ownership and use thereof pending final determination of the action to No. 79-2269-CD or further Order of this Court. It being a condition of this Injunction that should the matter not be resolved, this Injunction shall not prejudice the right of the Defendant to make such Answer to the Complaint as he desires and request further hearing thereof. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
Pro by Atty 30.00 Atty 3.00			DECEMBER 23, 1980, APPLICATION FOR EXTENSION OF TIME, filed. ORDER: NOW THIS 23 day of Dec., 1980, the above Application having been presented, it is hereby ordered that a copy of such Application be served on the other Parties to the action or counsel of record and rule is directed to issue upon the Parties to show cause why extension should not be granted. Rule Returnable the 14 day of Jan, 1981, at 9:00 a.m. BY THE COURT, /s/ John K. Reilly, Jr., President Judge JANUARY 5, 1981, CONSENT BY DEFENDANT JOSEPH DeSALVE TO PLAINTIFF'S APPLICATION FOR EXTENSION OF TIME, filed by Norbert J. Pontzer. AND NOW, December 30, 1980, the undersigned Attorney for Joseph DeSalve, t/d/b/a DeSalve's Service hereby agrees to the extension of time requested by plaintiffs in their petition filed December 23, 1980. /s/Pontzer and Pontzer by Norbert J. Pontzer, Attorneys for Defendant

EQUITY DOCKET NO. 12 1980

Thomas May	MITCHELL MAINES	
	80-24-EQU	
	ORVIS HANEY	

6-13-80 Pro by Atty & Co 30.00
Atty 3.00
7-3-80 Pro by Atty & Co 3.00

JUNE 4, 1980, COMPLAINT IN EQUITY AND PRELIMINARY INJUNCTION, filed by Thomas May.

One copy Certified to Attorney.

PRELIMINARY INJUNCTION:

AND NOW, this 4 day of June, 1980, upon consideration of the Complaint in Equity, it appearing to the Court that immediate and irreparable damage and injury will result to the Plaintiff before the case can be heard on its merits if this Preliminary Injunction is not issued, it is on the Motion of Counsel for the Plaintiff:

ORDERED AND DECREED

that preliminarily until further hearing, the Defendant and any persons acting on his behalf, are hereby restraine and Ordered to desist from denying the Plaintiff access to his leased premises on Milford Street, Clearfield, Clearfield County, Pennsylvania, or otherwise interfering with Plaintiff's right to peaceful possession and quiet enjoyment of the leased premises.

A hearing is scheduled for the purpose of allowing the Defendant to show cause, if any he has, why the injunction should not be made permanent and damages awarded to Plaintiff, and will be held on the 5 day of June, 1980 at 10:30 o'clock A.M. at the Clearfield County Courthouse, Clearfield, Pennsylvania. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 4, 1980, PETITION TO PROCEED IN FORMA PAUPERIS AND ORDER, filed by Thomas May.

WHEREFORE, Plaintiff prays your Honorable Court to enter an Order permitting Plaintiff to file a Complaint, serve the Defendant and proceed as an indigent party in this action. After a hearing on this matter, the Court may place such costs on Plaintiff as the Court finds Plaintiff able to pay. The Court may Order Defendant to pay the costs involved. /s/Mitchell M. Maines, Plaintiff.

ORDER:

AND NOW, this 4 day of June, 1980, upon consideration of the foregoing Petition and on motion of Thomas May, Esquire, the prayer of the Petition is granted, and Plaintiff shall be permitted to file the Complaint, serve the Defendant and proceed as an indigent party in this equity action. After a hearing on this matter, the Court may place such costs on Plaintiff as the Court finds Plaintiff able to pay. The court may order Defendant to pay the costs involved. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 6, 1980, ORDER, filed.

AND NOW, this 5th day of June, 1980, the hearing scheduled for this day at 10:30 a.m. between the above captioned parties is continued by agreement of the parties to allow the Defendant to obtain counsel.

The hearing is rescheduled for the 17th day of June, 1980 at 11:00 o'clock A.M. at the Clearfield County Courthouse, Clearfield, Pennsylvania.

By agreement of the parties, Plaintiff, Mitchell Maines shall be allowed to resume residence at his dwelling at Milford Street, Clearfield, Pennsylvania pending the rescheduled hearing. BY THE COURT, /s/John K. Reilly, Jr., President Judge

JUNE 6, 1980, PETITION FOR ENFORCEMENT OF ORDER OF COURT and ORDER, filed by Keystone Legal Services, Inc.

Two Copies Certified to Attorney.

ORDER:

AND NOW, this 6th day of June, 1980, upon consideration of the attached PETITION FOR ENFORCEMENT OF ORDER OF COURT filed by Plaintiff, it is HEREBY ORDERED that a rule is issued upon the Defendant, Orvis Haney, to show cause if any he has why the premises occupied by Mitchell Maines should not be made available to him in substantially the samecondition as per the rental agreement.

Rule returnable the 9th day of June, 1980 at 1:00 p.m. in the Courtroom, Clearfield County Courthouse, Clearfield, Pennsylvania, service to be made upon Defendant forthwith by either personal delivery or leaving a copy at the Defendant's residence. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

JUNE 23, 1980, PRAECIPE TO SETTLE AND DISCONTINUE, filed by Thomas May.

Kindly mark this matter settled and discontinued. /s/Thomas May, Attorney for Plaintiff.

S E T T L E D A N D D I S C O N T I N U E D

EQUITY DOCKET NO. 12 1980

Gleason, Cherry and Cherry	DENNIS DOKSA, t/a DOKSA EXCAVATING 80-24½-EQU T.H. ROY Pro by Atty 30.00 Atty 3.00	JUNE 5, 1980, OBJECTION TO LEVY, filed by Gleason, Cherry and Cherry. Two Copies Certified To Attorney. WHEREFORE, defendant respectfully requests your Honorable Court to grant a permanent stay of the levy taken on April 23, 1980, and to forever bar the plaintif from further execution on the Judgment of the District Magistrate for his failure to safeguard his own rights when it was his obligation to do so. GLEASON, CHERRY AN CHERRY, P.C., By /s/ Toni M. Cherry, Attorneys for Defendant AND NOW, to wit, this 28 day of May, 1980, upon consideration of the foregoing Petition a Rule is issued upon Plaintiff to show cause, if any thereby why Defendant's prayer should not be granted. Rule returnable the 23 day of June, 1980, at 1:30 P.M. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

EQUITY DOCKET # 12

Blakley & Jones

REESE WILLIAMS, THEODORE PELTON and GALIN PASE, Supervisors of Graham Township

80-25-EQU

LEWIS E. BUMBARGER, ANNA MARIE BUMBARGER and JOHN DOES and JANE DOES

Pro	by Plff	30.00
Atty		3.00
Shff	by Plff	17.17

JUNE 6, 1980, COMPLAINT IN EQUITY, filed by Blakley & Jones. Two copies Certified to Attorney.

TEMPORARY RESTRAINING ORDER

NOW, to-wit, this 6th day of June, 1980, the foregoing Complaint having been presented and request for temporary restraining order having been considered, and it appearing that the complainants are proper parties and are speaking in the interests of property owners and residents of Graham Township, and it appearing that the Complaint sets forth a prima facie cause of action, the following is hereby ORDERED AND DECREED:

Lewis E. Bumbarger, Anna Marie Bumbarger, and John Does and Jane Does, the defendants herein, are hereby restrained from conducting or otherwise participating in or selling tickets to a so-called 3rd Annual Abate of Pa. Party which is scheduled as stated starting 6:00 P.M. Friday, June 13, 1980, ending 6:00 P.M. Sunday, June 15, 1980, on the property of Lewis E. Bumbarger and Anna Marie Gumbarger, two of the defendants herein, situate in Graham Township, Clearfield County, by reason of the facts alleged in the complaint.

The Plaintiffs, acting in their capacity as municipality officers, no bond will be required.

This restraining order shall remain until hearing on the matter can be heard for continuance of the same, or the granting of a temporary injunction in lieu thereof, or dissolution of the same, said hearing to be heard in the Main Court Room at the Court House in Clearfield, Pennsylvania, at 3:00 o'clock, P.M. on June 10, 1980.
BY THE COURT: /s/ John K. Reilly, Jr., President Judge

JUNE 11, 1980, ORDER, filed.

NOW, this 10th day of June, 1980, this being the day and date set for Hearing into the above-captioned Complaint in Equity seeking Injunction with regards to a proposed affair to be held in Graham Township, Clearfield County, Pennsylvania, on properties owned by Defendants, Lewis E. Bumbarger and Anna Marie Bumbarger, and sponsored by Defendants, John Does and Jane Does, otherwise known as, ABATE of Pennsylvania, upon Agreement of the parties, it is the ORDER of this Court that said Complaint be and is hereby dismissed upon the following terms and conditions:

First, that at said affair set forth above, scheduled to be held Friday, June 13th until Sunday, June 15th, the Defendants, individually and collectively, shall supply adequate water from a useable supply sufficient to satisfy the needs of all those in attendance;

That suitable and adequate sanitary facilities shall be provided to meet the needs of all those in attendance;

That none of the parties hereto nor any of the attendees at the function shall park on the Legislative Route adjacent to the Bumbarger property;

That the Defendants above-named, collectively and individually shall provide for adequate police protection so that the persons in attendance at the function and those residents living in the area shall be safe from personal and property injury;

That none of the Defendants named herein shall furnish alcohol for sale or purchase in the Township of Graham during the period of the function;

That Defendants, ABATE of Pennsylvania, will secure a bond in the sum of Ten Thousand ($10,000.00) Dollars to guarantee reimbursement for any damage to person or property that may occur within Graham Township during the period of June 13th to June 16th, 1980. Said bond to be submitted to a supervisor of Graham Township prior to June 13th, 1980, and to meet with his approval.

Should any of the above conditions fail to be met, the Injunction Prayed for in the Complaint shall be granted. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 13, 1980, ORDER, filed.

NOW. this 13th day of June, 1980, upon agreement of all parties named in the Order of June 10, 1980, it is the ORDER of this Court that said Order be amended and the requirement of the posting of a Ten Thousand ($10,000.00) Dollar Bond rescinded and in place thereof, the Defendants above-named jointly and severally shall be responsible for any damage done to persons or property occurring on any of the adjacent premises owned by Defendants Lewis E. Bumbarger and Anna Marie Bumbarger on which said function is to be held. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JULY 16, 1980, SHERIFF'S RETURN, filed.

Now June 10, 1980 served within Complaint in Equity on Lewis Bumbarger.

Now June 10, 1980 served within Complaint in Equity on Anna Bumbarger. So answers, Chester A. Hawkins by Marilyn Wood

EQUITY DOCKET #12

Barbara H. Schickling	PENNSYLVANIA ELECTRIC COMPANY, a corporation	
6/9/80 $5000.00 Cash Injunction Bond Clfd. B & Trust	80-26-EQU	
8/20/80 $108.32 Pd. by Union Clfd. Trust Co.	LOCAL 1124 of the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, JAMES W. BRINKER, CHAUNCEY M. SMITH, ARDELL D. SHIREY, DAVID J. EISENMAN, DENNIS BARRETT, WILLIAM FOREMAN, ROBERT FRISCO, EUGENE J. HOSWELL, CHARLES LEGGS, ROGER D. PORTER, CLYDE SCHNARS, JAMES V. SIMLER, JAMES A. WALKER and 26 JOHN DOES	
9/3/80 $391.68 Pd by Union Clfd Tr. Co.		
Ck#3359 Trans to reg acct.		$5500.00
Sept 24 1980 #8864 Atty B.S.	$5,000.00	
#8865 Atty J.N.	500.00	$5500.00

W/B	16.02	Pro by Atty	30.00
Ck#566 Adv costs	19.02	Atty by Atty	3.00
		Shff Hawkins by Atty	31.33
Ck#8958 A. Demchak Witness-8.50		Shff Waite by Atty	22.95
		Shff Hawkins by Atty	34.83
Ck#8959 J. Vaughn Witness 7.52		Shff. Hawkins by Atty	154.85
Pro 3.00		Shff. Waite by Atty	45.80
	19.02	Shff Hawkins by Atty	109.63
		Shff Waite--No Costs by Atty	
Shff Hawkins by Atty	51.77	Shff Gondal by Atty	17.55
Shff Allen by Atty	20.63	Shff Norris	12.25
Shff Miller by Atty	18.55		
Shff Waite	18.80		

JUNE 9, 1980, COMPLAINT IN EQUITY, filed by Barbara H. Schickling. Fifteen Copies Certified to Attorney.

AFFIDAVIT

DECREE:

AND NOW, June 9, 1980, plaintiff having presented its complaint in equity and on motion of Barbara H. Schickling, attorney for Plaintiff,

IT IS ORDERED that the above named defendants show cause before this court on the 12 day of June, 1980 at 9:00 a.m. why a preliminary injunction should not be issued, enjoining and restraining the defendants, and each of them, and all persons acting in concert with them, or in their behalf, during the pendency of this action, accoring to the prayer of such complaint,

IT IS FURTHER ORDERED that in the meantime and until the further Order of this Court, said defendants desist and refrain from:

1. Interfering with the free exercise of the right of entering or leaving plaintiff's property by plaintiff's employees and all other persons desiring to do business with the plaintiff.

2. Picketing other than lawfully and from unlawfully interfering with persons desiring to enter or leave plaintiff's property on foot or by truck or rail or by automobile. /s/ John K. Reilly, Jr., President Judge

JUNE 9, 1980, AFFIDAVIT , filed by Barbara H. Schickling. (Donald R. Wolf)

JUNE 9, 1980, PRELIMINARY INJUNCTION, filed by Barbara H. Schickling. Fifteen Copies Certified to Atty.

NOW, to wit, this 9 day of June, 1980, the plaintiff having presented its Complaint in Equity seeking a preliminary injunction against the defendants, and it appearing to the Court from the complaint and injunction affidavit presented that immediate and irreparable loss or damage will result to plaintiff and its customers before notice can be given or hearing held, it is ORDERED, ADJUDGED AND DECREED that a Preliminary Injunction as prayed for in the Complaint be granted enjoining and restraining the defendants and each of them, and the officers, representatives, agents and members of the defendant union and all other persons acting under, by, through or in concert with them, from:

1. In any manner, by picketing or otherwise, interfering with, hindering or obstructing the conduct and operation of the plaintiff's business at its generating plant and office in Shawville, Pennsylvania, in the several substations and service facilities of the plaintiff located elsewhere in Clearfield County, Pennsylvania.

2. In any manner interfering with, hindering or obstructing employees of the plaintiff or other persons acting independently from freely entering or leaving plaintiff's generating plaint, substations, office buildings and service facilities either on foot, by rail, truck or automobile.

3. In any manner interfering with, hindering or obstructing the agents, servants and employees of the plaintiff engaged in the performance of their work assignments for the p plaintiff and in the operation of plaintiff's properties.

If the defendants or any of them shall choose hereafter to picket the generating plant, substations, office and service buildings of plaintiff, no more than 4 pickets shall, at any one time, be or remain in front of or near each entrance to said generating plant, substations, office and service buildings, such pickets to be in motion and spaced in a single line, at least ten (10) feet apart, and to conduct themselves in such manner as not to block the use of any such entrances by persons desiring to leave or enter on foot or by rail or by automobile or by truck.

This Preliminary Injunction shall be effective upon the filing of plaintiff's bond in the amount of $5,000.00 with surety approved by the Court in the manner and form required by law; this injunction shall remain in full force until hearing in this Court of a motion for its continuance; which will be held at the Clearfield County Court House on the 12 day of June, 1980 at 9:00 o'clock A.M. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

JUNE 11, 1980, ANSWER TO COMPLAINT, filed by James A. Naddeo.
One copy Certified to Attorney.

JUNE 12, 1980, ORDER, filed.
One copy Certified to James A. Naddeo.
One copy Certified to Barbara Schickling.

AND NOW, June 12, 1980, a hearing having been scheduled and held in the above-captioned matter and after conference with the attorneys representing the respective parties, and upon stipulations of counsel, it is hereby ORDERED and DIRECTED as follows:

1. The number of pickets at any entrance or exitway to or from the Plaintiff's generating station and office in Shawville, Pennsylvania, offices and service facilities in Clearfield, Pennsylvania and DuBois, Pennsylvania, and in the several substations located in Clearfield County, Pennsylvania, shall be no more than four.

2. The entrance of vehicles, employees, salesman and third parties into or exiting from all properties of the Plaintiff in Clearfield County, Pennsylvania, shall not be prevented in any unlawful manner.

3. The Defendants will not in any way obstruct or prevent the Plaintiff from supplying service to its service areas other than by lawful picketing, or other lawful consorted activities.

4. Any alleged breach of this agreement must first be determined by the Court after due notice to the Defendants and after the Defendants have had an opportunity to respond to any allegations that this Order has been violated.

5. By entering into this stipulation, Defendants do not admit that they have violated the law nor do the Defendants waive any position, argument or defense that they have had or may have had.

CONTINUED TO OTHER SIDE OF THIS PAGE (304)

CONTINUED FROM OTHER SIDE OF THIS PAGE (303) PENNA. ELECTRIC CO. -vs- LOCAL 1124 IBEW 80-26-EQU

The bond previously filed in this matter shall be extended and continued during the period that this injunction is in effect.

The temporary restraining order previously issued is hereby made permanent and shall continue until further Order of Court, conditioned upon the above-stated restrictions. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

JUNE 18, 1980, PETITION FOR RULE, filed by Barbara H. Schickling
Nine copies certified to Attorney

WHEREFORE, your Petitioner prays that this Honorable Court issue a Rule to Show Cause why the said Local 1124 of the International Brotherhood of Electrical Workers and the following members: Joseph Eggers, Allen Elensky, James Marino, James Miller, Robert Frisco, Gary L. Marshall, Wanda J. Maines, and Charles Leggs, should not be held in contempt of the Order of this Court dated June 12, 1980. s/Barbara H. Schickling

RULE TO SHOW CAUSE

AND NOW, to-wit: this 18th day of June, 1980, upon consideration of the averments contained in the within Petition and on Motion of Petitioner's attorney, Barbara H. Schickling, Esquire, it is ORDERED that a Rule be issued directed to Local 1124 of the International Brotherhood of Electrical Workers and the following members: Joseph Eggers, Allen Elensky, James Marino, James Miller, Robert Frisco, Gary L. Marshall, Wanda J. Maines, and Charles Leggs, to show cause, if any, why the prayer of the foregoing Petition should not be granted.

This Rule returnable and a hearing on the merits of the above-captioned case to be held on the 24 day of June, 1980, at 1:00 o'clock, p.m., in the Main Courtroom of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT: John K. Reilly, Jr., President Judge

JUNE 20, 1980, PETITION FOR RULE AND RULE, filed by Barbara H. Schickling.
Six copies certified to Attorney.

WHEREFORE, your Petitioner prays that this Honorable Court issue a Rule to Show Cause why the said Local 1124 of the International Brotherhood of Electrical Workers and the following members, Joseph J. Veliky, Jacob Kukla, Roger D. Porter, William McHenry and James Michaels should not be held in contempt of the Order of this Court dated June 12, 1980. /s/Barbara H. Schickling, Attorney for Petitioner.

RULE TO SHOW CAUSE:

AND NOW, to-wit: this 20th day of June, 1980, upon consideration of the averments contained in the within Petition and on Motion of Petitioner's attorney, Barbara H. Schickling, Esquire, it is ORDERED that a Rule be issued directed to Local 1124 of the International Brotherhood of Electrical Workers and the following members: Joseph J. Veliky, Jacob Kukla, Roger Porter, William McHenry and James Michaels, to show cause, if any, why the prayer of the foregoing Petition should not be granted.

This Rule returnable and a hearing on the merits of the above-captioned case to be held in the Main Courtroom of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 23, 1980, ANSWER TO PETITION FOR RULE, filed by James A. Naddeo.
One copy Certified to Attorney.

JUNE 23, 1980, ANSWER TO PETITION FOR RULE, filed by James A. Naddeo.
One copy Certified to Attorney.

JUNE 24, 1980, ORDER, filed.

NOW, this 24th day of June, 1980, this being the day and date set for hearing into allegations of violation of Court Order entered to the above-captioned matter, upon agreement of counsel, it is the ORDER of this Court that said hearing be and is hereby continued. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 25, 1980, REPLY TO NEW MATTER, filed by Barbara H. Schickling.

JULY 7, 1980, PETITION FOR RULE, filed by Barbara H. Schickling
Twenty copies certified back to Attorney --Twenty-three more copies certified to Attorney

WHEREFORE, your Petitioner prays that this Honorable Court issue a Rule to Show Cause why the said Local 1124 of the International Brotherhood of Electrical Workers and the following members: Charles E. Leggs, David J. Eisenman, James A. Schultz, Carol A. Johnston, James Q. Minute, James V. Simler, Donald E. Stonebraker, Dean B. Johnston, Robert E. Buck, Jacob E. Kukla, Ardell D. Shirey, Roger D. Porter, William J. Foreman, Robert L. Frisco, Eugene F. Howell, Dennis J. Barrett, Joseph L. Eggers, Michael J. Koren, Richard J. Lansberry, William A. Koozer, Allen Bickel, Austin L. Harrier, Richard E. Shaffer, Mrs. Richard Shaffer, Kathryn M. Black, Dale R. McCracken, Stanley R. Myers, Timothy A. Golding, John D. Rodkey, William T. Gould, Robert E. Young, David J. Woodring, Theron J. Flanagan, John W. Chandler, Robert F. Garvey, William R. McHenry, Gary L. Marshall, John R. Shirey, Violet L. Shugarts, William F. Hurd, Mrs. William F. Hurd, and Gerald C. Sankey, should not be held in contempt of the Order of this Court dated June 12, 1980. s/Barbara H. Schickling

RULE TO SHOW CAUSE

AND NOW, to-wit; this 7th day of July, 1980, upon consideration of the averments contained in the within Petition and on Motion of Petitioner's attorney, Barbara H. Schickling, Esquire, it is ORDERED that a Rule be issued directed to Local 1124 of the International Brotherhood of Electrical Workers and the following members: Charles E. Leggs, David J. Eisenman, James A. Schultz, Carol A. Johnston, James Q. Minute, James V. Simler, Donald E. Stonebraker, Dean B. Johnston, Robert E. Buck, Jacob E. Kukla, Ardell D. Shirey, Roger D. Porter, William J. Foreman, Robert L. Frisco, Eugene F. Howell, Dennis J. Barrett, Joseph L. Eggers, Michael J. Koren, Richard J. Lansberry, William A. Koozer, Allen Bickel, Austin L. Harrier, Richard E. Shaffer, Mrs. Richard E. Shaffer, Kathryn M. Black, Dale R. McCracken, Stanley R. Myers, Timothy A. Golding, John D. Rodkey, William T. Gould, Robert E. Young, David L. Woodring, Theron J. Flanagan, John W. Chandler, Robert F. Garvey, William R. McHenry, Gary L. Marshall, John R. Shirey, Violet L. Shugarts, William F. Hurd, Mrs. William F. Hurd, and Gerald C. Sankey, to show cause, if any, why the prayer of the foregoing Petition should not be granted.

This Rule returnable and a hearing on the merits of the above-captioned case to be held on the 11 day of July, 1980, at 9:00 o'clock, A.M., in the Main Courtroom of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT, John K. Reilly, Jr., President Judge

JULY 10, 1980, ANSWER TO PETITION, filed James A. Naddeo.
One copy Certified to Attorney.

JULY 11, 1980, ORDER, filed.

NOW, this 11th day of July, 1980, this being the day and date set for hearing into allegations of contempt of the Order of this Court dated June 12, 1980, upon agreement and stipulation of the parties, it is the ORDER of this Court that the International Brotherhood of Electrical Workers, Local 1124, be and is hereby declared in contempt of this Court for failure to abide by the Order dated June 12, 1980, and said Local is instructed to pay to the Clerk of Courts of Clear-

CONTINUED TO PAGE 304A

CONTINUED FROM PAGE 304 NO. 80-26-EQU PENNA. ELECTRIC CO. -vs- LOCAL 1124 IBEW

field County, Pennsylvania, the sum of Five Thousand ($5,000.00) Dollars, in cash or surety bond, within a time period prior to 4:00 p.m., on July 14, 1980.

IT is the further ORDER of this Court that upon payment of said funds and strict adherence to the provisions of said Order henceforth said Local shall be deemed to have purged themselves of said contempt and upon application, said funds shall be returned to the party who supplied same. However, should future acts of contempt occur, the full amount shall be forfeited and such additional sanctions as shall be deemed necessary shall be imposed.

IT is the further ORDER of this Court that the Sheriff of Clearfield County shall post at least one (1) Deputy during the daylight hours of each day at the entrances of the Pennsylvania Electric Company at Shawville, Pennsylvania, to act as observer for this Court and who shall be required to testify in any future proceedings alleging acts of contempt. All of which is until further ORDER of the Court. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JULY 14, 1980, BOND, filed by Belin, Belin & Naddeo.

JULY 16, 1980, SHERIFF'S RETURN, filed.

Now, June 20, 1980, Richard V. Waite, Shff of Centre Co. was deputized to serve within Petiion for Rule & Rule to Show Cause on Joseph J. Veliky, deft.

Now, June 23, 1980 served within Petition on Joseph J. Veliky, deft.

Now, June 23, 1980, at 9:38 AM DST served within Petition on William McHenry, deft. at his place of residence.

Now, June 23, 1980 at 11:02 AM DST served within Petition on James Michaels, deft. at his place of residence.

Now, June 23, 1980, at 11:20 AM DST served within Petition on Jacob Kukla, deft. at his place of residence.

Now, June 23, 1980 at 3:50 PM DST served within Petition on Roger Porter, deft. at his place of residence. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood.

JULY 28, 1980, ANSWER TO PETITION, filed by Belin, Belin & Naddeo. One copy Certified to Attorney.

JULY 28, 1980, PETITION FOR RULE, filed by Barbara H. Schickling Thirty-five copies Certified to Attorney.

RULE TO SHOW CAUSE:

AND NOW, to-wit: this 28th day of July, 1980,upon consideration of the averments contained in the within Petition and on Motion of Petitioner's attorney, Barbara H. Schickling, Esquire, it is ORDERED that a Rule be issued directed to Local 1124 of the International Brotherhood of Electrical Workers and the following members:
Ardell Shirey, Charles Leggs, Robert L. Frisco, Dennis J. Barrett, Roger D. Porter, Dorse E. Walk, Austin L. Harrier, Darrell Hummel, Leroy Smeal, Rodney Hilton, James Walker, Richard Graves, David J. Woodring, Mel Woodring, Philip Morrison, Frank D. Wallace, John R. Shirey, Stanley L. Myers, Charles W. Flick, Patrick A. Fox, David M. Staley, Gerald L. Heichel, Jr., Richard E. Shaffer, James L. Marino, Timothy A. Golding, Sharon C. Kephart, James L. Friday, Jacob E. Kukla, Russell K. McCracken, James L. McCracken, John L. Best, William McHenry, James C. Michaels, Dorse E. Walk and two (2) John Does, to show cause, if any, why the prayer of the foregoing Petition should not be granted.

This Rule returnable and a hearing on the merits of the above-captioned case to be held on the 29 day of July, 1980, at 1:30 o'clock, P.M., in the Main Courtroom of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT: /s/ John K. Reilly, Jr., President Judge

JULY 29, 1980, SHERIFF'S RETURN, filed.

Now, June 19, 1980 at 9:10 AM DST served within Petition on Charles Leggs, deft. at his place of residence.

Now, June 19, 1980 at 9:25 AM DST served within Petition on James Miller, deft.

Now, June 19, 1980 at 11:10 AM DST served within Petition on Wanda Maines, deft. at her place of residence.

Now, June 19, 1980 at 1:15 PM DST served within Petition on James Marino, deft. at his place of residence.

Now, June 19, 1980, at 1:50 PM DST served within Petition on Joseph Eggers, deft. at his place of residence.

Now, June 19, 1980 at 2:30 PM DST served within Petition on Robert Frisco deft, at his place of residence.

Now, June 19, 1980 at 2:45 PM DST served within Petition on Gary Marshall deft. at his place of residence.

NOW, June 23, 1980 at 10:12 AM DST served within Petition on Allen Elensky deft. at his place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

JULY 29, 1980, ORDER, filed.

NOW, this 29th day of July, 1980, it is the ORDER of this Court that the Sheriff of Clearfield County will supply as many deputies as are necessary at the Shawvill Substation, Pennsylvania Electric Company, for purposes of insuring free ingress and egress in and from the plant including coal trucks and any other traffic as of this date. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

AUGUST 4, 1980, TRANSCRIPT OF PROCEEDINGS taken before the Honorable John K. Reilly, Jr., lodged this day and date in the Prothonotary Office. /s/Raymond Witherow.

(Filed in Testimony File under "I"

AUGUST 4, 1980, SHERIFF'S RETURN, filed.

July 8, 1980, served within Complaint, Petition & Rule on Susan Houser, Sister of Carol A. Johnston, Defendant.

July 8, 1980, served within Complaint, Petition & Rule on Mrs. William Hurd, Wife of defendant,

July 8, 1980, served within Complaint, Petition & Rule on Mrs. William F. Hurd, Defendant.

July 8, 1980, served within Complaint, Petition & Rule on Dean B. Johnston, Defendant.

July 8, 1980, served within Complaint, Petition & Rule on Austin Harrier, Defendant.

July 8, 1980, served within Complaint, Petition and Rule on Mrs. Theron Flanagan, Wife of Defendant.

July 8, 1980, served within Complaint, Petition & Rule on Diane Bickel, Wife of Allen Bickel, Defendant.

July 8, 1980, served within Complaint, Petition & Rule on Susan Young, Wife of Robert E. Young, Defendant.

July 8, 1980, served within Complaint, Petition & Rule on Lois Eisenman, Wife of David J. Eisenman, Defendant.

July 8, 1980, served within Complaint, Petition & Rule on Mrs. Richard Shaffer, Defendant.

July 8, 1980, served within Complaint, Petition and Rule on Richard Shaffer, Defendant.

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CONTINUED FROM PAGE 304A 80-26-EQU PENELEC -vs- IBEW

July 8, 1980, served within Complaint, Petition & Rule on Richard J. Lansberry, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Mrs. Gerald Sankey, Wife of Gerald Sankey, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Mrs. Michael Koren, Wife of Michael J. Koren, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Joseph Eggers, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Robert Garvey, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on William Gould, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Gary Marshall, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Mrs. Robert Frisco, Wife of Robert Frisco, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Don Stonebraker, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Timothy Golding, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Dennis Barrett, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Ardell Shirey, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Dale McCracken, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on James Minute, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Linda Schultz, Wife of James Schultz, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Robert Buck, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Violet Shugarts, Defendant.
July 8, 1980, served within Complaint, Petition & Rule on Roger Porter, Defendant.
July 9, 1980, served within Complaint, Petition & Rule on William Foreman, John Chandler & James Simler, Defendants by deputized Sheriff of Centre County.
July 9, 1980, served within Complaint, Petition & Rule on Charles Leggs, Defendant.
July 9, 1980, served within Complaint, Petition & Rule on Kathryn M. Black.
July 9, 1980, served within Complaint, Petition & Rule on William R. McHenry, Defendant.
July 9, 1980, served within Complaint, Petition & Rule on John Shirey, Defendant.
July 9, 1980, served within Complaint, Petition & Rule on Jacob Kukla, Defendant.
July 10, 1980, served within Complaint, Petition & Rule on John Rodkey, Defendant.
July 10, 1980, served within Complaint, Petition and Rule on David Woodring, Defendant.
August 4, 1980, after diligent search return within Complaint, Petition & Rule "NOT FOUND" as to Stanley Myers, William Koozer, and Eugene Howell, Defendants. /s/Chester Hawkins, Sheriff by Marilyn Wood.

AUGUST 7, 1980, SHERIFF'S RETURN, filed.

Now, July 28, 1980 at 9:20 AM DST served the within Petition & Rule on Yvonne Shaffer, wife of Richard E. Shaffer, deft. at her place of residence.

Now, July 28, 1980 at 9:35 AM DST served within Petition & Rule on James C. Michaels, deft. at his place of residence.

Now, July 28, 1980 at 9:35 AM DST served within Petition on Charles Leggs, Steward at his place of residence.

Now, July 28, 1980 at 9:40 AM DST served within Petition on Rodney Hilton, deft. at his place of residence.

Now, July 28, 1980 at 9:48 AM DST served within Petition on Ardel Shirey, deft. at his place of employment.

Now, July 28, 1980 at 9:50 AM DST served within Petition & Rule on Gerald L. Heichel, Jr., deft at his place of employment.

Now, July 28, 1980 at 9:51 AM DST served within Petitions & Rule on Dorothy Walk, wife of Dorse E. Walk, deft. at her place of residence.

Now, July 28, 1980, at 9:51 AM DST served within Petition & Rule on Robert Frisco, deft. at his place of employment.

Now, July 28, 1980 at 9:52 AM DST served within Petition & Rule on James Marino, deft. at his place of employment.

Now, July 28, 1980 at 9:53 AM DST served within Petition & Rule on Philip Morrison, deft. at his place of employment.

Now, July 28, 1980 at 9:54 AM DST served within Petition & Rule on David Woodring, deft. at his place of employment.

Now, July 28, 1980 at 10:05 AM DST served within Petition & Rule on Sandra Shirey, wife of John Shirey, deft. at her place of residence.

Now, July 28, 1980 at 10:22 AM DST served within Petition & Rule on Jacob Kukla, deft at his place of residence.

Now, July 28, 1980 at 10:30 AM DST served within Petition & Rule on James McCracken, deft. at his place of residence.

Now, July 28, 1980 at 11:00 AM DST served within Petition & Rule on Patrick Fox, deft at his place of residence.

Now, July 28, 1980, at 11:20 AM DST served within Petition & Rule on Richard Graves, deft. at his place of residence.

Now, July 28, 1980 at 11:30 AM DST served within Petition & Rule on Austin Harrier, deft. at his place of residence.

Now, July 28, 1980 at 11:40 AM DST served within Petition & Rule on James Walker, deft. at his place of residence.

Now., July 28, 1980 at 1:30 PM DST served within Petition & Rule on Mrs. Staley, wfie of David Staley, deft. at her place of residence.

Now, July 28, 1980 at 1:55 PM DST served within Petition & Rule on Russell McCracken, deft. at his place of residence.

Now, July 28, 1980 at 2:10 PM DST served within Petition & Rule on William McHenry, deft. at his place of residence.

Now, July 28, 1980 at 2:11 PM DST served within Petition & Rule on Roger Porter, Steward at his place of residence.

Now, July 28, 1980, at 2:20 PM DST served within Petition & Rule on Dennis Barrett, deft. at his place of employment.

Now, July 28, 1980 at 3:02 PM DST served within Petition & Rule on Darrell Hummel, deft. at his place of residence, Frenchville.

Now, July 28, 1980 at 3:15 PM DST served within Petition & Rule on John Best, deft. at his place of residence.

Now, July 28, 1980 at 3:20 PM DST served within Petition & Rule on Sharon Kephart, deft. at her place of residence.

Now, July 28, 1980, John Gondal, Shff of Indiana Co. was deputized to serve within Petition & Rule on Mel Woodring, deft.

Now, July 29, 1980 served within Petition & Rule on Mel Woodring, deft by deputizing Shff of Indiana Co.

CONTINUED TO PAGE ~~358~~ 304C

CONTINUED FROM PAGE 304C 80-26-EQU.

NO. 80-26-EQU PENNA ELEC -vs- LOCAL 1124

SEPT 12, 1980 MOTION TO DISCONTINUE AND ORDER, filed by Barbara Schickling.

ORDER

AND NOW, this 12th day of September, 1980, upon consideration of the foregoing Motion of Barbara H. Schickling, Esquire, attorney for the Pennsylvania Electric Company, it is hereby Ordered and Decreed that the Preliminary Injunction granted June 9, 1980 and continued by Order dated June 12, 1980, is hereby terminated and the Prothonotary is directed to mark the above-captioned case discontinued. BY THE COURT, s/John K. Reilly, Jr., President Judge.

Record costs in the amount of $484.21 have been paid in full by Pennsylvania Electric Co., this case marked Discontinued.

*****D I S°C O N T I N U E D*****

DECEMBER 23, 1980, SHERIFF'S RETURN, filed.

Now, June 9, 1980 at 2:38 PM DST served within Complaint on Dennis Barrett, deft. at his place of residence.

Now, June 9, 1980 at 3:15 PM DST served within Complaint on Charles Leggs, deft. at his place of residence.

Now, June 10, 1980 at 9:02 AM DST served within Complaint on Robert Frisco, deft. at his place of residence.

Now, June 10, 1980 at 9:10 AM DST served within Complaint on Eugene Howell, deft. at his place of residence.

Now, June 10, 1980 at 9:19 AM DST served within Complaint on James A. Walker, deft. at his place of residence.

NOW, June 10, 1980, at 1:20 PM DST served within Complaint on Roger Porter, deft. at his place of residence.

Now, June 11, 1980 at 9:30 AM EST served within Complaint on Ardell D. Shirey, deft. at his place of residence.

Now, June 9, 1980, Richard Miller, Shff of McKean Co. was deputized to serve within on Chauncey M. Smith, deft.

Now, June 11, 1980 served within Complaint on Chauncey M. Smith, deft by deputizing Shff of McKean Co.

Now, June 9, 1980, DE.. Allen Jr., Shff of Warren Co. was deputized to serve within Complaint on James W. Brinker, defts.

Now, June 11, 1980 served the within Complaint & Decree on Local 1124 and James W. Brinker, defendants by deputized Sheriff of Warren County.

Now, June 12, 1980, after diligent search return within Complaint and Decree "NOT FOUND" as to David J. Eisenman, Defendant.

June 12, 1980, attempted service of within Complaint and Decree on Clyde Schnars, Defendant by deputized Sheriff of Centre County returned marked "NOT FOUND"

June 12, 1980, attempted service of within Complaint and Decree on William Foreman and James Simler, Defendants by deputized Sheriff of Centre County returned marked "No Time To Serve." /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

304/c

CONTINUED FROM PAGE 304B NO. 80-26-EQU PENNA. ELECTRIC-vs-LOCAL 1124 IBWW

Now, July 28, 1980, Robert Norris, Shff of Huntingdon Co. was deputized to serve within Petition & Rule on Charles W. Flick, deft.

Now, July 29, 1980 served within Petition & Rule on Charles Flick, deft. by deputizing Shff of Huntington Co.

Now, July 28, 1980, Richard V. Waite, Shff of Centre Co. was deputized to serve within Petition & Rule on Stanley L. Muers, deft.

Now, August 7, 1980 attempted to serve within Petition & Rule on Stanley L. Myers, deft. Papers were returned from Centre Co. as they did not receive papers until date of hearing.

Now, August 7, 1980 after diligent search in my baliwick I return within Petition "NOT FOUND" as to Leroy Smeal, Timothy Golding, James Friday, and Frank Wallace, defts. as time has expired. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

AUGUST 13, 1980, PETITION FOR RULE , filed by Barbara H. Schickling. One Copy Certified to Attorney.

RULE TO SHOW CAUSE:

AND NOW, to-wit: this 13th day of August, 1980,upon consideration of the averments contained in the within Petition and on Motion of Petitioner's attorney, Barbara H. Schickling, Esquire, it is ORDERED that a Rule be issued directed to Local 1124 of the International Brotherhood of Electrical Workers, to show cause, if any, why the prayer of the foregoing Petition should not be granted.

This Rule returnable and a hearing on the merits of the above-captioned case to be held on the 14th day of August, 1980, at 1:00 o'clock, P.M., in the Main Courtroom of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT, /s/ John A. Cherry, Senior Judge

AUGUST 13, 1980, PETITION FOR RULE, filed by Barbara H. Schickling.
One copy Certified to Attorney.

WHEREFORE, Your Petitioner prays that this Honorable Court issue a Rule to Show Cause why the said Local 1124 of the International Brotherhood of Electrical Workers should not be held in contempt of this Court's Order dated July 11, 1980 for failing to pay either Five Thousand ($5,000.00) Dollars cash or post a surety bond with the Clerk of Courts of Clearfield County, Pennsylvania, and that this Honorable Court take all necessary steps to assure compliance with its Order of July 11, 1980. /s/Barbara H. Schickling, Attorney for Plaintiff.

RULE TO SHOW CAUSE:

AND NOW, to-wit: this 13th day of August, 1980, upon consideration of the averments contained in the within Petition and on Motion of Petitioner's attorney, Barbara H. Schickling,Esquire, it is ORDERED that a Rule be issued directed to Local 1124 of the International Brotherhood of Electrical Workers, to show cause, if any, why the prayer of the foregoing Petition should not be granted.

This Rule returnable and a hearing on the merits of the above-captioned case to be held on the 14th day of August, 1980, at 1:00 o'clock P.M., in the Main Courtroom of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT, /s/John A. Cherry, Senior Judge.

AUGUST 15, 1980, ORDER, filed.

NOW, August 14, 1980, upon objection of Counsel for the Defendants based upon his not having sufficient time within which to meet the preparation and presentation of Defense to the within-stated matter, it is hereby Ordered that Hearing be held in the above-stated matter on Wednesday, August 20, 1980, at 9:00 o'clock a.m. BY THE COURT, /s/ John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding

AUGUST 18, 1980, ANSWER TO PETITION, filed by Belin, Belin & Naddeo.One Copy Cert.to Atty. You are hereby notified to plead to plead to the within New Matter within 20 days from the date of service or default judgment will be entered against you. BELIN, BELIN & NADDEO, By /s/ James A. Naddeo, Attorney for Respondents

AUGUST 20, 1980, ORDER, filed.

AND NOW, this 20th day of August, 1980, after hearing held upon Petitioner's application to hold Local 1124 of the IBEW in contempt of the Order of Court dated July 11, 1980 it is hereby ORDERED and DIRECTED that said petition be and is hereby dismissed upon the court finding that the said Local is financially unable to post cash bond in the amount of Five thousand ($5,000.00) Dollars or alternatively to obtain a suitable surety to endorse the bond posted by said Local with the Clearfield County Prothonotary on July 14, 1980. It is the further Order of this Court that the Local remain bound unto the Commonwealth of Pennsylvania in the amount if Five Thousand ($5,000.00) Dollars for faithful performance of this Court's Order of June 12, 1980 and that the bond posted by Local 1124 with the Clearfield County Prothonotary on July 14, 1980 remain in full force and effect until further Order of Court. It is the further Order of Court that Local 1124 place with the Clearfield County Prothonotary cash in the amount of One thousand ($1,000.00) Dollars as additional security for the faithful compliance of this Court's Order of June 12, 1980, said cash bond to be given to the Clearfield County Prothonotary as funds become available from dues paid to said Local by those units of the Local which are not striking against the Pennsylvania Electric Company. It is the further Order of this Court that Local 1124 pay forthwith to the Prothonotary the entire balance of its checking account as of the date of this Order. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

SEPTEMBER 12, 1980, STIPULATION AND ORDER, filed by Barbara Schickling and James A. Naddeo.

NOW COME counsel for the respective parties in the above captioned action and move the Court to direct the Prothonotary to release the injunction bond posted by the plaintiff in the amount of Five thousand ($5,000.00) Dollars and the cash bond posted by the defendants in conjunction with the Court's Order of August 20, 1980. /s/Barbara Schickling, Attorney for Plaintiff, James A. Naddeo, Attorney for Defendants.

ORDER:

AND NOW, this 12 day of September, 1980, upon motion of counsel for the respective parties, it is hereby ORDERED and DIRECTED that the injunction bond posted by the plaintiff be and is hereby released. It is the further Order of Court that the Prothonotary of Clearfield County return to defendant, Local 1124 of the International Brotherhood of Electrical Workers, the cash bond posted in compliance with this Court's Order of August 20, 1980. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

SEPTEMBER 12, 1980, WITNESS BILL, filed by Barbara H. Schickling.

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EQUITY DOCKET # 12

Belin, Belin & Naddeo	ELEANOR L. RABIK, an individual	
	80-27-EQU	
J. L. Lehman	PETER RABIK, an individual	

JUNE 10, 1980, COMPLAINT IN EQUITY, filed. Belin, Belin& Naddeo.
One Copy Certified to Sheriff

JULY 3, 1980, AFFIDAVIT OF SERVICE, filed.
NOW, June 18, 1980 at 3:10 PM o'clock DST served within Complaint on Mrs. E. Rabik, wife of deft. at her place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

AUGUST 13, 1980, AFFIDAVIT, filed by James A. Naddeo

AUGUST 13, 1980, PRAECIPE, filed.
Please enter judgment by default against the defendant in the above captioned action for failure to file responsive pleadings to the complaint served upon him on June 18, 1980 within twenty days. BELIN, BELIN & NADDEO, By /s/ James A. Naddeo, Attorney for Plaintiff

Judgment is entered in favor of the plaintiff and against the defendant for failure to file responsive pleadings to the complaint served upon him on June 18, 1980, within twenty days.

DEFAULT JUDGMENT.

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins		11.75

Prothonotary

SEPTEMBER 10, 1980, MOTION, filed by Belin, Belin & Naddeo. One Copy Certified to Attorney.

ORDER:
NOW, this 9 day of Sept, 1980, upon motion of counsel for the plaintiff and at appearing that judgment by default was entered against the defendant by the Prothonotary on August 13, 1980, it is hereby ordered and directed that hearing be held in the main courtroom of the Clearfield County Courthouse on the 22 day of Sept., at 10:30 a.m. for the purpose of takin testimony to assist the Court in framing final decree i Equity. It is the further order of this Court that a Certified copy of plaintiff's motion and this order be directed to the defendant by certified mail to the following address:
Joseph Road
Country Club Hills
Clearfield, Pa. 16830
BY THE COURT, /s/ John K. Reilly, Jr., P.J.

SEPTEMBER 23, 1980, FINAL DECREE, filed by James A. Naddeo.
One copy Certified to Attorney.
NOW THIS 22nd day of September, 1980 after hearing held in the above captioned case pursuant to plaintiff's motion and this court's order dated September 9, 1980 a copy of which notice was served upon the defendant by certified mail on September 20, 1980, the Court finds from the pleadings and the testimony of Plaintiff that judgment should be entered in favor of the plaintiff for certain monetary sums and for partition of the parties' jointly owned dwelling located in Lawrence Township, Clearfield County, Pennsylvania, and more particularly described in the deed from Lynn W. Boal and Amelia Boal dated February 27, 1975 and recorded in Clearfield County Deed Book 696, page 392, and accordingly it is hereby ORDERED and DIRECTED that the Prothonotary of Clearfield County enter judgment on behalf of the plaintiff, Eleanor L. Rabik, and against the Defendant, Peter Rabik, for the sum of Seven thousand five hundred ($7,500.00) Dollars together with costs and interest from March 12, 1980. It is the further ORDER of this Court that judgment be entered on behalf of the plaintiff and against the defendant for one-half of the reasonable rental value of the parties' jointly owned property which the Court finds to be Two hundred ($200.00) Dollars per month commencing on January 8, 1980 and continuing monthly until such time as the defendant shall vacate the parties' jointly owned dwelling. It is the further ORDER of Court that the parties' jointly owned real property more particularly described in the deed from Lynn W. Boal and Amelia Boal dated February 27, 1975 and recorded in Clearfield County Deed Book 696, page 392, which the Court finds not capable of division without prejudice to or spoiling of the whole, be and is hereby partitioned and that such proper and necessary sale of the same be made by the Master hereinafter appointed. It is the further ORDER of Court that the parties' jointly owned household goods as enumerated in the Schedule attached to the complaint of plaintiff filed in the above captioned action be partitioned and that such proper and necessary sale or sales of the same be made by the Master hereinafter appointed. And finally that ELIZABETH CUNNINGHAM, ESQ., be and is hereby appointed MASTER for the purpose of valuing the parties' jointly owned real and personal property and conducting such sale or sales of said property which may be necessary with full authority in said Master to make such adjustments from the proceeds of said sale which are consistent with law and this Order and in particular the judgment entered herein for plaintiff for the monetary sums enumerated by the court. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

Judgment is entered per Court Order in the sum of $7,500.00 together with costs and interest from March 12, 1980.

Debt: $7,500.00
Costs and Interest from March 12, 1980
Judgment per Court Order.

Prothonotary

Judgment is also entered in favor of the Plaintiff and against the Defendant for one-half the reas reasonable rental value of the parties' jointly owned property which the Court find to be $200.00 Dollars per month commencing January 8, 1980 and continuing monthly until such time as the defendant shall vacate the parties' jointly owned dwelling.

Debt: $200.00 per month commencing 1/8/80

Judgment by Court Order.

Prothonotary

DECEMBER 8, 1980, PRAECIPE, filed by J. L. Lehman.
Please enter my appearance on behalf of the above named individual, Peter Rabik, to the above cited case and number. s/Lehman & Kasubick by J. L. Lehman, Attorney for Defendant.

APRIL 1, 1981, PETITION FOR DISCHARGE AND ORDER, filed by Elizabeth Cunningham.
WHEREFORE, your petitioner prays that she be discharged from the security entered by his as Master in the amount of $74,000.00 and that the safety on the bond in the amount of $74,000.00 filed by your Master be discharged. /s/Elizabeth Cunningham.

ORDER:
AND NOW, this 31 day of March, 1981, upon consideration of the foregoing Petition of Elizabeth Cunningham, Esquire and Master in the above captioned matter is hereby Directed and Ordered that Elizabeth Cunningham, Master and her surety Statesman Insurance Company be discharged from the obligations under the $74,000.00 bond filed as security. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

-John R. Carfley-

CALVIN KEENER

80-28-EQU

LINDA KEENER HUEY, formerly known as LINDA A. KEENER and TERRY HUEY, her husband

Pro by Atty 30.00
Atty by Atty 3.00
Shff. Hawkins 20.23

JUNE 23, 1980, COMPLAINT IN EQUITY, filed by John R. Carfley.
Two copies certified to Sheriff.

JULY 17, 1980, PRELIMINARY OBJECTIONS, filed by Timothy E. Durant. One Copy Certified to Attorney.

JULY 29, 1980, AMENDED COMPLAINT, filed by John R. Carfley. One Copy Certified to Attorney.

JULY 28, 1980, PRELIMINARY OBJECTIONS TO DEFENDANTS' PRELIMINARY OBJECTIONS filed by John R. Carfley

AUGUST 6, 1980, SHERIFF'S RETURN, filed.
July 1, 1980, served within Complaint in Equity on Terry Huey, Defendant.
July 1, 1980, served within Complaint in Equity on Terry Huey, Husband of Linda Keener, defendant.
/s/Chester A. Hawkins, Sheriff by Marilyn Wood.

AUGUST 20, 1980, ORDER, filed.
NOW, this 20th day of August, 1980, following argument into the Preliminary Objections filed on behalf of the Plaintiff to Defendants' Preliminary Objections and Defendants' Preliminary Objections, it is the ORDER of this Court that Plaintiff's Preliminary Objections be and are hereby dismissed, and in view of Plaintiff's recently filed Amended Complaint, Defendants' Preliminary Objections in the nature of Motion for More Specific Pleadings be and are hereby denied.
IT is the further ORDER of this Court that Defendants' Preliminary Objections raising the defense of laches shall be ruled upon following hearing on the merits. It is the further ORDER of this Court that the Defendants shall file Responsive Pleadings to the Amended Complaint within twenty (20) days from date hereof. By the Court, /s/ John K. Reilly, Jr., President Judge

SEPTEMBER 15, 1980, ANSWER TO AMENDED COMPLAINT: NEW MATTER, filed by Timothy E. Durant.
Two copies Certified to Attorney.

OCTOBER 13, 1980, REPLY TO DEFENDANTS' NEW MATTER, filed by John R. Carfley.

DECEMBER 31, 1980, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER PA. R.C.P. No. 4007.1 of Terry Huey, filed by John R. Carfley.

MARCH 5, 1981, CERTIFICATE OF READINESS, filed by John R. Carfley.
Type of Trial: Non-Jury
Estimated Time: ½ Day

JUNE 23, 1981, PETITION TO CONSOLIDATE, filed by John R. Carfley, Esquire; and ORDER OF COURT, filed.
Rule:
AND NOW, this 20th day of June, 1981, upon consideration of the foregoing petition and upon motion of counsel for the petitioner, IT IS THE ORDER of this Court, that the defendants, Linda Keener Huey and Terry Huey, and Harold E. Keener and Rita J. Keener, appear and show cause why the prayer of said petition should not be granted.
RULE RETURNABLE AND HEARING THEREON THE 20th day of July, 1981, at 8:30 a.m. BY THE COURT, /s/ John A. Cherry, Senior Judge.

RULE ISSUED ON LINDA KEENER HUEY, TERRY HUEY, HAROLD E. KEENER, AND RITA J. KEENER BY REGULAR MAIL, JUNE 24, 1981.

AUGUST 21, 1981, ORDER, filed.
NOW, August 20, 1981, it is hereby ORDERED that transcript in the above-entitled case be transcribed; and upon the transcript having been accepted, the Plaintiff shall file brief within twenty (20) days thereafter, the Defense shall file his brief within ten (10) days after the filing of Plaintiff's brief, and if any reply brief is required, it shall be filed within five (5) days thereafter. BY THE COURT, /s/ John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding

DECEMBER 14, 1981 TRANSCRIPT TAKEN BEFORE HONORABLE JOHN A. CHERRY, lodged this day and date in Prothonotary Office. s/Raymond Witherow, Prothonotary
(filed in testimony drawer)

FEBRUARY 2, 1982 PETITION TO WITHDRAW filed by John R. Carfley
FEBRUARY 2, 1982 ORDER OF COURT filed
AND NOW this 1st day of February, 1982, upon consideration of the foregoing Petition, IT IS HEREBY ORDERED that Plaintiff appear and show cause why the prayer of said petition should not be granted.
RULE RETURNABLE AND HEARING THEREON the 17th day of February, 1982, at 9:00 o'clock A.M. in the Clearfield County Court House. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

JULY 6, 1982, OPINION AND ORDER filed
Plaintiff, Calvin Keener (hereinafter "Calvin"), first instituted action against his former wife, Linda Keener; now Huey (hereinafter "Linda"), and her present husband, Terry Huey, to No. 80-28-EQU., seeking to rescind a property settlement agreement prepared by Linda's attorney (1 by virtue of his former wife's fraud, or in the alternative, to obtain specific performance of the agreement. Subsequent to that action, Calvin learned that Linda, with the joinder of her present jusband, Terry Huey (hereinafter "Terry") had transferred to defendants, Harold E. Keener and Rita J. Keener (hereinafter "Harold" and "Rita") a portion fo the premises which Calvin claims should have been transfeered to him by Linda. He therefore instituted the action to No. 80-40 to seek rescission of the latter transaction.

CONTINUED ON NEXT PAGE

OPINION AND ORDER continued

Preliminary objections to the original complaint at No. 80-28-EQU. were filed by Linda and Terry, all of which were dismissed by order of the Honorable John K. Reilly, President Judge, except that he deferred action on one asserting laches. As to the latter, Judge Reilly ordered that "Defendants" Preliminary Objections raising the defenae of laches shall be ruled upon following hearing on the merits". Plaintiff filed Amended Complaint in compliance with oral understanding at Argument. Both actions, to 80-28 and to 80-40, were consolidated for trial.

Upon the credible evidence we find that following stated facts. Calvin and Linda Keener having married, proceeded to live together as husband and wife until February 3, 1978 when Linda left their home and proceeded to withdraw $50000 from a joint savings account held by the tow of them. Approximately three weeks thereafter Linda engaged an attorney who prepared for her a property Settlement agreement. Upon presenting it to him, Calvin (unrepresented at all times until the institution of the instant proceedings) signed, but did not receive a copy thereof. However, a copy apparently was obtained, it being attached to the complaint and also admitted into evidence.

Inter alia, the agreement provided for rights of visitation in Calvin with respect to their minor daughter; that Calvin would pay $200 as monthly support of the daughter; divided certain tiems of personal property, as named therein; and provided in paragraph.

> "5 It is agreed by and between the parties that they are the owners as tenants by the entirety of 116½ acres of land in Bell Township, Clearfield County, with a double wide mobile home permanently located thereon as well as a Morton Building garage located thereon; the land being fully paid for and the mobile home having an outstanding balance owed of approximately $11,000.00 and the Morton building having an amount owned upon its construction of approximately $8,500.00. The parties hereby agree that they shall retain joint ownership of the real property; however, it is agreed by and between the parties hereto that the property will be sold within one (1) year from the date of this agreement. The terms of the sale of the property shall be that the Husband (Calvin) shall have the right to reserve unto himself a six (6) acre tract of land at a location identified as the "sawmill" Proceeds of the sale shall be applied first to the outstanding encumbrance on the mobile home, the encumbrance on the Morton building, a payment of $3,000.00 to the Husband (Calvin) with the balance of the net proceeds of the sale to be paid to the wife (Linda). It is agreed by tne between the parties hereto that any encumbrance placed upon the property from this date forward by reason of action of either party hereto shall be satisfied from the proceeds of the party responsible for such encumbrance." (Emphasis supplied).

On April 27, 1978, Calvin and Linda conveyed to Linda, then "Linda Keener Huey" the premises involved in the property settlement agreement, calling for Linda's payment to Calvin of consideration of $3,000.00; but the $3,000.00 was not paid to Calvin nor was there reserved therefrom the Sawmill Tract of approximately six acres, as provided for in the property settlement agreement. The failure to convey, and to pay the $3,000.00 to Calvin the six (6) acre portion was the result of fraud of said Linda Keener Huey, who promised again to carry out the provisions of the property settlement agreement. We find that Calvin was overly trustful, and of such level of intelligence, that he unwittingly executed the deed expecting Linda to keep her promise to pay him the $3,000.00 and to convey the six (6) acre piece known as the Sawmill Tract. We further find that Linda never has conveyed the Sawmill Tract nor paid over to Calvin the consideration of $3,000.00 reserved to him in the property settlement agreement. To hold otherwise would permit these defendants, particularly Linda, to wrongfully and unjustly avoid the requirements of trhe property settlement agreement and that of the conveyance to her. In addition, her attempted transfer to Harold E. Keener and Rita J. Keener of a portion of the premises containing part of the Sawmill Tract is in violation of rhe property settlement agreement. We furrher find that contrary to contention of Harold and Rita, there had been no oral promise that Calvin and Linda Keener would transfer a portion of their original premises to Harold and Rits Keener as consideration for some alleged help around the premises. Harold is supposed to have given to Calvin. The whole of the transactions was an out and out fraud upon the plaintiff, Calvin Keener, in both cases. Under all the circumstances revealed by credible trestimony, we also find no laches attributable to plaintiff.

In view of the foregoing, we enter the attached Order and Decree NiSi..

ORDER AND DECREE NISI

NOW, June 15, 1982, it is Ordered and Decreed that (1) the deed dated April 27, 1978 and recorded in Deed Book No.761, page 311 shall be decreed null and void unless defendants shall convey , full of in cumbrance, to plaintiff the six-acre tract to Calvin Keener, and shall, in addition thereto, pay over to said Calvin Keener the sum of $3,000.00 together with interest from date of suit, June 23, 1980, as required by the terms of the proeprty settlement agreement. Costs shall be paid by defendants.

Unless exceptions hereto shall be filed within 10 days after filing hereof, this Order and Decree shall become absolute and final. BY THE COURT: /s/ John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding.

ORDER AND DECREE NISI

NOW, June 15, 1982, deed dated April 1, 1980, and recorded in Deed Bood No. 795, page 342, whereby Linda Keener Huey and Terry Huey conveyed to Harold E. Keener and Rits J. Keener, premises therein described, and being portion of premises conveyed to Linda A. Keener by Calvin Keener and Linda A. Keener by deed dated April 27, 1978 and recorded in Deed Book No. 761, page 311, is hereby declared null and void and of no legal force of effect; (2) Said Harold E. Keener and Rits J. Keener, husband and wife, shall re-convey said described premises by deed, free of encumbrances, to Calvin Keener and Linda Keener, now Linda Keener Huey, in order that the terms of the property settlement agreement and the Decree of this Court of even date filed to No. 80-28 EQU. shall be complied with in all its provision.s Costs shall be paid by defnedants herein.

Unless exceptions hereto shall be filed within 10 days after filing hereof, this Order and Decree shall become absolute and final. BY THE COURT: /s/ John A. Cherry, Senior Judge. 46th Judicial District, Specially Presiding.

JULY 16, 1982, DEFENDANTS' EXCEPTIONS, filed by Timothy E. Durant
One copy certified to Attorney

OCTOBER 29, 1982, PETITION TO WITHDRAW filed by John R. Carfley

ORDER OF COURT

AND NOW this 29 day of October, 1982, upon consideration of the foregoing petition, IT IS HEREBY ORDERED that Plaintiff appear and show cause why the prayer of said petition should not be granted.

RULE RETURNABLE AND HEARING THEREON, the 24 day of Nov, 1982, at 9:00 A.M. in the Clearfield County Court House. By the Court, John K. Reilly, Jr., P.J.

DECEMBER 6, 1982, ORDER OF WITHDRAWAL, filed by John R. Carfley.

AND NOW, this 6 day of December 1982, upon consideration of the foregoing petition, counsel having appeared for hearing and the said respondent having failed to appear for the said hearing although being advised so to do, IT IS THE FINDING OF THIS COURT that good and sufficient grounds have been established to permit the withdrawal of counsel from the above captioned cases and IT IS THE ORDER OF THIS COURT that petitioner, JOHN R. CARFLEY, ESQUIRE, be and is hereby permitted to withdraw as counsel to all of the above captioned cases. BY THE COURT, /s/ John K. Reilly, Jr., P.J.

EQUITY DOCKET NO. 12 1980

Miller,Kistler & Campbell,Inc

JOHN J. ZELENKY, JR.

80-29-EQU

MARY ANN JOSEFIK

Pro by Atty 30.00
by Atty
Shff. Hawkins 18.23
Shff by Atty 19.55

JULY 7, 1980, COMPLAINT FOR INJUNCTIVE RELIEF, filed by Miller, Kistler & Campbell, Inc. One Copy Certified to Sheriff.

AUGUST 19, 1980, ANSWER TO COMPLAINT FOR INJUNCTIVE RELIEF, filed by Kramer & Marsh.
One Copy Certified to Attys Miller, Mitcher, Campbell,In
One Copy Certified to Attorney Kramer.

AUGUST 20, 1980, SHERIFF'S RETURN, filed.
August 6, 1980, served within Complaint for Injunctive Relief on Mary Ann Josefik, Defendant.
/s/Chester A. Hawkins, Sheriff by Marilyn Wood.

JULY 6, 1982, OPINION AND DECREE NISI, filed.
The credible testimony herein established the following facts. Plaintiff owns the tract of land, upon which is situate a hunting camp, as set forth in the testimony and in deed dated October 18, 1974 and recorded in Deed Book No. 692, page 16. These premises were conveyed to him by his father, Joseph J. Zelenky, Sr., (hereinafter "Zelenky, Sr.") who owned, possessed. and used the same continuously since 1937. During the whold of the period from at least the year 1940, to the date these proceedings for injunctive relief were instituted, access to plaintiff's premises was had by means of the Township Road and thence over adjoining lands owne by defendant. Not only did Zelenky, Sr., and his family continuously use the roadway over defendant's land, but so did others of the public. Paper wood and cement were hauled over it in going to and coming from plaintiff's premises. In fact, one Mike Vranick, a Twonship Supervisor, testified that the Township "took over" the Township Road in 1970 and maintained it to the railroad bed, and also that the disputed road had been used by the public for over 60 years. Maintenance was continued without interception until defendant blocked the road in 1979 or 1980. One John Bozac established that it was a public road, that he used it to cross to his premises to build his camp 4 years ago; and that it had been used continuously by the general public "ever since" he could remember. One Joseph Nadzom, of the age of 61, had used the road, as had others, at least since 1930. We are satisfied that a well defined easement has been established, being 74 feet in length (as defined by the survey admitted into evidence) and extending to the railroad right of way adjoining plaintiff's premises. It is of significance that until defendant blocked access in 1979, she never had attempted to do so prior thereto, although she purchased her property in 1973. Her (and the sole) testimony was not at all sufficient to overxome the convincing testimony of plaintiff. Her interference with use of the roadway came far too late to break continuity of use within the prescriptive period of 21 years.

In every detail, the proof satisfied the requirements for establishing a prescriptive right-of-way over defendant's land: See Boyd v. Teeple, ___Pa___, 331 A2d 433, 434, where the Court held that the "elements required for the creation of a prescriptive easement are that use of the land be adverse, open, continuous, notorious and uninterrupted for twenty-one years." All of these requirements answered to in the instant case. In view of the foregoing we enter the following.

DECREE NISI

NOW, June 23, 1982, we find and decree that in fact and in law a prescriptive easement 74 feet in length over defendant's land in favor of the public and of this plaintiff, his heirs, successors and assigns has been established and has existed for a period in excess of twnety-one years: that defendant has unlawfully interferred with said easement; that defendant must remove any existent obstacle to the use of said easement by the public and this plaintiff, his successors and assigns, forthwith; that defendant is enjoined permanently from interferring with said easement and plaintiff's use of same: and costs of these proceedings shall be paid by defendant. As also prayed for, this court retains jurisdiction of the matter to assure compliance with this Decree. Unless exceptions be filed hereto within 10 days of filing, this Decree shall become absolute. BY THE COURT: /s/ John A. Cherry, Senior Judge, 46th Dudidial District, Specially Presiding.

JULY 29, 1982, PRAECIPE, filed by John R. Miller, Jr.
Pursuant to Pa. C. P. No. 1519 (a), no exceptions having been filed, enter decree nisi dated June 23, 1982, as a final decree. s/John R. Miller, Jr.
One copy certified to Plaintiff
JULY 29, 1982, WRIT OF ASSISTANCE, filed.
One copy certified to Plaintiff
AUGUST 16, 1982, SHERIFF'S RETURN, filed.
Now August 6, 1982 served Complaint In Injunction Relief on Mary Ann Josefik. So answers, Chester A. Hawkins by Marilyn Wood
AUGUST 20, 1982 ONE COPY OF WRIT OF ASSISTANCE CERTIFIED TO SHERIFF BY ATTORNEY REQUEST

EQUITY DOCKET #12

Belin,Belin & Naddeo

CAROLE RYEN

80-30-EQU

JOHN D. RYEN

Pro	by Atty	30.00
	by Atty	
Shff Hawkins		15.17
Atty		3.00
Disc	by atty	3.00
Ck#285557	Adv costs	51.17
9302	J. Naddeo	48.17
	Pro	3.00
		51.17

JULY 11, 1980, COMPLAINT IN EQUITY, filed by Belin, Belin & Naddeo.
One Copy Certified to Sheriff..

AUGUST 7, 1980, AFFIDAVIT OF SERVICE, filed.
NOW, August 6, 1980 at 10:30 AM o'clock DST served within Complaint on deft. at her place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

SEPTEMBER 11, 1980, AFFIDAVIT, filed by James A. Naddeo
Praecipe for default mailed on August 27, 1980.
s/James A. Naddeo

SEPTEMBER 11, 1980, PRAECIPE, filed.
Please enter judgment by default against the defendant in the above captioned action for failure to file responsive pleadings to the complaint served upon him on August 6, 1980, within twenty days. BELIN, BELIN & NADDEO, By /s/ James A. Naddeo, Attorney for Plaintiff

Judgment is entered in favor of the Plaintiff and against the Defendants for failure to file responsive pleadings to the complaint within twenty days.

DEFAULT JUDGMENT.

Prothonotary

OCTOBER 8, 1980, MOTION FOR APPOINTMENT OF TRUSTEE AND ORDER, filed by James A. Naddeo.
NOW this 7th day of October, 1980, James A. Naddeo, Esquire, attorney for the plaintiff in the above captioned action, moves the Court for the appointment of a Trustee for the purpose of valuing and selling the real property which is the subject of the above captioned proceedings. /s/Belin, Belin & Naddeo by James A. Naddeo, Attorney for Plaintiff.
ORDER:
NOW this 7 day of October, 1980, upon motion of James A. Naddeo, Esquire, attorney for the plaintiff and it appearing that the defendant was properly served with the complaint in partition to which no responsive pleading has been filed and it further appearing that judgment by default was entered against said defendant after proper notice was required by the Pennsylvania Rules of Civil Procedure and the Court further being satisfied that partition is proper, it is hereby ORDERED and DIRECTED that JOSEPH J. LEE, ESQ., be and is hereby appointed TRUSTEE for the purpose of making disposition of the property which is the subject of the above captioned action in accordance with law. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

NOVEMBER 3, 1980, ORDER, filed.
NOW, this 3rd day of November, 1980, the Court having been advised that Joseph J. Lee, Esquire, has withdrawn as Master in Partition in the above-captioned matter, it is the ORDER of this Court that Richard H. Milgrub, Esquire, be and is hereby appointed as Master in Partition. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 3, 1981, Richard Milgrub, Appointed Master in above case returned papers to Prothonotary. /s/Lois J. Billotte.

FEBRUARY 23, 1981 PRAECIPE, filed by James A. Naddeo.
Please markthe above captioned case settled and discontinued upon payment of costs.
s/James A. Naddeo, Atty for Plff.

Record costs in the sum of $51.17 have been paid in full by Mid-State Bank Check#285557 this case marked Settled and Discontinued.

**********SETTLED DISCONTINUED********

EQUITY DOCKET #12

Thomas F. Morgan	THOMAS J. CRAIG and SANDRA L. CRAIG	
	80-31-EQU	
Paul Silberblatt	HELEN L. SMOLKO	
	Pro by Atty 30.00	
	Shff by Atty 16.19	

JULY 11, 1980, PETITION IN EQUITY, filed by Thomas F. Morgan.
One Copy Certified to Sheriff

RULE

NOW, this 11 day of July, 1980, upon consideration of the foregoing petition, the prayer therein is granted, and a rule is directed to issue upon the respondent to show cause why the injunction sought by the Petitioners should not be granted.

Rule returnable the 29 day of July, 1980, at 9:00 a.m. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

JULY 25, 1980, RESPONDENT'S ANSWER TO PETITION, filed by Paul Silberblatt

JULY 28, 1980, SHERIFF'S RETURN, filed.

Now July 18, 1980 served within Petition & Rule on Helen L. Smolko. So answers, Chester A. Hawkins by Marilyn Wood

JULY 20, 1980, MEMORANDUM AND ORDER, filed.

Upon conclusion of Pre-Trial Conference, it was concluded by Counsel and the Court that the Petition or Action in Equity should be dismissed upon a Finding that the prescriptive private right of way of thirty feet in width at its commencement and thirty-one feet in width at its termination existed with mutual rights and duties in each of the parties in this Action. It was further concluded that under the circumstances evolved through inspection of the survey supplied by Counsel for the Respondent, the photographs supplied by each of Counsel, and the further consideration of the law applicable that the Action could not persist. It was further concluded that each party had the right to use the whole of the land included within the private right of way; that for their individual purposes they would have the right to reasonable parking of vehicles at the side of the same so long as they did not interfere with access to the other's use of the remaining traveled portion; and that this would bind them also to so regulate their invitees and/or licensees so that the latter would not interfere either with the use of the right of way by the other party.

In view of the foregoing, we enter the following Order and Decree:

ORDER

NOW, July 29, 1980, Complaint in Equity is dismissed at cost of Plaintiffs. This is also declared to be a final Decree by virtue of the understanding and acceptance therefor by the respective parties to the Action as well as their Counsel. BY THE COURT, John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding

EQUITY DOCKET #12

Bell, Silberblatt & Swoope

RAYMOND BRINK and RALPH PREDMORE, Trustees of FAIRVIEW BAPTIST CHURCH

80-32-EQU

BERNICE BRINK

MARTIN RUCK, and LEROY BRINK and MERYL MORRISON Trustees of FAIRVIEW BAPTIST CHURCH

Pro	by Atty	30.00
Shff Hawkins	by Atty	11.75
Shff. Hawkins	by Atty	24.43

JULY 15, 1980, COMPLAINT IN EQUITY, filed by Bell, Silberblatt & Swoope.
One Copy Certified to Attorney.

JULY 18, 1980, AFFIDAVIT OF SERVICE, filed.
NOW, July 16, 1980 at 11:30 AM o'clock DST served within Complaint on deft. at Market St., Clearfield, Pa. So answers, Chester A. Hawkins, Sheriff By /s/ Marilyn Wood

AUGUST 6, 1980, ANSWER AND NEW MATTER, filed by Dwight L. Koerber, Jr. Three Copies Certified to Attorney.

AUGUST 7, 1980, COMPLAINT TO JOIN ADDITIONAL DEFENDANTS AND REQUEST FOR PRELIMINARY INJUNCTION, filed by Dwight L. Koerber, Jr.
Six copies Certified to Attorney.

AUGUST 7, 1980, PRELIMINARY INJUNCTION, filed by Dwight L. Koerber, Jr.
Four copies Certified to Attorney.
AND NOW, Bernice Brink, LeRoy Brink, and Maryl Morrison having filed a complaint duly verified and supported by affidavits, executed by persons cognizant of the facts that immediate or irreparable harm will result to the plaintiffs before this matter can be heard on notice, it is ORDERED, ADJUDGED, AND DECREED, that a preliminary injunction as prayed for in the complaint be granted enjoining and restraining the parties as follows:

(1.) That Martin Ruck and all persons acting in concert with or under his direction, perform the following:

A. Pending a hearing on the merits of a permanent injunction, suspend the effectiveness of all disciplinary letters that were sent to members of Fairview Baptist Church during the period of April 15, 1980 to the present, including, but not limited to, members who have filed affidavits in this case.

B. Reinstall the locks on Fairview Baptist Church that were in use on September 17, 1979, or if this is not possible, furnish to LeRoy Brink and Meryl Morrison, keys that operate the locks currently in use at Fairview Baptist Church.

C. Pending a hearing on the merits of a permanent injunction, refrain from spending any money on matters that are not customarily necessary for the operation and maintenance of Fairview Baptist Church.

(2.) That all parties subject to this action, cease and desist and refrain and abstain from any conduct or activity which in any way interferes with the right of any member of Fairview Baptist Church to use church facilities or property in a fashion consistent with the principles set forth in the Constitution and By-Laws of Fairview Baptist Church, and that any conflict between said parties be resolved by allowing for alternate use of church facilities.

It is ORDERED AND DECREED that no bond shall be ordered in this case, in view of the nature o the relief granted and the facts involved.

This preliminary injunction shall remain in full force and effect until the cause is decided by the Court at a hearing to be held at the Clearfield County Courthouse on the 19th day of August at 10:30 o'clock. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

AUGUST 20, 1980, SHERIFF'S RETURN, filed.
August 7, 1980, served within Injunction on Martin Ruck, Defendant.
August 7, 1980, served within Injunction on Raymond Brink, Defendant.
August 8, 1980, after diligent search, return within Injunction "NOT FOUND" as to Ralph Predmore, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

Joseph Colavecchi

RUTH TRUMBO and MARYON H. STOOPS

80-33-EQU

WILLIAM D. HILE and FLORENCE M. HILE

Pro	by Atty	30.00
Atty		3.00
Sheriff Hawkins	by Atty	12.75
Sheriff Watson	by Atty	28. 75

JULY 21, 1980, COMPLAINT IN PARTITION, filed by Joseph Colavecchi
Six Copies Certified to Attorney

JULY 31, 1980, SHERIFF'S RETURN, filed.
Now July 21, 1980, Robert L. Watson, Sheriff of Butler County was deputized.
Now, July 22, 1980 served within Complaint in Partition on William D. & Florence M. Hile, return of Sheriff Watson hereto attached. So answers, Chester A. Hawkins by Marilyn Wood

AUGUST 7, 1980, ANSWER, NEW MATTER AND COUNTER-CLAIM, filed by G. Ashley Woolridge, and Lawrence J. Lepidi.

AUGUST 13, 1980, FIRST AMENDED COMPLAINT IN PARTITION, filed by Joseph Colavecchi.
Six Copies Certified to Attorney.

AUGUST 18, 1980, MOTION FOR RULE TO AMEND, filed by Joseph Colavecchi.
RULE:
AND NOW, this 18day of August, 1980, upon Motion of Joseph Colavecchi, Esquire, attorney for Plaintiffs, a Rule is entered upon Defendants to show cause why the Complaint should not be amended as set forth in the foregoing Motion.
Rule returnable the 5th day of September, 1980 at 2:30 p.m. at the Clearfield County Courthouse.
All proceedings to stay meanwhile. BY THE COURT, /s/ John K. Reilly, Jr., President Judge
8/20/80 Rule Issued to Defendants Attorney.

SEPTEMBER 5, 1980, ORDER, filed.
NOW, September 5, 1980, no answer having been filed to the Motion for Rule to Amend, and no one havin appeared on this the return day in opposition to the same, it is hereby ORDERED that the Rule be made absolute and the Amendment to Complaint permitted as filed. BY THE COURT, /s/ John A. Cherry, Senior Judge 46th Judicial District, Specially Presiding

OCTOBER 14, 1980, ORDER DIRECTING PARTITION, filed by Joseph Colavecchi.
Five copies Certified to Attorney.
AND NOW, this 14 day of October, 1980, the First Amended Complaint in Partition having been filed by Plaintiffs, as per Order of Court dated September 5, 1980, and service having been made on the Defendants and no answer having been filed by said Defendants, it is ORDERED, ADJUDGED AND DECREED that Partition be made of the real estate situated in Pike Township, Clearfield County, Pennsylvania described as follows:

a. A $\frac{3}{4}$ interest in approximately 17.4276 acres of coal rights which are set out in yellow on a survey map attached to the Complaint in this action and marked Exhibit "A".

The $\frac{3}{4}$ interest in approximately 17.4276 acres of coal rights are subject the Coal and Clay Lease Agreement dated May 2, 1958 recorded at Clearfield, in Miscellaneous Book 125, Page 491; a copy being attached to the Complaint and marked Exhibit "B".

b. 38.0669 acres of gas and oil rights which are outlined in green on the survey map attached to the Complaint in this action and marked Exhibit "A".

The 38.0669 acres of gas and oil rights are subject to the Gas and Oil Lease Agreement dated January 15, 1974 recorded at Clearfield in Miscellaneous Book 189, page 98, a copy being attached to the Complaint and marked Exhibit "C".

c. 30,6056 acres of clay and other mineral rights which are outlined in pink on the survey map attached to the Complaint and marked Exhibit "A".

The 30,6056 acres of clay and other mineral rights are subject to the Coal and Clay Lease Agreement dated May 2, 1958 recorced at Clearfield in Miscellaneous Book 125, page 491, copy being attached to the Complaint and marked Exhibit "B".

d. 28,3121 acres of surface rights which are outlined in dark blue on the survey map attached to the Complaint and marked Exhibit "A".

The 28,3121 acres of surface rights are subject to the Coal and Clay Lease Agreement dated May 2, 1958 recorded at Clearfield in Miscellaneous Book 135, Page 491, a copy being attached to the Complaint and marked Exhibit "B".

The 28,3121 acres are further subject to the Gas and Oil Lease agreement dated January 15, 1974 recorded at Clearfield in Miscellaneous Book 189, Page 98, a copy being attached to the Complaint and Marked Exhibit "C".

Further information concerning the above described property is contained in the Complaint of the Plaintiffs. The parties to this action together with their interest are as follows:

a. Florence M. Hile - 1/3 interest
10 South Drive
R.D. #3, Box 75
Valencia, PA 16059

b. William D. Hile - 2/9 interest
10 South Drive
R.D. #3, Box 75
Valencia, PA 16059

c. Ruth Trumbo - 2/9 interest
12117 Alexander Road
Everett, WA 98204

d. Maryon H. Stoops - 2/9 interest
618 North Eldridge Street
Houston, TX 77079

A preliminary conference among the parties will be scheduled by the Court subsequent to the entry of this Order directing Partition. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

DECEMBER 9, 1980, ORDER, filed.

NOW, this 9th day of December, 1980, upon application of the parties, it is the ORDER of this Court that PAUL SILBERBLATT, ESQUIRE, be and is hereby appointed MASTER in the above-captioned Partition proceedings to dispose of the property involved at public sale and make proper distribution of the proceeds thereof. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

FEBRUARY 26, 1981, FILING OF CLAIM FOR REIMBURSEMENT OF COSTS, filed by Joseph Colavecchi.

WHEREFORE, Joseph Colavecchi as Attorney for Ruth Trumbo and Maryon H. Stoops, files this claim directed to Paul Silberblatt, Master in Partition, and requests that these costs be reimbursed to the undersigned prior to distribution of the proceeds from the sale of this property, the amount to be One Thousand Five Hundred Twenty-three Dollars and Seventeen Cents ($1,523.17). /s/Joseph Colavecchi, Attorney for Ruth Trumbo and Maryon H. Stoops.

MAY 11, 1981, PRAECIPE TO FILE FOR REIMBURSEMENT OF EXPENSES INCURRED FOR BENEFIT OF PROPERTY WHICH IS SUBJECT OF PARTITION ACTION, filed by Joseph Colavecchi.

Please file of record the following list of expenses that the undersigned is requesting being reimbursed to him as advanced on behalf of the Dean L. Hile Property.

1. January 3, 1980 - amount paid to Dudak Realtors for appraisal of property as per agreement with G. Ashley Woolridge, Attorney for William D. Hile and Florence M. Hile; $ 50.00
2. January 8, 1980 - amount paid to J. H. Decca for winterizing Hile property for protection of it; 22.80
3. January 18, 1980 - amount paid to The Rorabaugh Insurance Agency for cost of fire insurance to protect of interest of Hile Heirs in property; 194.00
4. February 8, 1980 - amount paid to The Rorabaugh Insurance Agency for cost of general liability insurance to protect the Hile Heirs concerning the Hile Heirs property; 35.00
5. March 27, 1980 - amount paid to Ed Swandon of North American Refractories Company for copies of prints obtained as per request of William D. Hile; 37.00
6. May 12, 1980 - amount paid to Shuss Engineering for survey of property worked out with William D. Hile; 989.00
7. July 21, 1980 - amount paid to Raymond Witherow, Prothonotary, cost of filing Complaint in Partition Action; 30.00
8. July 25, 1980 - amount paid to Chester A. Hawkins, Clearfield County Sheriff, sheriff's costs; 12.75
9. July 25, 1980 - amount paid to Robert L. Watson, Butler County Sheriff - Sheriff's costs; 28.75
10. August 1, 1980 - amount paid to Betty I. Neeper, Real Estate Tax Collector for Pike Township, paying real estate taxes on Hile Heirs property; 138.87
11. October 21, 1980 - amount paid to The Rorabaugh Agency, Inc. for additional cost of liability insurance on Hile Heirs property; 35.00
12. March 12, 1980 - amount paid to Leonard Martell, Martell Sales & Service, for repair of damage to Hile Heirs property; 181.22

TOTAL: $ 1754.39

/s/Joseph Colavecchi, Esquire, Attorney for Maryon H. Stoops and Ruth Trumbo, Plaintiffs.

EQUITY DOCKET NO. 12 1980

William U. Smith	CLEARFIELD HOSPITAL 80-34-EQU PENNSYLVANIA NURSES ASSOCIATION, PHYLLIS HERTLEIN and all acting in concert with the individual named Pro by Atty 15.00	AUGUST 4, 1980, PRAECIPE, filed by William U. Smith. Please issue summons in the above-captioned matter. /s/William U. Smith, Attorney for Plaintiff. AUGUST 4, 1980, SUMMONS IN EQUITY ISSUED TO SHERIFF FOR SERVICE.

EQUITY DOCKET NO. 12 1980

Belin, Belin & Naddeo	FREDERICK W. KUMM 80-35-EQU PAMELA C. KUMM	SEPTEMBER 15, 1980, COMPLAINT IN EQUITY, filed.by Belin, Belin & Naddeo. One Copy Certified to Sheriff. OCTOBER 6, 1980, SHERIFF'S RETURN, filed. Now September 25, 1980 served within Complaint in Equity on Pamela C. Kumm. So answers, Chester A. Hawkins by Marilyn Wood OCTOBER 15, 1980, ANSWER & NEW MATTER, filed by Bell, Silberblatt & Swoope. One copy certified to Attorney. OCTOBER 20, 1980, ANSWER TO NEW MATTER, filed by Belin, Belin & Naddeo. One Copy Certified to Attorney
	Pro by Atty 30.00 Atty 3.00 Shff by Atty 11.75	

R. Denning Gearhart	PAUL BONE 80-36-EQU CLEARFIELD COUNTY TAX CLAIM BUREAU Pro by Atty 30.00 Atty 3.00	SEPTEMBER 26, 1980, PETITION TO SET ASIDE THE SALE OF REAL ESTATE FOR TAXES, filed by R. Denning Gearhart. One copy Certified to Attorney. WHEREFORE, Plaintiff prays your Honorable Court to rescind the sale of property to James Ferguson and Order the property be rescheduled for public sale to the highest bidder. /s/John A. Sobel, IV, Counsel for Plaintiff. RULE: AND NOW, this 23 day of September, 1980, upon consideration of the foregoing Petition, a Rule is hereby issued on the Clearfield County Tax Claim Bureau to show cause why the prayer of the Plaintiff should not be granted. Rule returnable and hearing on the merits the 10 day of November, 1980 at 9:00 o'clock A.M. in the Main Courtroom of the Clearfield County Courthouse. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

EQUITY DOCKET NO. 12 1980

Michael P. Yeager	NICK J. SADOTI, individually and t/d/b/a NICK J. SADOTI COAL COMPANY	SEPTEMBER 29, 1980, COMPLAINT IN EQUITY, filed by Michael P. Yeager. Two copies Certified to Sheriff. OCTOBER 29, 1980, COMPLAINT, filed by F. Cortez Bell, Jr. One copy Certified to Sheriff. OCTOBER 29, 1980, ANSWER, filed by F. Cortez Bell, Jr. 80-37-EQU NOVEMBER 7, 1980, AFFIDAVIT OF SERVICE, filed. NOW, Oct. 30, 1980 at 2:30 PM o'clock EST served within Complaint Against Addl. Deft. on Peter Swistock, Jr. Pres. of Mustang Coal & Cont. Corp., addl deft. at his place of employment. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood JANUARY 7, 1981, SHERIFF'S RETURN, filed. October 3, 1980, served within Complaint in Equity on Andrew Hatten, Supervisor for Township of Bloom, Defendant. October 3, 1980, served within Complaint in Equity on Andrew Hatten, Supervisor for Board of Supervisors of Bloom Township, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
F. Cortez Bell, Jr.	BOARD OF SUPERVISORS OF BLOOM TOWNSHIP and the TOWNSHIP OF BLOOM Mustang Coal & Contracting Corp., Addl. Deft.	JANUARY 15, 1981, PRAECIPE, filed by F. Cortez Bell, Jr. Please place the above-captioned case on the upcoming Trial List. /s/Bell, Silberblatt & Swoope by F. Cortez Bell, Jr., Attorney for Defendants. JANUARY 13, 1982 PRAECIPE filed by Michael P. Yeager, Esquire Please place the above-captioned case on the upcoming Trial List. JANUARY 13, 1982 PRAECIPE filed by F. Cortez Bell, Jr. Please place the above captioned case on the Trial List. Estimated time for trial is two (2) days.

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins	by Atty	16.87
Shff. Hawkins		16.83

EQUITY DOCKET #12

Michael P. Yeager & Joseph J. Lee

MICHAEL R. DANIEL and JANET E. DANIEL

80-38-EQU

JOSEPH H. FONTANA, individually and t/d/b/a L & M BUILDERS

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins		14.71
Pro	by Atty	3.00

OCTOBER 7, 1980, COMPLAINT IN EQUITY, filed by Michael P. Yeager & Joseph J. Lee

One copy certified to Sheriff

NOVEMBER 13, 1980, SHERIFF'S RETURN, filed.

Now, Nov. 7, 1980 after diligent search in my baliwick I return the within Complaint in Equity "NOT FOUND" as to Joseph H. Fontana, deft. He is in Federal Penn in Kentucky or Tennessee. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

NOVEMBER 26, 1980, MOTION FOR LEAVE TO SERVE BY PUBLICATION, AFFIDAVIT AND ORDER, filed by Michael P. Yeager.

ORDER:

AND NOW, this 26th day of November, 1980, upon consideration of the foregoing motion of Michael P. Yeager, attorney for the Plaintiffs, and further upon review of the enclosed Affidavit of Michael P. Yeager, it is hereby

ORDERED, ADJUDGED and DECREED that the Plaintiffs are granted leave tomake service of the Complaint on the Defendant by publication once a week for three (3) successive weeks in the Dubois Courier-Express (a newspaper of general circulation in the area closest to the subject matter of the action), and proof of publication shall be filed with the proceedings in this action, and the said advertisement shall state that the Defendant is required to answer the Complaint within twenty (20) days from the last advertisement thereof. BY THE COURT, /s/John A. Cherry, Senior Judge.

MARCH 19, 1981, PRAECIPE, filed by Michael P. Yeager, Esquire.

Please enter Praecipe to settle, discontinue and end the above-captioned matter. /s/ Michael P. Yeager, Esquire.

S E T T L E D, D I S C O N T I N U E D, and E N D E D

EQUITY DOCKET #12

Paul Silberblatt	LEILA J. CUSHARD 80-39-EQU SAMUEL H. CUSHARD Pro by Atty 30.00 Atty 3.00		OCTOBER 8, 1980, PETITION, filed by Paul Silberblatt of Bell, Silberblatt & Swoope Two copies certified to Attorney WHEREFORE, your Petitioner requests your Honorable Court to give full faith and credit to the Decree of the Court of Common Pleas,,Division of Domestic Relations of Trumbull County, Ohio and Order Samuel H. Cushard to convey said real estate or in the alternative to permit the Prothonotary of Clearfield County, Pennsylvania to convey on behalf of Samuel H. Cushard a Deed conveying said premises to Leila J. Cushard. s/Paul Silberblatt OCTOBER 8, 1980, RULE TO SHOW CAUSE, filed by Paul Silberblatt Two copies certified to Attorney AND NOW, this 7 day of October, 1980, upon consideration of the within Petition a Rule is issued on the Respondent Samuel H. Cushard, to show cause why he should not in accordance with the Order of Court of the Common Pleas Division of Domestic Relations of Trumbull County, Ohio to Case No. 33507 comply with said Order and convey the real estate described in said Petition to Leila J. Cushard. Said Rule is returnable on the 5 day of November, 1980 at 9:00 A.M., o'clock. The Notice of this Petition is being mailed to the Respondent at his last known address being 87 Gramling, Marietta, Georgia, 30060 by certified mail, return receipt requested and also by regular United States mail. BY THE COURT, John K. Reilly, Jr., President Judge

~~John R. Carfley~~

CALVIN KEENER

80-40-EQU

HAROLD E. KEENER and
RITA J. KEENER

Pro	by Atty	15.00
Atty	by Atty	3.00
Shff Hawkins	by Atty	18.23
Shff Gondal	by Atty	25.85
Shff. Hawkins	by Atty	12.75
Shff. Gondal		49.85

OCTOBER 10, 1980, COMPLAINT IN EQUITY, filed by John R. Carfley.
One Copy Certified to Sheriff.

NOVEMBER 18, 1980, SHERIFF'S RETURN, filed.
Now, Oct. 15, 1980, John Gondal, Shff of Indiana Co. was deputized to serve within Complaint on defts.
Now, Oct. 21, 1980 served within Complaint on defts. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood.

NOVEMBER 24, 1980, PRELIMINARY OBJECTIONS, filed by Timothy E. Durant. One copy Certified to Attorney.

DECEMBER 31, 1980, PRAECIPE, filed.
Please reinstate complaint in the above captioned matter. /s/ John R. Carfley., Attorney for Plaintiff

January 5, 198 , Complaint Reinstated and Reissued to Sheriff for Service.

JANUARY 20, 1981, MEMORANDUM AND ORDER, filed.
NOW, January 20, 1981, Preliminary Objections having been filed, the Court Orders that Preliminary Objection be overruled except as follows:

1. Plaintiff having reinstated Complaint the Objection as to service of only one Defendant is moot with service being had now on both Defendants.
2. Preliminary Objection in the nature of a Demurrer is denied but Plaintiff is Ordered to amend cause of action as requested at oral argument. Of course upon filing of amended Complaint and service thereof, Defendants have preserved to themselves the right to Preliminary Pleadings if available to them. BY THE COURT, /s/John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding.

MARCH 23, 1981, AMENDED COMPLAINT, filed by John R. Carfley, Attorney at Law.

APRIL 24, 1981, ANSWER TO AMENDED COMPLAINT AND NEW MATTER, filed by Timothy E. Durant.
One copy Certified to Attorney.

MAY 15, 1981, SHERIFF'S RETURN, filed.
February 4, 1981, attempted to serve within Complaint in Equity on Harold E. and Rita J. Keener, Defendants by deputized Sheriff of Indiana County. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

MAY 18, 1981, ANSWER TO DEFENDANT'S NEW MATTER, filed by John R. Carfley

MAY 22, 1981, AFFIDAVIT OF SERVICE, filed by John R. Carfley
Certified copy of Answer To Defendant's New Matter sent by regular mail on May 14, 1981. s/John R. Carfley

JUNE 23, 1981, PETITION TO CONSOLIDATE, filed by John R. Carfley, Esquire; and ORDER OF COURT, filed.
Rule:
AND NOW, this 20th day of June, 1981, upon consideration of the foregoing petition and upon motion of counsel for the petitioner, IT IS THE ORDER of this Court, that the defendants, Linda Keener Huey and Terry Huey, and Harold E. Keener and Rita J. Keener, appear and show cause why the prayer of said petition should not be granted.
RULE RETURNABLE AND HEARING THEREON the 20th day of July, 1981, at 8:30 o'clock a.m. BY THE COURT, /s/ John A. Cherry, Senior Judge.

RULE ISSUED ON LINDA KEENER HUEY, TERRY HUEY, HAROLD E. KEENER, AND RITA J. KEENER BY REGULAR MAIL, JUNE 24, 1981.

JULY 1, 1981, RULE RETURNED (Terry Huey), Attempted, not known, filed.

JULY 1, 1981, RULE RETURNED (Linda Huey), Attempted, not known, filed.

AUGUST 21, 1981, ORDER, filed.
NOW, August 20, 1981, it is hereby ORDERED that transcript in the above-entitled case be transcribed; and upon the transcript having been accepted, the Plaintiff shall file brief within twenty (20) days thereafter, the Defense shall file his brief within ten (10) days after the filing of Plaintiff's brief, and if any reply brief is required, it shall be filed within five (5) days thereafter. BY THE COURT, /s/ John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding

DECEMBER 14, 1981 TRANSCRIPT OF TESTIMONY TAKEN BEFORE HONORABLE JOHN A. CHERRY, lodged this day and date in Prothonotary Office. s/Raymond Witherow, Prothonotary
(filed in testimony drawer)

FEBRUARY 2, 1982 PETITION TO WITHDRAW filed by John R. Carfley, Esquire

FEBRUARY 2, 1982 ORDER OF COURT filed
AND NOW this 1st day of February, 1982, upon consideration of the foregoing Petition, IT IS HEREBY ORDERED that Plaintiff appear and show cause why the prayer of said petition should not be granted.
RULE RETURNABLE ADN HEARING THEREON the 17th day of February, 1982, at 9:00 o'clock A.M. in the Clearfield County Court House. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

CONTINUED ON NEXT PAGE

JULY 6, 1982, OPINION AND ORDER, filed

Plaintiff, Calvin Keener (hereinafter "Calvin"), first instituted action against his former wife, Linda Keener; now Huey (hereinafter "Linda"), and her present husband, Terry Huey, to No. 80-28-EQU., seeking to rescind a property settlement agreement prepared by Linda's attorney (1) by virute of his former wife's fraud, or in the alternative, to obtain specific performance of the agreement. Subsequent to that action, Calvin learned that Linda, with the joinder of her present husband, Terry Huey (hereinafter "Terry") had transferred to defendants, Harold E. Keener and Rita J. Keener (hereinafter "Harold" and "Rita" a transferred to him by Linda. He therefore instituted the action to No. 80-40-EQU to seek rescission of the latter transaction.

Preliminary objections to the original complaint at No. 80-28-EQU. were filed by Linda and Terry, all of which were dismissed by order of the Honorable John K. Reilly, President Judge, except that he deferred action on one assertion laches. As to the latter, Judge Reilly ordered that "Defendants" Preliminary Objections raising the defense of laches shall be ruled upon following hearing on the merits". Plaintiff filed Amended Complaint in compliance with oral understanding at Argument. Both actions, to 80-28 and to 80-40, were consolidated for trial.

Upon the credible evidence we find the following stated facts. Calvin and Linda Keener having married, proceeded to live together as husband and wife until February 3, 1978 when Linda left their home and proceeded to withdraw $5000 from a joint savings account held by the two of them. Approximately three weeks thereafter Linda engaged an attorney who prepared for her a property settlement agreement. Upon presenting it to him, Calvin (unrepresented at all times until the institution of the instant proceedings) signed, but did not receive a copy thereof. However, a copy apparently was obtained, it being attached to the complaint and also admitted into evidence.

Inter alia, the agreement provided for rights of visitation in Calvin with respect to their minor daughter; that Calvin would pay $200 as monthly support of the daughter; divided certain items of personal property, as named therein; and provided in paragraph

"5It is agreed by and between the parties that they are the owners as tenants by the entirety of 116½ acres of land in Bell Township, Clearfield County, with a double wide mobile home permanently located thereon as well as a Morton Building garage located thereon; the land being fully paid for and the mobile home having an outstanding balance owed of approximately $11,000.00 and the Morton building having an amount owned upon its construction of approximately $8,500.00. The parties hereby agree that they shall retain joint ownership of the real property; however it is agreed by and between the parties hereto that the property will be sold within one(1) year from the date of this agreement. The terms of the sale of the property shall be that the Husband (Calvin) shall have the right to reserve unto himself a six (6) acre tract of land at a location identified as the "sawmill". Proceeds of the sale shll be applied first to the outstanding encumbrance on the mibile home, the encumbrance on the Morton building, a payment of $3000 ot the Husband (Calvin) with the balance of the net proceeds of the sale to be paid to the Wife (linda). It is agreed by and between the parties hereto that any encumbrance placed upon the property from this date forward by reason of action of either party hereto shall be satisfied from the proceeds of the party responsible for such encumbrance". (Emphasis supplied).

On April 27, 1978, Calvin and Linda conveyed to Linda, then "Linda Keener Huey" the premises involved in the property settlement agreement, callinf for Linda's payment to Calvin of consideration of $3,000; but the $3,000 was not paid to Calvin nor was there reserved therefrom the Sawmill Tract of approximately six acres, as provieded for in the property settlement agreement. The failure to convey and to pay the $3,000, to Calvin the six (6) acre portion was the result of fraud of said Linda Keener Huey, who promised again to carry our the provisions of the property settlement agreement. We find that Calvin was overly trustful, and of such level of intelligence, that he unwittingly executed the deed expecting Linda to keep her promise to pay;him the $3000 and to convey the six (6) acre piece known as the Sawmill Tract. We further find that Linda never has conveyed the Sawmill Tract nor paid over to Calvin the consideration of $3000 reserved to him in the property settlement agreement. To hold otherwise would permit these defendants, particularly Linda, to wrongfully and unjustly avoid the requirements of the property settlement agreement and that of the conveyance to her. In addition, her attempted transfer to Harold E. Keener and Rita J. Keener of a portion of the premises containing part of the Sawmill Tract is in violation of the property settlement agreement. We further find that contrary to contention of Harold and Rita,there had been no oral promise that Calvin and Linda Keener would transfer a portion of their original premises to Harold and Rita Keener as consideration for some alleged help around the premises. Harold is supposed to have given to Calvin. The whold of the transactions was an out and out fraud upon the plai tiff, Calvin Keener, in both cases. Under all the circumstances revealed by credible trestimony, we also find no laches attributable to plaintiff.

In view of the foregoing, we enter the attached Order and Decree NiSi.

ORDER AND DECREE NISI

NOW, June 15, 1982, it is Ordered and Decreed that (1) the deed dated April 27, 1978 and recorded in Deed Book No. 761, page 311 shall be decreed null and void unless defendants shall convey, full of incumbrance, to plaintiff the six-acre tract to Calvin Keener, and shall, in addition thereto, pay over to said Calvin Keener the sum of $3,000 together with interest from date of suit, June 23, 1980, as required by the terms of the property settlement agreement. Costs shall be paid by defendants.

Unless exceptions hereto shall be filed within 10 days after filing hereof, this Order and Decree shall become absolute and final. BY THE COURT: /s/ John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding.

ORDER AND DECREE NISI

NOW, June 15, 1982, deed dated April 1, 1980, and recorded in Deed Book No. 795, page 342, whereby Linda Keener Huey and Terry Huey conveyed to Harold E. Keener and Rita J. Keener, premises therein described, and being portion of premises conveyed to Linda A. Keener by Calvin Keener and Linda A. Keener by deed dated April 27, 1978 and recorded in Deed Book No. 761, page 311, is hereby declared null and void and of no legal force or effect; (2) Said Harold E. Keener and Rita J. Keener, husband and wife, shall re-convey said described premises by deed, free of encumbrances, to Calvin Keener and Linda Keener, now Linda Keener Huey, in order that the terms of the property settlement agreement and the Decree of this Court of even date filed to No. 80-28 EQU. shall be complied with in all its provisions. Costs shall be paid by defendants herein.

Unless exceptions hereto shall be filed within 10 days after filing hereof, this Order and Decree shall become absolute and final. BY THE COURT: /s/ John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding.

JULY 16, 1982, DEFENDANTS' EXCEPTIONS, filed by Timothy E. Durant

One copy certified to Attorney

OCTOBER 29, 1982, PETITION TO WITHDRAW filed by John R. Carfley

ORDER OF COURT

AND NOW this 29 day of October, 1982, upon consideration of the foregoing petition, IT IS HEREBY ORDERED that Plaintiff appear and show cause why the prayer of said petition should not be granted.

RULE RETURNABLE AND HEARING THEREON, the 24 day of November, 1982, at 9:00 A.M. in the Clearfield County Court House. BY THE COURT, John K. Reilly, Jr., P.J.

CONTINUED TO PAGE 333

Belin, Belin & Naddeo	GARY A. DINANT 80-41-EQU CAROL A. DINANT	
	Pro by Atty	30.00
	Atty	3.00
	Shff by Atty	16.19
	Disc by atty	3.00
Ck#1241	Adv costs	52.19
9047	J. Naddeo	49.19
	Pro	3.00
		52.19

OCTOBER 15, 1980, COMPLAINT IN EQUITY, filed by Belin, Belin & Naddeo.
One Copy Certified to Sheriff.

NOVEMBER 5, 1980, SHERIFF'S RETURN, filed.
Now October 30, 1980 served within Complaint in Equity. So answers, Chester A. Hawkins by Marilyn Wood

NOVEMBER 25, 1980 PRAECIPE, filed by James A. Naddeo, Atty for Plff.
Please mark the above captioned case settled and discontinued upon payment of costs by the defendant.
s/James A. Naddeo, Atty for Plff.

Record costs in the sum of $52.19 have been paid in full by John J. McCamley, Attorney, Check#1241, this case marked Settled and Discontinued.

****SETTLED DISCONTINUED****

NOVEMBER 14, 1980, ANSWER, filed by R. Denning Gearhart.

XXXX

EQUITY DOCKET #12

Bell,Silber-blatt & Swoope

PHILIP V. KRUISE and LINDA K. KRUISE, husband and wife,

80-42-EQU

PETER P. ENSBRENNER and GERALDINE M. ENSBRENNER, husband and wife

Pro by Atty 30.00

Atty 3.00

by Atty
Shff Hawkins 22.27

OCTOBER 17, 1980, COMPLAINT IN EQUITY, filed by Bell, Silberblatt&Swoope.
Two copies Certified to Sheriff.

ORDER OF COURT:
AND NOW, this 15th day of October, 1980, a Rule is granted on the Defendants to show cause why a Preliminary Injunction should not issue in accordance with the prayer of the Complaint filed by the Plaintiffs and why such order relief should not be granted as set out therein. Return date on the Rule to Show Cause shal be the 26th day of November, 1980, and hearing upon the said Rule to Show Cause shall be held in The Clearfield County Courthouse on the 26th day of November, 1980, at 9 o'clock A.M. Service of this Complaint and Notice of the hearing as set out in this Order shall be made upon the Defendants as follows: By personal service. BY THE COURT, /s/ John A. Cherry, Senior Judge, Specially Presiding

OCTOBER 24, 1980, SHERIFF'S RETURN, filed.
Now, Oct. 23, 1980 at 2:15 PM DST served within Complaint on Geraldine M. Ensbrenner, deft. at her place of residence.
Now, Oct. 23, 1980 at 2:15 PM DST served within Complaint on Geraldine M. Ensbrenner, wfie of Peter P. Ensbrenner, deft. at her place of residence. So answer Chester A. Hawkins, Shff By /s/ Marilyn Wood

NOVEMBER 17, 1980, ANSWER TO COMPLAINT, filed by Belin, Belin & Naddeo.

OCTOBER 19, 1981, TRANSCRIPT OF PROCEEDINGS, filed.
Transcript testimony taken before Hon. John A. Cherr lodged this date in Prothonotary Office. s/Raymond Witherow
FILED IN TRANSCRIPT DRAWER UNDER "E"

DECEMBER 4, 1981, TRANSCRIPT OF NON-JURY TRIAL, filed by Martha Criste, Official Court Reporter. filed.
Transcript of testimony taken before Hon. John A. Cherry lodged this day and date in Prothonotary Office. /s/ Raymond Witherow

SEPTEMBER 28, 1982, FINDINGS OF FACT, CONCLUSIONS OF LAW, DISCUSSION AND DECREE filed.

DECREE NISI

NOW, SEPTEMBER 20, 1982, the prayer of the Complain is hereby granted in the following particulars:

IT IS HEREBY ORDERED that Defendants be and they and their agents are hereby enjoined from any interruption of use of said Hemlock Alley by the Plaintiffs or any other member of the public and shall remove any and all manner of things which shall interfer with free ingress and egress to the properties, includin Plaintiffs, adjoing said alley. Costs shall be paid by the Defendants. BY THE COURT; John A. Cherry, Senior Judge

OCTOBER 8, 1982, EXCEPTIONS TO FINDINGS OF FACT filed by Carl A. Belin, Jr.
CERTIFICATE OF MAILING
JUNE 6, 1983, FINAL ORDER AND DECREE filed.
NOW, June 1, 1983, upon full consideration of argument, briefs and the record, we are satisfie that the result heretofore achieved, and upon which opinion and decree have been filed, must be affirmed; and we dismiss exceptions, thus making the decree final. BY THE COURT, John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding

S. Paul Mazza	GLENN KIRK and MIRIAM KIRK, his wife	
	80-43-EQU	
Edward V. Cherry	LAWRENCE H. KIRK, MILDRED G. KIRK, ELSIE E. PLACE, JANE E. WHITEHOUSE, SHIRLEY L. SHIVELY, individually and B. AVONELLE SWOPE and EMIL B. KIRK, both individually and as Executrix and Executor of the Estate of Gertrude Kirk	
	Pro by Atty	30.00
	Atty by Plff	3.00
	Shff. Hawkins by Plff	27.21
	Shff. Dinger by Plff	19.75
	Shff. Rhodes by Plff	16.30
	Shff. Hawkins	6.00
	Shff by Atty	25.20
	sur-charge by Atty	4.00
	Shff by Atty	25.20
	sur-charge by Atty	4.00

OCTOBER 27, 1980, COMPLAINT IN EQUITY, filed by S. Paul Mazza, 1315 South Allen Street, State College, Pa. 16801

NOVEMBER 17, 1980, AFFIDAVIT OF SERVICE of Miriam Kirk and Glenn K. Kirk, filed.

Re: Service by Certified Mail on Shirley Shively on October 31, 1980.

DECEMBER 17, 1980, SHERIFF'S RETURN, filed.
October 31, 1980, served within Complaint in Equity on Jane Whitehouse, Defendant by deputized Sheriff of Mifflin County.
November 3, 1980, served within Complaint in Equity on Lawrence H. Kirk, Defendant by deputized Sheriff of Jefferson County.
November 6, 1980, served within Complaint in Equity on Emily Blaise Kirk, Defendant by deputized Sheriff of Jefferson County.
November 4, 1980, served within Complaint in Equity on Elsie E. Place, Defendant.
November 21, 1980, served within Complaint in Equity on B. Avonelle Swope, Defendant.
December 16, 1980 after diligent search in my baliwick, return within Complaint in Equity "NOT FOUND" as to Mildred G. Kirk, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

DECEMBER 8, 1980, PRAECIPE TO REINSTATE COMPLAINT, filed.
You are requested to reinstate the complaint filed in the above-captioned matter. s/S. Paul Mazza

DECEMBER 29, 1980, COMPLAINT REINSTATED AND REISSUED TO SHERIFF FOR SERVICE

JANUARY 5, 1981, ANSWER, NEW MATTER AND COUNTER-CLAIM, filed by Edward V. Cherry.
Two copies Certified to Attorney.

JANUARY 15, 1981, ACCEPTANCE OF SERVICE, filed by S. Paul Mazza.
I, S. Paul Mazza, Attorney for Glenn Kirk and Miriam Kirk, husband and wife, accept service of the Answer and New Matter filed by Defendants in this matter on this 12 day of January, 1981. /s/S. Paul Mazza & Associates by S. Paul Mazza

JANUARY 16, 1981, SHERIFF'S RETURN, filed.
December 29, 1980, served within Complaint in Equity on Toni Cherry, Attorney for Mildred Kirk, Defendan
/s/Chester A. Hawkins, Sheriff by Marilyn Wood.

FEBRUARY 2, 1981, REPLY TO NEW MATTER, filed by S. Paul Mazza, Esq., Attorney at Law.

AUGUST 14, 1981, PRAECIPE, filed by Gleason, Cherry & Cherry, P.C., Attorneys for Defendants.
Will you please place the above captioned case on the present Trial List. /s/ Edward V. Cherry, Esquire of Gleason, Cherry, & Cherry, Attorneys for Defendants.

JANUARY 14, 1982 PRAECIPE filed by Edward V. Cherry
Please place the above case on the present trial list.

JANUARY 26, 1982, REQUEST FOR ADMISSION, filed by S. Paul Mazza

AUGUST 9, 1982, MOTION FOR PARTIAL SUMMARY JUDGMENT, filed by S. Paul Mazza

AUGUST 20, 1982, PRAECIPE, filed by Edward V. Cherry, Esquire
Will you please place the abovecaptioned case on the present Trial List.

DECEMBER 29, 1982, ORDER, filed
NOW, this 27th day of December, following argument into Plaintiffs' Motion for Partial Summary Judgment, it is the ORDER of this Court that said Motion be and is hereby dismissed. BY THE COURT /s/ John K. Reilly Jr., President Judge

JANUARY 21, 1983, PEAECIPE, filed by Edward V. Cherry, Esquire. Non-Jury
Will you please place the above captioned case on the present Trial List. Non-Jury.

AUGUST 19, 1983, PRAECIPE, filed by Edward V. Cherry, Esquire.
Will you please place the above captioned case on the present Trial List.

JANUARY 20, 1984, PRAECIPE, filed.
Will you please place the above captioned case on the present Trial List. GLEASNN, CHERRY AND CHERRY, By /s/ Edward V. Cherry, Attorneys for Defendants

JANUARY 18, 1985, PRAECIPE, filed by Edward V. Cherry, Esquire.
Will you please place the above captioned case on teh present Trial List.

NOVEMBER 5, 1986 ORDER filed
Three copies certified Attorney Toni Cherry
NOW, this 6th day of November, 1986, this being the day and date set for hearing into the above-captioned Complaint in Equity, upon agreement of the parties, it is the ORDER of this Court that Edward Cherry, Esquire, and Paul Mazza, Esquire, acting on behalf of their respective clients and with full and complete authority, shall forthwith proceed to obtain the most financially advantageous removal of all coal on and under the subject premises, the net proceeds of which shall be divided equally between the Plaintiffs and the Defendants. It is the further ORDER of this Court that such coal as may be located directly under the barn, the house, two silos and two sheds shall be the sole property of the Plaintiffs herein and if at their option they choose to remove said structures and said coal, the proceeds thereof shall be the sole property of said Plaintiffs. Immediately upon completion of the removal of the coal on and under the subject premises, Defendants herein shall execute a deed to the Plaintiffs for said Defendants' interest in the surface of the

CONTINUED ON PAGE 338

CONTINUED FROM PAGE 337 80-43-EQU GLEN KIRK al vs LAWRENCE H. KIRK al

NOVEMBER 5, 1986 ORDER continued
subject premises. It is the further ORDER of this Court that Plaintiffs and Defendants do hereby vest in their respective attorneys full and complete authority to act for them and on their behalf in any matter relating to the sale, lease and/or removal of said coal and further that should a disagreement arise between said counsel as to the removal of the coal, Defendants' attorney shall prevail. It is the further ORDER of this Court that Plaintiffs and Defendants shall execute powers of attorney to be prepared by counsel authorizing their respective attorney to act on their behalf as set forth above. By the Court, John K. Reilly, Jr., President Judge

DECEMBER 22, 1987, MOTION TO ENFORCE COURT ORDER & ORDER, filed. 3 cert/Atty.
AND NOW, to wit, this 22 day of December, 1987, it is hereby ORDERED, ADJUDGED and DECREED that Defendants' Motion to Enforce that Order of Court entered in this case is scheduled for a hearing in the Courthouse of Clearfield County, PA, on the 7 day of January, 1988, at 9:00 o'clock. BY THE COURT: John K. Reilly, Jr., P.J.

JANUARY 7, 1988, RESPONSE TO MOTION TO ENFORE COURT ORDER, filed by S. Paul Mazza, Esq. 3 cert/Atty

JANUARY 15, 1988, ORDER, filed.
AND NOW, to wit, this 14th day of January, 1988, upon consideration of the foregoing Motion, it is hereby ORDERED, ADJUDGED AND DECREED that Paul Mazza, Esq., Attorney for the Plaintiffs, Glen Kirk and Miriam Kirk, execute two copies of the Lease Agreement as set forth in Exhibit "B" of the Motion that was filed in this case to the above number and term, with the changes in said Lease as agreed to by and between Paul Mazza, Esq., attorney for Plaintiffs, and Edward V. Cherry, Esq., attorney for Defendant.
It is the further ORDER of this Court that Paul Mazza, Esq., attorney-in-fact for the Plaintiffs, sign the necessary waivers so that the coal can be mined within three hundred (300) feet of any buildings on the subject leased premises, including, but not limited to, the dwelling on said premises.
It will be in the sole discretion of the coal operator who is operating under the terms of the said Lease as to how close to the said buildings that they want to carry on the coal mining operations. BY THE COURT: John K. Reilly, Jr., P.J.

FEBRUARY 17, 1988, PETITION TO VACATE AND/OR MODIFY LEASE & ORDER, filed
1 cert to atty
AND NOW, this 17th day of February, 1988, a rule is entered upon the Defendants, Lawrence H. Kirk, Mildred G. Kirk, Elsie E. Place, Jane E. Whitehouse, Shirley L. Shively, individually, and B. Avonell Swope and Emil B. Kirk, both individually and as Executrix and and Executor of the Estate of Gertrude Kirk, and upon Spencer Land Company, to show cause why said Lease should not be vacated, unless Spencer Land Company would be agreeable to amend said Lease to remove the conditions upon said $800,000.00 minimum royalty guarantee, and the removal of the right to mine within the 300 foot barrier without the Plaintiffs' consent.
Returnable the 16th day of March, 1988, at 9:30 A.M.
BY THE COURT: John K. Reilly, Jr President Judge.

MARCH 11, 1988, ANSWER TO PETITION TO VACATE AND/OR MODIFY LEASE, filed by Edward V. Cherry, Esq. 2 cert/Atty.

JULY 27, 1989, PETITION TO HOLD PLAINTIFFS IN CIVIL CONTEMPT, filed by Edward V. Cherry, Esq.
RULE, filed 1 cert/Atty 2 cert/Shff
AND NOW, this 27th day of July, 1989, upon consideration of Defendants-Petitioners' Petition for Rule and Adjudication of Civil Contempt, a Rule is hereby entered upon Plaintiffs-Respondents, GLENN KIRK and MIRIAM KIRK (hereinafter jointly and severally, "Respondents"), to show cause why Petitioners' Petition should not be granted, and an attachment and citation in contempt issue, due to the Respondents' alleged violation of the Orders of this Court dated November 6, 1986, and January 14, 1988, and the First Addendum to the Coal Lease Agreement dated January 19, 1988, and the Second Addendum to said Coal Lease Agreement dated May 10, 1988.
RULE RETURNABLE the 9th day of August, 1989, at 9:00 AM. BY THE COURT: John K. Reilly, Jr., P.J.

AUGUST 8, 1989, SHERIFF RETURN, filed
NOW, August 2, 1989 at 10:15 AM DST served the within Petition & Order on Glenn Kirk, Plff. at residence, Brady Twp., Clearfield Coutny, PA by handing to Glenn Kirk.
NOW, Agust 2, 1989 at 10:15 AM DST served the within Petition & Order on Miriam Kirk, Plff. at residence, Brady Twp, Clearfield County, PA by handing to Miriam Kirk. /s/ Chester A. Hawkins, Shff by Marilyn Hamm.

OCTOBER 19, 1989, PETITION TO HOLD PLAINTIFFS IN CIVIL CONTEMPT, filed by Edward V. Cherry, Esq. 3 cert/Atty

OCTOBER 20, 1989, ORDER, filed 10/23/89 2 cert/Shff
NOW, this 20th day of October, 1989, hearing in the above-captioned Petition to Hold Plaintifs in Civil Comtempt shall be had on Monday, October 30, 1989, at 3:00 PM. BY THE COURT: John K. Reilly, Jr., P.J.

OCTOBER 25, 1989, SHERIFF RETURN, filed
NOW, October 23, 1989, at 3:14 PM DST served the within Petition & Order on Glenn Kirk, defendant at residence, RD#2, Box 61, Rockton, Clearfield County, PA, by handing to Glenn Kirk.
NOW, October 23, 1989, at 3:14 PM DST served the within Petition & Order on Miriam Kirk defendant at residence, RD #2, Box 61, Rockton, Clearfield County, PA, by handing to Miriam Kirk. /s/ Chester A. Hawkins, Shff, by Marilyn Hamm.

Anthony S. Guido

LUCINDA GLOWACKI

80-44-EQU

FRANCIS GLOWACKI

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff. Hawkins		17.21
Postage		1.40

NOVEMBER 3, 1980, COMPLAINT IN PARTITION, filed by Anthony S. Guido.

One copy Certified to Sheriff.

INTERLOCUTORY DECREE APPOINTING TRUSTEE:

AND NOW, this 3 day of November, 1980, upon consideration of the foregoing case, it is ordered, adjudged and decreed:

1. That a partition and division be made of personal property, vehicles, and real estate described in the Complaint situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a post on the Southerly side of Tozier Avenue and the Northeast corner of Lot No. 7 of said Addition; thence Southerly by line of said Lot No. 7, a distance of 100 feet, more or less, to a post at Curick Alley; thence South 71° 15' East, by line of said Curick Alley, 30 feet, more or less, to a post at corner of Lot No. 9; thence Northerly by line of said Lot No. 9, a distance of 100 feet, more or less to a post at corner of Lot No. 9; thence Northerly by line of said Lot No. 9, a distance of 100 feet, more or less, to a post at Tozier Avenue; thence North 71° 15' West by line of said Tozier Avenue, 30 feet, more or less, to a post at corner of Lot No. 7, the place of beginning. BEING known as Lot no. 8, Section "A", in the Loeb Bros. Addition No. 2.

THE SECOND THEREOF: BEGINNING at a post on Tozier Avenue at the Northeast corner of Lot No. 8 and running Eastward along the South line of Tozier Avenue, 30 feet to a post at the Northwest corner of Lot No. 10; thence along the line of said Lot, Southward, a distance of 100 feet to a post at Curick Alley; thence Westward along said Alley, 30 feet to a post at the Southeastern corner of Lot No. 8; thence Northward along the line of Lot No. 8, a distance of 100 feet to a post at Tozier Avenue, the Place of beginning; the same being Lot No. 9 of Section "A" of Loeb Bros. Addition No. 2 recorded at the Plats of Deeds in the Recorder's Office at Clearfield.

THE THIRD THEREOF: BOUNDED on the North by Tozier Avenue; on the East by Lot No. 12; on the South by Curick Alley; and on the West by Lot No. 9; and being two lots in Loeb Bros. Addition No. 2 to DuBois, as per plot of said Addition recorded at Clearfield, Pennsylvania, in Miscellaneous Book T, Page No. 388; and being Lots Nos. 10 and 11.

2. That EARLE D. LEES, JR., ESQ., is appointed Trustee to make public sale of the aforesaid property after first entering security in the sum of $50,000.00.

3. That said Trustee shall give notice of said sale by advertising the same in the DuBois Courier Express, and by hand bills posted on the real estate and in other public places, once a week for four consecutive weeks before the day of sale.

4. That the proceeds of said sale after payment of expenses thereof be divided equally between the parties, subject, however (a) to the deduction therefrom of the amount of the lien of the mortgage owing to the Deposit Bank as aforesaid; and (b) to the deduction from the share of either party the amount of any lien entered of record against said party, together with interest due and costs taxed thereon; which amounts are to be paid by the Trustee to the person or persons to whom the same is due and payable.

5. This Order is returnable the 3 day of February, 1981. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

DECEMBER 9, 1980, SHERIFF'S RETURN, filed.

November 24, 1980, served within Complaint in Equity on Cindy H. Kirkwood, Adult Member of Household for Francis Glowacki, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

FEBRUARY 13, 1981, PETITION FOR ORDER PERMITTING ENTRY UPON REAL PROPERTY AND RULE, filed by Earle D. Lees, Jr.

WHEREFORE, your Petitioner requests this Honorable Court issue a Rule upon Francis Glowacki to show cause, if any there be, why Donald Smith, acting as the agent and appointee of your Master in Partition, should not be permitted entry upon the real property situate at 142 Tozier Avenue, DuBois, Clearfield County, Pennsylvania and further why your petitioner should not be permitted to employ a Constable and/or Sheriff to accompany his appraiser upon said property. /s/Earle D. Lees, Jr., Esquire.

RULE:

AND NOW, to wit, this 11 day of February, 1981, upon consideration of the aforegoing Complaint, a Rule is issued upon the Defendant, Francis Glowacki, to show cause, if any there be, why the relief requested in said attached Petition should not be granted.

Rule Returnable the 4 day of March, 1981 at 9:00 o'clock a.m. in the Courthouse, Clearfield, Pennsylvania. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

FEBRUARY 13, 1981, RULE ISSUED UPON DEFENDANT IN ACCORDANCE WITH FOREGOING PETITION.

FEBRUARY 17, 1981, SENDER'S RECEIPT, filed.

MARCH 6, 1981, RULE RETURNED MARKED UNCLAIMED as to Mr. Grancis Glowacki, 142 Tozier Avenue, DuBois, PA 15801

MARCH 9, 1981, ORDER, filed.

AND NOW, to with, this 4th day of March, 1981, being the date set on a Rule to Show Cause issued to Defendant, Francis Glowacki, and he being failed to appear, it is the Order of this Court that Donald Smith, acting as the agent and appointee of the Master in Partition, be permitted entry upon the real property situate at 142 Tozier Avenue, DuBois, Clearfield County, Pennsylvania for the purpose of appraisal and inventory and that a Constable and/or Sheriff be employed by the Master in Partition to enforce said Order. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

OVER

CONTINUED FROM PAGE 339 80-44- EQU LUCINDA GLOWACKI vs FRANCIS GLOWACKI

JULY 6, 1981, APPLICATION OF MASTER IN PARTITION FOR ORDER OF SALE, filed by Earle D. Lees, Jr.

ORDER OF SALE, filed.

AND NOW, this 1st day of July, it appearing that the Master in Partition, Earle D. Lees, Jr., Esquire, has had the personal and real property appraised, on application of the same, it is Ordered and Decreed, that he shall give notice of said sale by advertising the same in the DuBois Courier Express, and by hand bills posted on the real estate and in other public places, once a week for four consecutive weeks before the day of sale.

And the Master shall make return thereof to the Court for approval and confirmation in conformity with the Interlocutory Decree of November 3, 1980. BY THE COURT, John K. Reilly, Jr., P. J..

Richard A. Bell
Joseph Colavecchi, Esq.

WESLEY W. BEAM
JEAN D. BEAM

80-45-EQU

NEWBURG BOROUGH
CHEST TOWNSHIP

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff	Hawkins	21.93
Pro	by Atty	3.00

NOVEMBER 7, 1980 COMPLAINT AND SPECIAL EX PARTE INJUNCTION, filed by Richard A. Bell.

Two copies certified to Attorney.

NOVEMBER 7, 1980 ORDER OF COURT, filed by Richard A. Bell.

Two copies certified to Attorney.

AND NOW, this 7th day of November, 1980, upon consideration of the within Complaint the Court issues the following Order:

1. A Preliminary Injunction is granted against the Defendants enjoining the Defendants and each of them their agents and representatives, as well as all persons in active consort or participating with them from widening or otherwise enlarging the road physically, increasing the usage of the said road, or doing anything which would change the status quo of the situation until the rights of the parties can be adjudicated.

2. The Plaintiffs shall immediately file a surety bond with a reputable surety company in the amount of $10,000 with the condition that if this injunction is dissolved because improperly granted or for failure to hold a hearing, the Plaintiffs shall pay to any person injured all damages sustained by reason of granting the injunction and all legally taxable costs and fees.

3. A hearing shall be held on this injunction at the Clearfield County Courthouse on the 10th day of November, 1980 at 1:30 o'clock P.M.

4. Notice to the Defendants shall be given by personal service as required by the Rules of Civil Procedure. BY THE COURT, s/John K. Reilly, Jr., President Judge.

NOVEMBER 12, 1980 ORDER, filed.

NOW, this 10th day of November, 1980, this being the return day on Temporary Injunction entered by this Court on November 7, 1980, upon agreement of the parties, it is the ORDER of this Court that said Injunction be and is hereby dissolved upon condition that Defendants above-named refrain from any alteration of the road involved, with the exception of the placing of fill thereon, grading same and removal of snow, and that under no circumstances shall the existing roadway be widened to a total of more than ten (10) feet, measured from the side of the road nearest the State Highway, In the event that it is necessary within the above limitations, stones and other materials placed within the ten (10) foot distance may be removed by the said Defendants. All of which to be in effect until further Order of Court. By the Court, s/John K. Reilly, Jr., President Judge.

DECEMBER 3, 1980, SHERIFF'S RETURN, filed.

Now, Nov. 7, 1980 at 3:55 PM EST served within Complaint, on Marilyn Lester, Secy for deft. at her place of residence.

Now, Nov. 7, 1980 at 4:15 PM EST served within Complaint, on Irvin Holes, Supervisor for Chest Twp., deft at his place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

JANUARY 22, 1981, ANSWER OF CHEST TOWNSHIP, filed by John B. Gates.

JANUARY 27, 1981, PRAECIPE, filed by Bell, Silberblatt, & Swoope, by: Richard A. Bell, Esq., Attorneys at Law.

Please withdraw my Appearance as Counsel for the Plaintiffs in the above captioned matter. By Bell, Silberblatt & Swoope, /s/ Richard A. Bell, Esq., Attorneys at Law.

MAY 15, 1981, ANSWER OF NEWBURG BOROUGH, filed by Carl A. Belin, Jr.

MAY 28, 1981, PRAECIPE FOR APPEARANCE, filed by Joseph Colavecchi, Esquire.

Enter my appearance on behalf of Wesley W. Beam and Jean D. Beam, his wife, being the Plaintiffs in the above-captioned case. /s/ Joseph Colavecchi, Esquire, Attorney for Plaintiffs.

JUNE 4, 1981, PETITION REQUESTING COURT TO HOLD DEFENDANTS IN CONTEMPT, filed by Joseph Colavecchi, Esquire, Attorney for Plaintiffs; and RULE, filed.

Rule: (Six copies certified to Attorney)

To: Austin J. Curry of LaJose, Pennsylvania; Irvin Holes of LaJose, Pennsylvania; Frank Markel of LaJose, Pennsylvania; through their attorneys Carl A. Belin, Jr., Esquire and John B. Gates, Esquire, you are hereby notified that Plaintiffs have filed an application requesting this Court to hold you in contempt for an alleged violation of the Order of Court dated November 10, 1980, said Order of Court being attached to this Petition and marked Exhibit "A".

Based on said Petition and the Order of Court dated November 10, 1980, it is ORDERED that you appear before this Court together with your Counsel Carl A. Belin, Jr., Esquire and John B. Gates Esquire, at the Clearfield County Courthouse on the 22nd day of June, 1981, at 1:00 o'clock or as soon thereafter as Counsel can be heard, then and there to show cause why you should not be adjudged guilty of, and punished for contempt of Court because of your alleged disobedience of said Order of Court dated November 10, 1980.

It is further Ordered that copies of said Petition and Affidavit of Counsel be attached to this Order and that they be served on you through your attorneys Carl A. Belin, Jr., Esquire and John B. Gates, Esquire. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

JUNE 16, 1981, ANSWER TO PETITION REQUESTING COURT TO HOLD DEFENDANTS IN CONTEMPT, filed by Belin, Belin & Naddeo.

JUNE 22, 1981, ANSWER OF CHEST TOWNSHIP OF PETITION REQUESTING COURT TO HOLD DEFENDANTS IN CONTEMPT, filed by John B. Gates, Attorney at Law.

JUNE 26, 1981, PRAECIPE TO DISCONTINUE, filed by Joseph Colavecchi, Esquire, Attorney for Plaintiffs.

Mark the above case discontinued, settled and ended. /s/ Joseph Colavecchi, Esquire.

D I S C O N T I N U E D, S E T T L E D, & E N D E D

Robert M. Hanak	IMOGENE HARTZFELD, JUDITH MOGAR, THOMAS P. HARTZFELD, and JAMES R. HARTZFELD, Heirs of Milton H. Hartzfeld, Jr., deceased	
	80-46-EQU	
~~Gleason, Cherry and Cherry~~ John A. Cherry	ROBERT C. BECKWITH, WILLIAM R. BECKWITH, PATRICIA JEAN BECKWITH HOGAN, and CAROL BECKWITH, heirs of OLIVETTE T. BECKWITH, deceased, DOROTHY DAY, and MARTHA DOWNEY, heirs of Milton H. Hartzfeld, Sr., deceased, and JESSIE HARTZFELD and GORDON BRUCE HARTZFELD, heirs of Gordon B. Hartzfeld	
Carl A. Belin	BENJAMIN COAL COMPANY (Intervenor)	
	Pro by Atty	30.00
	Atty by Atty	3.00
	Shff. Hawkins	27.67
	Pro by Atty	5.00

NOVEMBER 13, 1980, ACTION IN PARTITION IN EQUITY, filed. Eight Copies Certified to Sheriff.

DECEMBER 8, 1980, APPEARANCE, filed.
Enter our appearance for Robert C. Beckwith, William R. Beckwith, Patricia Jean Beckwith Hogan and Carol Beckwith, heirs of Olivette T. Beckwith, deceased, Dorothy Day and Martha Downey, heirs of Milton H. Hartzfeld, Sr., deceased, defendants in above case. Gleason, Cherry and Cherry, P.C., by Toni M. Cherry, Attorney for Defendants above named.

DECEMBER 22, 1980, SHERIFF'S RETURN, filed.
November 21, 1980, served within Complaint in Partition on Martha Downey, Defendant.
November 21, 1980, served within Complaint in Partition on Dr. Robert C. Beckwith, Defendant.
November 24, 1980, served within Complaint in Partition on Dorothy Day, Defendant.
December 12, 1980, return within Complaint in Partition "NOT SERVED" as to Carol Beckwith, Jessie Hartzfeld and Gordon B. Hartzfeld, Jr., Defendants as time has expired. Attorney said to Hold.
December 12, 1980, return within Complaint in Partition "NOT SERVED" as to Dr. William R. Beckwith, Defendant as time has expired. Never received advanced costs from attorney for Delaware County Sheriff. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

FEBRUARY 18, 1981, PETITION TO INTERVENE AND ORDER, filed by Carl A. Belin, Jr.
WHEREFORE, Petitioner prays leave to intervene as a party defendant in this action. /s/Benjamin Coal Company by David J. Benjamin, President.
ORDER:
AND NOW, this 17 day of January, 1981, upon consideration of the foregoing Petition, a rule is granted on all parties to the action to show cause why Benjamin Coal Company should not be permitted to intervene therein.
Rule Returnable March 10, 1981 at 9:00 A.M.
All proceedings to stay meanwhile. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
Two (2) copies Certified to Attorney

MARCH 12, 1981, ORDER, filed.
NOW, this 10th day of March, 1981, this being the day and date set for hearing to determine whether Benjamin Coal Company should be permitted to intervene in the above-captioned Action, the Court being advised that the parties have no objections thereto, it is the ORDER of this Court that Benjamin Coal Company be and is hereby granted the right to intervene in the above action.
IT is the further ORDER of this Court that the rights of Benjamin Coal Company as to the improvements situate on the property which is the subject of the Partition and the validity of the lease giving Benjamin Coal Company the right to use said property until August 10, 1983, shall be determined in a subsequent proceeding, provided however that said rights shall be determined before any sale or division of the property shall be Ordered in this proceeding. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

MARCH 16, 1981, ANSWER TO COMPLAINT, filed by Carl A. Belin, Jr.
Two copies Certified to Attorney.

SEPTEMBER 16, 1982, PETITION FOR ORDER IN PARTITION, filed by Robert M. Hanak
Two copies certified to Attorney
ORDER
AND NOW, September 16, 1982, upon petition duly presented, it is hereby ordered that partition occur as prayed for in the relief of Plaintiffs' Complaint. This order is an order directing partition under Pa. R.C.P. No. 1557. It is further ordered that pursuant to Pa. R.C.P. No. 1558 that a preliminary conference shall occur before the court on the 7 day of Oct, 1982 at 9:00 o'clock. A copy of this order shall be served by certified mail on the attorneys for the parties of record. BY THE COURT: John K. Reilly, Jr., President Judge

APRIL 22, 1983, REPLY TO ANSWER OF BENJAMIN COAL COMPANY, INVERVENOR, filed
2 Copies Cert. to Atty

APRIL 27, 1983, ORDER filed.
NOW, this 25th day of April, 1983, this being the day and date set for Hearing into the Petitioner to intervene filed on behalf of Benjamin Coal Company, upon agreement of the Parties, it is the ORDER of this Court that in exchange for the sum of Four Thousand ($4,000.00) Dollars paid to Defendants in partition above named, Benjamin Coal Company, is and is hereby declared to be the owner of the equipment situated at the site, including, but not limited to ramp; bin; and feeder; belt leading from bin to crusher building; crusher building; including crusher screen and controls; belt leading from crusher to stacking conveyer; stacking conveyor; ammonium nitrate bin; fuel tanks and pumps; scale house, scales, and laboratory together with equipment, radios, and radio equipment and other miscellaneous equipment. BY THE COURT, John K. Reilly, Jr., President Judge

JULY 19, 1983, PAPER, filed by Edward V. Cherry, Esquire and Carl A. Belin, Esquire.
On behalf of the defendants who owna majority interest in said property we herein request that the property be awarded to us and that the valuation of the property be fixed by the Court pursuant to PA R.C.P. 1563(b) and the plaintiff's interest be awarded to defendants.

CONTINUED ON PAGE 344

CONTINUED FROM PAGE 343 80-46-EQU IMOGENE HARTZFELD et al vs ROBERT C. BECKWITH et al

JULY 19, 1983, ORDER, filed
NOW, this 19th day of JULY, 1983, upon consideration of the Petition of the Defendants above-named, it is the ORDER of this Court that RICHARD A BELL, Esquire be and is hereby appointed MASTER, to hold the necessary testimony to determine valuation of the subject property in accordance with the Pennsylvania Rules of Civil Procedure 1563(b). BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

SEPTEMBER 27,1985, PETITION FOR RULE TO SHOW CAUSE and RULE TO SHOW CAUSE,filed by Edward Cherry.
NOW, this 27th day of September,1985, a Rule is issued upon the Plaintiffs, IMOGENE HARTZFELD,JUDITH MOGAR, THOMSA P. HARTFELD and JAMES R. HARTZFELD, in the above partition case and Benjamin Coal Company, Intervenor, to show cause why all proceedings in this matter should not be stayed until the request of Benjamin Coal Company to reject the lease agreement with your Petitioners has been finally determined. Rule is returnable at 1:30 pm the 3rd day of October,1985, in the Courthouse at Clearfield,Pennsylvania. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.
Three copies certified to atty

OCTOBER 3,1985, ANSWER TO PETITION FOR RULE,filed by Robert M. Hanek,Esq.
One copy certified to atty

OCTOBER 9,1985, ANSWER FOR RULE TO SHOW CAUSE,filed by Carl A. Belin,Jr.,Esq.

OCTOBER 25,1985, ANSWER AND NEW MATTER,filed by Edward Cherry,Esq.
Five copies certified to atty

MARCH 24,1986, CERTIFIED COPY OF BANKRUPTCY ORDER REJECTING HARTZFELD LEASE,filed by Carl A. Belin,jr.,Esq.

MARCH 26, 1986, ORDER, filed
NOW, this 25th day of March, 1986, upon consideration of Defendants' Petition for Stay, it is the ORDER of this Court that Richard A. Bell, Esquire, Master appointed in the above captioned partition proceeding, shall forthwith schedule hearing on the issues at the convenience of all parties , but in any event, no sooner than ninety days (90) hence. BYTHE COURT: John K. Reilly, Jr President Judge.

SEPTEMBER 22, 1988, MASTER'S REPORT, filed by Richard A. Bell, Esq.

SEPTEMBER 22, 1988, REQUEST FOR DISCHARGE, filed by Richard A. Bell, Esq.

SEPTEMBER 22, 1988, NOTICE OF INTENTION TO FILE REPORT, filed by Richard A. Bell, Esq.

OCTOBER 3, 1988, EXCEPTIONS TO MASTER"S REPORT IN PARTITION, filed by Edward V. Cherry, Esq. 3 copies cert to Toni Cherry.

MASTER'S REPORT & EXCEPTIONS TAKEN TO COURT ADMINISTRATOR OCT. 4, 1988 wks

JANUARY 30, 1989, ALL PAPERS RETURNED FROM RICHARD A. BELL, Esq. jb

JANUARY 30, 1989, TRANSCRIPT OF PROCEEDINGS BEFORE RICHARD A. BELL, Esquire, filed in Trans Drawer "H"

JANUARY 30, 1989, TRANSCRIPT OF PROCEEDINGS BEFORE RICHARD A. BELL, Master, filed in Trans Drawer "H".

JANUARY 30, 1989, PLAINTIFF's EXHIBITS FILED, filed in Trans Drawer "H"
DEFENDANT'S EXHIBITS FILED, filed in TRans Drawer "H"

MARCH 6, 1989, PLAINTIFF"S MEMORANDUM IN RESPONSE TO EXCEPTIONS, filed by Robert M. Hanak, Esq.
MARCH 6, 1989, MEMORANDUM IN SUPPORT OF DEFENDANTS' EXCEPTIONS TO MASTER'S REPORT IN PARTITION, filed by Edward V. Cherry, Esq.,
MARCH 6, 1989, MEMORANDUM IN SUPPORT OF DEFENDANTS" EXCEPTIONS TO MASTER"S REPORT IN PARTITION FILED ON BEHALF OF INTERVENOR, filed by Carl A. Belin, Jr., Esq.

MARCH 7, 1989, MEMORANDUM AND ORDER, filed
NOW, this 3rd day of March, 1989, in accordance with the foregoing Memorandum, it is the ORDER of this Court that the matter be and is hereby remanded to the Master for purposes of an appointmetn of an independant appraiser who has not previously participated in these proceedings to determine the fair market value of the subject property. BY THE COURT: John K. Reilly, Jr., P.J.

FEBRUARY 7, 1990, ENTRY OF APPEARANCE, filed 3 cert/Atty
You are hereby directed to enter our appearance as counsel for: MARTHA DOWNEY: JESSIE HARTZFELD; FRED DAY, heir of DOROTHY DAY; PHYLLIS DAY, heir to DOROTHY DAY; and ROBERT BECKWITH, in the above-stated cause of action. /s/ John A. Cherry, Esq.

FEBRUARY 12, 1990, NOTICE OF HEARING, filed by Richar A. Bell, Esq.
CERTIFICATE OF SERVICE, filed
I hereby certify that a copy of the Notice of Hearing set for February 21, 1990 in the above referred matter was mailed by regular mail, postage prepaid at the post office in Clearfield, PA 16830 to teh following on February 12, 1990: Robert M. Hanak, Esq, 311 Main St., PO Box 250, Reynoldsville, PA 15851; Edward W. Cherry, Esq, PO Box 505, DuBois, PA 15801; Robert Fleck, 150 W DuBois Ave., DuBois, PA 15801; Carl A. Belin, Jr, PO Box 1, Clearfield, PA 16830; The Honorable John A. Cherry, 23 Beave Drive, Box 15-16, DuBois, PA 15801; Sara Sargent Court Reporting Service, 210 Main St., Johnstown, PA 15901. /s/ Richard A. Bell, Esq.

FEBRUARY 15, 1990, PRAECIPE FOR WITHDRAWAL, filed
Please mark our appearance in the above-captioned case for Defendants withdrawn. /s/ Toni M. Cherry, Esq
Please enter our appearance on behalf of the Defendants. /s/ John A. Cherry, Esq.

APRIL 12, 1990, PETITION, filed by John A. Cherry, Esq 1 cert/Atty

APRIL 25, 1990, RULE TO SHOW CAUSE, filed 1 cert/Atty
NOW, this 25th day of April, 1990, in consideration of the foregoing, it is hereby ordered that Rule should be issued upon Plaintiffs to ask why prayer of Petition should not be granted. Said rule returnable May 31, 1990, at 10:00 AM. BY THE COURT: John K. Reilly, Jr., P.J.

CONT. TO PG 345

EQUITY 1980

Gregory A. Olson	SHIRLEY ANN GOSS and JOSEPHINE FULLER	NOVEMBER 17, 1980, COMPLAINT IN EQUITY, filed by Gregory A. Olson. One Copy Certified to Attorney. ACTION FOR AN ACCOUNTING DECEMBER 17, 1980, PETITION FOR DISCONTINUANCE, filed by Gregory A. Olson. WHEREFORE, Plaintiffs pray your Honorable Court to discontinue the above-captioned action. /s/Gregory A. Olson, Counsel for Plaintiffs. ORDER OF COURT: AND NOW, this 16 day of December, 1980, upon consideration of the within Petition,it is hereby ordered and decreed that the above-captioned action is hereby discontinued. BY THE COURT, /s/John K. Reilly, Jr., President Judge. D I S C O N T I N U E D
	80-47-EQU	
	DAVID GOSS	

Pro by Atty 30.00

Atty 3.00

Pro by Atty 3.00

xxxx

Kramer & Marsh	ROBERT SMITH and SHIRLEY LYNCH	NOVEMBER 24, 1980, COMPLAINT IN EQUITY, filed by Kramer & Marsh One copy Certified to Attorney. DECEMBER 29, 1980, PRELIMINARY OBJECTIONS DEMURRER, filed by Timothy E. Durant One copy Certified to Attorney.
	80-48-EQU	JANUARY 7, 1981, SHERIFF'S RETURN, filed. December 8, 1980, served within Complaint in Equity on Stella M. Haag, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
	STELLA M. HAAG	JANUARY 26, 1981, ORDER, filed. NOW, January 22, 1981, on argument had, with briefs request, it is ORDERED that Counsel supply briefs within Twenty (20) Days. BY THE COURT, /s/ John A. Cherry, Senior Judge. FEBRUARY 13, 1981, ANSWER TO PETITION FOR CHANGE, filed by Timothy E. Durant, Attorney at Law, by: John A. Ayres, Jr., Esquire. Two copies certified to Attorney.
	Pro by Atty 30.00 Atty by Atty 3.00 Shff. Hawkins 14.49	

Anthony S. Guido

WILBUR DIXON,
Plaintiff

80-49-EQU

MARGARET DeANGLIS, PEARL DIXON, JAMES DIXON, JOHN W. DIXON: DONNA LARSON, GERALDINE NEVESAL, ARLENE SWEEDEN, RONALD DIXON, KIM KING, JEANNE DIXON, ELVA BOWMAN, JOHN W. DIXON, O. LUTHER DIXON, ARLENE LUMADUE, ROBERT BUTLER, RACHEL SKILES, ETHEL CRAIN, MONA LOU ADAM, AUDREY LAVIN, DOLLY PICO, MILDRED BUTLER, JAMES G. BUTLER, NANCY B. GAMER, SARA M. BUTLER, MYRNA BUTLER, WALTER BUTLER, JOHN BUTLER, DOUGLAS BUTLER, and other unknown heirs of Cecil Butler, deceased, SAMUEL BUTLER and JOHN S. BUTLER,
Defendant

Pro Atty	by Atty	43.00
	by Atty	3.00
Shff. Hawkins	by Atty	60.43
Shff Waite	by Atty	37.90
Shff. Wegemer	by Atty	14.50
Shff. Livingston	by Atty	22.25
Shff. Policaro		20.00

NOVEMBER 25, 1980, COMPLAINT IN EQUITY--PARTITION, filed.
Thirteen copies Certified to Attorney.
Eighteen copies Certified to Sheriff

ORDER:
AND NOW, this 25 day of Nov., 1980, it appearing that this suit concerns property in this Commonwealth and that certain heirs of Cecil Butler, deceased, have interest in said premises, notice of said suit is directed to be given to the said heirs of Cecil Butler, deceased, by advertisement in the Clearfield Progress once per week for three consecutive weeks. Said notice shall after informing the heirs of the said Cecil Butler deceased, of the details of this case, direct them to enter an appearance in the suit within twenty days of the last publication or the Court will appoint a person to represent said heirs. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

DECEMBER 12, 1980, LETTER, filed by Jennie Dixon. Taken this day 12/19/80 to Judge Reilly, for his examination.

DECEMBER 16, 1980, LETTER, filed by Mildred Butler. Taken to Judge this day and date and returned marked "Judge says we can't determine at this time. Just file and docket."

DECEMBER 19, 1980, LETTER, filed by Mildred Butler.

DECEMBER 22, 1980, LETTER, filed by Mildred Butler.

JANUARY 5, 1981, ANSWER, filed by Timothy E. Durant.
One copy Certified to Attorney.

JANUARY 14, 1981, RETURN OF SERVICE OF COMPLAINT, filed by Anthony S. Guido.
December 1, 1980 mailed copy of Complaint in Equity to Ethel Crain, Defendant.

JANUARY 14, 1981, RETURN OF SERVICE OF COMPLAINT, filed by Anthony S. Guido.
December 2, 1980 mailed copy of Complaint in Equity to Mildred Butler, Defendant.

JANUARY 14, 1981, RETURN OF SERVICE OF COMPLAINT, filed by Anthony S. Guido.
December 2, 1980 mailed copy of Complaint in Equity to Arlene Sweeden, Defendant.

JANUARY 14, 1981, RETURN OF SERVICE OF COMPLAINT, filed by Anthony S. Guido.
December 2, 1980, mailed copy of Complaint in Equity to James G. Butler, Defendant.

JANUARY 14, 1981, RETURN OF SERVICE OF COMPLAINT, filed by Anthony S. Guido.
December 1, 1980, mailed copy of Complaint in Equity to Nancy B. Gamer, Defendant.

JANUARY 14, 1981, RETURN OF SERVICE OF COMPLAINT, filed by Anthony S. Guido.
December 3, 1980, served Jeanne Dixon, Defendant by mailing copy of Complaint in Equity.

JANUARY 14, 1981, RETURN OF SERVICE OF COMPLAINT, filed by Anthony S. Guido.
December 3, 1980 mailed copy of Complaint in Equity to Donna Larson, Defendant.

JANUARY 14, 1981, RETURN OF SERVICE OF COMPLAINT, filed by Anthony S. Guido.
December 8, 1980 mailed copy of Complaint in Equity to Sara M. Butler, Defendant.

JANUARY 14, 1981, RETURN OF SERVICE OF COMPLAINT, filed by Anthony S. Guido.
December 27, 1980 served Walter L. Butler, Sr., Defendant by mailing copy of Complaint in Equity.

JANUARY 14, 1981, RETURN OF SERVICE OF COMPLAINT, filed by Anthony S. Guido.
December 30, 1980 mailed copy of Complaint in Equity to Audrey Smith, Defendant.

FEBRUARY 10, 1981, RETURN OF SERVICE OF COMPLAINT, filed by Anthony Guido.
January 24, 1981 mailed copy of Complaint in Equity to Margaret Deangelis, Defendant.

MARCH 26, 1981, SHERIFF'S RETURN, filed.
December 8, 1980, served within Complaint in Equity on Mrs. Dixon, Wife of John W. Dixon, defendant.
December 8, 1980, served within Complaint in Equity on Elva Bowman, Defendant.
December 8, 1980, served within Complaint in Equity on Myrna Butler, Defendant.
December 8, 1980, served within Complaint in Equity on Myrna Butler, Mother of Douglas Butler Defendant.
December 8, 1980, served within Complaint in Equity on Myrna Butler, Mother of John Butler, Defendant.
December 8, 1980, served within Complaint in Equity on Cindy Dixon, Wife of Ronald Dixon, Defendant.
December 8, 1980, served within Complaint in Equity on Arlene Lumadue, Defendant.

CONTINUED TO OTHER SIDE OF THIS PAGE

CONTINUED FROM OTHER SIDE OF THIS PAGE. 80-49-EQU WILBUR DIXON -vs- MARGARET DeANGLIS, al

December 12, 1980, served within Complaint in Equity on O. Luther Dixon, Defendant.
December 15, 1980, served within Complaint in Equity on Mrs. F. Butler, Wife of John S. Butler, Defendant.
December 4, 1980, served within Complaint in Equity on Deborah Thomas, Daughter of Geraldine Novelsal, Defendant by deputized Sheriff of Dauphin County.
December 12, 1981, served within Complaint in Equity on Mrs. John Dixon, Wife of John Dixon, Defendant and Pearl Dixon, Defendant by deputizing Sheriff of Centre County.
December 12, 1980, attempted to serve within Complaint in Equity on James Dixon, Defendant by deputized Sheriff of Centre County. Returned marked "NOT FOUND", lives in Pleasant Hills, PA.
December 23, 1980, served within Complaint in Equity on Robert Butler, Defendant by deputized Sheriff of Beaver County.
December 19, 1980, Complaint in Equity on Samuel Butler, Defendant by deputized Sheriff of Huntingdon County, returned marked "NOT FOUND"; Defendant lives in Warriors Mark (Centre County).
February 24, 1981, attempted service of within Complaint in Equity on Margaret DeAngelis, Defendant by deputized Sheriff of Blair County returned marked "NOT FOUND" as she has moved to c/o Paul DeAngelis, 6029 Streamview, San Diego, CA.
December 19, 1980 returned within Complaint in Equity "NOT SERVED" as to Walter Butler, Defendant as paper was given to Attorney at his request. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

EQUITY DOCKET NO. 12 1980

Ervin S. Fennell, Jr.	JANE E. KOUGHER 80-50-EQU A. N. KOUGHER Pro by Atty 30.00 Shff by Atty 26.22		DECEMBER 1, 1980, COMPLAINT IN EQUITY , filed by Ervin S. Fennell, Jr. One copy Certified to Attorney. JANUARY 6, 1981, SHERIFF'S RETURN, filed. January 6, 1981, return within Complaint in Equity "NOT SERVED, Time Expired" as to A. N. Kougher, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. JANUARY 6, 1981, PRAECIPE FOR REINSTATEMENT, filed by Ervin S. Fennell, Jr. Please reinstate the complaint in the above captioned matter. /s/Ervin S. Fennell, Jr. JANUARY 6, 1980, COMPLAINT REINSTATED AND REISSUED TO ATTORNEY FOR SERVICE. JANUARY 19, 1981, PETITION, AFFIDAVIT AND ORDER, filed by Ervin S. Fennell, Jr. WHEREFORE, petitioner requests your Honorable Court to issue its order authorizing service of the complaint upon the defendant, A. N. Kougher, by certified mail, return receipt requested, and if the defendant refuses to accept said certified mail, the plaintiff requests the right of service upon the defendant by regular first class mail. /s/Ervin S. Fennell, Jr. ORDER: NOW, the 19 day of January, 1981, upon consideration of the foregoing petition, the plaintiff is permitted to obtain service on the defendant A. N. Kougher, in the above captioned matter by sending the complaint by certified mail, return receipt requested and also by first class regular mail in the event that the said certified mail is not accepted by the defendant, A. N. Kougher. In addition, the Sheriff of Clearfield County is hereby authorized to effect service upon the said A. N. Kougher by delivering a copy of the complaint to the residence of said defendant and if said defendant is not personally present, by leaving the copy of the complaint at the said defendant's residence. BY THE COURT, /s/John K. Reilly, Jr., President Judge. One copy Certified to Sheriff. FEBRUARY 3, 1981, SHERIFF'S RETURN, filed. Now, January 21, 1981 served the within Complaint in Equity on A. N. Kougher, defendant by Certified Mail # 5511523 at R.D., Rockton, PA., being his last known address. The return receipt is hereto attached and made part of this return endorsed by defendant. Letter was sent "ADDRESSEE ONLY". Now, January 27, 1981 at 1:22 P.M. EST, posted the within C omplaint in Equity on A. N. Kougher, defendant by posting on Property at R.D., Rockton, C learfield County, Pennsylvania. So answe rs, Chester A. Hawk ins, Sheriff, /s/ Marilyn Wood.

~~Robert P. Ging, Jr.~~
~~Stanley R. Geary~~
Timothy j. Bergere

COMMONWEALTH OF PENNA., DEPT. OF ENVIRONMENTAL RESOURCES

80-51-EQU

William C. Kriner

BRADFORD COAL COMPANY, INC

5/13/87
$10,000.00
Money Mkt
Cert#13381
Clfd Bk &
Trust Co.

Ck # 10953

Pro	My Comwlth		30.00
Atty			3.00
Disc	by Comwth		5.00

Aug. 30,1989.
By Court Order

REc. Bradford Coal Co. Ck#011227---	$4000.00
Pd.Pa-American Water Co.Ck#13434	4000.00

DECEMBER 24, 1980, COMPLAINT IN EQUITY, filed by Robert P. Ging, Jr.

MOTION FOR PRELIMINARY INJUNCTION:

AND NOW, comes the Commonwealth of Pennsylvania, Department of Environmental Resources, Plaintiff herein, by its attorney, Robert P. Ging, Jr., and moves this Honorable Court for a Preliminary Injunction, enjoining the Defendant from maintaining a public nuisance on the mining operations identified in the verified Complaint attached hereto, the grounds therefor being set forth in that Complaint. /s/Robert P. Ging, Jr., Asst Attorney General.

FEBRUARY 19, 1981, ORDER, filed.

NOW, this 19th day of February, 1981, this being the day and date set for hearing in the above-captioned Motion for Preliminary Injunction, upon agreement of the parties, it is the ORDER of this Court that the seven (7) property owners whose water supply has allegedly been adversely affected by mining operations in the general area, to wit: James Carney, Fred Miller, Clark Graham, George Graham, George McGonigal, Esther Howell and Clair Graham, Defendant above-named shall provide a water supply to each property owner that is fit for human consumption as follows:

The Carney and Miller water supply which has been or is being replaced by Defendant shall be tested forthwith and the results submitted to the Court. Of the Clair Graham, George Graham and George McGonigal properti for which authorization for the property owners to clarify the water systems has already been received by the Defendant, steps to implement such clarification shall commence forthwith and tests of the resulting water supply shall be taken as soon as practical and submitted to the Court; and of the Clark Graham and Esther Howell properties, from whom no authorization to clarify the water supply has been received by the Defendant, in the event that such authorization is refused by the property owners, no further responsibility for purification of the water shall remain with the Defendant. The Department shall thereupon withdraw its Complaint with respects to those two properties. Further hearing in this matter is continued until receipt of the analyses of the water as set forth above. In the event that the water supplies following analyses are found to be fit for human consumption, the above Petition for Preliminary Injunction shall be withdrawn.

With regards to all of the properties listed above for which Defendant has received authorization to proceed, said water purification systems shall be completed within six (6) weeks. In the event that purification systems installed within six (6) weeks do not supply water to the properties that is fit for human consumption, Defendant shall thereafter drill new wells for those properties, such wells to be completed within ninety (90) days thereafter.

It is the further ORDER of this Court that should new wells be necessary on one or more properties, and in the event that said new wells do not supply water fit for human consumption, then within six (6) months thereafter, Defendant shall supply acceptable water to the properties from another source. Pending completion of the above systems, Defendant shall continue to supply five (5) gallons of water per day for each adult member of each family affected. Further, it is the ORDER of this Court that once the Defendant provides a water supply to one or more of the above premises which is determined to be fit for human consumption, no further action shall be taken by the Department of Environmental Resources with regards to that property's water supply.

Finally, upon agreement of the parties that the water supply of Clair Graham is fit for human consumption, it is the ORDER of this Court that he is no longer an issue in this proceeding. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

FEBRUARY 19, 1981, ANSWER, NEW MATTER AND COUNTERCLAIM, filed by William C. Kriner.

Two copies Certified to Attorney.

I certify that a Certified Copy of the foregoing was served on Robert Ging, Esq., Attorney for Commonwealth on February 19, 1981. /s/William C. Kriner, Attorney for Bradford Coal.

JANUARY 19, 1982, WITHDRAWAL OF APPEARANCE, filed.

I hereby withdraw my appearance on behalf of the Department of Environmental Resources of the Commonwealth of Pennsylvania in the above-captioned matter. /s/ Robert P. Ging, Jr.

JANUARY 19, 1982, NOTICE OF APPEARANCE, filed.

I hereby enter my appearance on behalf of the Commonwealth of Pennsylvania, Department of Environmental Resources, in the above-captioned matter. /s/ Stanley R. Geary

JULY 19, 1984 WITHDRAWAL OF APPEARANCE, filed.

I hereby withdraw my appearance on behalf of the commmowealth of Pennsylvania, Department of Environmental Resources, in the above captioned matter. Stanley R. Geary,Atty

JULY 19,1984, NOTICE OF APPEARANCE,filed

Please enter my appearance in the above captioned matter on behalf of the Commonwealth of Pennsylvania, Department of Environmental Resources, I am authorized to accept service on behalf of said participant in this matter. Timothy J. Bergere,Atty.

AUGUST 21, 1986, PETITION TO STRIKE OFF DISCONTINUANCE AND/OR TO REOPEN PROCEEDINGS; FOR DECLARATORY RELIEF; AND FOR ENTRY OF CONTEMPT OF COURT CITATION & RULE, filed

2 copies of Rule cert atty

AND NOW, this 27th day of August, 1986, upon consideration of the foregoing Petition

Cont'd on Pg. 354

AUGUST 6, 1986 PRAECIPE TO DISCONTINUE, filed by Comwth PA.
AND NOW, this 4th day of August, 1986, comes the Commonwealth of PA., Dept. of Environmental Resources, Plaintiff in the matter, by its undersigned counsel and withdraws and discontinues its Complaint in Equity at docket No. 80-51-EQU. s/Timothy J. Bergere, Assistant Counsel for Comwth.

Record costs in the sum of $35.00 have been paid in full by Comwth of PA., this case marked Withdrawn and Discontinued.

*****WITHDRAWN DISCONTINUED****

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EQUITY DOCKET NO. 36

Timothy E. Durant	ELEANOR J. DAVIS	DECEMBER 24, 1980, COMPLAINT IN EQUITY, filed by Timothy E. Durant. Two copies Certified to Attorney. FEBRUARY 18, 1981, SHERIFF'S RETURN, filed. Now, December 30, 1980 at 2:10 p.m. EST served the within Complaint in Equity on Joseph A. Davis, defendant at his place of employment, R.D.#2, Morrisdale, Clearfiel County, Penna., by handing to Joseph A. Davis a true and attested copy of the original Complaint in Equity and made known to him the contents thereof. So answers, Chester A. Hawkins, Sheriff, /s/ Marilyn Wood.
	80-52-EQU	
	JOSEPH A. DAVIS	
	Pro by Atty 30.00 Atty 3.00 Shff by Atty 15.17	

EQUITY DOCKET NO. 36

Lehman & Kasubick	SUPERVISORS OF BIGLER TWP.	DECEMBER 31, 1980, COMPLAINT IN EQUITY, filed by J. L. Lehman. One copy Certified to Sheriff. RULE TO SHOW CAUSE: AND NOW, this the 31 day of December, 1980, upon consideration of the Complaint, it is ordered and decreed that the Defendants, Joseph J. Campolong and Betty Campolong, show cause why the obstruction creating the flooding should not be removed and why the Defendants should not be enjoined from interferring with the natural and normal flow of the water as set forth in the attached Petition. Rule returnable on the 28 day of January, 1981, at 9:00 A.M., Courtroom No. 39 in the Clearfield County Courthouse, Clearfield, PA. BY THE COURT, /s/John K. Reilly, Jr., President Judge.
	80-53-EQU	
	JOSEPH J. CAMPOLONG and BETTY CAMPOLONG	JANUARY 28, 1981, SHERIFFS RETURN, filed. Now, January 21, 1981 at 11:40 A.M. EST, served the within Complaint in Equity on Sandra Dugan, Secretary for Joseph & Betty Campolong, defendants at her place of employment, Madera-Coalport Highway, Madera, Clearfield County, Penna., by handing to Sandra Dugan a true and attested copy of the original C omplaint in Equity and made known to her the contents thereof. S o answers, Chester A. Hawkins, Sheriff, /s/ Marilyn Wood.
	Pro by Atty 30.00 Atty 3.00 Shff by Atty 17.89	JANUARY 28, 1981, ANSWER TO COMPLAINT IN EQUITY, filed by Belin, Belin & Naddeo, by: Carl A. Belin, Jr., Attorneys at Law. JANUARY 28, 1981, CERTIFICATE OF MAILING, filed by Belin, Belin, & Naddeo, by: Carl A. Belin, Jr., Attorney at Law.
		JANUARY 28, 1981, CONSENT ORDER, filed. Two copies certified to Attorney. AND NOW, this 28th day of January, 1981, in consideration of the foregoing Complaint in Equity, and on motion of J. L. Lehman, Attorney for the Plaintiffs, together with the consent of Ronald Archer, Attorney for the Defendants, it is the order of this Court that: 1. Defendants shall remove from Alexander Run the obstruction placed in said R un by the Defendants. Defendants shall complete removal of the obstruction within ten (10) days from the date of this order. 2. The cost and expense of removing the obstruction shall be borne entirely by the Defendants. 3. There shall be no liability on the Plaintiffs fo subsequent injury or damage to persons or property on the property of the Defendants more fully described in Complaint. 4. Defendants are enjoined from causing any future obstruction with the normal and natural flow of Alexander Run. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.
		FEBRUARY 17, 1981, PETITION & RULE, filed. Petition filed by J. L. Lehman, Attorney at Law. Rule to show cause: AND NOW, this 10th day of February, 1981, upon co nsideration of the annexed Petition, it is ordered and decreed that the Defendants, Joseph J. Campolong and Betty Campolong, show cause why they should not be held in contempt for their failure to perform under the Consent Order of January 28, 1981. Rule is Returnable on the 17th day of February, 1981, at 9:00 a.m., in the Courtroom of the Clearfield County Courthouse, Clearfield, Pennsylvania. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

80-51-EQU CONT FR. PG 354 COMWTH OF PA, DEPT OF ENVIRONMENTAL RESOURCES vs. BRADFORD COAL CO

JANUARY 27, 1989, PETITION, filed by William C. Kriner, Esq. 2 cert/Atty

JANUARY 27, 1989, RULE TO SHOW CAUSE, filed 3 cert/Atty
AND NOW, this 27th day of January, 1989, upon consideration of the foregoing Petition filed by the Defendant, Bradford Coal Company, INC, a Rule hereby isssued to the Plaintiff, the Commonwealth of PA, Department of Environmental Resources, to show cause why the Court should not enter an Order determining that the Defendant has fully complied with the terms of the Consent Decree dated April 12, 1987, and to further enter judgmetn on behalf of the Defendant, Bradford Coal Company, INc., in this matter.
Rule returnable on the 10th day of March, 1989, at 2:00 Pm in Courtroom No. 1. BY THE COURT: John K. Reilly, Jr, P.J.

FEBRUARY 2, 1989, CERTIFICATE OF SERVICE, filed
I hereby certify that a Petition and Rule to Show Cause in the above captioned matter by regular mail on January 27, 1989: Michael J. Heilman, Asst Counsel, Mr & Mrs James Carney, Mr. & Mrs. Clark Graham, Mr. & Mrs. George Graham & Mr. Mrs. George McGonigal. /s/ William C. Kriner, Esq.

FEBRUARY 10, 1989, MOTION FOR AN EXPEDITED HEARING DATE, filed by Michael J. Heilman, Esq.
CERTIFICATE OF SERVICE, filed
I hereby certify that a true and correct copy of the Department's Motion To Expedite Hearing Date was this day served upon the following by first class mail, pre-paid: William C. Kriner, Esq. /s/ Michael J. Heilman, Esq.

AUGUST 29, 1989, PETITION FOR RELEASE OF MONEY, filed by Michael D. Klein, Esq. 1 cert/Atty

ORDER, filed
On August 29, 1989, the Prothonotary is hereby ordered to pay to Pennsylvania-American Water Company the amount of Fourt Thousand Dollars ($4,000.00). BY THE COURT: John K. Reilly, Jr.,P.J.

CERTIFICATE OF SERVICE, filed
I hereby certify that I am, this 14th day of August, 1989, serving by first class mail the foregoing document upon the persons listed below: The Honorable John K. Reilly, Jr, Clearfield County Courthouse, Clearfield, PA 16830, Michael J. Heilman, Assistant Counsel, Comwth of PA, Dept of Environmental Resources, pO Box 2357, Harrisburg, PA 17120, William C. Kriner, Esq., Clearfield, PA. /s/ Michael D. Klein, Esq.

AUGUST 29, 1989, AGREEMENT, /s/ Bradford Coal Company, Inc & Pennsylvania American Water Co, filed.

AUGUST 30, 1989, RECEIVED BRADFORD COAL CO CK# 011227 AMOUNT OF $4,000.00
BY ORDER OF COURT, PAID TO PA-AMERICAN WATER CO PROTHONOTARY CH# 13434 IN AMOUNT OF $4,000.00

SEPTEMBER 29, 1989, PETITION AND RULE, filed by William C. Kriner, Esq.

SEPTEMBER 29, 1989, RULE TO SHOW CAUSE, filed 1 cert/Atty Kriner
AND NOW, this 29th day of September, 1989, upon consideration of the foregoing Petition filed by the Defendant, Bradford Coal Company, Inc., a Rule hereby issued to the Plaintiff, the Commonwealth of Pennsylvania, Department of Environmental Resources, to show cause why the Court should not enter an Order finding that the Defendant has fully complied with the terms of the Consent Decree dated April 13, 1987;should not enter judgment on behalf of the Defendant, Bradford Coal Company, Inc., in this matter; and should not return the Bond in the amount of Ten Thousand ($10,000) Dollars to Bradford Coal Company, Inc.
Rule returnable on the 30th day of October, 1989, at 2:00 PM in Courtroom No. 1. BY THE COURT: John K. Reilly, Jr., PJ.

OCTOBER 2, 1989, RULE ISSUED TO M.J. HEILMAN, ATTY COMWTH PA BY REGULAR MAIL. /s/ jmb.

OCTOBER 30, 1989, ANSWER TO RULE TO SHOW CAUSE, filed by Michael J. Heilman, Esq.
CERTIFICATE OF SERVICE, filed
I hereby certify that a true and correct copy of the Department's Answer to Rule to Show Cause was this day served upon the following by first class mail pre-paid: William C. Kiner, Esq Clearfield, PA 16830; Michael D. Klein, Esq, PA American Water Co., 800 West Hersheypart Dr., PO Box 888, Hershey, PA 17033-0888. /s/ Michael J. Heilman, Esq.

OCTOBER 30, 1989, ORDER, filed 2 cert/Atty
NOW, this 30th day of October, 1989, this being the day and time returnable for the Rule to Show Cause issued in the above captioned matter, and no one having appeared objecting to said Rule, upon motion of William C. Kriner, Esquire, Attorney for Bradford Coal Company, Inc., it is hereby ORDERED and DECREED that the Prothonotary enter judgment on behalf of the Defendant and return to Bradford Coal Company, Inc., the Bond posted in the amount of Ten Thousand ($10,000) Dollars. BY THE COURT: John K. Reilly, Jr., P.J.

November 1, 1989. Paid to Bradford Coal Co. Ck#13500 in amount of $11,674.93 .