#13 EQUITY DOCKET

James A. Naddeo	CARNS BROS., INC. a Pennsylvania Corporation 81-1-EQU KENNETH RISHEL and JO ANNE RISHEL, husband and wife	JANUARY 19, 1981 COMPLAINT IN EQUITY, filed by James A. NAddeo. 1 copy certified to Sheriff. JANUARY 22, 1981 AFFIDAVIT OF SERVICE, filed. Now, January 20, 1981 served the within Complaint in Equity on Kenneth Rishel, Defendant. So answers, Chester A. Hawkins, by Marilyn Wood.

Pro	by atty	30.00
Atty		3.00
Shff	by atty	11.75

EQUITY #13 JANUARY 1981

Richard Milgrub	ANGALIKI WEBSTER 81-2-EQU DANIEL E. WEBSTER Pro by Atty 30.00 Atty 3.00 Sherrif by atty 18.23	JANUARY 23, 1981 COMPLAINT IN EQUITY, filed by Richard H. Milgrub. One copy certified to the Sheriff. FEBRUARY 2, 1981, AFFIDAVIT OF SERVICE, filed. NOW, January 26, 1981 at 1:10 PM o'clock EST served the within Complaint in Partition on Mrs. Daniel Webster, Defendant at her place of residence, RD 1, Mahaffey Clearfield County, Pennsylvania by handing to Mrs. Daniel Webster a true and attested copy of the original Complaint in Partition made known to her the contents thereof. s/ Chester A. Hawkins by Marilyn Wood.

EQUITY # 13 JANUARY 1981

James A. Naddeo

GRACE O. LIPPERT

81-3-EQU

EARL R. LIPPERT

Pro	by Atty	30.00
Atty		3.00
Shff	by Atty	11.75
Shff. Hawkins	by Atty	11.75
Pro	by Atty	3.00

JANUARY 26, 1981 COMPLAINT IN EQUITY, filed by James A. Naddeo.

One copy certified to the Sheriff.

FEBRUARY 10, 1981, SHERIFF'S RETURN, filed.

Now, February 5, 1981 at 3:10 p.m. EST served the within Complaint in Equity on Earl R. Lippert Jr., defendant at Market St., Clearfield, Clearfield County, Pennsylvania by handing to Earl R. Lippert, Jr., 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.

FEBRUARY 25, 1981, PRELIMINARY OBJECTIONS, filed by Timothy E. Durant.

One copy Certified to Attorney.

MARCH 16, 1981, AMENDED COMPLAINT, filed by Cynthia Soult.

One copy Certified to Sheriff.

MARCH 30, 1981, SHERIFF'S RETURN, filed.

March 25, 1981, served within Amended Complaint in Equity on Earl R. Lippert, Jr., Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

AUGUST 3, 1981, PRAECIPE, filed by Belin, Belin & Naddeo, Esquires, by: James A. Naddeo, Attorney for Plaintiff.

Please mark the above captioned case settled and discontinued. /s/ James A. Naddeo, Esquire of Belin, Belin & Naddeo.

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

EQUITY # 13 JANUARY 1981

Anthony S. Guido	W. JOHN SIAR 81-4-EQU GEORGE M. FATULA and DONALD ORRIS	JANUARY 29, 1981, COMPLAINT IN EQUITY, filed by Anthony S. Guido, Attorney at Law. Two copies certified to Attorney. FEBRUARY 20, 1981, ACCEPTANCE OF SERVICE, filed by Nicholas F. Lorenzo, Jr. Service of Complaint in the above case is accepted on behalf of Defendants, George M. Fatula and Donald Orris, this 11th day of February, 1981. /s/Nicholas F. Lorenzo, Jr., Attorney for Defendants, George M. Fatula and Donald Orris. FEBRUARY 25, 1981, ANSWER TO PLAINTIFF'S COMPLAINT, NEW MATTER AND COUNTERCLAIM, filed by Nicholas F. Lorenzo, Jr. Attorney for Defendants. FEBRUARY 25, 1981, ACCEPTANCE OF SERVICE, filed by Anthony S. Guido. MARCH 24, 1981, REPLY TO NEW MATTER AND ANSWER TO COUNTERCLAIM, filed by Anthony S. Guido, Attorney at Law. JUNE 30, 1981, ANSWERS TO INTERROGATORIES TO THE DEFENDANT, GEORGE M. FATULA, filed by Micholas Larenza,JR. One copy Certifies to Attorney Larenza JULY 27, 1981, ACCEPTANCE OF SERVICE, filed by Anthon S. Guido, Esquire.
	Pro by Atty 30.00 Atty 3.00	

EQUITY # 13 FEBRUARY, 1981

Anthony S. Guido	GORDON L. CHITTESTER and CLARA M. CHITTESTER 81-5-EQU DAVID SPUCK Pro by Atty 30.00 Shff by Atty 17.21	FEBRUARY 6, 1981, COMPLAINT, filed by Anthony S. Guido, Attorney at Law. One copy certified to Sheriff. FEBRUARY 27, 1981, SHERIFF'S RETURN, filed. NOW, February 20, 1981 at 10:35 a.m. EST served the within Complaint in Equity on Denise Hand, adult member of household for David Spuck, defendant at her place of residence, R.D.#2, DuBois, Clearfield County, Penna., by handing to Denise Hand a true and attested copy of the original Complaint in Equity. So answers, Chester A. Hawkins, Sheriff, /s/ Marilyn Wood.

EQUITY #13 FEBRUARY 1981

Richard H. Milgrub

SUSAN BENNETT

81-6-EQU

Elizabeth Cunningham

TERRY PENVOSE

PRO	by Atty	30.00
Shff	by Atty	12.79
Pro	by atty	3.00

FEBRUARY 9, 1981, COMPLAINT IN EQUITY, filed by Richard H. Milgrub, Attorney at Law.
One copy certified to Sheriff.

FEBRUARY 18, 1981, SHERIFF'S RETURN, filed.
Now, February 12, 1981 at 8:45 a.m. EST served the within Complaint in Equity on Terry Penvose, defendant at Market St., Clearfield, Clearfield County, Penna., by handing to Terry Penvose 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.

MARCH 23, 1981, ANSWER TO COMPLAINT, filed by Elizabeth Cunningham.
One copy Certified to Attorney.

JUNE 10, 1981, ANSWER TO NEW MATTER, filed by Richard H. Milgrub, Esquire, Attorney for Plaintiff.
One copy certified to Attorney.

JUNE 10, 1981, PRAECIPE FOR PLACEMENT ON TRIAL LIST filed by Richard H. Milgrub, Attorney for Plaintiff.
Please place the above captioned case on the next regularly scheduled trial list. /s/ Richard H. Milgrub, Esquire, Attorney at Law.

JUNE 12, 1981, AFFIDAVIT OF SERVICE, filed by Richard H. Milgrub

MARCH 18, 1982, PRAECIPE FOR WITHDRAWAL, filed.
Please consider the above captioned case settled an withdraw it from the current trial list. Respectfully submitted, By /s/ Richard H. Milgrub, Esquire

S E T T L E D AND W I T H D R A W N

Joseph Colavecchi	VAUGHN PEOPLES	
	81-7-EQU	
	GERALD J. MARTIN and INGER MARTIN	
Pro by Atty		30.00
Atty by Atty		3.00
Shff Hawkins		20.21
Pro by Atty		3.00

FEBRUARY 13, 1981, COMPLAINT IN EQUITY, filed by Joseph Colavecchi.
Four copies Certified to Attorney.

FEBRUARY 27, 1981, ANSWER AND NEW MATTER, filed by Belin, Belin & Naddeo, Attorneys at Law, by: James A. Naddeo, Attorney at Law.
One copy certified to Attorney.

MARCH 2, 1981, SHERIFF's RETURN, filed.
Now, February 20, 1981 at 2:17 PM EST served within Complaint on deft, Gerald Martin.
Now, Feb. 24, 1981 at 11:35 AM EST served within Complaint on Inger Martin, deft. at her place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

MARCH 9, 1981, PETITION TO TRANSFER EQUITY ACTION TO LAW SIDE OF THE COURT, filed by Joseph Colavecchi.
ORDER:
This cause having regularly come on to be heard before this Court on the 9 day of March, 1981, on motion of Joseph Colavecchi, Esquire, attorney for Plaintiff, and said motion having been joined by James A. Naddeo, attorney for Defendants, to have this cause transferred to the Court of Common Pleas of Clearfield County, Pennsylvania, on the grounds that Plaintiff is withdrawing his request for specific performance and that the remedy at law is adequate, and the Court being of the opinion that the motion should be sustained;
It is therefore ORDERED, ADJUDGED AND DECREED that this cause be transferred to the Court of Common Pleas of Clearfield County, Pennsylvania for such proceedings as may be in accordance with law.
BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 9, 1981, ALL PAPERS TRANSFERRED TO NO. 81-618-CD

MARCH 26, 1981, PRAECIPE TO DISCONTINUE, filed by Joseph Colavecchi.
Please mark the above-captioned case settled, discontinued and ended. /s/Joseph Colavecchi, Esq.

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. 13

Laurance B. Seaman	DEAN A. CAMPBELL	
	81-8-EQU	
James M. Pierce	IRA VAN HARRIS, SR., & ASSOCIATES, INC.	
	Pro by Atty	15.00
	Pro by Atty	15.00
	Atty by Atty	3.00
	Shff Hawkins by Atty	8.55
	Shff Hawkins by Atty	14.74
	Pro by Atty	30.00

MARCH 2, 1981, PRAECIPE, filed by Laurance B. Seaman.
Enter our appearance for Plaintiff and issue a summons in equity to set aside a deed from Plaintiff to Defendant, dated December 30, 1980 and recorded in Deed Book 806, Page 497, being approximately 94 acres in Burnside Township, Clearfield County, Pennsylvania and list said suit as lis pendens against Defendant in the judgment index. /s/Gates and Seaman by Laurance B. Seaman, Attorney for Plaintiff.

MARCH 2, 1981, SUMMONS IN EQUITY ISSUED TO SHERIFF FOR SERVICE.

MARCH 5, 1981, COMPLAINT IN EQUITY, filed by Laurance B. Seaman.
One copy Certified to Sheriff.

MARCH 5, 1981, PRAECIPE, filed by Laurance B. Seaman.
A complaint in Equity having been filed to the above captioned case requesting a deed be set aside, please list said suit as lis pendens against Defendant in the judgment index. /s/Gates and Seaman by Laurance B. Seaman, Attorney for Plaintiff.

APRIL 23, 1981, PRAECIPE, filed by James M. Pierce; Alden, Burns, Martel & Pierce, Attorneys at Law.
Kindly enter my appearance for the defendant in the above matter. /s/ James M. Pierce; Alden, Burns, Hartel, & Pierce, Attorneys for Defendant.

APRIL 16, 1981, SHERIFF'S RETURN, filed.
Now, March 9, 1981 mailed the within Summons in Equity to deft. by Certified mail #9910363. Letter is marked "UNCLAIMED".
Now, March 9, 1981 mailed within Summons on deft. Associates Inc. by Certified mail #9910364. Letter is marked "UNCLAIMED". So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

APRIL 16, 1981, SHERIFF'S RETURN, filed.
Now, March 9, 1981 mailed within Complaint by Certified Mail #9910365 to Ira Van Harris Sr. Officer of Assoc. Inc. deft. Letter is marked "UNCLAIMED".
Now, March 28, 1981 served within Complaint on Ira Vann Harris Sr., deft by Certified Mail #9910367. Return endorsed by agent for defendant. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

JUNE 1, 1981, PRAECIPE FOR DEFAULT JUDGMENT, filed by Laurence B. Seaman, Esquire of Gates and Seaman, Attorneys at Law.
Enter judgment in favor of Dean A. Campbell, Plaintiff herein, and against Ira Vann Harris, Sr. & Associates, Inc., Defendant herein, for failure to file and Answer to the Complaint, a Notice of Intent to Take Default Judgment having been given to James M. Pierce, Esquire, Ira Vann Harris, Sr. & Associates, Inc., and Ira Vann Harris, Sr., President, Ira Vann Harris, Sr. & Associates, Inc., by Notice dated May 19, 1981, a photocopy of which is attached hereto together with photocopies of the certificates of mailing.
In accordance with the prayer for relief in the Complaint, it is requested that the Clearfield County Recorder of Deeds be decreed to execute a reconveyance of the real estate described in said Complaint to plaintiff. /s/ Laurence B. Seaman, Esquire of Gates & Seaman, Attorneys at Law.

Judgment entered in favor of Dean A. Cambell, Plaintiff herein, and against Ira Vann Harris, Sr., & Associates, Inc., Defendant herein for failure to file and Answer.

JUDGMENT IN EQUITY

Raymond Bathurst
Prothonotary

JUNE 2, 1981, PRELIMINARY OBJECTIONS, and BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS, by James M. Pierce, Esq.

JULY 16, 1981, PRAECIPE, filed by R. Denning Gearhart, Esquire, Attorney for Defendant.
Two copies certified to Attorney.
Please list the above captioned matter as lis pendens against the Plaintiff, as our Petition to Open Default Judgment will follow shortly. /s/ R. Denning Gearhart, Esquire, Attorney for Defendant.

JULY 31, 1981, PETITION TO OPEN DEFAULT JUDGMENT, filed by R. Denning Gearhart.

JULY 31, 1981, RULE, filed.
AND NOW, this 29 day of July, 1981, upon consideration of the foregoing Petition to Open Default Judgment, a Rule is hereby issued upon Dean a Campbell, Plaintiff in the above captioned action, to appear and show cause why the prayer of Petitioner should not be granted.
Rule Returnable the 18 day of August, 1981, at 9:30 o'clock A.M. in the Main Courtroom of the Courtroom of the Clearfield County Courthouse, Clearfield, Pennsylvania. BY THE COURT: /s/ John K. Reilly, Jr.,President Judge.
One copy Certified to Attorney.

OCTOBER 13, 1981 ORDER filed

AND NOW, this 9th day of October, 1981, a hearing on defendants motion to open a default judgment having been scheduled for August 18, 1981, and the defendant agreeing to have the judgment opened. It is the ORDER of this Court that the default judgment taken in the above is hereby declared open with the defendant to file responsive pleadings immediately. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

CONTINUED TO OTHER SIDE

CONTINUED FROM PAGE 15 NO. 81-08-EQU DEAN A. CAMPBELL -vs- IRA VANN HARRIS, SR., al

DECEMBER 11,1981, CERTIFICATE OF SERVICE, filed by Laurance Seaman

DECEMBER 11, 1981, ANSWER, filed by Alden, Burns, Hartel & Pierce

DECEMBER 31, 1981, PLAINTIFF'S REPLY TO DEFENDANT'S NEW MATTER AND COUNTERCLAIM, filed by Gates & Seaman.

JANUARY 15, 1982 PRAECIPE filed by Larry B. Seaman

Place the above captioned case on the list for trial sec. reg.

MAY 4, 1983, MEMORANDUM AND ORDER filed.

Wherefore the Court enters the following Order:

O R D E R

NOW, this 4 day of May, 1983, following hearing into the above-captioned Action in Equity and consistent with the memorandum and findings of fact and conclusions of law filed herewith, it is the ORDER of this Court that the Complaint in Equity be and is hereby dismissed, and that Defendant deliver to Plaintiff 50-percent of the stock certificates of Defendant corporation. BY THE COURT, John K. Reilly, Jr., President Judge

FINDINGS OF FACT
CONCLUSIONS OF LAW

MAY 13, 1983, EXCEPTIONS OF PLAINTIFF filed by Gates & Seaman

FEBRUARY 23, 1984, MEMORANDUM AND ORDER filed.

The above-captioned action in equity came before the Court for hearing on January 27, 1983. Following submission of briefs and arguments, on May 4, 1983, this Court entered a Decree Nisi directing the the Defendant deliver to Plaintiff 50% of the stock certificates of Defendant's corporation. Plaintiff filed exceptions within the appropriate time period and this Court does herein rule on said exceptions. Plaintiff first excepts to the Court's findings of fact Nos. 4 and 5. Although the Court did not specifically so indicate in the original findings of fact the issue of Plaintiff's initial position on the use of his property in fee as opposed to the use of only the coal reservations becomes moot in light of the subsequent agreements signed by the Plaintiff and the fact that he executed a deed for his property in fee to be transferred to the Defendant. With regards to the exceptions filed to the Court's findings of fact No. 7(c), (d) & (e) the Court has so concluded such to be the case from the testimony. With regards to exceptions filed to findings of Fact No. 7 (f) (g), & (h), it must be noted that Defendant's testimony on these points was unrebutted.

Plaintiff's next exceptions to the Court's narrative statement of the facts as being contrary to the evidence but without more specificity, this Court can only reiterate its position that the statment of facts sets forth this Court's conclusions based on its evaluation of the testimony and the same is true of Plaintiff's exceptions to findings of fact No. 3. Plaintiff's exceptions to findings of fact No.4 is merely an objection to the Court's failure to find as fact certain requests proposed by Plaintiff following hearing. With regards to Plaintiff's proposed findings of fact Nos. 12 and 26 this Court does so find as a fact and with regards to Plaintiff's proposed findings of Fact No. 13 the Court did not find such a fact in its entirety because it is too indefinite, but did find as a fact that no stock had been transferred to the Plaintiff. In all other respects the Court will not alter its stated findings of fact as set forth in the initial memorandum.

Plaintiff next excepts to the Court's conclusion of law, specifically conclusions of law Nos. 1 through 4. This Court believes the same to be a correct statement of the law of the Commonwealth of Pennsylvania and without further clarafication from the Plaintiff, sustain the same. Plaintiff next excepts to the Court's refusal to incorporate Plaintiff's request for conclusions of law Nos. 1 through 17. His conclusions of law Nos. 1 through 4 appear to be a correct statement of the law of the Commonwealth of Pennsylvania but not material to the instant case in view of the Court's opinion. The remaining requests for conclusions of law contain statements of fact which the Court is not prepared to make.

The remaining exceptions of the Plaintiff are general in nature and need not be addressed by the Court with the exception of No. 11. In that regard, the Court merely states that the Plaintiff has failed to sustain his burden of proof with regards to the issue of life insurance and this Court cannot find on the record that this request for finding of fact should be granted.

WHEREFORE, the Court enters the following Order:

O R D E R

NOW, this 23rd day of February, 1984, upon consideration of Plaintiff's exceptions to the findings of fact and conclusions of law entered by this Court in the above-captioned matter, it is the ORDER of this Court that said exceptions be and are hereby dismissed and the Decree Nisi shall become final. By the Court, John K. Reilly, Jr., President Judge

Paul Silberblatt

SCHARR JEWELRY COMPANY, INC.

81-9-EQU

David S. Ammerman
John Sughrue
James Quarels

AMES DEPARTMENT STORES, INC.

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff. Hawkins		11.75
Pro	by Atty	20.00

MARCH 3, 1981, COMPLAINT IN EQUITY, ORDER FOR PRELIMINARY INJUNCTION, filed by Paul Silberblatt.

One copy Certified to Attorney.

RESTRAINING ORDER:

NOW, this 3 day of March, 1981, on the application of Plaintiff for a preliminary injunction before a hearing pursuant to Rule 1531 of the Pennsylvania Rules of Civil Procedure to restrain certain acts of Defendant until the Court issues its ruling on Plaintiff' request for an injunction during the pendency of the above entitled action, the Court finds that good cause exists for the entry of such preliminary injunction because immediate and irreparable injury will be sustained before notice can be given or a hearing held due to the actions of Defendant directed toward Plaintiff, wherefore

IT IS ORDERED that Defendant and its officers, agent, servants and employees will be restrained from committing or continuing any of the following:

(a). Any acts directed at Plaintiff which are for the purpose of or which further the purpose of terminating, constructively terminating, or taking any steps in termination of the agreement relating to the concession operated by Plaintiff in each of Defendant's stores including, but not limited to selling any items that Plaintiff sells and/or prohibiting Plaintiff from selling any item it has sold, and/or relocating Plaintiff's departments in Defendant's stores:

(b) Any communications to Plaintiff's employees concerning proposed termination or enforcement of termination or constructive termination or any employee's plans in the event the proposed termination or constructive termination or enforcement of said termination is carried out;

(c) Any acts which interfere with Plaintiff's ability to conduct its business in its usual, customary manner.

(d) Hearing on the merits set for March 10, 1981 at 11:00 A.M. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MARCH 6, 1981, SHERIFF'S RETURN, filed.

March 3, 1981, served within Complaint, Injunction and Order on Angela Britton, Assistant Manager for Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

MARCH 9, 1981, PRAECIPE FOR APPEARANCE, filed by John Sughrue.

Kindly enter the appearance of the undersigned on behalf of Ames Department Stores, Inc., Defendants. /s/David S. Ammerman, John Sughrue, by James Quarels.

MARCH 18, 1981, MEMORANDUM IN OPPOSITION TO DEFENDANT'S PETITION TO DECLINE JURISDICTION, filed by Craig Towerman.

One copy Certified to Attorney.

MARCH 23, 1981, NOTICE TO TAKE DEPOSITIONS, filed by Bell Silberblatt & Swoope, Attorneys at at Law, by: Paul Silberblatt, Esquire.

One copy certified to Attorney.

MARCH 24, 1981, REQUESTS FOR ADMISSIONS, filed by Craig Towerman, Attorney for Defendant.

Two copies certified to Attorney.

MARCH 24, 1981, PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT, filed by Craig Towerman Attorney for Defendant.

One copies certified to Attorney.

MARCH 24, 1981, PLAINTIFF'S REQUEST FOR PRODUCTION, INSPECTION AND COPYING OF DOCUMENTS, filed by Craig Townerman, Attorney for Defendant.

One copy certified to Attorney.

MARCH 23, 1981, DEFENDANTS PRELIMINARY OBJECTIONS, filed by John Sughrue.

MARCH 31, 1981, MOTION FOR PROTECTIVE ORDER PURSUANT TO P.R.C.P. 4012 AND STAY OF DISCOVERY PENDING DETERMINATION PURSUANT TO P.R.C.P. 4013, filed by John Sughrue

MARCH 30, 1981, ORDER, filed.

NOW, this 10th day of March, 1981, this being the day and date set for Hearing from an Injunction issued to the above term and number, upon agreement and stipulation of the Parties, said agreement being incorporated into an ORDER of this Court, it is the further ORDER of this Court that said Preliminary Injunction be and is hereby dissolved without prejudice to the Plaintiff to refile for such an injunction following the expiration of Three (3) Months from date hereof or an earlier termination of the stipulated agreement in accordance with its terms. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

APRIL 2, 1981, ORDER, filed.

NOW, this 1st day of April, 1981, upon consideration of the foregoing Motion for Protective Order filed under Pennsylvania Rule of Civil Procedure 4012, and after consideration and argument by the attorneys for the parties, it is ORDERED that all proceedings with respect to disposition, interrogatories, production of documents, request for information and other discoveries heretofore filed shall be and are hereby stayed pending Hearing on Defendant's Petition to decline jurisdiction scheduled for Hearing by this Court on April 14th, 1981. In the event that this Court accepts jurisdiction the Ninety (90) Day stipulation between the parties hereto entered into on March 10th, 1981, shall be extended for an additional Twenty-One (21) days

CONTINUED TO OTHER SIDE OF THIS PAGE

CONTINUED FROM PAGE 17 SCHARR JEWELRY CO., INC. -vs- AMES DEPARTMENT STORES, INC. 81-9-EQU

The Plaintiff shall be permitted to proceed with discovery, interrogatories, and production of document on or after April 14th, 1981. The Defendant shall not be permitted to file any Motions for Protective Orders upon discovery already filed as of this date or necessary to be filed hereafter in order to renew previously filed discovery, interrogatories, or production of document requests. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

APRIL 8, 1981, MOTION OF DEFENDANT PURSUANT TO THE UNIFORM INTERSTATE AND INTERNATIONAL PROCEDURE ACT OF THE COMMONWEALTH OF PENNSYLVANIA TO STAY ALL PROCEEDINGS (MOTION BEING ALTERNATIVE TO PETITION TO DECLINE JURISDICTION), RULE TO SHOW CAUSE AND AFFIDAVIT OF SERVICE, filed by David S. Ammerman.

WHEREFORE, the Defendant, Ames Department Stores, Inc., as an alternative to Defendant's Petition to Decline Jurisdiction previously presented, does hereby move your Honorable Court to stay proceedings in the above captioned case until such time as the action in Connecticut as set forth in Exhibit "A" has been finally determined, and further that a Rule be issued upon the Plaintiff to show cause why the same should not be granted. /s/David S. Ammerman, Attorney for Defendant.

RULE TO SHOW CAUSE:

AND NOW, this 8 day of April, 1981, upon motion of Defendant, Ames Department Stores, Inc., requesting a stay of all proceedings as alternative relief requested by said Defendant in its Petition to Decline Jurisdiction under the Doctrine of Forum Non-Conveniens as previously filed and hearing thereon having been scheduled by this Court on April 14, 1981 at 1:30 P.M., it is hereby ORDERED AND DECREED that a Rule be and hereby is issued upon the Plaintiff to show cause why this Court should not stay all proceedings on this case until final determination of the business relationship between the parties by the Superior Court of Connecticut in the Complaint for Declaratory Judgment filed by the Defendant to J.D. of Hartford/New Britain at Hartford, March 25, 1981. Said Rule returnable concurrently with the prior Rule heretofore issued on this matter, to wit: the Fourteenth day of April, 1981 at 1:30 o'clock P.M. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

AFFIDAVIT OF SERVICE:

Re: April 8, 1981, service by delivery to Paul Silberblatt, Attorney for Plaintiff true and correct copy of within Motion and Proposed Order and Rule to Show Cause. /s/David S. Ammerman.

APRIL 8, 1981, TRANSCRIPT OF PROCEEDINGS taken before the Honorable John K. Reilly, Jr., filed this day and date in the Prothonotary Office. /s/Raymond Witherow.

APRIL 9, 1981, MOTION FOR LEAVE TO AMEND COMPLAINT, filed by Bell, Silberblatt & Swoope, Attorneys at Law, by: Paul Silberblatt, Attorney; and RULE, filed.

Rule:

NOW, this 9th day of April, 1981, upon Motion of Plaintiff for Leave to Amend Complaint, it is hereby ordered and decreed a Rule be and hereby is issued upon the Defendant to show cause why the Motion should not be granted and Plaintiff be permitted to file the Amended Complaint. Said Rule returnable concurrently with the prior Rules hereinbefore issued on this matter, to wit: April 14, 1981, at 1:30 p.m. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

MAY 1, 1981, OPINION, filed.

On March 3, 1981, Plaintiff above-named filed a Complaint in Equity seeking to enjoin Defendant from interfering with an alleged oral agreement between the parties concerning the Plaintiff's right to sell jewelry and other related items in Defendant's stores. The Complaint alleges that in 1964 the parties orally contracted to permit Plaintiff to sell at certain specified locations within Defendant's stores jewelry items, including greeting cards, playing cards, smoking accessories, etc. At the time of the agreement in Connecticut, Defendant had five (5) stores, but since then has expanded to one hundred five (105) stores, seventeen (17) of which are located in the Commonwealth of Pennsylvania, of the seventeen, two are in Clearfield County. The Complaint further alleges that the problems between the parties arose in late 1980.

Following the filing of the Complaint, Defendant filed a Motion seeking to have this Court decline jurisdiction under the Doctrine of Forum Non Conveniens. At the hearing thereon, the following facts were established. Plaintiff's home offices are in Hartford, Connecticut, while Defendant's home office is in Rocky Hill, Connecticut, about ten minutes away. The four founders of Defendant's business are all residents of West Hartford, Connecticut, as is Defendant's treasurer. Plaintiff's president and officers are residents of West Hartford, Connecticut. Obviously, the corporate files of both parties are located in their home offices.

While Defendant operates two stores in Clearfield County, Pennsylvania, there is nothing unique about three stores which requires Clearfield County to retain jurisdiction. Moreover, while Ames operates no stores in the State of Connecticut, there are such operations within a very close proximity in Hartford in surrounding states. The issue presented is whether under the above factual situation, this Court should decline jurisdiction under the Doctrine of Forum Non Conveniens. This Court is of the opinion that Defendant's Motion must be granted.

The Definition of a Petition of this nature, as well as the factors to be considered, is set forth in Rini v. New York Central Railroad Co., 429 Pa. 235, where the Court states at page 238:

"Whether a suit should be dismissed under the doctrine of forum non conveniens depends upon the particular facts of each case and upon the discretion of the trial Court. On appeal, we will reverse only when there has been an abuse of discretion. Plum v. Tampax, Inc., 399 Pa. 553, 160 A.2d 549. In that case the Court set forth approximate standards for determining what facts, interests and factors the Court should consider in determining whether a suit should be dismissed under the doctrine of forum non conveniens. The Court said (pages 560-562):

"'...It is well within the power of the court, in the interests of justice, to decline to exercise its jurisdiction where, upon consideration of the parties, the witnesses, the situs of the cause of action and other kindred reasons, the litigation can more appropriately be conducted in another forum. See Gulf Oil Corp. v. Gilbert, supra; Koster v. Lumbermens Mut. Casualty Co., 330 U.S. 518 (1947). The American Law Institute, in its Restatement (2d), Conflict of Laws (Tentative Draft No. 4 April 5, 1957), formulates the rule this way: '§177e. FORUM NON CONVENIENS. While the plaintiff ordinarily controls choice of the forum, a court does not exercise jurisdiction if it is a seriously inappropriate forum for the trial of the action so long as an appropriate forum is available to the plaintiff.' (Footnote omitted) Whether a suit should be dismissed under the doctrine of Forum Non Conveniens will depend largely upon the particular facts and upon the discretion of the trial court. Such exercise of discretion will be overruled on appeal only when abused.

"' The factoss for the lower court to consider in making its determination are succinctly put in the comments to §117e of the Restatement" 'c. Factors to be considered. The two most important factors look to the court's retention of the case. They are (1) that since it is for the plaintiff to choose the place of suit, his choice of a forum should not be disturbed except for weighty reasons, and (2) that the action will not be dismissed in any event unless

CONTINUED TO PAGE 18A

CONTINUED FROM PAGE 18 NO. 81-9-EQU SCHARR JEWELRY CO., INC. -vs- AMES DEPT. STORES, INC.

an alternative forum is available to the plaintiff. Because of the second factor, the suit will be entertained, no matter how inappropriate the forum may be, if defendant cannot be subjected to jurisdiction in other states. The same will be true if plaintiff's cause of action would elsewhere be barred by the statute of limitations, unless the Court is willing to accept defendant's stipulation that he will not raise this defense in the second state, (The action should not be dismissed unless defendant submits to jurisdiction in another appropriate and more convenient forum.)

"'The remaining factors can best be grouped under the two principal interests involved: those of the parties and those of the public. This has been done as follows by Mr. Justice Jackson in Gulf Oil Corp. v. Gilbert, 330 U.S. 501, 508 (1947): 'If the combination and weight of factors requisite to given results are difficult to forecast or state, those to be most pressed, is the private interest of the litigant. Important considerations are the relative ease of access to sources of proof; availability of compulsoty process for attendants of unwilling, and the cost of obtaining attendance of willing, witnesses; possibility of view of premises, if view would be appropriate to the action; and all other practical problems that make trial of a case easy, expeditious and inexpensive. There may also be questions as to the enforceability of a judgment if one is obtained. The court will weigh relative advantages and obstacles to a fair trial...'"

See also Plum v. Tampax, Inc. 399 Pa. 553, 160 A.2d 549 (1960); Walker v. Ohio River Co., 416 Pa. 149, 205 A.2d 43 (1964); Dougherty v. Inland Tugs Co., 240 Pa. Super 527 (1976); and Norman v. Norfolk and Western Ry. Co., 228 Pa. Super 319 (1974). Therefore, unless this Court is convinced that there are weighty reasons to the contrary, Plaintiff's choice of forum should not be disturbed.

It would appear from the record that most of the primary witnesses to the dispute reside in the State of Connecticut. The Corporate headquarters of both parties are located there and a mere matter of ten minutes apart. The books and records of the corporations are in Connecticut and the alleged contract was entered into in that State. While Plaintiff contends that several of its department managers are from Clearfield, Pennsylvania, there is nothing in the record to indicate that they areunique or that department managers located much closer to the home offices of the corporation could not testify instead. Even if this were not possible, the relatively few witnesses in Clearfield County could quite easily be deposed, but in any event, the expense of transporting them to Connecticut would be much less than the expense and inconvenience of transporting the witnesses and records from Connecticut to Clearfield County, Pennsylvania.

THEREFORE, this Court is of the opinion that the reasons advanced for declining jurisdiction are indeed weighty and compel this Court to decline jurisdiction in favor of the State of Connecticut. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MAY 19, 1981, NOTICE OF APPEAL, filed by Bell, Silberblatt & Swoope, Attorneys at Law, by: Paul Silberblatt, Esquire; and CERTIFICATE OF MAILING NOTICE OF APPEAL, by Paul Silberblatt, Esq. One mailed to Superior Court.

JUNE 4, 1981, PRAECIPE, filed by Bell, Silberblatt & Swoope, by: Paul Silberblatt, Esquire. Please mark the Appeal filed in the Superior Court of Pennsylvania in the above captioned matter discontinued. /s/ Paul Silberblatt, Esquire of Bell, Silberblatt & Swoope, Attorneys at Law.

OCTOBER 22, 1981, TRANSCRIPT OF PROCEEDINGS, filed by Mary K. Miller-Marshall, Official Court Reporter

Transcript of testimony taken before Hon. John K. Reilly, Jr. lodged this day with Prothonotary's Office. s/ Raymond Witherow

~~100~~
18/B

Joseph Colavecchi

ETHEL R. GILL

81-10-EQU

Timothy E. Durant

WILLIAM A. GILL

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

Ck#346 10033	Adv costs	47.75
	J. Colavecchi	44.75
	Pro	3.00
		47.75

MARCH 4, 1981, COMPLAINT IN PARTITION, filed by Joseph Colavecchi.

Three copies Certified to Attorney.

MARCH 13, 1981, SHERIFF'S RETURN, filed.

March 9, 1981, served within Complaint in Partition on William A. Gill, Defendant. /s/ Chester A. Hawkins, Sheriff by Marilyn Wood.

APRIL 21, 1981, ANSWER, filed by Timothy E. Durant.

One copy Certified to Attorney.

MAY 7, 1981, ORDER DIRECTING PARTITION, filed by Joseph Colavecchi.

AND NOW, this 6 day of May, 1981, it appearing that the Complaint has been duly served, and the Defendant William A. Gill is represented by Timothy E. Durant, Esquire, and is agreeable that an Order of Partition be entered. Upon Motion of Joseph Colavecchi, Esquire, attorney for Plaintiff, it is ORDERED, ADJUDGED AND DECREED that partition be made of the lands mentioned and described in the Complaint between the parties therein named in proportion to their respective interests therein, as follows:

TO: Ethel R. Gill - $\frac{1}{2}$

TO: William A. Gill - $\frac{1}{2}$

The parties or their attorneys shall have a preliminary conference immediately subsequent to the entering of this Order of Partition, to consider the matters set forth in Rule 1558. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

MAY 7, 1981, ORDER APPOINTING MASTER IN PARTITION, filed by Joseph Colavecchi.

AND NOW, this 6 day of May, 1981, preliminary conference having been duly held, and the parties having agreed thereto, through their attorneys Joseph Colavecchi, Esquire, for the Plaintiff, and Timothy E. Durant, Esquire, for the Defendant, the Court appoints BARBARA H. SCHICKLING, ESQ MASTER to conduct a public sale of the premises mentioned and described in the Complaint in accordance with the Rule of Civil Procedure. Master's fee of $100.00 to be paid to the County of Clearfield. BY THE COURT, /s/John K. Reilly, Jr., President Judge.

JUNE 17, 1981, PETITION TO MODIFY COURT ORDER,

Two certified copies to attorney. Filed by Barbara H. Schickling.

RULE TO SHOW CAUSE

AND NOW, to-wit: this 17th day of June 1981, upon consideration of the averments contained in the within Petition, it is DIRECTED that a Rule be issued to the parties in interest to show cause, if any, why the prayer of the foregoing Petition should not be granted.

This Rule returnable on the 24th day of June 1981, at 9 o'clock, A. M. in the Main Courtroom of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT, /s/ JOHN K. REILLY, JR. P. J.

JUNE 24, 1981 ORDER filed.

AND NOW, this 24 day of June, 1981, this being the date and time for Return of Rule on Petition to Modify Court Order and it appearing that the parties have no objections thereto, it is ORDERED that the Order of May 6, 1981, entered in the above captioned matter appointing Barbara H. Schickling, Esquire,, as Master, is hereby modified to provide for the payment of reasonable Master's fees and other costs to said Master, in lieu of payment of Master's Fee of $100.00 to the County of Clearfield, BY THE COURT, /s/ John K. Reilly Jr., President Judge. (Three (3) copies certified to Attorney.)

OCTOBER 20, 1981, RETURN OF SALE AND REPORT OF TRUSTEE, filed by Barbara H. Schickling

DECREE NISI

AND NOW, to-wit: this 27th day of October, 1981, the Return of Sale and Report of Trustee, Barbara H. Schickling, Esquire, 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 Trustee's intention to file said Return and Report was given to the parties in interest on October 14, 1981, as will appear of record, and after consideration of said Report and said 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 Procedure Nos. 1573 and 1574 in such special Orders of Court as deemed appropriate;

2. That the recommendation of the Trustee to sell the subject premises for the sum of Six Thousand ($6,000.00) Dollars to the successful bidder, William Koval, 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 as stipulated by the parties to prepare, execute and deliver a deed for the subject premise 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 her office and shall no longer be liable thereunder. In the event any individual to whom distribution is due shall fail to negotiate Trustee's 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 or her heirs or assigns shall petition for the same and upon such

CONTINUED TO PAGE 20

CONTINUED FROM PAGE 20, No. 81-10-EQU ETHEL R. GILL -vs- WILLIAM A. GILL

payment into the Court, the Trustee shall be discharged from all further liability on account of said appointment;

6. The 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 and 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 K. Reilly, Jr., President Judge

NOVEMBER 12, 1981, WAIVER OF RIGHT TO FILE EXCEPTIONS AND STIPULATION TO PROCEED WITH SALE filed, by Timothy Durant

NOVEMBER 12, 1981, STIPULATION filed by Timothy Durant

NOVEMBER 12, 1981, STIPULATIONS filed by Timothy Durant

DECEMBER 11, 1981, AFFIDAVIT OF TRUSTEE WITH RESPECT TO RECEIPTS AND DISBURSEMENTS, filed by Barbara H. Schickling, Esq., Trustee in Partition

JANUARY 28, 1982 RECEIPT AND RELEASE, filed by Barbara Schickling.

I, Ethel R. Gill, hereby adcknowledge receipt from Barbara H. Schickling, Trustee in Partition in the above captioned matter, the sum of TWO THOUSAND FIVE DOLLARS AND SIXTY-NINE CENTS ($2,005.69) representing payment in full for all sums due me on account of the partition and sale of my property situate in Jordan Twnship, Clearfield County, Pa, at the above captioned term and number.

I further hereby release said Trustee from any and all further liability on account of her appointment, her receipt of the sale proceeds and distribution of the same, and hereby consent to the Court without further notice entering an Order confirming and approving her receipt and distribution of said proceeds and discharging her from any further obligations as a result of her appointment. I further acknowledge and approve the sum paid as being the amount shown as due on the Trustee's Report, $2,013.69 less the sum of $8.00, being additional interest and pro-rated real estate taxes not reflected in the Report for a nut sum due of $2,005.69. s/Ethel R. Gill.

Record costs in the sum of $47.75 have been paid by Barbara Schickling, Attorney, check#346. Funds have been disbursed as follows:

Check#10033	J. Colavecchi	44.75	
	Pro	3.00	= 47.75.

EQUITY DOCKET NO. 13 1981

Dan P. Arnold	IRIS FAITH HELSEL BAILEY	MARCH 6, 1981, COMPLAINT IN PARTITION, filed by Dan P. Arnold. One Copy Certified to Sheriff. MARCH 30, 1981, SHERIFF'S RETURN, filed. March 23, 1981, served within Complaint in Equity on Gary David, Step Son of Defendant Robert A. Helsel. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.
	81-11-EQU	
Ronald E. Archer	ROBERT A. HELSEL	APRIL 20, 1981, PRAECIPE, filed by Ronald E. Archer, Attorney at Law. One copy certified to Attorney. Please enter my appearance on behalf of the Defendant in the above captioned action. /s/ Ronald E. Archer Attorney for Defendant. SEPT 9, 1981 PRAECIPE, filed by Dan P. Arnold, Atty for Plff. Mark the above case settled and discontinued on payment of all costs. s/Dan P. Arnold, Atty for Plff. Record costs in the sum of $36.00 have been paid in full by Ronald E. Archer, check#2428, this case marked Settled and Discontinued.

	Pro by Atty	30.00
	Atty	3.00
	Disc by atty	3.00
Ck#2428 9770	Adv costs	36.00
	D. Arnold	33.00
	Pro	3.00
		36.00

*****SETTLED DISCONTINUED*****

EQUITY DOCKET NO. 13 1981

Joseph J. Lee	PAUL D. MORTIMER	MARCH 6, 1981, COMPLAINT IN EQUITY, filed by Joseph J. Lee. One copy Certified to Sheriff. MARCH 23, 1981, SHERIFF'S RETURN, filed. March 9, 1981, served within Complaint in Equity, filed by Eugenia Duda, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. MARCH 24, 1981, ANSWER TO COMPLAINT, filed by Belin, Belin & Naddeo.
	81-12-EQU	
	DANIEL J. DUDA	
	Pro by Atty 30.00 Atty 3.00 by Atty Shff. Hawkins 16.53	

EQUITY DOCKET NO. 13 1981

Richard H. Milgrub Allen C. Welch	CRAIG POWERS, ROBERT KITCHEN, & JAMES ANDERSON, SUPERVISORS OF SANDY TOWNSHIP 81-13-EQU Z & L PANCAKE HOUSE, INC.		MARCH 9, 1981, COMPLAINT IN EQUITY, filed by Richard H. Milgrub. One copy Certified to Attorney. MARCH 16, 1981, PRAECIPE, filed by Anthony S. Guido. Service of the Complaint in the above case is hereby accepted this 13th day of March, 1981. /s/ Anthony S. Guido, Attorney for Defendant. MAY 29, 1981,DEMURRER, filed by Anthony S. Guido. AUGUST 31, 1981, BRIEF, filed by Richard H. Milgrub, Esquire. Two (2) copies Certified to Attorney. JANUARY 20, 1983, PETITION FOR WITHDRAWAL AS COUNSEL, filed by Milgrub & Lhota 1 Copy Cert. to Atty JANUARY 20, 1983, RULE TO SHOW CAUSE, filed 1 Copy Cert. to Atty AND NOW, this 14th day of January, 1983, upon consideration of the foregoing Petition for Withdrawal as Counsel, it is the order of this Court that a rule be issued against Sandy Township to show cause, if any, why the said Richard H. Milgrub, Esquire, should not withdraw his appearance in regard to the above captioned matter. RULE IS RETURNABLE THE 26th day of January, 1983, at 9:00 a.m. BY THE COURT /s/ John K. Reilly Jr., President Judge JANUARY 31, 1983, PRAECIPE FOR APPEARANCE filed by Allen C. Welch Please enter my appearance on behalf of the Plaintiffs in the above captioned matter. s/Allen C. Welch
	Pro by Atty 30.00 Atty 3.00		

Richard H. Milgrub Allen C. Welch	CRAIG POWERS, ROBERT KITCHEN, & JAMES ANDERSON, SUPERVISORS OF SANDY TOWNSHIP 81-14-EQU		MARCH 9, 1981, COMPLAINT IN EQUITY, filed by Richard H. Milgrub. One copy Certified to Attorney. MARCH 16, 1981, PRAECIPE, filed by Anthony S. Guido. Service of the Complaint in the above case is hereby accepted this 13th day of March, 1981. /s/ Anthony S. Guido, Attorney for Defendant. MAY 29, 1981, DEMURRER, filed by Anthony S. Guido, Attorney at Law. AUGUST 31, 1981 BRIEF filed by Richard H. Milgrub. Esquire. Two (2) copies Certifed to Attorney. JANUARY 20, 1983, PETITION FOR WITHDRAWAL AS COUNSEL, filed by Milgrub & Lhota 1 Copy Cert. to Atty
	BONANZA STEAK HOUSE, INC.		JANUARY 20, 1983, RULE TO SHOW CAUSE, filed 1 Copy Cert. to Atty AND NOW, this 14th day of January, 1983, upon consideration of the foregoing Petition for Withdrawal as Counsel, it is the order of this Court that a rule be issued against Sandy Township to show cause, if any, why the said Richard H. Milgrub, Esquire, should not withdraw his appearance in regard to the above captioned matter. RULE IS RETURNABLE THE 26th day of January, 1983, at 9:00 a.m. BY THE COURT, /s/ John K. Reilly Jr., President Judge JANUARY 31, 1983, PRAECIPE FOR APPEARANCE filed. Please enter my appearance on behalf of the Plaintiffs in the above captioned matter. s/Allen C. Welch
	Pro by Atty 30.00		

Elizabeth Cunningham	WILLARD JURY, Plaintiff 81-15-EQU	MARCH 13, 1981, COMPLAINT IN EQUITY, filed by Elizabeth Cunningham. One copy Certified to Attorney. APRIL 16, 1981, SHERIFF'S RETURN, filed. Now April 13, 1981 after diligent search in my baliwick I return the within Complaint in Equity "NOT FOUND" as to Mary Martell Johnson, defendant. So answers, Chester A. Hawkins by Marilyn Wood APRIL 16, 1981, PRAECIPE TO REINSTATE COMPLAINT, filed Please reinstate the Complaint in the above captioned matter. s/Elizabeth Cunningham APRIL 16, 1981, COMPLAINT REINSTATED AND ISSUED TO ATTORNEY FOR SERVICE
Barbara H. Schickling	MARY MARTELL JOHNSON, Defendant	MAY 6, 1981, ANSWER AND COUNTERCLAIM, filed by Barbara H. Schickling One copy certified to Attorney MAY 6, 1981, CERTIFICATE OF SERVICE, filed by Barbara H. Schickling Defendant's Answer and Counterclaim to be served on Elizabeth Cunningham, Attorney for Willard Jury, by United States Mail. s/Barbara H. Schickling One copy certified to Attorney MAY 12, 1981, CONSTABLE'S RETURN, filed. This will affirm that on the 18th day of April, 1981, I delivered and read a copy of the Complaint #8115 to Mrs. Mary Martell Johnson at 11:45 a.m. at her address, Frenchville, PA. /s/ Howard Hunter, Constable MAY 20, 1981, ANSWER TO COUNTERCLAIM, filed by Elizabeth Cunningham. One copy Certified to Attorney. JUNE 17, 1981 MOTION FOR HEARING filed. ORDER AND NOW, this 17 day of June, 1981, upon consideration of the attached motion for a hearing in the above captioned matter, it is hereby ORDERED AND DIRECTED that a hearing is scheduled for the 9th day of July, 1981 at 9:30 a.m. BY THE COURT, /s/ John K. Reilly Jr. Presider Judge. One Copy Certified to Attorney. AUGUST 7, 1981, ORDER, filed. NOW, this 7th day of August, 1981, this being the day and date set for hearing into the above-captioned Action in Equity, both parties having appeared with counsel and upon agreement of the parties, it is the ORDER of this Court that Defendant above-named be and is hereby ORDERED to surrender to the Plaintiff forthwith the title to the mobile home is dispute, and the Plaintiff directed to pay to the Defendant out of the proceeds of the insurance claim for the loss of said trailer due to fire the sum of Eight Hundred ($800.00) Dollars immediately upon receipt thereof. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

Pro	by Atty	30.00
Atty		3.00
Shff	by Atty	13.69
Const	by Atty	20.20

James A. Naddeo	MARY ANN JACOBS 81-16-EQU JAMES GARY JACOBS Pro by Atty 30.00 Atty by Atty 3.00 Shff. Hawkins 12.79 Pro by Atty 3.00	MARCH 17, 1981, COMPLAINT IN PARTITION, filed by James A. Naddeo. One copy Certified to Sheriff. MARCH 26, 1981, SHERIFF'S RETURN, filed. March 23, 1981, served within Complaint in Partition on James Gary Jacobs, Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood. MAY 4, 1981, PRAECIPE, filed by Belin, Belin, & Naddeo, Attorneys at Law, by: James A. Naddeo, Attorney for Plaintiff. Please mark the above captioned case settled and discontinued. /s/ James A. Naddeo, Attorney for Plaintiff; Belin, Belin, & Naddeo, Attorneys at Law. (((S E T T L E D and D I S C O N T I N U E D)))

James A. Naddeo	WILLIAM HESS and CARL BRYAN, Attorneys-In-Fact for the G.W. HESS Heirs	
	81-17-EQU	
David S. Ammerman	DARRELL SPENCER, RAYMOND SPENCER, ROBERT SPENCER, and HEPBURNIA COAL COMPANY	

MARCH 24, 1981, COMPLAINT IN EQUITY, filed by James A. Naddeo.
Four copies Certified to Sheriff.

MARCH 31, 1981, SHERIFF'S RETURN, filed.
March 26, 1981, served within Complaint in Equity on Robert Spencer, Defendant.
March 26, 1981, served within Complaint in Equity on Robert Spencer, for Darrell Spencer, Defendant
March 26, 1981, served within Complaint in Equity on Robert Spencer for Raymond Spencer, Defendant.
Marcy 26, 1981, served within Complaint in Equity on Robert Spencer, President of Hepburnia Coal Co., Defendant. /s/Chester A. Hawkins, Sheriff by Marilyn Wood.

APRIL 7, 1981, AMENDED SHERIFF'S RETURN, filed.
April 6, 1981, served within Complaint in Equity on Darrell Spencer, Defendant.
April 6, 1981, served within Complaint in Equity on Raymond Spencer, Defendant. /s/Chester A. Hawkins Sheriff by Marilyn Wood.

MAY 8, 1981, ENTRY OF APPEARANCE, filed.
Enter my appearance for the Defendants in the above captioned matter. s/David S. Ammerman

MAY 8, 1981, ANSWER, NEW MATTER and AFFIRMATIVE DEFENSES filed by David S. Ammerman

JUNE 16, 1981, ANSWER TO COMPLAINT, filed by Belin, Belin & Naddeo.
One copy Certified to Attorney.

JUNE 16, 1981, PRAECIPE, filed.
Please place the above captioned case on the trial list sec. reg. BELIN, BELIN & NADDEO, By /s/ James A. Naddeo, Attorney for Plaintiffs

APRIL 27, 1982, NOTICE OF TAKING DEPOSITION OF ROBERT SPENCER, filed by James A. Naddeo

MAY 3, 1982, SUBPOENA filed.

MAY 18, 1982, DEPOSITION OF ROBERT SPENCER, filed (filed in Transcript drawer under "S")

AUGUST 2, 1982, ORDER, filed.
NOW, this 24th day of June, 1982, this being the day and date set for Hearing in the above-captioned matter, it appearing to this Court that under Rule 1507 of the Pennsylvania Rules of Civil Procedure, additional Notice must be given, it is the ORDER of this Court that Counsel for Plaintiff shall notify unrepresented heirs of G. W. Hess by regular and certified mail of the continued Hearing to be held Wednesday, August 4th, 1982, at 1:00 o'clock p.m. BY THE COURT, John K. Reilly, Jr., President Judge

SEPTEMBER 15, 1982, MOTION TO APPOINT GUARDIAN AD LITEM, filed by James A. Naddeo
Two copies certified to Attorney

ORDER
AND NOW, this 15th day of September, 1982, upon consideration of the Motion of James A. Naddeo, Esquire, attorney of record for the Heirs of G. W. Hess who appeared in the above captioned action by their attorney-in-fact, it is the finding of this Court that those heirs of G. W. Hess who did not appear of record in this action were properly notified of the litigation to the extent that such notice was possible. It is the further finding of the Court that the names and fractional interests of the Heirs of G. W. Hess who did not appear of record in the above captioned action are as follows:

Heirs of Lois Lines

Otis Lines (Deceased)

1. Louis Heaps
   Columbia, PA 17512 - 1/312
2. Josephine Saxe
   R. D. 1
   Mahaffey, PA 15757 - 1/312
3. William Lines
   Grampian, Pa. 16838 - 1/312
4. Nelly Clyde
   R.D.1
   Mahaffey, Pa. 15757 - 1/312
5. Joseph Lines
   R.D.1
   Mahaffey, Pa. 15757 - 1/312
6. Richard Lines
   2310 Austinberg
   Ashtabula, OH 4004 - 1/312
7. Ester Derrick
   Mahaffey, PA 15757 - 1/312
8. Marion Wall
   Warren State Hospital
   Warren, PA 16365 - 1/312

Heirs of Bert Hess

Boyd Hess (deceased) - 1/26
Children left to survive who cannot be located.
Elizabeth Atkins
300 Park Avenue
Barnesboro, PA 15714- 1/26

*****SETTLED-DISCONTINUED*****

Pro	by Atty	30.00
	by Atty	
Shff. Hawkins		20.83
Shff. Hawkins		No costs
Pro		2.00
Pro	by Atty	30.00
Disc	by atty	5.00
Ck#2733	Adv costs	87.83
11150	J. Naddeo	80.83
	Pro	7.00
		87.83

CONTINUED TO PAGE 34

CONTINUED FROM PAGE 33, 81-17-EQU WILLIAM HESS al -vs- DARRELL SPENCER al

SEPTEMBER 15, 1982, ORDER continued

Heirs of Ida Hess Stahl

Jessie Stahl (deceased)
Helen Schuler (sole and surviving heir of Jessie Stahl)
New Cumberland, PA 17070 - 1/39
Esty Stahl (deceased)
Fay Stahl Etzweiler (wife of Esty Stahl)
R.D., Box 461
Munson, PA 16860 - 1/39

Heirs of Rella Hess Alexander

Lois Alexander Young (deceased)
Gerald A. Jack, Jr.
(address unknown) - 1/182

Heirs of Blanch Hoover

Margaret Walker
(address unknown) - 1/65
Edna Carroll
(address unknown) - 1/65

Heirs of Cort Hess

Stewart Hess (deceased)
Thelma Hess (wife of Stewart Hess)
711 Brightview Avenue
Masury, OH 44438 - 1/52
Wendell B. Hess
7400 Porter Road
Niagara Falls, NY 14304 - 1/52
Twila Hess Martin
2313 Hilda Road
Silver Springs, MD 20902- 1/52
Ruth A. Hess
36 William Street
Terry Batavia, NY 14202 - 1/52

Heirs of Marion Hess Pentz

Clarence Pentz
311 Everhart Street
Johnstown, PA - 1/52
Russell Pentz
1042 West 39th Street
Erie, PA 16509 - 1/52
Beverly Craft
Shirley Road
North Collins, NY 14111 - 1/52

In view of the foregoing findings, it is the Order of Court that Clearfield Bank & Trust Company be appointed guardian ad litem for those heirs set forth herein for the purpose of making distribution to said heirs of their share of any proceeds due as a result of the litigation filed to the above captioned term and number after deduction for attorneys fees and litigation costs. BY THE COURT, John K. Reilly, Jr., P.J.

OCTOBER 5, 1982, POWER OF ATTORNEY FOR DAYTON W. LINES, GLORIA CLINE, GLADYS HARASTI, WILLIAM HESS, ROBERT W. HESS, ELEANOR CALDWELL, LOUISE CALDWELL, HELEN MCCRACKEN, CARL BRYAN, EDWIN PENTZ filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR BETSY JOHNSTON filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR JOHN HESS filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR JAMIE Y. MCCULLOCH filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR LESLIE J. ROSS, WILLIAM STAHL filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR IRENE KELLEY (HELEN IRENE KELLEY) filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR PAUL H. ALEXANDER filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR MINA A. AZAR filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR BEATRICE BACHTELL filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR HAROLD ALEXANDER filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR MELVIN K. BRYAN filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR DOROTHY YANNEY, ESTHER SMITH, filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR LOUISE MCCRACKEN filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR LEAH CUOZZO filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR JOSEPHINE POORMAN filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR ADALINE ANDERSON filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR JENNIE CHERIBINO filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR DOROTHY A. MARTIN filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR JAMES V. ALEXANDER filed by Belin, Belin & Naddeo

OCTOBER 5, 1982, POWER OF ATTORNEY FOR DIANE RAAB, JEANNE JOHNSON, SHERRI GARDNER, REV. DANIEL TAYLOR filed by Belin, Belin & Naddeo (Above PofA filed in transcript drawer under "S")

OCTOBER 7, 1982, MOTION, filed by David S. Ammerman

OCTOBER 15, 1982, PETITION TO WITHDRAW STIPULATION AND RE-OPEN RECORD, filed by James A. Naddeo

ORDER

AND NOW, this 14 day of October, 1982, upon consideration of the petition of James A. Naddeo, Esquire, attorney for the above named plaintiffs, it is hereby ORDERED and DIRECTED that a rule be filed directing the defendant to show cause why the Stipulation filed in the above captioned case should not be withdrawn and record re-opened to allow plaintiffs to prove damages consistent with the facts of this case. Rule returnable and hearing thereon to be held in the Main Court Room of the Clearfield County Court House on the 28 day of October, 1982 at 8:45 a.m. BY THE COURT, John K. Reilly, Jr., P.J.

CONTINUED TO PAGE 34A

CONTINUED FROM PAGE 33, 81-17-EQU WILLIAM HESS al -vs- DARRELL SPENCER al

NOVEMBER 18, 1982, PETITION FOR COUNSEL FEES & ORDER, filed by Belin, Belin & Naddeo
1 Copy Cert. to Atty
ORDER
AND NOW, this 18th day of November, 1982, it is hereby ORDERED and DIRECTED that a rule issue forthwith upon Clearfield Bank & Trust Company, guardian ad litem for the Heirs of G.W. Hess to show cause why said attorney should not be granted counsel fees in the amount of one-third (1/3) of the fund paid to the said guardian ad litem along with reimbursement for out-of-pocket expenses in the amount of one-third (1/3) of the totao expenditures Rule returnable and hearing thereto to be held in the Main Court Room of the Clearfield County Court House on the 23 day of November, 1982 at 9:00 A.M. BY THE COURT /s/ John K. Reilly Jr., President Judge

NOVEMBER 23, 1982, ORDER, filed by Belin, Belin & Naddeo.
AND NOW, this 23rd day of November, 1982, being the day and date set for hearing upon application of James A. Naddeo, Esquire for rule to show cause why those heirs represented in the above captioned action by the Clearfield Bank & Trust Company as Guardian Ad Litem should not pay their proportionate share of counsel fees and the Court being satisfied that the said James A. Naddeo, Esquire is entitled to be compensated for his efforts in producing a fund on behalf of those heirs represented by the by the Guardian Ad Litem and the Court being further satisfied that said compensation should be commensurate with said counsel's employment agreement with those heirs represented by William Hess as their attorney-in-fact, it is the Order of this Court that the Guardian Ad Litem pay to James A. Naddeo, Esquire, the sum of $3,968.11 representing the Guardian's proportionate share of reasonable counsel fees and costs expended by the said James A. Naddeo, Esquire. BY THE COURT, /s/ John K. Reilly, Jr., P.J.

SEPTEMBER 23, 1983 PRAECIPE, filed by James A. Naddeo, Atty for Plffs.
Please mark the above captioned case settled and discontinued upon payment of costs by the defendants. s/James A. Naddeo, Atty.

Record costs in the sum of $87.83 have been paid in full by David S. Ammerman, Atty, Check#2733, this case marked Settled and Discontinued.

*****SETTLED DISCONTINUED*****

XXXX

EQUITY DOCKET NO. 13

Carl A. Belin	BENJAMIN COAL COMPANY	APRIL 1, 1981, COMPLAINT IN EQUITY, filed by Carl A. Belin, Jr. Two copies Certified to Sheriff. APRIL 13, 1981, PETITION FOR EXTENSION OF TIME TO ALLOW DISCOVERY AND RULE, filed by Joseph Colavecchi. Four copies Certified to Attorney. WHEREFORE, Petitioner requests that the time for the Defendants to file responsive pleadings to the Complaint of the Plaintiff be extended to twenty (20) days from the date of taking the deposition of David Benjamin and Jack Rainey, and that all proceedings stay meanwhile. /s/Joseph Colavecchi, Attorney for Defendants. RULE: AND NOW, this 13 day of April, 1981, a Rule is granted upon Carl A. Belin, Jr., Attorney for Benjamin Coal Company, to show cause why the time for the Defendants to file an Answer should not be extended to a minimum of twenty (20) days beyond the period when the depositions of David Benjamin and Jack Rainey have been taken, and why said deposition should not be taken, and to show cause why the proceedings should not Stay meanwhile. Rule Returnabl the 6 day of May, 1981, at 2:30 p.m. at the Clearfield County Court House. /s/John K. Reilly, Jr., President Judge.
	81-18-EQU	
Joseph Colavecchi, Esq.	JOHN L. DAVIS and CECELIA G. DAVIS, husband and wife	

Pro by Atty 30.00
Atty 3.00
Shff by Atty 21.93
Sett & Disc--Pro by atty 3.00

APRIL 13, 1981, SHERIFF'S RETURN, filed.
Now, April 6, 1981 at 10:50 a.m EST served the withi Complaint on Cecelia Davis, defendant at her place of residence, R.D., Irvona, Clearfield County, Pennsylvania by handing to Cecelia Davis a true and attested copy of the original Complaint and made known to her the contents thereof.

Now, April 6, 1981 at 10:50 a.m. EST served the within Complaint on Cecelia Davis, Wife of John Davis, defendant at her place of residence, R.D., Irvona, Clearfield County, Pennsylvania by handing to Cecelia Davis a true and attested copy of the original Complaint and made known to her the contents thereof. So answers, Chester A. Hawkins, Sheriff, /s/ Marilyn Wood.

APRIL 16, 1981, PRAECIPE, filed by Carl A. Belin, Jr.

Index the above-captioned action against the defendants in the miscellaneous and ejectment dockets in the Prothonotary's office as to the following property:

ALL those certain pieces or parcels of land situate in Bigler Township, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a stake and Southeastern corner of said tract; thence North 57½° East 122 perches to a hemlock; thence North 37¾° West 119.6 perches to stone corner of land now or formerly claimed by William Curry; thence South 54° West 122 perches by same to stone corner; thence South 38° East 112 2 perches to a stake and place of beginning. Containing 91 acres and 95 perches, more or less.

THE SECOND THEREOF: BEGINNING at a maple corner; thence North 20½ East 92 perches to stone; thence North 59° East 84½ perches to a post; thence South 36° East 48 perches; thence North 54° East 44 perches; thence North 36.6° West 46 perches to stone; thence North 59° East 38 perches to post; thence North 37° West 119½ perches; thence by residue of tract South 54° West about 230 perches to tract line; thence South 36° East 153½ perches to maple and place of beginning. Containing about 175 acres and being known as part of the Pusey tract. /s/Belin, Belin & Naddeo by Carl A. Belin, Jr., Attorneys for Plaintiff.

MAY 7, 1981, PRELIMINARY OBJECTIONS, filed by Joseph Colavecchi, Esquire, Attorney for Defendants.

MAY 8, 1981, ORDER, filed.
NOW, this 6th day of May, 1981, following argument into Defendant's Petition to Strike Plaintiff's Praecipe, it is the ORDER of this Court that said Petition be and hereby granted. BY THE COURT: John K. Reilly, Jr., President Judge

MAY 8, 1981, ORDER, filed.
NOW, this 6th day of May, 1981, following argument into Defendant's Petition for Extension of Time to Allow Discovery, it is the ORDER of this Court that said Petition be and is hereby denied and Defendants directed to file Responsive Pleadings within twenty (20) days from date hereof with the right in the Defendants to amend said Pleadings following completion of discovery. By the Court, John K. Reilly, Jr., President Judge

MAY 19, 1981, PETITION FOR RULE TO SHOW CAUSE WHY PRAECIPE FILE BY PLAINTIFF SHOULD NOT BE STRICKEN, filed by Joseph Colavecchi, Attorney for Defendants.
Three copies certified to Attorney.

JUNE 25, 1981, MEMORANDUM AND ORDER, filed.
This matter comes before the Court on Preliminary Objections to the Complaint in Equity filed to the above-captioned matter. Said Objections seeking to have the proceedings certified to the Law side of the Court. From the Pleadings, it appears that on April 1, 1981, Plaintiff Benjamin Coal Company filed the Complaint in Equity against the Defendants above-named to compel specific performance of an alleged lease agreement for a tract of land situated in Bigler Township, Clearfield County, Pennsylvania.

--CONTINUED TO NEXT SIDE OF PAGE--

CONTINUED FROM 35; 81-18-EQU; BENJAMIN COAL COMPANY -vs- JOHN L. DAVIS al

It appears that the property was purchased by the Defendants at a partition sale on February 14, 1980. Plaintiff claims that a lease agreement had been reached with Defendants on February 17, 1977, at which time Defendants owned only a portion of the land in question. At the above-mentioned partition sale in 1980, both parties to this Action bid on the property and Plaintiff alleges that the parties agreed to lease the land under the February 1977 agreement if Plaintiff would refrain from further proceedings. Defendants have now refused to honor the alleged agreement resulting in the institution of this Action.

On the present state of the record, an issue of fact exists which can only be determined following hearing on the merits, and it appears to this Court that Defendants' Preliminary Objections can best be raised by Motion upon completion of Plaintiff's case in chief.

WHEREFORE, the Court enteres the following order:

ORDER:

NOW, this 25th day of June, 1981, it appearing that Preliminary Objections filed on behalf of the Defendants above-named are premature, it is the ORDER of this Court that said Preliminary Objections be and are hereby dismissed. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

JULY 2, 1981, ANSWER AND NEW MATTER, filed by Joseph Colavecchi, Attorney for Defendants.

Three copies certified to Attorney.

AUGUST 3, 1981, REPLY TO NEW MATTER, filed by Belin, Belin & Naddeo

AUGUST 7, 1981, NOTICE OF VIDEOTAPE DEPOSITION, filed by Joseph Colavecchi

AUGUST 11, 1981, MOTION FOR SUMMARY JUDGMENT, filed by Joseph Colavecchi, Esquire, Attorney for Defendants.

DECEMBER 30, 1981, STIPULATION TO DISCONTINUE, filed by Belin, Belin & Naddeo

NOW COMES the plaintiff, Benjamin Coal Company, by its counsel, Carl A. Belin, Jr., Esq., and the defendants, John L. Davis and Cecelia G. Davis, by their counsel, Joseph Colavecchi, Esq., and Stipulate that the above captioned action be marked settled, ended and discontinued. BELIN, BELIN & NADDEO By /s/ Carl A. Belin, Jr., Attorney for Plaintiff, Benjamin Coal Company By /s/ Joseph Colavecchi, Attorney for Defendants, John L. & Cecelia G. Davis

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

EQUITY DOCKET NO. 13

James A. Naddeo	DEBRA C. VENERICK	APRIL 30, 1981, COMPLAINT IN EQUITY, filed by Belin, Belin, & Naddeo, Attorneys at Law, by: James A. Naddeo, Esquire, Attorney for Plaintiff. One copy certified to Sheriff. MAY 18, 1981, SHERIFF'S RETURN, filed. Now May 12, 1981 served within Complaint in Equity on Frank C. Venerick, Jr. So answers, Chester A. Hawkins by Marilyn Wood
	81-19-EQU	
Dan P. Arnold	FRANK C. VENERICK, JR.	JUNE 4, 1981, PRAECIPE, filed by Dan P. Arnold, Attorney for the Defendant. Please enter my appearance for the defendant in the above captioned matter. /s/ Dan P. Arnold, Attorney for the Defendant.
	Pro by Atty 30.00 Shff by Atty 11.75	

EQUITY DOCKET NO. 13

Gates & Seaman	W. BLAIR WRIGLESWORTH and RHODA H. WRIGLESWORTH 81-20-EQU LESTER WITHERITE and DOROTHY WITHERITE Pro by Atty 30.00 Atty 3.00 Shff by Atty 16.83	MAY 22, 1981, COMPLAINT IN EQUITY, filed by Laurance B. Seaman Two copies certified to Attorney JUNE 2, 1981 SHERIFF'S RETURN, filed. Now, May 29, 1981 at 10:30 a.m. served the within Complaint in Equity on Lester Witherite, Defendant at his place of residence. Now, May 29, 1981 at 10:30 a.m. served the within Complaint in Equity on Lester Witherite, husband of Dorothy Witherite, defendant at his place of residence. So answers, Chester A. Hawkins, Sheriff by Marilyn Wood. JUNE 29, 1981, ANSWER, NEW MATTER & COUNTERCLAIM, filed by Gleason, Cherry & Cherry. One for Acceptance by L. Seaman. JUNE 30, 1981, Service accepted in time waived, by Laurcence B. Seaman. JULY 13, 1981, PRAECIPE, filed by Laurance B. Seaman. Place the above captioned matter on the current trial list for a NON-JURY trial. BY GATES & SEAMAN JULY 10, 1981, ANSWER TO NEW MATTER AND COUNTERCLAIM filed by GATES & SEAMAN. One copy Certified to Attorney. JANUARY 3, 1983, ORDER, filed. NOW, this 3rd day of January, 1983, 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 Plaintiffs shall deliver to the Defendants a Quit Claim Deed for whatever interest Plaintiffs may have acquired in and to the subject road as a result of a Quit Claim Deed from Russell L. Yeager and Rosalie E. Yeager, dated August 18th, 1982 and recorded in Clearfield County in Deed and Records Book 848, Page 472, and Plaintiffs, their heirs, successors, and assigns, shall have, as against Defendants and any other Party claiming any right, title or interest in and to said road, a perpetual easement running with the land granting to the Plaintiffs, their heirs, successors, and assigns the right of use of the subject road for access to the premises now owned by Plaintiffs. Said use not to exceed ten hours in any one calendar year nor to exceed one hour during any twenty-four hour period, and to be limited solely to the purpose of delivery of coal, wood and gas to the premises now owned by Plaintiffs adjacent to said road and for no other purpose. Further, that Plaintiffs shall cause any vehicle engaged in such delivery to be removed from the road, in the event such should be necessary for Defendants access to and from their premises so long as such request for removal of vehicle is not excessive. It is the further ORDER of this Court that the Defendants shall not in any manner block or restrict Plaintiffs use of said road as set forth above. It is the further ORDER of this Court that both Plaintiffs and Defendants shall forever relinquish their claims for damages arising out of allegations of flooding of the premises or removal of fences, and further all Parties agree that no legal proceedings either criminal or civil shall hereafter be commenced as a result of any occurrences taken place on Thanksgiving Day 1982. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

EQUITY DOCKET NO. 13

Winifred H. Jones-Wenger	DONALD D. CUTLER 81-21-EQU BOROUGH OF CLEARFIELD, CLEARFIELD BOROUGH POLICE CIVIL SERVICE COMMISSION Pro by Atty 30.00 Atty 3.00 by Atty Shff Hawkins 13.75	MAY 26, 1981, COMPLAINT IN EQUITY, filed by Winifred H. Jones-Wenger Two copies certified to Sheriff JUNE 5, 1981, SHERIFF'S RETURN, filed. Now, May 28, 1981 at 9:50 AM DST served within Complaint on deft. by handing to Dorothy Carbalan, Secy at her place of employment. Now, May 28, 1981 at 10:00 AM DST served within Complaint on Elwood Rohrbaugh for Clfd Boro Civil Service Comm, deft. at his place of residence. So answers, Chester A. Hawkins, By /s/ Marilyn Wood

Keystone Legal Services	JAMES A. CURRY 81-22-EQU PERCY BOGEL		JUNE 4, 1981, COMPLAINT IN EQUITY, ORDER and MOTION TO PROCEED IN FORMA PAUPERIS, filed by Keystone Legal Services, Inc. One Copy Certified to Attorney. ORDER: AND NOW, upon consideration of the attached Complaint in Equity and the affidavit attached thereto, it is hereby Ordered and Decreed that: (1). James A. Curry be allowed to move back into his apartment at the Dimeling Hotel, said apartment being number 209. (2). Percy Bogel be restrained from interfering with James A. Curry's right to move back into his apartment, number 209. (3). This Order shall remain in effect until a hearing is held on this matter. No Bond shall be required at this time. Further hearing to be held on the 8 day of June, 1981, at 2:00 o'clock P.M. at the Clearfield County Courthouse, Clearfield, Pennsylvania, at which time the Motion to Proceed in Forma Pauperis shall also be considered. BY THE COURT, /s/ John K. Reilly, Jr., President Judge
a#31972	Pro by Ofa Co 30.00		JULY 16, 1981, PETITION FOR INJUNCTIVE BELIEF and RULE TO SHOW CAUSE, filed by Joseph Rattman, Esquire of Keystone Legal Services, Inc. Attorney to serve Rule. Rule: AND NOW, this 16th day of July, 1981, upon consideration of the within Petition, a rule shall be and is hereby issued directed to Defendant, Percy Bogel, to show cause, if any, why the prayer of the Petitioner should not be granted. This Rule returnable and hearing on the merits to be held on the 21st day of July, 1981, at 1:30 o'clock p.m. in the Main Court room of the Clearfield County Courthouse Clearfield, Clearfield County, Pennsylvania. Defendant shall not sell or otherwise dispose of the property pending a hearing. BY THE COURT, /s/ John K. Reilly, Jr., President Judge. JULY 17, 1981, AFFIDAVIT OF SERVICE, filed by Keystone Legal Services, Inc.

EQUITY DOCKET NO. 13

Blakley & Jones

JOHN E. GALLAGHER

81-23-EQU

PATRICIA YARGER

Belin, Belin & Naddeo

John R. Carfley

Pro by Atty 30.00

Atty 3.00

Shff Hawkins by Centre Co 10.75

Shff Waite by Atty 23.50

Pro by Atty 3.00

Ck. #9648
Ck #6190

JUNE 11, 1981, COMPLAINT IN EQUITY, filed by Blakley & Jones.
One copy Certifice to Sheriff.

JUNE 22, 1981, SHERIFF'S RETURN, filed.
NOW, June 16, 1981 Richard V. Waite Sheriff of Centre County was deputized by Chester A. Hawkins, Shff of Clearfield County to serve the within Complaint in Equity on Patricia Yarger, defendant.
NOW, June 17, 1981 served the within Complaint in Equity on Patricia Yarger, defendant by deputizing the Sheriff of Centre County. The return of Sheriff Waite is hereto attached and made a part of this return. So answers, Chester A. Hawkins, Sheriff, by Marilyn Wood.

JUNE 15, 1981, ANSWER, filed by John R. Carfley, Esq.

JULY 30, 1981, AFFIDAVIT OF SERVICE, filed by Scott V. Jones, Esquire.

AUGUST 24, 1981, MOTION FOR PROTECTIVE ORDER, filed by John R. Carfley, Attorney for Defendant.

AUGUST 24, 1981, MOTION FOR SANCTIONS, filed by Scott V. Jones, Attorney for Plaintiff, Esquire of Blakley & Jones, Attorneys for Plaintiff.

AUGUST 26, 1981, ORDER, filed.
NOW, this 24th day of August, 1981, following argument into Plaintiff's Motion for Sanctions, it is the ORDER of this Court that the Defendant above-named is Ordered to respond to Interrogatories and requests to produce filed by said Plaintiff within thirty (30) days from date hereof. Failure to comply will result in Citation for Contempt being issued. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

SEPTEMBER 30, 1981, ANSWERS TO INTERROGATORIES AND REQUESTS TO PRODUCE DIRECTED TO DEFENDANT PATRICIA YARGER, filed by John R. Carfley.

NOVEMBER 3, 1981, PRAECIPE, filed.
Please place the above captioned matter on the list for trial. Estimated time for trial is one-day. /s/ John R. Carfley, Attorney for Defendant.

DECEMBER 1, 1981, PLAINTIFF'S ANSWER TO MOTION FOR JUDGMENT ON PLEADINGS, filed by Scott Jones.

MARCH 1, 1982, NOTICE OF DEPOSITION of PATRICIA A. YARGER, Filed by Blakley & Jones TO JOHN R. CARFLEY, ESQ.

MARCH 8, 1982, MOTION FOR LIMITATION OF SCOPE OF DISCOVERY AND DEPOSITION filed by John R. Carfley, Esquire.
One (1) copy Certified to Attorney, Carfley.
ORDER OF COURT filed
AND NOW, this 8th day of March, 1982, upon consideration of the foregoing motion, it is the ORDER of this court that plaintiff shall appear and show cause why the prayer of said motion should not be granted.
RULE RETURNABLE and the hearing the 25th day of March, 1982, at 11:15 o'clock, A.M.. All proceedings to stay pursuant to Rule 4013 of the Pennsylvania Rules of Civil Procedure until such time as said Motion shall be disposed of. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.
MARCH 29, 1982, PRAECIPE, filed by John R. Carfley
PLEASE withdraw my appearance on behalf of the Defendant, PATRICIA YARGER, in the above captioned matter. /s/ John R. Carfley

MARCH 29, 1982, PRAECIPE, filed by Belin, Belin, & Naddeo
PLEASE enter my appearance on behalf of the Defendant, PATRICIA YARGER, in the above captioned matter. /s/ Carl A. Belin, Jr. Attorneys for Defendant
JULY 6, 1982, PRAECIPE TO SETTLE, DISCONTINUE AND END, filed by Scott V. Jones
Mark the above-captioned case settled, discontinued and ended, Payment by defendant to plaintiff of record costs is waived. s/Scott V. Jones

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. 13 1981

Anthony S. Guido	PENN TRAFFIC COMPANY 81-24-EQU UNITED FOOD HANDLERS UNION	JUNE 12, 1981, COMPLAINT IN EQUITY, filed by Anthony S. Guido. No copies Certified. JUNE 19, 1981, CONSENT AGREEMENT ALLOWING INJUNCTION, filed by Anthony S. Guido. Two copies Certified to Attorney AND NOW, this 19 day of June, 1981, upon mutual agreement of counsel for the parties to the subject case and without admission of liability or prejudice of either party concerning the allegations set forth in the Complain it is hereby mutually agreed, ORDERED and DECREED that a preliminary injunction is hereby issued in this case upon security being filed by the Plaintiff, PENN TRAFFIC COMPANY, in the sum of Six Thousand Dollars ($6,000.00) as follows: 1. The Defendant, UNITED FOOD HANDLERS UNION, is enjoined and restrained in the following respects: (a) No more than two (2) pickets shall be engaged in picketing at each entrance and each exit to the Plaintiff's places of business in Clearfield County as follows: Penn Traffic Store, Main Street,DuBois, Pa. Penn Traffic Warehouse, Shaffer Rd., DuBois, Pa. Penn Traffic Supermarket, DuBois Mall, DuBois, Pa. Penn Traffic Supermarket, Clearfield Mall,Clearfield, Pa. Penn Traffic Supermarket, Old Town Road., Clearfield, Pa. Penn Traffic Supermarket, Pleasant Hill, Rd. 322, Philipsburg, Pa. As to the Penn Traffic business facilities, Main Street, DuBois, Pennsylvania, the pickets shall be confined to the exits and entrances to the Penn Traffic business facilities only and shall not occur on the street entrances to and from said business location due to the fact that Deposit Bank branch office is situate at such location. (b) From engaging in unlawful acts, coercion, threats or any other overt acts of physical force to compel or attempt to compel suppliers, customers and other third parties and/or the employees of such persons from dealing with Plaintiff. (c) From using threats or physical force in order to prevent or attempt to prevent persons from entering and exiting Plaintiff's places of business. 2. Defendant labor organization, by entering into this voluntary consent agreement for an injunction does not admit it has committed any of the conduct or acts set forth above; rather, in the interest of preserving peaceful and harmonious labor relations, Defendant has agreed to consent to an injunction in the subject case. 3. The parties hereto agree that no responsive pleading need be filed in answer to the subject Complaint in Equity unless so ordered by the Court with written notice to counsel for the Defendant granting twenty (20) days to file any responsive pleading to the Complaint. 4. Bond in the amount of Six Thousand Dollars ($6,000.00) shall be filed by the Plaintiff and continue in effect until further order of Court. BY THE COURT, /s/ John K. Reilly, Jr., President Judge AUGUST 17, 1981, PRAECIPE, filed by Anthony S. Guido, Attorney for Plaintiff. Please mark the above case discontinued of record, /s/ Anthony Guido, Attorney for Plaintiff.
Pro by Atty 30.00 Pro by Atty 3.00		

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

Smades & Jones-Wenger

LAVOY DAVIS and
DALLAS McDOWELL

81-25-EQU

AUGUSTA FARRALL and
MILDRED HARTMAN SHIMMEL

Pro	by Atty Hawkins	30.00
Pro	by Shff Coon	10.75
Pro	by Shff by atty	13.25
Notary Public		1.50

JUNE 17, 1981, COMPLAINT IN PARTITION, filed by Ira P. Smades.
One Copy Certified to Sheriff.

AUGUST 18, 1981, SHERIFF'S RETURN, filed.
Now, June 17, 1981, Eugene L. Coon, Shff of Allegheny Co. was deputized to serve Complaint on Mildred Hartman Shimmel, deft.
Now, July 18, 1981 attempted to serve within Complain on Mildred Hartman Shimmel, deft . Return is marked "NOT FOUND". So answers, Chester A. Hawkins, Shff By /s Marilyn Wood

SEPTEMBER 17, 1981, AFFIDAVIT OF SERVICE, filed by Smades & Jones-Wenger.

OCTOBER 9, 1981, PRAECIPE FOR JUDGMENT, filed by SMADES & JONES-WENGER, ESQUIRES.
The undersigned hereby certifies that a notice of intention to enter the default judgment has been given to the defendant Augusta Farrall in accordance with Rule 237.1 of the Pennsylvania Rules of Civil Procedure. A copy of the notice is attached hereto.
Please enter judgment in favor of the above named Plaintiff and against the above named Defendant for failure to file an Answer in the above action within twenty (20) days from the date of service of the Complaint.

Judgment is entered in favor of Plaintiff and against defendant, AUGUSTA FARRALL, only, for failure to file an Answer.

Raymond Batherson

JUDGMENT EQUITY

NOVEMBER 16, 1981, PRAECIPE FOR JUDGMENT, filed.
The undersigned hereby certifies that a notice of intention to enter the default judgment has been given to the defendant Mildred Hartman Shimmel in accordance with Rule 237.1 of the Pennsylvania Rules of Civil Procedure. A copy of the notice is attached hereto.
Please enter judgment in favor of the above named Plaintiffs and against the above named Defendant for failure to file an Answer in the above action within twenty (20) days from the date of service of the Complaint.
SMADES & JONES-WENGER, By /s/ Ira Smades, Attorney for Plaintiffs

Judgment is entered in favor of the Plaintiff and / Mildred Hartman Shimmel against Defendant for failure to file an Answer within twenty days from date of service.

DEFAULT JUDGMENT.

Raymond Batherson

Prothonotary

FEBRUARY 18, 1982, MOTION FOR ORDER DIRECTING PARTITION, filed by Smades & Jones-Wenger, filed.
Two copies Certified to Attorney Smades.
ORDER:
AND NOW, February 16, 1982, 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 Ira P. Smades, Esq., attorney for the plaintiffs, it is ORDERED, ADJUDGED, and DECREED that partition be made of the lands mentioned and described in the Complaint among the parties therein named in proportion to the respective interests therein, as follows:

To Lavoy Davis and Dallas McDowell, a 3/5 share as joint tenants with right of surviorship;

To Augusta Farrall, a 1/5 share;

To Mildred Hartman Shimmel, a 1/5 share.

The parties or their attorneys are directed to appear for a preliminary conference on the 30 day of March, 1982, at 10:30 o'clock A.M. at the Clearfield County Courthouse, Clearfield, Pennsylvania to consider the matters set forth in Pa. R.C.P. 1558. By The Court: /s/ John K. Reilly, Jr., P.J.

MARCH 22, 1982, AFFIDAVIT OF SERVICE, filed by Smades & Jones-Wenger

MARCH 22, 1982, AFFIDAVIT OF SERVICE, filed by Smades & Jones-Wenger

JULY 12, 1982, ADJUDICATION AND DECREE, filed by Smades & Jones-Wenger. Two copies Certified to Attorney.
AND NOW, July 12, 1982, after hearing in the above-captioned matter on March 30, 1982, at which time neither the defendants or their attorneys appeared, it is adjudicated that:

CONTINUED TO PAGE 50

CONTINUED FROM PAGE 49 NO. 81-25-EQU. LAVOY DAVIS, al -vs- AUGUSTA FARRALL, al

FINDINGS OF FACT

1. That property situate in Morris Township, Clearfield County, Pennsylvania, bearing property code no. 124-Q10-572-3 and being more particularly described in Clearfield County Deed Book Vol. 775, Page 110, is not capable of division, without spoiling the whole, into purparts proportionate in value to the interests of the co-tenants.

2. The fair market value of said property based upon an opinion of value supplied by James H. Williams, Realtor, 500 South Centre Street, Philipsburg, Pennsylvania, is Three Thousand ($3,000.00) Dollars.

3. The following liens are of record against the interest of Augusta Farrall in the premises:

80-3194 CD
Commonwealth of Pennsylvania, D.P.W.
SNP in the amount of $2,000.00 (exact amount of judgment-$2,042.50)

4. The following liens are of record against the interest of Mildred H. Shimmel as an heir of Carrie Davis:

80-3194-CD
Commonwealth of Pennsylvania, D.P.W.
SNP in the amount of $2,000.00 (exact amount of judgment-$2,042.50)

5. The amount of the above liens exceeds the value of Defendants' interests in said real estate.

And it is hereby ORDERED AND DECREED that:

1. The property situate in Morris Township, Clearfield County, Pennsylvania, bearing property Code No. 124-Q10-572-3 and being more particularly described in Clearfield County Deed Book Vol. 775, Page 110, is hereby awarded to Plaintiffs Lavoy David and Dallas McDowell.

2. The following costs, counsel fees and appraiser fees are found to have been reasonably incurred by the Plaintiffs.

Costs	$ 80.00
Counsel fees	300.00
Appraiser fees	50.00
	$430.00

3. Inasmuch as the value of Defendants' interests in said property totals the sum of One Thousand Twenty-eight and 00/100($1,028.00) Dollars after payment of their pro-rata share of the fees and costs set forth hereinabove is deducted, which sum is less than the amount of the judgment liens of record against the interests of said Defendants, said Defendants are not entitled to any payment whatsoever from Plaintiffs for said interests.

It is further ADJUDGED AND DECREED that the within Order shall become absolute, as of course, upon the expiration of twenty (20) days from the date hereof. Notice of the entry of the within Order shall be given to the Defendants by Certified Mail, return receipt requested. BY THE COURT, /s/ John K. Reilly, Jr., P.J.

JULY 26, 1982, AFFIDAVIT OF SERVICE, filed.
Copy of Adjudication and Order returned "refused". s/Janice M. Dunlap

JULY 26, 1982, AFFIDAVIT OF SERVICE, filed.
Copy of Adjudication and Order received July 14, 1982 by Mildred Hartman Shimmel
s/Janice M. Dunlap

EQUITY DOCKET #13 1981

Richard H. Milgrub, Esq.

BETTY RABOT

-vs-

Mark A. Gregg, Esquire

BUTERBAUGH BROTHERS LAND & TIMBER CORPORATION

81 - 26 - EQU

Pro	by Atty	30.00
Atty		3.00
Shff (Hawkins)	by Atty	10.75
Shff (Gondal)	by Atty	5.75
Shff (Cavanaugh)	by Atty	20.25
Pro	by atty	3.00
Pro	by	3.00

JUNE 25, 1981, COMPLAINT IN EQUITY, filed by Richard H. Milgrub, Attorney for Plaintiff.
One copy certified to Sheriff.

JULY 20, 1981, PRAECIPE, diled by Mark A. Gregg, Esquire.
Please enter my appearance on behalf of the Defendant, Buterbaugh Brothers Land and Timber Corporation in this matter.

AUGUST 18, 1981, SHERIFF'S RETURN, filed.
NOW, July 10, 1981, Joseph Cavanaugh, Sheriff of Cambria County was deputized by Chester A. Hawkins, Sheriff of Clearfield County to serve the within Complaint in Equity on Buterbaugh Brothers Land & Timber Co., Defendan
NOW, July 22, 1981, served the within Complaint in Equity on Buterbaugh Brothers Land & Timber Company., Defendant by deputizing the Sheriff of Cambria County. The return of Sheriff Cavanaugh is hereto attached and made a part of this return. So answers, Chester A. Hawkins, /s/ Marilyn Wood.

SEPTEMBER 8, 1981, ANSWER TO COMPLAINT, filed by Mark A. Gregg, Attorney for Defendant.

SEPTEMBER 8, 1981, PRELIMINARY OBJECTIONS, filed by Mark A. Gregg, Attorney for Defendant.

OCTOBER 21, 1981, ANSWER TO NEW MATTER, filed by Richard H. Milbrub.
One (1) copy Certified to Attorney.

OCTOBER 21, 1981 ANSWER TO PRELIMINARY OBJECTIONS, filed by Richard H. Milbrub.
One (1) copy Certified to Attorney.

OCTOBER 29, 1981, AFFIDAVIT OF SERVICE, filed by Richard H. Milgrub

MARCH 24, 1982, PRAECIPE FOR DISCONTINUANCE, filed.
One copy Certified to Attorney.
Please consider the above captioned action as discontinued, and make the necessary notations thereto. /s/ Allen C. Welch, Esquire, Attorney for Plaintiff

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

APRIL 12, 1982, PRAECIPE TO AMEND DISCONTINUANCE, filed.
This action was Discontinued at the request of the Plaintiff. At this time, we ask you to mark this action "Discontinued, settled, and ended". Respectfully submitted, /s/ Allen C. Welch, Esquire

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

EQUITY DOCKETT #13 1981

Lehman & Kasubick Esqs.	LEWIS OLSON -vs- JOHN L. FERGUSON and GLORIA J. FERGUSON 81 - 27 - EQU Pro by Atty 30.00 Atty 3.00	JULY 10, 1981, COMPLAINT IN EQUITY, filed by J. L. Lehman, Attorney for Plaintiff. One copy Certified to Sheriff. JULY 28, 1981, ANSWER TO COMPLAINT, filed by John R. Carfley, Attorney for Defendants. AUGUST 4, 1981, AFFIDAVIT OF SERVICE, filed. NOW, July 20, 1981 at 10:15 AM o'clock DST served within Complaint on defts. at their place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood SEPTEMBER 24, 1981. REPLY TO NEW MATTER, filed by J. L. Lehman, Esquire. One (1) copy Certified by Attorney. NOVEMBER 12, 1981, PRAECIPE, filed. Please place the above captioned matter on the trial list. Estimated time for trial is one (1) day. Non Jury. /s/ John R. Carfley, Attorney for Defendant

Anthony S. Guido	NORTHERN CENTRAL BANK, Trustee under the Codicils of the Last Will and Testament of James B. Graham, Deceased, Plaintiff	AUGUST 20, 1981, COMPLAINT IN EQUITY, filed by Anthony S. Guido Five copies Certified to Sheriff. SEPTEMBER 15, 1981, SHERIFF'S RETURN, filed. Now, Aug. 22, 1981 served within Complaint on John Radzieta, deft. by Certified Mail #9910412 . Now, Aug 24, 1981 at 10:05 AM DST served within Complaint on Ann Witherow, deft. at her place of residence. Now, Aug 26, 1981 at 1:10 PM DST served within Complaint on Marcella Kavalak, deft at her place of residence. Now, Aug 31, 1981 at 2:25 PM DST served within Complaint on Sophie H. Radzieta, deft. at her place of residence. Now, Aug 20, 1981, Eugene L. Coon, Shff of Allegheny Co. was deputized to serve within Complaint on Victory Development Co., deft. Now, Sept 3, 1981 served within Complaint on deft. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood
	81-28-EQU	
William U. Smith	VICTORY DEVELOPMENT COMPANY; SOPHIE H. RADZIETA; JOHN RADZIETA; MARCELLA KAVALAK; and ANN WITHEROW	SEPTEMBER 17, 1981, PRAECIPE, filed by William U. Smith. Please enter appearance on the above case for all Defendants. /w/ William U. Smith. SEPTEMBER 22, 1981, PRELIMINARY OBJECTIONS, filed by William U. Smith. No Copies. SEPTEMBER 23, 1981, JOINDER, filed by William U. Smith. FEBRUARY 24, 1982, PRAECIPE, filed. Please withdraw the Preliminary Objections filed by this office on behalf of Defendant, Victory Development Company, et al. Respectfully submitted, /s/ Peter F. Smith, Esquire FEBRUARY 24, 1982, ANSWER, filed by William U. Smith FEBRUARY 8, 1982, LETTER FILED BY WILLIAM U. SMITH I want it clearly understood that in respect to each law suit any defensive pleading filed by Victory Development is in effect filed for all Defendants. /s/ William U. Smith, Esq. AUGUST 16, 1982, MOTION FOR CONTINUANCE, filed by Anthony S. Guido No copies ORDER AND NOW, this 13 day of August, 1982, upon consideration of the foregoing Petition, the trial of the above case is continued until further order of Court. BY THE COURT, John K. Reilly, Jr., President Judge

	Pro by Atty	30.00
	Atty by Atty	3.00
	Shff Hawkins by Atty	30.12
	Shff Coon	15.75
	Notary by Atty	1.50
Ck#144	Adv costs	80.37
11305	T. Guido	80.37
	Non-Suit by atty	5.00

JANUARY 20, 1983, PRAECIPE, filed by Peter F. Smith.
Defendant withdraws its Prelinimary Objections filed in this matter.
Please list the above captioned matter for trial. Attached hereto is my Certificate of Service upon Plaintiff's Attorney.
CERTIFICATE OF SERVICE, filed

MAY 31, 1983 LETTER FROM PETER F. SMITH, filed.

JANUARY 9, 1984, STIPULATION filed.

JANUARY 31, 1984 ORDER OF NON-SUIT, filed . 2 cert Attorney.

AND NOW, this 30th day of January, 1984, all parties in the above captioned matter having been represented by Counsel and having received notice and opportunity to be heard, upon motion of Defendant Victory Development Company, it is hereby:

ORDERED AND DECREED that a NON-SUIT is entered against the Plaintiff in the above captioned matter. BY THE COURT, s/John K. Reilly, Jr., President Judge.

NON-SUIT AS PER COURT ORDER

EQUITY 1981

Anthony S. Guido

BENEDETTO P. PALUMBO, and DONNA PALUMBO
Plaintiffs

81-29-EQU

Toni M. Cherry

GEORGE F. DINSMORE and JANET L. DINSMORE,
Defendants

Pro by Atty 30.00
Shff Hawkins by Atty 13.69

AUGUST 25, 1981, COMPLAINT, filed by Anthony S. Guido. Two copies Certified to Sheriff.

SEPTEMBER 28, 1981, SHERIFF'S RETURN, filed. Now, Sept 24, 1981 after diligent search in my baliwick I return the within Complaint in Equity "NOT FOUND" as to George F. & Janet L. Dinsmore, defts. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

OCT. 9, 1981 PRAECIPE, filed by Anthony S. Guido, Atty for Plff.

Please re-issue the Complaint in the above case for acceptance of service by Toni M. Cherry, Esq., Atty for Defendants.

OCTOBER 12, 1981 COMPLAINT RE-ISSUED FOR EXCEPTANCE BY ATTORNEY TONI CHERRY.

OCTOBER 14, 1981, Service accepted on behalf of defendants George F. Dinsmore and Janet L. Dinsmore this 14th day of October. Gleason, Cherry and Cherry, By /s/ Toni M. Cherry, Attorneys for Defendants

NOVEMBER 3, 1981, ANSWER, NEW MATTER AND COUNTER-CLAIM, filed by Gleason, Cherry & Cherry
One copy Certified to Attorney.

NOVEMBER 16, 1981, REPLY TO NEW MATTER AND COUNTER-CLAIM, filed by Anthony S. Guido, Esquire.

JANUARY 24, 1983, MEMORANDUM AND ORDER, filed
ORDER

NOW, this 24th day of January, 1983, after trial without a jury in the above-captioned matter, it is the ORDER of this Court that Plaintiffs' Complaint in Equity be and is hereby dismissed in accordance with the Court's Memorandum filed herewith, said Complaint and cause having been found by this Court to be without merit.

It is the further ORDER of this Court that Defendants' Counterclaims also be and are hereby dismissed, having also have been found by this Courtto be without merit. BY THE COURT, /s/ John K. Reilly Jr., President Judge

FEBRUARY 2, 1983, EXCEPTIONS TO FINDINGS OF FACT AND CONCLUSIONS OF LAW filed by Anthony S. Guido

FEBRUARY 28, 1983, ANSWER TO EXCEPTIONS TO FINDINGS OF FACT, filed by Toni M. Cherry

JUNE 20, 1983, MEMORANDUM AND ORDER filed.

WHEREFORE, the Court finds that Plaintiffs have not carried their burden of proving that Defendants have defaulted on their agreement to build even if such agreement is in fact in existence and enforceable, and enters the following Order:

O R D E R

NOW, this 20th day of June, 1983, upon consideration of Plaintiffs' Exceptions to the Court's Order of January 24, 1983, it is the ORDER of this Court that said Exceptions be and are hereby dismissed. By the Court, John K. Reilly, Jr., President Judge

APRIL 9,1984, ACCEPTANCE OF SERVICE filed.

I, ANTHONY S. GUIDO, Esq., do hereby accept service on the within Certified copy of Defendant's Answer, New Matter and Counterclaim this 6th day of November, 1981.

William C. Kriner	SHERIFF CHESTER A. HAWKINS 81-30-EQU RICHARD L. LININGER, MARK VRAHAS and KENNETH A. BUNDY, THE BOARD OF COUNTY COMMISSIONERS OF CLEARFIELD COUNTY,		SEPTEMBER 9, 1981, COMPLAINT AND PRELIMINARY INJUNCTION, filed by William C. Kriner Four copies certified to Attorney.

PRELIMINARY INJUNCTION

AND NOW, this 9th day of September, 1981, upon consideration of the foregoing Complaint and upon consideration of a Motion for Preliminary Injunction made by William C. Kriner, Esquir;e, Solicitor for the Sheriff of Clearfield County, it appearing that immediat or irreperable harm will result before this matter can be heard on notice, it is hereby ORDER, ADJUDGED AND DECREED that a Preliminary Injunction as prayed for in the Complaint be granted enjoining and restraining RICHARD R. LININGER, MARK VRAHAS and KENNETH A. BUNDY, individually, and as the BOARD OF COUNTY COMMISSIONERS of CLEARFIELD COUNTY, from laying off from their respective positions with the Clearfield County Sheriff's Office, MARILYN WOOD, THOMAS JANOCKO and TODD HAND, employees of the Sheriff of Clearfield County, and from laying off any and all other employees of the Sheriff of Clearfield County.

It is further ORDERED AND DECREED that this Preliminary Injunction shall remain in full force and effect until hearing in the matter to be held at the Clearfield County Courthouse on the 14 day of September, 1981, at 9:00 o'clock, A.M. BY THE COURT, /s/ John K. Reilly, Jr., P.J.

SEPTEMBER 10, 1981, AFFIDAVIT OF SERVICE, filed by William C. Kriner.

	Pro	by Atty	30.00
	Atty		3.00
Ck # 34781	Pro	by Co.	30.00

SEPTEMBER 14, 1981, JOINT MOTION FOR CONTINUANCE and ORDER, filed by William C. Kriner.
One copy Certified to Attorney.

AND NOW, this 10th day of September, 1981, William C. Kriner, Esquire, Solicitor for the Sheriff of Clearfield County, and counsel for the Plaintiff in the above captioned matter, and David S. Ammerman, Esquire, Solicitor for the Board of County Commissioners of Clearfield County, and counsel for the Defendants in the above captioned matter, jointly move the Court to extend the Preliminary Injunction issued in the above captioned matter on September 9, 1981, and further move the Court to continue the hearing in this matter scheduled for September 14, 1981 at 9:00 a.m. until September 24, 1981 or at a date as soon thereafter as is convenient to the Court. /s/ William C. Kriner, Solicitor for the Sheriff of Clearfield County and Plaintiff
/s/ David Ammerman, Solicitor for the Board of County Commissioners of Clearfield County and Defendants.

ORDER

AND NOW, this 14 day of September, 1981, it appearing that counsel for the Plaintiff and counsel for the Defendants have agreed to continue the effectiveness of the Preliminary Injunction issued by this Court in the above captioned matter and have agreed to continuance of the hearing to determine the permanency of said injunction, it is hereby ORDERED, ADJUDGED AND DECREED that the Preliminary Injunction granted by this Court on September 9, 1981, shall be extended, continued and remain in full force and effect until September 24, 1981, at 9:00 o'clock A.M. at which time a hearing will be held to determine whether said Preliminary Injunction shall be made final, perpetual and permanent. BY THE COURT, /s/ John K. Reilly, Jr., P.J.

DECEMBER 11, 1981, PETITION, filed by Chester A. Hawkins, Sheriff

RULE:

AND NOW, this 11 day of December, 1981, upon consideration of the foregoing Petition, it is hereby ORDERED and DECREED that a Rule be issued upon the Clearfield County Commissioners, defendants in this action, to show cause why relief should not be granted to the Sheriff of Clearfield County.

Rule returnable on 14 December, 1981 at 9:00 a.m. in thecourt room of the Clearfield County Court House. BY THE COURT: /s/ John K. Reilly, Jr.

NOVEMBER 20, 1981, STIPULATIONS AND JOINT MOTION, filed William C. Kriner, Esq. and David S. Ammerman, Esquire Two copies Certified to Attorney.

ORDER,

And Now, this 20 day of November, 1981, upon join motion of William C. Kriner, Esquire, Solicitor for the Sheriff of Clearfield County and David S. Ammerman, Esquire, Solicitor for the Board of County Commissioners of Clearfield County, and upon agreement of the parties hereto, it is hereby ORDERED, ADJUDICATED AND DECREED that the foregoing stipulations be accepted and approved as an Order of this Court. BY THE COURT: /s/ John K. Reilly, Jr., P.J.

DECEMBER 14, 1981, ORDER, filed. One copy Certified to Sheriff

NOW, this 14th day of December, 1981, following hearing on the above-captioned Petition, it is hereby ORDERED and DECREED that in order for the judicial system of Clearfield County to operate and function in an efficient manner, the clerical worker voluntarily laid off by the Sheriff of Clearfield County on November 20, 1981, shall be immediately returned to work commencing on December 14, 1981.

This Order shall be an amendment to and a modification of the Order of this Court executed as a result of Stipulation and Joint Motion signed by the Sheriff of Clearfield County and the Board of County Commissioners of Clearfield County. By the Court, /s/ John K. Reilly, Jr., President Judge

Richard H. Milgrub	IN RE: AUDIT OF THE TOWNSHIP OF SANDY, CLEARFIELD COUNTY, PENNSYLVANIA FOR 1981 81-31-EQU Pro by Atty 30.00 Atty 3.00 Pro 15.00	SEPTEMBER 16, 1981, PETITION TO APPOINT A CERTIFIED PUBLIC ACCOUNTANT IN ACCORDANCE WITH SECTION 702, ARTICLE XLV OF THE SECOND CLASS TOWNSHIP CODE OF THE COMMONWEALTH OF PENNSYLVANIA, filed by Richard H. Milgrub. ORDER: AND NOW, this 14 day of Sept, 1981, upon consideration of the foregoing Petition, it is the Order of this Court that the Petitioners employ A CERTIFIED PUBLIC ACCOUNT in accordance with the Second Class Township Code of the Commonwealth of Pennsylvania to audit the records of the Township of Sandy. BY THE COURT, /s/ John K. Reilly, Jr., P.J. NOVEMBER 10, 1981, PETITION AND ORDER filed by Richard H. Milgrub. ORDER filed AND NOW, this 9th day of November, 1981, upon consideration of the foregoing Petition, it is the order of this Court that the sum of Seven thousand two hundred ($7,200.00) Dollars be paid to Sharkey, McFadden & Piccirillo by the Sandy Township Supervisors. BY THE COURT, /s/ John K. Reilly, Jr., President Judge. No Copies.

Edward V. Cherry	FERA CONSTRUCTION COMPANY Plaintiff 81-32-EQU	SEPTEMBER 21, 1981, PRAECIPE, filed. Enter our appearance for Plaintiff, FERA CONSTRUCTION COMPANY, Plaintiff, and issue a Summons in Equity against Defendant, L.T. BOCCIA CONSTRUCTION CO., INC. GLEASON, CHERRY AND CHERRY, P.C., Attorneys for Plaintiff By /s/ Edward V. Cherry SEPTEMBER 24, 1981, SUMMONS ISSUED TO SHERIFF FOR SERVICE. OCTOBER 9, 1981, PRAECIPE FOR APPEARANCE, filed. Please enter the appearance of our firm, as attorneys for the defendant. FERRARO & YOUNG, By /s/ David L. Young, One copy Certified to Attorney
David L. Young	L.T. BOCCIA CONSTRUCTION CO., INC., Defendant	JANUARY 15, 1982 SHERIFF'S RETURN, filed NOW, October 2, 1981 served the within Summons in Equity on L.T. Boccia Construction Co., Inc., defendant by Certified Mail #9910420 at 434 Robbins Ave. Niles, Ohio being their last known address. The return receipt is hereto attached and made a part of this return endorsed by agent for defenant. NOW, October 23, 1981 after diligent search in mu baliwick I return the within Summons in Equity on L. T. Boccia Construction Co., Inc., defendant, "NOT FOUNG". Moved to Ohio 3 years ago. So answers Chester A. Hawkins, Sheriff, by Marilyn Wood.
	Pro by Atty 15.00 Atty 3.00 Shff Hawkins by Atty 18.91	

EQUITY 1981

Thomas F. Morgan	THOMAS F. MORGAN, DISTRICT ATTORNEY OF CLEARFIELD COUNTY	OCTOBER 5, 1981, COMPLAINT IN EQUITY, filed by Thomas F. Morgan Three copies Certified to Sheriff Four copies Certified to Atty Morgan. PRELIMINARY INJUNCTION AND NOW, to wit, this 5 day of October, 1981, upon consideration of the aforegoing pleadings and upon consideration of a motion for preliminary injunction mad by Laurance B. Seaman, Esquire, Solicitor for the District Attorney of Clearfield County, it appearing tha immediate or irreparable harm will result before this matter can be heard on notice, it is hereby Ordered, Adjudged and Decreed that a Preliminary Injunction as prayed for in the Complaint be granted enjoining and restraining Richard Lininger, Mark Vrahas and Kenneth Bundy, individually, and as the Board of County Commissioners of Clearfield County, from continuing the lay-off or termination of the salary of Earle D. Lees, Jr., Esquire, from his position with the District Attorney of Clearfield County and from laying off or terminating the salary of any and other employees thereof. It is further Ordered and Decreed that this preliminary Injunction shall remain in full force and effect until hearing in the matter to be held at the Clearfield County Courthouse on the 7 day of October, 1981, at 9:00 o'clock, a.m. BY THE COURT, /s/ John K. Reilly, Jr., President Judge
	81-33-EQU	
	RICHARD L. LININGER, MARK VRAHAS, KENNETH A. BUNDY, THE BOARD OF COUNTY COMMISSIONERS OF CLEARFIELD COUNTY	OCTOBER 9, 1981 PRELIMINARY CONSENT ORDER, filed AND NOW, the 8th day of October, 1981, the parties hereto having agreed to a preliminary amicable settlement of the matters raised in the complaint, IT IS ORDERED AND DECREED thet EARLE D. LEES, JR., ESQUIRE, shall be and is hereby reinstated as an AssistantDistrict Attorney of Clearfield County as of October 5, 1981. IT IS FURTHER ORDERED AND DECREED that the District Attorney's Office shall be and hereby is authorized to incur necessary expenses as budgeted for the year 1981 subject to such approval by the County Commissioners as may be required by the County Code. The District Attorney's Office, in a move to assist the County Commissioners with the financial problems facing Clearfield County, has voluntarily agreed to endeavor to economize wherever possible. It is also understood and agreed that the purchase by the District Attorney's Office of law books and supplements may be made after the approval thereof by David S. Ammerman, County Solicitor. It is intended that this Order shall be effective from the date hereof through December 31, 1981, and thereafter either party may proceed in this case without prejudice. Costs of this suit, limited to filing fee and service in the approximate amount of $45.00 are foreborne by Clearfield County. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.
Ck #33556	Pro Atty Clfd County 30.00 3.00	
Ck #33725	Pro by Clfd Co. 15.75	

OCTOBER 30, 1981, SHERIFF'S RETURN filed
NOW, October 5, 1981 at 9:25 AM DST served the within Complaint in Equity on Margaret Morris, Chief Clerk for Richard L. Lininger, Mark Vrahas, & Kenneth A. Bundy, defendants at her place of employment, Court House, Market St., Clearfield, Clearfield County, Pennsylvania by handing to Margaret Morris (3) true and attested copies of the origihal Complaint in Equity and made known to her the contents thereof. So Answers, Chester A. Hawkins, Sheriff, by Marilyn Wood.

Belin,Belin & Naddeo	BARRY E. YOUNG, parent and natural guardian of Glenda Young, and other similarly situated students of the Harmony Area Schools, Plaintiff	OCTOBER 5, 1981, COMPLAINT IN EQUITY, filed by Carl A. Belin, Jr. Thirteen copies Certified to Attorney. OCTOBER 5, 1981, ORDER, filed. NOW, this 2nd day of October, 1981,upon consideration of the foregoing Action in Equity, it is the ORDER of this Court that Harmony Area School District and Harmony Area Education Association are directed to appear for hearing before this Court on Tuesday, October 6, 1981, at 9:00 a.m. By the Court, /s/ John K.Reilly, Jr., President Judge OCTOBER 6, 1981, APPEARANCE, filed. Enter my appearanace for Harmony Area Education Association in above case. /s/ Catherine C. O'Toole, Attorney for Harmony Area Education Association.
	81-34-EQU	
Paul Silberblatt Catherine C. O'Toole	HARMONY AREA SCHOOL DISTRICT and HARMONY AREA EDUCATION ASSOCIATION	OCTOBER 6, 1981, APPEARANCE, filed. Enter our appearance for Harmony Area School District in above case. Bell, Silberblatt & Swoope, By /s/ Paul Silberblatt, Attorney for Harmony Area School District OCTOBER 6, 1981, PRELIMINARY OBJECTIONS, filed by Pennsylvania State Education Association. Five copies Certified to Attorney. OCTOBER 7, 1981, ORDER, filed. NOW, this 6th day of October, 1981, upon consideration of the Complaint filed in the above captioned case, upon agreement of all the parties, they having waived none of their right to object to the jurisdiction and authority of this Court to act in the above matter, or their right to object to the standing of the Plaintiffs to support the action, it is the ORDER of this Court that negotiations between Defendants above-named to arrive at an acceptable contract commencing with the 1981-1982 school year shall commence Tuesday, October the 6th, 1981, at 7:30 o'clock P.M., to continue until 11:30 o'clock P.M., in the Harmony High School and on each evening thereafter, with the exception of Sunday, until Tuesday, October 13, 1981. In the event that no agreement is reached between the parties as of said date, the matter shall be reported to this Court for further proceedings. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

Pro	by Atty	30.00
Atty		3.00
	by Atty	
Shff Hawkins		45.97

OCTOBER 8, 1981, SHERIFF'S RETURN, filed.
Now, Oct. 5, 1981 at 1:15 PM DST served within Complaint on John Smrek, deft at his place of employment.
Now, Oct 5, 1981 at 1:45 PM DST served within Complaint on James Richards, deft.
Now, Oct 5, 1981 at 1:45 PM DST served within Complaint on James Richards, for Charles Bender, deft.
Now, Oct 5, 1981 at 1:55 PM DST served within Complaint on Fred Harkleroad, deft. at his place of residence.
Now, Oct 5, 1981 at 1:55 PM DST served within Complaint on Fred Harkleroad, for Members of the School board. So answers, Chester A. Hawkins, Shff By /s/ Marily Wood

JULY 21, 1982, TRANSCRIPT, filed. (In bucket)
Transcript of testimony taken before Hon. John K. Reilly, Jr. lodged this day and date in Prothonotary. s/Raymond Witherow

AUGUST 23, 1982, TRANSCRIPT OF PROCEEDING, October 6, 1981, filed by Martha Criste
Transcript of testimony taken before Hon. John K. Reilly, Jr. lodged this day and date in Prothonotary Office. s/Raymond Witherow (filed in bucket)
AUGUST 23, 1982, TRANSCRIPT OF PROCEEDING, October 15, 1981, filed by Martha Criste
Transcript of testimony taken before Hon. John K. Reilly, Jr. lodged this day and date in Prothonotary Office. s/Raymond Witherow (filed in bucket)

EQUITY 1981

John R. Carfley

EDWARD A. PETERS

81-35-EQU

LOURDES M. PETERS

Pro by Atty 30.00
Atty 3.00
Pro by Atty 6.00
Pro by Atty 6.00

OCTOBER 7, 1981, COMPLAINT IN EQUITY, filed by John R. Carfley
One copy Certified to Attorney.

DECEMBER 9, PETITION, filed by John R. Carfley
Two copies Certified to Attorney.
ORDER OF COURT
AND NOW, this 9 day of December, 1981, upon petition of the said plaintiff herein and upon motion of counsel, defendant is hereby ordered to deliver unto the said plaintiff or his counsel a deed of conveyance for that real estate more fully described in plaintiff' complaint, and the further subject of a separation agreement as set forth therein. BY THE COURT, /s/ John K. Reilly, Jr., P.J.

DECEMBER 9, 1981, PRAECIPE, filed. One Cert Atty.
PLEASE enter judgment against the defendant named herein for failure to file an answer to said complaint as required by the Pennsylvania Rules of Civil Procedure. /s/ John R. Carfley, Attorney for Plaintiff

Judgment is entered in favor of the Plaintiff and against the Defendant for failure to file an answer to Complaint.

DEFAULT JUDGMENT.

Prothonotary

DECEMBER 15, 1981, MOTION, filed by John R. Carfley.
One copy Certified to Attorney
One copy Order and Deed Certified to Recorder of Deeds.
ORDER OF COURT:
AND NOW, this 15 day of December, 1981, upon consideration of the foregoing application and motion, IT IS THE ORDER OF THIS COURT, that Raymond Witherow, Prothonotary of Clearfield County, Pennsylvania, execute a deed for and in the name of the said Lourdes M. Peters and to thereafter see to the recording and registration of the same, so as to vest title to the said real estate, the subject of this action, in the said Edward A. Peters, as fully and completely as though the said act had been performed by the said Lourdes M. Peters. BY THE COURT, /s/ John K. Reilly, Jr., P.J.

EQUITY 1981

Fisher, Ruddock, Simpson & Kablack

J & J ENTERPRISES, INC.

81-36-EQU

OCTOBER 21, 1981, COMPLAINT IN EQUITY, filed by Fisher, Ruddock, Simpson & Kablack
Two copies Certified to Attorney.

ORDER OF COURT
AND NOW, this 21st day of October, 1981, this action in equity is scheduled for a hearing upon the granting of a temporary restraining order on Tuesday, the 10th day of November, 1981, at 3:00 o'clock P.M., before the Hon. John K. Reilly, Jr. in Court Room No. 1 of the Clearfield County Court House. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

NOVEMBER 12, 1981, ORDER, filed.
NOW, this 10th day of November, 1981, this being the return day on Plaintiff's Petition for Preliminary Injunction, upon agreement of Counsel for both parties, it is the ORDER of this Court that said Injunction shall continue until such time as hearing on the merits can be had. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

Mark A. Gregg

BARRY D. EINSIG and DIANE EINSIG

NOVEMBER 13, 1981, ANSWER TO COMPLAINT AND COUNTERCLAIM, filed by Mark A. Gregg, Esquire

NOVEMBER 25, 1981, SHERIFF'S RETURN, filed.
Now, Oct. 27, 1981 at 2:45 PM EST served within Complaint on Barry D. Einsig, deft.
Now, Nov. 18, 1981 after diligent search in my baliwick I return within Complaint "NOT FOUND" as to Diane Einsig, deft. So answers, Chester A. Hawkins, Shff
By /s/ Marilyn Wood

Pro	by Atty	30.00
Atty		3.00
Shff Hawkins	by Atty	25.49
Pro	by atty	5.00

APRIL 23, 1982, ANSWER TO NEW MATTER AND COUNTERCLAIM, filed by Fisher, Ruddock, Simpson & Kablack

MAY 24, 1984, PRAECIPE, filed by Mark A. Gregg, Esquire.
Please mark the above captioned matter settled. discontinued and ended. /s/ Mark Gregg and W.A.Kablack, Esq.

ENDED DISCONTINUED SETTLED

Thomas F. Morgan

MELVIN MODZEL

81-37-EQU

CHRISTINE MODZEL

Joseph Colavecchi

Pro	by Atty	15.00
Pro	by atty	15.00
Atty	by Atty	3.00
Shff Hawkins		17.09

NOVEMBER 13, 1981, SUMMONS IN EQUITY filed by Thomas F. Morgan

Issued a writ of summons in equity in the above case returnable sec. leg. and index this as a lis pendens against those premises described in Deed Book 776, Page 426, and mapped as parcel 116-Q71 (house, barn, shed and 109 acres in fee) and parcel 116-P79 (house, barn and 114.5 acres in fee).

NOVEMBER 13, 1981, PRAECIPE filed by Thomas F. Morgan.

Please enter my appearance and also the appearance of Gerald E. Ruth, Esquire, 120 South Duke St., York, PA 17403, on behalf of Plaintiff, Melvin Modzel.

NOVEMBER 17, 1981, SUMMONS ISSUED TO SHERIFF, FOR SERVICE.

JANUARY 4, 1981, COMPLAINT, filed by Gerald E. Ruth, Attorney for Plaintiff. Thomas F. Morgan, Esq. Two copies Certified to Attorney Morgan.

JANUARY 8, 1982, PRAECIPE FOR APPEARANCE, filed.

Enter my appearance on behalf of Christine Modzel, the above-named Defendant. /s/ Joseph Colavecchi, Esq.

JANUARY 20, 1982, ANSWER AND NEW MATTER, filed by Joseph Colavecchi.

FEBRUARY 19, 1982, SHERIFF'S RETURN, filed.

NOW, Dec 18, 1981, after diligent search in my baliwick I return the within Summons in Equity "NOT FOUND" as to Christine Modzel, deft. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

FEBRUARY 16, 1982 ANSWER TO NEW MATTER filed by Gerald E. Ruth, Esquire

MARCH 1, 1982, CERTIFICATION OF READINESS AND PRAECIPE FOR TRIAL filed by Joseph Colavecchi

Kindly place the above-captioned matter on the following trial list. s/Joseph Colavecchi

APRIL 1, 1982, NOTICE OF DEPOSITION of Melvin Modzel filed by Joseph Colavecchi

To: Thomas F. Morgan

JUNE 17, 1982, NOTICE OF DEPOSITION OF MELVIN M. MODZEL filed by Joseph Colavecchi

JULY 6, 1982, MOTION FOR SUMMARY JUDGMENT, filed by Joseph Colavecchi

OCTOBER 11, 1982, MOTION FOR SUMMARY JUDGMENT filed by Gerald E. Ruth

OCTOBER 15, 1982, DEPOSITION OF CHRISTINE MODZEL, filed by Lisa Foradori,

NOVEMBER 23, 1982, MEMORANDUM AND ORDER, filed

Plaintiff and Defendant, both above-named, were formerly husband and wife, and were divorced by Decree of this Court on January 31, 1979. Prior thereto, the parties entered into a Postnuptial Agreement dated October 5, 1978. Among the terms thereof, Plaintiff-husband agreed to convey his interest in certain real estate, theretofore owned jointly by himself and Defendant-wife, to the Defendant in exchange for the sum of Twenty Thousand ($20,000.00) Dollars plus Defendant's promise not to bring any action for the support of the couple's three children against Plaintiff.

Thereafter on or about February 21, 1981, Defendant nevertheless filed claims with the Domestic Relations department of Clearfield County for support of Jason C. and Laurie A. Modzel, two of the children of Plaintiff and Defendant, under support action no. 80-58-SD. As a result of that action, Plaintiff has been paying support pursuant to an order entered thereto by this Court.

Plaintiff has now brought the instant action in equity seeking a rescission of the Postnuptial Agreement and various other relief on the ground that by filing for support of children, Defendant violated the terms of the Postnuptial Agreement and therby deprived Plaintiff of the consideration for his entering into said Agreement. The matter is now before this Court on both Plaintiff's and Defendant's Motions for Summary Judgment.

> It must be noted first that:
> "...(N)either the mother nor anyone else can bargain away the right of a minor child to adequate support from her father... However, where an agreement is made under which one parent agrees to release the other from the duty of support, the bargain will be enforced so long as it is fair and reasonable, made without fraud or coercion, and without prejudice to the welfare of the child."
> (citations omitted) Commonwealth v. Cameron, 197 Pa. Super. 403, 406, 179A.2d 270 (1962).

Therefore, although the Postnuptial Agreement may otherwise be legally binding as between a husband and wife, any provision contained therein which purports to relieve one party or the other from the duty of support of their minor children cannot be enforced if to do so would prejudice the welfare of the children.

It must further be noted that in this case a hearing was previously held on the issue of support after which an order was entered by this Court directing Plaintiff-husband to pay the same. Although Plaintiff always retains the right to seek a modification of that order, until he does so it must be assumed that it was correctly determined at that previous hearing that the real estate given

CONTINUED ON PAGE 74

to the wife by the Plaintiff for the support of their minor children was inadequate for their needs and, moreover, was insufficient to relieve the Plaintiff from any further duty with regards thereto, Plaintiff is precluded by collateral estoppel from raising any issue here as to the adequacy of the real estate for the purpose of supporting the children or any lack of prejudice to their welfare as a result of receiving the same in lieu of any other support payments from him. Those issues have already been decided against Plaintiff in the previous proceeding, and the correct procedure would be an action in support court.

However, there still remains a question of fact here with regards to whether the Defendant has been unjustly enriched or otherwise defrauded Plaintiff by taking the property in question in exchange for her promise not to file for support and nevertheless doing the same. Although the Postnuptial Agreement could not preclude the Defendant from seeking support for the children, the Defendant's breach of her promise not to file may have amounted to unjust enrichment or fraud if Plaintiff entered into the Postnuptial Agreement and conveyed away his interest in said property in detrimental reliance on a promise which Defendant knew she either could not or had no intention of keeping. In either of those cases, Plaintiff could possibly be entitled to rescission of the Agreement.

However, this Court cannot resolve such a question on Motions for Summary Judgment since it involves material questions of fact as to whether adequate consideration was otherwise given for the property as well as questions as to the intent and knowledge of the parties upon their entering into the Postnuptial Agreement. Therefore, both Motions must be denied.

WHEREFORE, the Court enters the following Order:

ORDER

NOW, this 23rd day of November, 1982, upon consideration of both Plaintiff's and Defendant's Motion for Summary Judgment filed in the above-captioned matter, it is the ORDER of this Court that both Motions be and are hereby denied. BY THE COURT /s/ John K. Reilly Jr., President Judge

DECEMBER 21, 1982, MOTION FOR RECONSIDERATION, filed

APRIL 14, 1983, AFFIDAVIT filed (to be placed with Motion For Reconsideration)

JULY 5, 1983, MEMORANDUM AND ORDER filed.

This matter is currently before the Court on a Motion for Reconsideration filed by Plaintiff to the Court's Memorandum and Order of November 23, 1982. After careful consideration of the same, the Court hereby finds that it was mistaken when iy referred to a hearing held with regards to support action No. 80-58-SD involving the parties above-named, the support Order in said action being entered by the Maricopa County Court of Arizona by stipulation of the parties. Plaintiff cannot therefore be collaterally estopped from raising any issue as to the adequacy of the real estate given for the support of the children or any lack of prejudice to their welfare as the result of receiving the same in lieu of any other support payments from him, since such issues were not before the Court or considered by it when it entered said Order.

However, with regards to Plaintiff's Motion for Summary Judgment, it remains the opinion of this Court that material questions of fact still remain including Defendant's equitable interest in the property and the adequacy of the same as a source of support for the child of the parties to the exclusion of any other contribution by Plaintiff.

WHEREFORE, the Court enters the following Order:

O R D E R

NOW, this 30th day of June, 1983, upon consideration of Plaintiff's Motion for Reconsideration of the Court's earlier Memorandum and Order of November 23, 1982, it is the ORDER of this Court that same be and is hereby amended to the extent that Plaintiff shall not be collaterally estopped from raising any issue as to the adequacy of the real estate given for the support of the subject child or any lack of prejudice to the welfare of said child as the result of receiving said property in lieu of any further support payments from the Plaintiff at the trial to be held in this matter. By the Court, John K. Reilly, Jr., President Judge

FEBRUARY 4, 1985, PRAECIPE, filed by Thomas F. Morgan, Esquire.
Please place the above matter on the trial list.

AUGUST 8,1985, REQUEST FOR ADMISSIONS,filed by Joseph Colavecchi,Esq.

AUGUST 27, 1985, ORDER, filed

NOW, this 23rd day of August, 1985, this being the day and date set for hearing into the above-captioned trial without jury, upon agreement of the Parties, it is the ORDER of this Court that Defendant shall pay to the Plaintiff the sum of eleven thousand five hundred ($11,500.00) Dollars within ninety (90) days from date hereof, failing which the prayer of Plaintiff's Complaint shall be granted and the contract dated October 5, 1978, shall be declared null and void, together with the Deed executed by the Plaintiff under the terms of said contract. Upon payment of said eleven thousand five hundred ($11,500.00) dollars, as set forth above, all rights under said contract on behalf of either party shall be forever terminated.
BY THE COURT: John K. Reilly, Jr President Judge.

David S. Ammerman	SWISTOCK ASSOCIATES COAL CORPORATION	NOVEMBER 20, 1981, COMPLAINT IN EQUITY, filed by David S. Ammerman. Two copies Certified to Attorney RULE TO SHOW CAUSE NOW, this 20 day of November, 1981, upon reading and filing the Complaint in this cause and on Motion of David S. Ammerman, Esquire, Attorney for Plaintiff, Swistock Associates Coal Corporation it is ORDERED that the above named Defendant, Township of Decatur, show cause before this Court on the 9 day of Dec., 1981, at 1:00 o'clock P.M. or as soon thereafter as counsel can be heard, at the Clearfield County Courthouse, Clearfield, Pennsylvania, why a Preliminary Injunction should not issue during the pendancy of said action according to the prayer of such Complaint; and It is further ORDERED that Plaintiff cause a copy of this Order, together with a copy of the Complaint, to be served on the Defendant at least five (5) days before the day of hearing; and It is further ORDERED that in the meantime and until further Order of the Court, said Defendant desist and refrain from interferring with Plaintiff's use for heavy hauling over and upon that portion of Township Road 659 being the subject of this action. /s/ John K. Reilly, Jr. P.J.
	81-38-EQU	
Ann B. Wood	TOWNSHIP OF DECATUR CLEARFIELD COUNTY, PENNSYLVANIA	
Pro by Atty 30.00 Atty 3.00		DECEMBER 10, 1981, MEMORANDUM, filed. This Action involves an interpretation of certain provisions of Pennsylvania Code, Chapter 189, entitled "Hauling in Excess of Posted Weight Limit: 67 Pa. Code 189, which regulations were issued pursuant to provisions of thePennsylvania Motor Vehicle Code, 75 Pa. 4902 and 6103. Specifically, this Regulation dated July 1981, under 189.4 entitled "Use Under Permit", provides in Section D thereof the amount of security that a user must post with the Commonwealth of Pennsylvania or a posting authority, i.e., a political subdivision, pertaining to the use of public highways which provides thereunder a set amount per linear mile depending on the type of highway. In the instant case, the subject matter is for the use of an unpaved Township road, being one thousand, five hundred (1,500) feet, T659, in Decatur Township, adjoinin Legislative Route 17050. The Coal Company, Plaintiff, seeks to obtain a permit from the Township of Decatur for the use of aaid portion of Township road, and has as a part of its Complaint cited the above Regulation, stating that under the Regulation, the Coal Company is entitled to use such road, providing it posts a bond not in excess of Six Thousand ($6,000.00) Dollars, and specifically, on a prorated basis per mile for the one thousand, five hundred (1,500)feet pursuant to said Regulation, and that the additional security demanded by the Defendant, Township of Decautr, to set the sum of Twent Thousand ($20,000.00) Dollars is against the Regulation as heretofore cited, and that any additional security would have to be required under Subparagraph 3 of said Section entitled "Additional Securit the Plaintiff contends is only operative after a permit has been issued and damage has been done in excess of seventy-five (75%) percent of the bonded amount as required by the Regulation. It is the position of the Respondent, Decatur Township, that Subparagraph 3 headed "Additional Security" permits the posting authority to determine that the estimated damage will constitute more than seventy-five (75%) percent of the amount of the security proposed by the Plaintiff and that suc determination may be made prior to the issuance of a permit and that additional security may therefore be required for the protection of the Township against excess cost of road maintenance by use for the benefit of a private individual. With regards to the first issue, this Court is unable to determine from the Regulation whether the amount of security is to be Six Thousand ($6,000.00) Dollars per linear mile, or any portion thereof, or Six Thousand ($6,000.00) Dollars per linear mile or a prorated portion thereof for any distance less than a linear mile. With regards to the second issue, this Court is of the opinion that the posting authority may act under (d)(3) entitled "Additional Security" upon their determining that the permitee has in fact caused damage to a posted highway that constitutes seventy-five (75%) or more of the amount of security posted, and upon making such a determination the posting authority may require the highway to be maintained or reconstructed within thirty (30) days. The permitee at that point has the optio of providing such maintenance or reconstruction within thirty (30) days or providing such additional security as the posting authority shall determine. The posting authority therefore must accept the bond amounts set forth in the Regulation and cannot require the maintenance or reconstruction within thirty (390) days or additional security at the permitee's option until they have estimated that a damage amounting to seventy-five (75%) of the bond posted has in fact occurred. By the Court, /s/ John K. Reilly, Jr., President Judge DECEMBER 7, 1981, ANSWER and NEW MATTER, filed by Bell, Silberblatt & Swoope-- Ann B. Wood, Esq NOVEMBER 23, 1981 AFFIDAVIT OF SERVICE filed.

EQUITY 1981

Belin,Belin & Naddeo	LINDA K. DIETZE	DECEMBER 16, 1981, COMPLAINT IN EQUITY, filed by Cynthia Soult One copy Certified to Attorney. DECEMBER 23, 1981, AFFIDAVIT OF SERVICE, filed. NOW, Dec 17, 1981 at 11:30 AM o'clock EST served within Complaint on Guy H. Gerhart, deft. at his place of employment. So answers, Chester A. Hawkins, Shff by /s/ Marilyn Wood
	81-39=EQU	
David P. King	GUY H. GERHART	DECEMBER 31, 1981, PRELIMINARY OBJECTIONS, filed by David P. King One copy Certified to Belin, Belin & Naddeo APRIL 20, 1982, ORDER, filed NOW, this 20th day of April, 1982, upon consideration of Defendant's Preliminary Objections to the Complaint filed above, in light of Brown v. Hall, 435A.2d 859, thisCourt is of the opinion that said Objections must be and are hereby dismissed and Defendan directed to file Responsive Pleadings to said Complaint within twenty (20) days from date hereof. BY THE COURT /s/ John K. Reilly Jr., President Judge JULY 15, 1982, ANSWER AND NEW MATTER, filed by David P. King JULY 20, 1982, PRAECIPE, filed. Please place the above captioned case on the list for trial. BELIN, BELIN & NADDEO, By /s/ James A. Naddeo, Attorney for Plaintiff
Pro by Atty 30.00 Atty by Atty 3.00 Shff Hawkins 17.21		JANUARY 26, 1984, ORDER, filed. NOW, this 25th day of January, 1984, this being the day and date set for trial in the above-captioned action, and counsel for Plaintiff having appeared with his client, Linda K. Dietze, and the Defendant having been represented by Counsel, David King, Esquire , by stipulation of the Parties, it is the finding of this Court that there is presently due and owing to Linda K. Dietze, pursuant to the marriage settlement agreement entered into by the Parties on November 18th, 1976, support payments in the amount of Sixteen Thousand Eight Hundred and Ninety-three Dollars and Five Cents ($16,893.05.); it is the further finding of this Court that the said Guy H. Gerhart, pursuant to the provisions of said agreement, shall continue to be obligated to pay for the support of his minor son, Craig J. Gerhart, the amount of Six Hundred and Sixty-seven ($667.00) Dollars until said child reaches the age of twenty-two years. Therefore, it is the ORDER of this Court tha an award be entered on behalf of the Plaintiff, Linda K. Dietze, the amount of Sixteen Thousand Eight Hundred and Ninety-three Dollars and Five Cents ($16,893.05), and that said Guy H. Gerhart continue to pay pursuant to this Court's findings to Linda K. Dietze on behalf of her minor son, Craig J. Gerhart, the sum of Six Hundred Sixty-seven ($667.00) Dollars per month until said child reaches the age of twenty-two years. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

James A. Naddeo

JAMES A. NADDEO, an individual

81-40-EQU

EDMUND J. ZITZELBERGER, an individual

Pro by Atty 30.00
Atty 3.00
by Atty
Shff Hawkins 11.75

DECEMBER 22, 1981, COMPLAINT IN EQUITY, filed by Belin, Belin and Naddeo
One copy Certified to Sheriff

JANUARY 8, 1982, AFFIDAVIT OF SERVICE, filed.
NOW, Jan 5, 1981 at 9:25 AM o'clock EST served within Complaint on Edmund J. Zitzelberger, deft. at his place of residence. So answers, Chester A. Hawkins, Shff
By /s/ Marilyn Wood

AUGUST 19, 1983, MOTION AND ORDER, filed by James A. Naddeo

NOW COMES the plaintiff in the above captioned action and moves the Court to enter an Order directing partition for failure of defendant to file a responsive pleading to complaint served upon him on January 5, 1982 or to respond to notice of default directed to him on July 29, 1983.

AND NOW, this 19 day of August, 1983, upon Motion of the plaintiff in the above captinned case and it appearing from the record that defendant has failed to respond to plaintiff's complaint or notice of default, it is the Order of Court that the real property subject to this action be partitioned. It is the further Order and finding of this Court that the parties having an interest in said premises and the extent of their respective interests areas follows:

James A. Naddeo - one-half interest
Edmund J. Zitzelberger - one-half interest

BY THE COURT: /s/ John K. Reilly, Jr., President Judge
1 copy cert. to Atty.

SEPTEMBER 26, 1983, MOTION & ORDER, filed by James A. Naddeo (1) copy cert. to Atty.

AND NOW, this 26 day of September, 1983, upon motion of the plaintiff in the above captioned case, an Order directing partition having been entered by this Court on August 19, 1983, the parties and their respective counsel are directed to appear for a preliminary conference to consider the following:

1. Whether the parties can agree upon a plan or partition or sale;
2. The simplification of the issues;
3. Whether any issues or matters relating to the carrying out of the order of partition shall be referred to as master; and
4. Such other matters as may aid in the disposition of the action.

It is the further Order of said Court that said conference be held in the Main Court Room of the Clearfield County Court House on the 6th of October, 1983 at 9:00 A.M. at which time the Court will also consider the appointment of a Master if necessary. BY THE COURT /s/ John K. Reilly, Jr., President Judge

OCTOBER 6, 1983, ORDER, filed.

NOW THIS 6th day of October, 1983, after preliminary hearing in the above captioned case, it is the Order of this Court that JOHN SOBEL, ESQUIRE, be appointed Master to hold and conduct such hearings as may be necessary upon giving reasonable notice thereof to employ appraisers and such other experts which may be necessary for performance of hsi duties provided the employment of suchadditional experts be authorized by Court and to conduct sale in accordance with the Pennsylavnaia Rules of Civil Procedure. BY THE COURT: s/ John K. Reilly, Jr., President Judge.

JANUARY 17, 1984, PRELIMINARY DETERMINATION AND NOTICE TO ACCEPT OR REJECT PROPOSED PARTITION, filed by Sobel & Collins. Three copies Certified to Attorney.

AND NOW comes John A. Sobel IV, Esquire, Master in the above-captioned matter in Partition, who makes the following Preliminary Determination pursuant to Pa. R.C.P., Rule 1566:

1. That your Petitioner, John A. Sobel IV, Esquire, was appointed Master in Partition in the above-captioned matter by Order of Your Honorable Court dated October 6, 1983.

2. That the subject premises are those acquired by the parties hereto as tentants in common with undivided one half (½) interests by deed dated July 17, 1980 and recorded in Clearfield County Deed Book 800, page 223, said properties bering more particularly bounded and described as follows:

ALL those certain pieces or parcels of land located in Lawrence Township, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a point on the west side of West Front Street as now established since the taking of fifteen (15) feet from the front of this property by Eminent Domain proceedings in 1965, being the southeast corner of this property; thence in a northerly direction fifty (50) feet along the W st side of West Front Street as now situate after the taking of a strip of fifteen (15) feet by said Condemnation Proceedings instituted by the Commonwealth thence in a westerly direction by a line parallel with the northern line of property formerly known as t the Benjamin Shaw homestead, now owned by Clyde Shifer,ninety-five (95) feet to a corner; thence in a southerly direction on line parallel to said West Front Street fifty (50) feet to corner of the Shifer property; thence by northern of the Shifer property in an easterly direction ninety-five (95) feet to West Front Street as widened by the said taking and the place of beginning. Being a lot fifty (50) by ninety-five (95) feet in size. Having thereon erected a two-story dwelling house.

THE SECOND THEREOF: BEGINNING at a post on the west side of West Front Street, at the northeast corner of the lot conveyed to Hiram Shiefer by the deed of Henrietta B. Shaw, Trustee; thence in a northerly direction along the said western line of West Front Street fifty (50) feet, more or less, to a post at the corner of lot of Ashley Shaw; thence in a Westerly direction along the line of lot of Ashley Shaw, aforesaid, two hundred twenty (220) feet, more or less, to a post on

CONTINUED TO PAGE 80

CONTINUED FROM PAGE 79

the alley; thence in a southerly direction along said alley, fifty (50) feet to a post on the northwest corner of lot of Hiram Shiefer; thence in an easterly direction along the line of lot of the said Hiram Shiefer, two hundred twenty (220)feet, more or less, to post on West Front Street and place of beginning. Being a lot fifty (50) feet by two hundred twenty (220) feet.

ALL those certain pieces or parcels of land located in the Third Ward of the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a post on West Front Street; thence North 55 feet to a post at Robert Lawhead's line; thence West 220 feet along Robert Lawhead's line to an alley; thence South along said alley line 55 feet to an alley post; thence East 220 feet to corner of alley and West Front Street, the place of beginning. Having thereon erected a two-story frame dwelling house, frame garage, frame shop and other out-buildings.

THE SECOND THEREOF: BEGINNING at a point on West Front Street, corner of land formerly of Bine Koozer, now lot of Cecil P. Shaw; thence north along West Front Street fifty (50) feet to Fulton Street; thence West by Fulton Street 220 feet to an alley; thence south by said alley fifty (50) feet to line of property formerly of Bine Koozer, now of Cecil P. Shaw; thence east by same 220 feet to West Front Street and the place of beginning. Being in size fifty (50) feet by two hundred twenty (220) feet.

THE THIRD THEREOF: BEGINNING at a point on Front Street, on division line between this land and land conveyed by Daniel F. Wisotzkey, et al to Daniel Koozer, now owned by Robert M. Lawhead; thence by said Front Street north 50 feet to line of lot formerly of Harry L. Shaw, now of Leroy M. Siebenrock and Gertrude E. Siebenrock; thence in a westerly direction by said Siebenrock lot 220 feet to an alley; thence in a southerly direction by said alley 50 feet to the division line hereinbefore mentioned; thence in an easterly direction by said division line 220 feet to the line of West Front Street and place of beginning. Being part of Purpart No. 4 in the partition of the Estate of Richard Shaw, Jr., which was allotted to Jennie M. Clements.

THE FOURTH THEREOF: BEGINNING at a post on line of West Front Street; thence west by lot formerly of Bine Koozer 220 feet to a post on line of public alley; thence south by said alley 45 feet to another post in the line of said alley; thence east by residue of lot herein described 220 feet to a post in line of West Front Street; thence Northerly by West Front Street 45 feet to post and place of beginning.

3. That a hearing was held before the Master on November 10, 1983, at which time both parties appeared and gave testimony.

4. That as a result of the hearing the Master has determined that the subject properties cannot be divided without prejudice to or spoiling the whole considering their present condition and potential for commercial development.

5. That the Master values the properties at One Hundred and Sixty-two Thousand ($162,000.00) Dollars.

6. That the properties are subject to certain mortgages as follows:

A. Premises hereinabove described as the First and Second Thereof, Lawrence Township, Clearfield County, Pennsylvania, and those described as The First, Second and Third Thereof, in the Third Ward of the Borough of Clearfield, Clearfield County, Pennsylvania, are secured by a mortgage in favor of Clearfield Bank & Trust Company in the face amount of Forty-five Thousand ($45,000.00) Dollars, which mortgage is recorded in Clearfield County Mortgage Book 321, page 183.

B. Premises hereinabove described as The First and Second Thereof, Lawrence Township, Clearfield County, Pennsylvania, is secured by a mortgage in favor of the Clearfield Bank and Trust Company in the face amount of Thirty-four Thousand ($34,000.00) Dollars, which mortgage is recorded in Clearfield County Mortgage Book 345, page 434.

C. Premises hereinabove described as the Fourth Thereof in the Third Ward of the Borough of Clearfield, Clearfield County, Pennsylvania, is secured by a mortgage in favor of State College Federal Savings and Loan Association in the face amount of Thirty-two Thousand ($32,000.00) Dollars, which mortgage is recorded in Clearfield County Mortgage Book 376, page 237.

7. That judgments appear of record against Defendant Edmund J. Zitzelberger as follows:

A. In favor of County National Bank against Zitzelberger Realtors, Edmund J. Zitzelberger and Evelyn Zitzelberger, in the amount of Twenty Thousand Nine Hundred ($20,900.00) Dollars, with Interest, Attorney's Commission, and cost of Suit to Docket No. 80-1477-CD.

B. In favor of Treasure Lake Property Owners Association, Inc., in the amount of One Hundred and Ninety-two ($192.00) Dollars, with Interest, Attorney's Commission and Costs to Docket No. 83-599-CD.

8. That Plaintiff, James A. Naddeo, is entitled to an adjustment payment in the amount of $2,350.00 as reimbursement for outlays made by him for maintenance of subject premises.

WHEREFORE, the Master proposes that a private sale confined to the parties be held before him twenty (20) days from the date of the filing of this Preliminary Determination unless written exceptions or objections are filed with the Court within that time as provided by the Pa. Rules of Civil Procedure, with the minimum bid to be accepted being the value as determined by the Master hereinbefore.

The Master further proposes that from the proceeds of the sale there first be deducted costs of this action and Master's fees, that an adjustment be made in favor of Plaintiff as herein provided, that certain of the proceeds be used to clear the mortgages on the properties, and that from the share of the Defendant there be deducted those amounts necessary to clear liens affecting the properties caused to be placed thereon by the Defendant if nessary. Respectfully,

/s/ John A. Sobel, IV

CONTINUED TO PAGE 80A

~~383~~
80A

CONTINUED FROM PAGE 80 NO. 81-40-EQU JAMES A. NADDEO -vs- EDMUND J. ZITZELBERGER

MARCH 2, 1984, MASTER'S REPORT submitted by John A. Sobel IV
DECREE NI SI
NOW this 2 day of March, 1984, the within Master's Report having been present to and considered by the Court, it is DECREED, ORDERED and ADJUDGED that the Findings of Fact and Recommendations of the Master contained therein be and are hereby approved and adopted by the Court. The Master is, therefore, hereby authorized and directed to conduct a public sale of the subject properties under the terms and conditions contained in the within Master's Report, which Report is hereby incorporated by reference as though set forth in full. It is hereby further DECREED, ORDERED and ADJUDGED that if no exceptions are filed hereto 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., P.J.
Two copies certified to Attorney

MAY 30, 1984, PETITION TO SETTLE AND DISCONTINUE SUIT, filed by James A. Naddeo, Esq.
ORDER filed. One Copy Certified to Attorney.
NOW THIS 29th day of May 1984, upon petition of both parties to the above captioned action, it is hereby ORDERED and DIRECTED that the Prothonotary mark said suit settled and discontinued upon payment of costs by the parties. BY THE COURT, s/John K. Reilly, Jr. Pres Judge

SETTLED AND DISCONTINUED - Upon payment of costs by the parties.

EQUITY 1981

Timothy E. Durant	LINDA L. RINEHART	DECEMBER 23, 1981, COMPLAINT IN PARTITION, filed by Timothy E. Durant One copy Certified to Attorney
	81-41-EQU	JANAURY 18, 1982 PRELIMINARY OBJECTIONS filed by John R. Carfley
		JANUARY 18, 1982 AFFIDAVIT OF SERVICE filed
	GARY W. RINEHART	NOW, January 7, 1982 at 2:49 PM EST served the within Complaint in Parition on Gary Rinehart, defendant at Market St., Clearfield, Clearfield County, Pennsylvania by handing to Gary Rinehart a true and attested copy of the original Complaint in Partition and made known to him the contents thereof. So answers Chester A. Hawkins, Sheriff, by Marilyn Wood.
	Pro by Atty 30.00	
	Atty 3.00	
	Shff Hawkins by Atty 19.59	

Cynthia Soult	JAMES J. ORTASIC	DECEMBER 30, 1981, COMPLAINT IN EQUITY, filed by Belin, Belin & Naddeo Two copies Certified to Sheriff
	81-42-EQU	JANUARY 12, 1982, SHERIFF'S RETURN, filed. Now, Jan 5, 1982 at 10:20 AM EST served within Complaint on Richard D. Stewart, deft at his place of residence. Now, Jan 5, 1982 at 10:20 AM EST served within Complaint on Mrs. Garman, wife of Kenneth T. Garman, deft at her place of residence. So answers, Chester A. Hawkins Shff By /s/ Marilyn Wood
Laurance B. Seaman	KENNETH T. GARMAN and RICHARD D. STEWART	JANUARY 25, 1982, ANSWER, filed by Gates & Seaman

Pro	by Atty	30.00
Atty		3.00
Shff Hawkins	by Atty	14.75

James K. Nevling	IN THE MATTER OF THE DISSOLUTION OF ENERGY SURETY & CASUALTY CO., an insurance company 82-1-EQU Pro by Atty 30.00 Atty 3.00	JANUARY 7, 1982, PETITION IN EQUITY, filed by James K. Nevling Two copies Certified to Attorney. DECREE OF COURT NOW, this 6 day of January 1982, the foregoing Petition having been read and considered, it is: ORDERED AND DECREED as follows: 1. That a copy of the foregoing Petition and this Decree shall be filed with the Insurance Commissioner of the Commonwealth of Pennsylvania. 2. That the Petitioner company shall be dissolved. 3. That the accounts of the officers and directors of this company shall be filed and settled in this Court for approval. 4. That dividends of the effects of this stock insurance company shall be made among the stockholders of the company in proportion to their stock holdings. That this Decree of Court shall not go into effect until the Auditor General, State Treasurer and Attorney General of the Commonwealth have filed in this Court a Certifiecate showing that all taxes due the Commonwealth have been fully paid, nor until a Certified Copy of this Decree has been filed and recorded in the office of the Secretary of the Commonwealth. BY THE COURT: /s/ John K Reilly, Jr., President Judge AUGUST 25, 1983, CLEARANCE CERTIFICATES FROM PENNSYLVANIA DEPARTMENT OF REVENUE AND OFFICE OF EMPLOYMENT SECURITY filed by James K. Nevling SEPTEMBER 9, 1983, MOTION TO PUT DECREE OF DISSOLUTION INTO EFFECT filed by James K. Nevling DECREE OF DISSOLUTION NOW, September 8, 1983, the Court settles and approves the balance sheet and statement of income and expense attached hereto and marked exhibit "A" and ratifies the payment of dividends to the owners of the equity as shown by the said exhibit; and the Decree of this Court dated January 6, 1982, is put into effect and the above named insurance company is dissolved. By the Court, John K. Reilly, Jr., President Judge

Carl A. Belin, Jr.	CARL A. BELIN, JR.	JANUARY 11, 1982 COMPLAINT IN EQUITY, filed by Carl. A. Belin, Jr. Esquire WHEREFORE, Plaintiff requests your Honorable Court: (a) To declare said "debt service tax" illegal and beyond the power of the Defendants under the County Code and the Debt Act; (b) To enter an order enjoining Defendants from attempting to levy or collect said illegal tax; and (c) Such other remedies as the court deems appropriate.
	82-2-EQU	Three (3) copies Certified to Attorney
Kim C. Kesner David S. Ammerman	KENNETH A. BUNDY, RICHARD LINIGER, and MARK VRAHAS, CLEARFIELD COUNTY BOARD OF COMMISSIONERS, Defendants	JANUARY 13, 1982 SHERIFF's RETURN filed NOW, January 11, 1982 at 2:20 PM EST served the within Complaint on Richard Lininger, defendant at Market St., Clearfield, Clearfield Couty, Pennsylvania by handing to Richard Lininger a true and attested copy of the original Complaint and made known to him the contents thereof. NOW, January 11, 1982 at 2:30 PM EST served the within Complaint on Mark Vrahas, defendant at Market St., Clearfield, Clearfield County, Pennsylvania by handing to Mark Brahas a true and attested copy of the original Complaint and made known to him the contents thereof. NOW, January 11, 1982 at 2:30 PM EST served the within Complaint on Margaret Morris, Chief Clerk for Kenneth Bundy, defendant at her place of employment, Court House, Market St., Clearfield, Clearfield County Pennsylvania by handing to Margaret Morris a ture and attested copy of the original Complaint and made known to her the contents thereof. So answers, Chester A. Hawkins, Sheriff by Marilyn Wood.
Pro by Atty 30.00 Shff Hawkins by Atty 15.75 postage 3.00		JANUARY 29, 1982, DEFENDANTS' PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT IN EQUITY IN THE NATURE OF A PETITION RAISING A QUESTION OF JURISDICTION AND A DEMURRER, filed by Blank, Rome, Comisky & McCauley One Copy Certified to Attorney.
		FEBRUARY 8, 1982 DEFENDANT'S MEMORANDUM OF LAW IN RESPONSE TO PLAINTIFF'S BRIEF, filed by Blank, Rome, Comisky & McCauley, Attorneys. 1 cert attorney

FEBRUARY 12, 1982, MEMORANDUM AND ORDER, filed.

During the calendar year 1981, the Clearfield County current expenditures exceeded its revenue resulting in the failure of the Clearfield County Commissioners, Defendants above-named, to repay the balance due on a tax anticipation note in the amount of Seven Hundred Fifty Thousand ($750,000) Dollars incurred in 1981. To provide for the repayment of this tax anticipation loan, Defendants above-named have levied a tax of thirty and one-half (30½) mills on real property in Clearfield County for the year 1982.

As a result, Plaintiff above-named, commenced this Action in Equity, seeking to restrain the Defendants from levying and collecting taxes in excess of the twenty and one-half (20½) mill limit provided in the County Code and the Library Code. Defendants filed Preliminary Objections which are now before this Court alleging a lack of jurisdiction in this Court and demurring to the Complaint generally. This Court does herein dismiss the Preliminary Objections.

The first issue to be addressed is that of jurisdiction. Defendants take the position that by including the unpaid tax anticipation loan in the 1982 budget, they complied with Section 505 of the Local Government Unit Debt Act (53 P.S. 6780-205) which states:

> "The amount of any tax anticipation notes issued in compliance with this act shall be general obligations of the local government unit, and, if the same shall not be paid within the fiscal year in which such notes were issued, shall be deemed to be non-electoral debt enforceable in the manner of a general obligation which unless funded pursuant to this article, shall be included in the budget of the local government unit for the ensuing fiscal year and shall be payable from the taxes and revenues of such ensuing year notwithstanding that the amount thereof shall cause the nonelectoral debt of such local government unit to exceed the limitations of Article II." (53 P.S. 6789-51, et seq.)

Defendants next cite Section 901(b) of the Debt Act (53 P.S. 6780-401(b) which states:

> "Exclusive jurisdiction is hereby conferred on the (Department of Community Affairs) to hear and determine all procedural and substantive matters arising from the proceedings of a local government unit taken pursuant to this act..." (53 P.S. 6780-401(b).

and draw the conclusion that since this Action arises under the Local Government Unit Debt Act, exclusive jurisdiction rests with the Department of Community Affairs. This Court disagrees.

If the above Action sought to attack a tax anticipation note or any other actions taken by Defendants under the provisions of the Local Government Unit Debt Act, Defendants' position on jurisdiction would no doubt be correct. However, the instant case does not question the validity of a tax anticipation note but the ability of the Commissioners to levy and collect a tax on real property that exceeds the statutory limit set forth in the County Code (16 P.S. 1770). The Local Government Unit Debt Act is silent as to the authority of the County Commissioners to levy and collect taxes. This power is contained in the County Code and no where is jurisdiction conferred upon the Department of Community Affairs to hear the issue of taxation. Since it is clear that jurisdiction properly resides with this Court, Plaintiff's argument that that portion of the Unit Debt Act conferring exclusive jurisdiction in the Department of Community Affairs (53 P.S. 6780-401(b) is constitutionally infirm and need not be addressed.

In their Demurrer to the Complaint, Defendants allege that Plaintiff has failed to state a cause of action for which relief can be granted because Defendants' actions are authorized by the Debt Act and the County Code. This Court finds that it cannot so find asa matter of law. Defendants rely on Section 1770 of the County Code (16 P.S. 1770) which provides:

CONTINUED ON REVERSE SIDE

CONTINUED FROM PAGE 109 82-2-EQU CARL A. BELIN, JR. -vs- KENNETH A. BUNDY et al

"No tax shall be levied on personal property taxable for county purposes where the rate of taxation thereon is fixed by law other than at the rate so fixed. The county commissioners shall fix, by resolution, the rate of taxation for each year. No tax for general county purposes in counties of the third, fourth, fifth, sixth, seventh and eighth classes exclusive of the requirements for the payment of rentals to any municipal authority, shall in any one year exceed the rate of twenty mills on every dollar of the adjusted valuation; Provided, however, That the rate of taxation for payment of interest and princupal on any indebtedness incurred pursuant to the act of July 12, 1972 (P.L. 781, No. 185), known as tge 'Local Government Unit Debt Act,' or any prior or subsequent act governing the incurrence of indebtedness of the county shall be unlimited..."

It appears to this Court that the definition or construction of the phrase: "...Provided, however, That the rate of taxation for payment of interest and principal on any indebtedness incurred pursuant to the Act of July 12, 1972 (P.L. 781, No. 185), known as the 'Local Government Unit Debt Act,' or any prior or subsequent act governing the incurrence of indebtedness of the county shall be unlimited..."
is the issue to be determined in this Action. Whether or not an unpaid tax anticipation note incurred in 1981 and rolled over to 1982 falls within the above exception to the limitations on the County Commissioners' taxing authority is a proper issue for this Court to determine. Whether this obligation by definition falls under Section 102, of the Local Government Unit Debt Act or is included as "unfunded debt" under Article V of said Act must be determined by this Court.

THEREFORE, this Court, having determined that jurisdiction properly lies in the Court of Common Pleas of Clearfield County and that the Complaint does state a claim for which relief can be granted, enters the following Order:

O R D E R

NOW, this 11th day of February, 1982, it is the ORDER of this Court that Defendants' Preliminary Objections be and are hereby dismissed and said Defendants directed to file Responsive Pleadings within twenty (20) days from date hereof. By the Court, John K. Reilly, Jr., President Judge

FEBRUARY 17, 1982, DEFENDANTS' MOTION TO AMEND THE COURT'S ORDER PURSUANT TO 42 Pa.C.S. §702(b) AND FOR A STAY OF PROCEEDINGS filed by Neal Steinman of Blank, Rome, Comisky & McCauley

FEBRUARY 17, 1982, ORDER, filed.

NOW, this 17th day of February, 1982, this matter coming before this Court on Defendants' Motion to Amend the Order of Court dated February 11, 1982 to include a statement certifying the issues as controlling questions of law in order to permit Defendants to appeal said Order denying their Preliminary Objections, this Court being of the opinion that the matter could be more expeditiously concluded by a disposition on the merits by this Court prior to any Appeal, it is the ORDER of this Court that said Motion be and is hereby denied. By the Court, John K. Reilly, Jr., President Judge

FEBRUARY 19, 1982, ORDER, filed.

AND NOW, this 19th day of February, 1982, upon consideration of the Petitioners' Application for Expedited Proceedings and other relief;

It is ORDERED that the Respondent be and hereby is directed within five days from the date of service of this order to file an Answer and/or brief responding to the Petition for Review of the order below refusing to certify the order of the court below overruling the Petitioners' Preliminary Objections to Respondent's Complaint in Equity pursuant to Section 42 Pa.C.S. §702(b);

It is further ORDERED that should this court, after consideration of the Petition for Review and the response thereto, order that we should review the order below overruling said Preliminary Objections to the Respondent's Complaint In Equity, argument on the merits of the Order overruling Preliminary Objections shall be conducted on Friday, March 5, 1982, at three o'clock P.M. at a court room of the Appellate Courts of Pennsylvania in the Old Federal Courthouse, Second Floor, Ninth and Market Streets, Philadelphia;

The Prothonotary and Clerk of Courts of Clearfield County is DIRECTED to transmit the record of this matter at No. 82-2 Equ. to the Prothonotary of the Commonwealth Court of Pennsylvania, sixth floor, South Office Building, Harrisburg, Pennsylvania, 17120. BY THE COURT: /s/Theodore O. Rogers, J.

FEBRUARY 23, 1982, ALL RECORDS MAILED TO COMMONWEALTH COURT (copies of papers in bucket)

FEBRUARY 24, 1982, SENDERS RECEIPT, Filed

FEBRUARY 23, 1982 SENDERS RECEIPT, Filed

APRIL 6, 1982, MOTION FOR SINKING FUND DEPOSITARY, ORDER, & CERTIFICATE OF MAILING, filed by Belin, Belin & Naddeo 2 Copies Cert. to Atty

ORDER

AND NOW, this 6 day of April, 1982, upon reading and considering the foregoing Motion, a Rule is hereby issued on Kenneth A. Bundy, Richard Liniger, and Mark Vrahas, Clearfield County Board of Commissioners, to show cause why an Order should not be entered directing all the tax collectors in and for the Counth of Clearfield to pay 10 mills of County real estate taxes collected for the year of 1982 into a depositary of a sinking fund to be named by the Court. Rule Returnable April 19, 1982 at 1:30 PM

It is further the Order of the Court that all tax collectors in and for the County of Clearfield be and are hereby enjoined from paying over the said 10 mill Debt Service Tax to the County of Clearfield until the hearing on the aforesaid motion. BY THE COURT, /s/ John K. Reilly Jr., P.J.

APRIL 20, 1982, ORDER, filed.

NOW, this 19th day of April, 1982, this being the day and date set for Hearing in the above Preliminary Injunction. Upon agreement of the Parties it is the ORDER of this Court that said Injunction be and is hereby then resolved upon condition that the County Treasurer upon receipt of said tax monies from the various tax collectors throughout the County shall be withheld therefrom in an amount equal to ten mills of each tax bill and shall pay the same into a depository to be designated by this Court to be placed at interest until the further Order of this Court. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

CONTINUED TO PAGE 110A

CONTINUED FROM PAGE 110 82-2-EQU CARL A. BELIN, JR. -vs- KENNETH A. BUNDY et al

MAY 17, 1982, ORDER filed.

NOW, this 14th day of May, 1982, it is the ORDER of this Court that the Union Banking and Trust Company of DuBois, Pennsylvania, be and is hereby appointed Depository for all taxes received by the Clearfield County Treasurer subject to the Injunction entered by this Court on April 19, 1982. The Clearfield County Treasurer is directed to pay such funds to the Depository, there to be held at the highest rate of interest available. By the Court, John K. Reilly, Jr., President Judge

One copy certified to Treasurer

One copy certified to Union Bank & Trust Company

DECEMBER 7, 1982, JOINT STIPULATION AND MOTION, filed by David S. Ammerman

2 Copies Cert. to Atty

DECEMBER 7, 1982, ORDER, filed 2 Copies Cert. to Atty

AND NOW, this 7th day of December, 1982, upon consideration of the Joint Stipulation and Motion of the parties to the captioned matter, it is hereby

ORDERED AND DECREED that the County Treasurer of the County of Clearfield forthwith pay over or cause to be paid over to the General Fund of the County, from sums held in the depositary created by the Order of this Court dated April 19, 1982, the amount of $299,293, constituting real property tax receipts properly levied and collected in respect of County indebtedness validly incurred pursuant to the Pennsylvania Local Government Unit Debt Act, Act 1978-52, approved April 28, 1978, as amended and supplemented all other terms and conditions of said Order to remain unchanged and in full force and effect. BY THE COURT /s/ John K. Reilly Jr., President Judge

JUNE 22, 1983, ANSWER TO PLAINTIFF'S COMPLAINT, filed by Kim C. Kesner, Esquire

JUNE 22, 1983, ANSWER TO PLAINTIFF'S MOTION FOR JUDGMENT, filed by Kim C. Kesner, Esquire

JUNE 22, 1983, CERTIFICATE OF SERVICE, filed .

I hereby certify that true and correct copies of Defendants' Answer to Plaintiff's Complaint and Defendants Answer to Plaintiff's Motion for Judgment have been served by leaving such copies for the following person at the following address: Carl A. Belin, Jr., Esqurie, Belin, Belin & Naddeo, 15 North Front Street, Clearfield, PA 16830. /s/ Kim C. Kesner, Esquire.

JUNE 16, 1983, MOTION FOR JUDGMENT filed by Carl A. Belin, Jr.

Two copies certified to Attorney

ORDER

AND NOW, this 16 day of June, 1983, upon motion being presented by Carl A. Belin, Jr., the defendants, Kenneth A. Bundy, Richard Lininger and Mark Vrahas, Clearfield County Board of Commissioners, are hereby directed to file an Answer to the plaintiff's Complaint on or before June 22, 1983, 1983, and a hearing is hereby scheduled on June 23, 1983 at 3:00 PM to show cause' why the following order should not be entered by the court:

(a) that judgment be entered in favor of the plaintiff, Carl A. Belin, Jr., and against the defendants, Kenneth A. Bundy, Richard Lininger and Mark Vrahas, Clearfield County Board of Commissioners:

(b) that the debt service tax levied and enacted by the defendants for the year of 1982 be and is hereby declared illegal and contrary to the County Code and the Debt Act;

(c) that the injunction entered by the court on April 6, 1982 as modified by order of court entered on May 14, 1982 be and is hereby made permanent and the Clearfield County Treasurer is hereby directed not to pay any of the proceeds in the Union Banking & Trust Company to the Clearfield County Commissioners;

(d) that the Clearfield County Treasurer or a person to be selected by the Court is hereby directed to develop a plan to return all tax monies placed in said Union Banking & Trust Company to the taxpayers together with a legal rate of interest for final approval by the Court;

(e) that the Clearfield County Tax Claim Bureau is hereby directed to delete 7.4 mills of the debt service tax from the obligation of all unpaid real estate tax claims for the year of 1982; and

(f) that the costs of this action be and are hereby assessed against the defendants, Kenneth A. Bundy, Richard Lininger and Mark Vrahas, Clearfield County Board of Commissioners. BY THE COURT, John K. Reilly, Jr., P.J.

JUNE 30, 1983, BRIEF IN SUPPORT OF DEFENDANT'S ANSWER TO PLAINTIFF'S MOTION FOR JUDGMENT filed by David S. Ammerman

One copy certified to Attorney

JUNE 30, 1983, CERTIFICATE OF SERVICE filed by Kim C. Kesner

FEBRUARY 22, 1982, ORDER, filed

AND NOW, this 19th day of February, 1982, upon consideration of the Petitioners' Application for Expedited Proceedings and other relief;

It is ORDERED that the Respondent be and hereby is directed within five days from the date of service of this order to file an Answer and/or brief responding to the Petition for Review of the order below refusing to certify the order of the court below overruling the Petitioners' Preliminary Objections to the Respondent's Complaint in Equity pursuant to Section 42 Pa. C.S. 702(b);

It is further ORDERED that should this court, after consideration of the Petition for Review and the response thereto, order that we should review the order below overruling said Preliminary Objections to the Respondent's Complaint in Equity, argument on the merits of the Order overruling Preliminary Objections shall be conducted on Friday, March 5, 1982, at three o'clock P.M. at a Court room of the Appellate Courts of Pennsylvania in the Old Federal Courthouse, Second Floor, Ninth and Market Streets, Philadelphia;

The Prothonotary and Clerk of Courts of Clearfield County is DIRECTED to transmit the record of this matter at No. 82-2-EQU. to the Prothonotary of the Commonwealth Court of Pennsylvania, Sixth Floor, South Office Building, Harrisburg, Pennsylvania 17120. BY THE COURT /s/ Theodore O. Rogers (7/19/83 Rec. from Judge's Office)

JULY 11, 1983, MEMORANDUM AND ORDER, filed

WHEREFORE, the Court enters the following Order:

O R D E R

NOW, this 11th day of July, 1983, following hearing, it is the ORDER of this Court that judgment be and is hereby entered in favor of Carl A. Belin, Jr., Plaintiff above-named, that 7.4 mills levied by the Clearfield County Commissioners, Defendants above-named, in 1982, be and is hereby declared illegal, and the Tax Claim Bureau of Clearfiled County directed to delete same from the obligation of all unpaid real estate taxes for 1982, and that the Treasurer and the Controller of Clearfield County are hereby appointed the parties responsible for refunding the amount of illegally collected taxes presently held in escrow to each taxpayer who paid same together with interest on said payment at the rate of 6% from date of payment to date of refund. Said Treasurer and Controller shall submit to this Court within 2 weeks from date hereof the method

CONTINUED TO PAGE 110 B

~~400~~
110 B

CONTINUED FROM PAGE 110A NO. 82-2-EQU CARL A. BELIN, JR. -vs- KENNETH A. BUNDY, et al

of refund they deem most economical. By the Court /s/ John K. Reilly Jr., President Judge.

AUGUST 18, 1983, ORDER, filed

NOW, this 18th day of August, 1983, upon consideration of the proposal submitted by the Treasureerand Controller of Clearfield County pursuant to the ORDER dated July 11, 1983, the Court is of the opinion that the proposal submitted be the Treasurer and Controller is the practicable and most economical method to accomplish the tax refunds, hereby enters the following ORDER:

It is the ORDER of this Court that the specifications submitted by the Controller and Treasurer be and are hereby approved as the basis to enter into a contract with and independent computing firm to prepare for mailing of the refunds with interest to the Clearfield County taxpayers. Such specifications as approved are hereto attached.

It is the further ORDER that the Treasurer and Controller are directed to advertise for the receiving of bids in accordance with the notice hereto attached. The cost of said advertisement shall be considered as costs which shall be paid out of the balance of the escrow fund estabiched by this Court.

It is the further ORDER of this Court that supplemental ORDERS shall be entered upon the request of the Treasurer and Controller to fully implement the proposal hereby approved by the Court. The Court hereby retains jurisdiction of this case. By the Court, /s/ John K. Reilly, Jr., President Judge

SEPTEMBER 1, 1983, PETITION FOR RELEASE OF MONIES filed by Kim C. Kesner

Four copies certified to Attorney

SEPTEMBER 9, 1983, ORDER, filed

NOW, this 8 day of September, 1983, the Controller and the Treasurer of Clearfield County having advertised for the receiving of bids in accordance with Order of this Court dated August 18, 1983 and said bid having been awarded to Infocon Corporation and the Controller and Treasurer having incureed necessary expenses for said advertisement, it is the ORDER of this Court that the Controller and Treasurer be and are hereby authorized and directed to open a checking account for the payment of necessary expenses and eventual refunds to Clearfield County taxpayers.

It is the further ORDER that the Controller and Treasurer be and are hereby authorized and directed to transfer from the escrow account, established at the designated depository as directed by Order of this Court dated February 11, 1982, to said checking account an amount necessary to pay said advertising expenses plus such other amount as may be required by the designated depository to keep said checking account open.

It is the further ORDER of this Court that the Controller and Treasurer present to this Court for approval any necessary expenses incurred to accomplish said refunds, at which time this Court will authorize the transfer of said funds.

It is the further ORDER of this Court that when the Controller and Treasurer are prepared to make said refunds that they present this Court with the total amount of said refunds, including interest, for authorization to transfer the same from the escrow account to this newly established checking account. The Court hereby retains jurisdiction of this case. BY THE COURT: /s/ John K. Reilly, Jr., President Judge. 1 copy cert. to Atty.

SEPTEMBER 30, 1983, RULE RETURNABLE, filed

AND NOW, this 30th day of September, 1983, upon consideration of the foregoing Petition , a Rule is hereby issued to Carl A. Belin, Jr.; James Laing, Treasurer of Clearfield County; and Charles F. Ralston, Controller of Clearfield County, to appear and show cause, if any they have, why the proayer of said Petition should not be granted.

Rule Returnable on the 11th day of October, 1983, at 2:00 o'clock p.m. in the main Courtroom of the Clearfield County Court House. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

OCTOBER 3, 1938, RULE GRANTED ON CARL A. BELIN JR., AND FORWARDED TO CARL A. BELIN, JR., BY OFFICE MAIL SERVICE. /s/ Bernice Eshwlman.Clerk

OCTOBER 3, 1983, RULE GRANTED ON JAMES LAING, TREASURER OF CLEARFIELD COUNTY AND FORWARDED TO JAMES LAING BY PERSONAL SERVICE. /a/ Bernice Eshelman, Clerk

OCTOBER 3., 1983, RULE GRANTED ON CHARLES F. RALSTON, CONTROLLER OF CLEARFIELD COUNTY AND FORWARDED TO CHARLES F. RALSTON BY PERSONAL SERVICE. /s/ Bernice Eshelman, Clerk

OCTOBER 10, 1983, ANSWER TO PETITION FOR RELEASE OF MONIES & CERTIFICATE OF MAILING, filed by Carl A. Belin, Jr., ~~Rxe~~

OCTOBER 26, 1983, ORDER, filed

NOW, this 26th day of October, 1983, it is the ORDER of this Court that all monies in the Tax Escrow Account in the name of the Tax Refund Committee of Clearfield County at the Union Banking and Trust Company of DuBois, Pennsylvania, shall be transferred to the Tax Escrow NOW Account (checking account at that institution for the purpose of enabling the Committee to pay the Clearfield County real estate tax rebates in accordance with this Court's Order of July 11, 1983, in the above-captioned matter. By the Court, /s/ John K. Reilly, Jr., President Judge. (3) copies cert. to Fred Ralston Clfd. Co. Controller.

NOVEMBER 17, 1983, PETITION, filed by Carl A. Belin, Jr.. One Copy Cert. to Attorney.

ORDER

AND NOW, this 17 day of November, 1983, upon reading and considering the foregoing Petition, a Rule is hereby issued on the defendants to show cause why the Tax Return Committee should not be directed to pay the firm of Belin, Belin & Naddeo the sum of $403.12 for expenses incurred in the above-captioned action. Rule Returnable 23 of November 1983 at 3:30 PM. BY THE COURT, /s/ John K. Reilly, Jr., P.J.

NOVEMBER 28, 1983, ORDER, filed

NOW, this 23rd day of November, 1983, upon consideration of Plaintiff's Petition for Costs, it is the ORDER of this Court that said Petition be and is hereby granted and the Tax Return Committee be and is hereby directed to pay out of said Escrow account the sum of Four Hundred Three and 12/100 ($403.12) Dollars to Carl A. Belin, Jr.' By the Court, /s/ John K. Reilly, Jr., President Judge. Judges Sec. gave copies to F. Ralston, controller, D. Ammerman & Carl Belin, Atty.

CONTINUED TO PAGE 110C

~~285~~
110C

CONTINUED FROM PAGE 110B NO. 82-2-EQU CARL A. BELIN, JR. -vs- KENNETH A. BUNDY et al

NOVEMBER 23, 1983, JUDGMENT filed.
ON CONSIDERATION WHEREOF, it is now here ordered and adjudged by this Court that the judgment of the COMMONWEALTH COURT OF PENNSYLVANIA, be, and the same is hereby AFFIRMED. BY THE COURT: Carl Rice, Esquire, Prothonotary
ALL PAPERS RETURNED AND FILED IN LEGAL DRAWER "A"

JULY 13, 1988, PETITION FOR DETERMINATION OF DISPOSITION OF FUNDS,AND ORDER, filed 4 Orderscert/Atty.
NOW THIS ___ day of July, 1988, upon petition filed by the Treasureer and Controller for disposition of funds held in escrow in the tax return account in the above-captioned case, is hereby ordered that a hearing on said petition shall be held before this Court on the 10th day of August, 1988, at 10:00 am.
At least ten (10) days written notice of said hearing shall be served upon the Plaintiff and the present Clearfield County Board of Commissioners as Defendants by regular mail and upon the Secretary of Revenue of the Commonwealth of Pennsylvania pursuant to the provisions of the act entitled "Disposition of Abandoned and Unclamined Property" (72 P.S. 1301) and the Attorney General of the Commonwealth by certified mail, return receipt requested. BY THE COURT: John K. Reilly, Jr., P.J.

JULY 20, 1988, ACCEPTANCE OF SERVICE, filed
AND NOW, this 20th day of July, 1988, I, KIM C. KESNER, Solicitor for the Clearfield County Commissioners, hereby accept service of a certified copy of the Order in the above-captioned case stating that the hearing on the Petition will be held August 10, 1988 at 10:00 am at the Clearfield County Court House. /s/ Kim C. Kesner, Esq

JULY 29, 1988, AFFIDAVIT OF SERVICE, filed
I, David S. Ammerman, Esquire, Solicitor for the Clearfield County Treasurer and Clearfield County Controller, Petitioners in the above-captioned matter, hereby certify that atrue and correct copy of the Order stating that the hearing on the Petition filed in the above matter was served upon the Secretary of Revenue and the Office of the Attorney General pursuant to the provisions of the act entitled "Disposition of Abandoned and Unclaimed property" (72 P.S. 1301) on July 22, 1988 by United States Mail at the Post Office, Clearfield, PA, certified mail as evidenced by the Post Office return receipts attached hereto. /s/ David S. Ammerman, Esq.

AUGUST 8, 1988, ANSWER AND MOTION FOR COUNSEL FEES, filed by Carl A. Belin, Jr., 3 copies cert atty

AUGUST 9, 1988, PRELIMINARY OBJECTIONS, filed by Karen L. Galli, Asst. Counsel PA Dept of Revenue. 1 cert/Atty

AUGUST 9, 1988, PRELIMINARY OBJECTIONS TO PRELIMINARY OBJECTIONS, filed by Carl A. Belin, Jr., Esq. 3 cert/Atty
OCTOBER 31, 1988 ORDER filed.
NOW, this 27th day of October, 1988, upon agreement of the parties, it is the Order of this Court that the unexpended balance in the above captioned fund totaling $47,369.85 shall be and is hereby distributed as follows:
Clearfield County the sum of $24,074.54
Commonwealth of Pennsylvania the sum of $23.295.31/
It is the further Order of this Court that based upon agreement of Carl A.Belin Jr. Esquire, and the Commonwealth of Pennsylvania, the sum to be paid to the Commonwealth shall be divided as follows:
Commonwealth of Pennsylvania the sum of $14,295.31
Belin, Belin and Naddeo, the sum of $9,000.00. BY THE COURT s/ John K.Reilly Jr. Judge. 1/cert to Atty Belin, 1/ Cert to Atty Kesner.

~~380~~
110 D

John Sughrue	DEPOSIT BANK, Guardian of the Estate of Everett Kramer, an incompetent	JANUARY 25, 1982, PRAECIPE FOR WRIT OF SUMMONS IN EQUITY, filed by John Sughrue One copy Certified to Attorney. Kindly issue writ of summons in equity in the above-captioned matter directed to Edity Boyer, 301½ West Garfield Street, DuBois, Pa. 15801, Defendant. Certify the writ to the Sheriff of Clearfield County to be served on the Defendant at her above mentioned address. This certified copy of the writ and this praecipe to the Recorder of Clearfield County for recording lis pendens, indexed under the names of the above mentioned parties by virtue of the fact that this matter involves the following described real property situate City of DuBois, Clearfield County, Pennsylvania, more particularly bounded and described as follows:
	82-3-EQU	
Timothy Durant	EDITH BOYER	ALL that certain lot or parcel of land and building consisting of a one and one-half story dwelling house located in Section C of the George P. Donaldso Addition in the Third Ward, City of DuBois, Clear-field County, Pennsylvania, and described as follows BEGINNING at a post on line of Lot No. 47 on the south side of West Garfield Avenue East 50 feet to a post on the west side of Osburn Street; thence 150 feet South on line of Osburn Street to an alley; thence West 50 feet to a post on line of Lot No. 47; thence 150 feet North to West Garfield Avenue and th place of beginning. BEING a parcel of land fronting 50 feet on West Garfield Avenue and 150 feet deep, bounded on the North by West Garfield Avenue; on the East by Osburn Street; on the South by an alley; and on the West by Lot No. 47; being Lot No. 48, Section C of the Plan or Plot of Lots dedi-cated as an addition to the City of DuBois by George P. Donaldson, et ux recorded at Clearfield, Pennsylvania on December 10, 1946 in Miscellaneous Book 67, Page 246. BEING the same premises which Everett A. Cramer by his deed dated May 11, 1981 and recorded in the Recorder of Deeds Office of Clearfield County, Pennsylvania in Deed Book 813, Page 499, granted and conveyed to Edythe M. Boyer, Defendant in this action. Also being the same property which was conveyed to Everett Cramer by deed of George P. Donaldson et al in Deed Book 393, Page 333. SUGHRUE & KESNER, By /s/ John Sughrue, Esquire

Pro	by Atty	15.00
Atty		3.00
	by Atty	
Shff	Hawkins	25.95
Pro	by Atty.	15.00

FEBRUARY 1, 1982, SUMMONS ISSUED TO SHERIFF FOR SERVICE

FEBRUARY 26, 1982, SHERIFF'S RETURN, filed.
NOW, Feb. 2, 1982 at 6:40 PM EST served within Summons in Equity on Edith Boyer, deft. at her place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

AUGUST 9, 1982, PRAECIPE FOR ENTRY OF APPEARANCE, filed by Timothy E. Durant
Kindly enter my appearance in the above captioned action for the Defendant, Edith Boyer.
s/Timothy E. Durant

SEPTEMBER 3, 1982, COMPLAINT filed by John Sughrue, Esquire
One (1) copy Certified to Attorney.

OCTOBER 1, 1982, AFFIDAVIT OF SERVICE, filed by Kim C. Kesner
Complaint served on Timothy E. Durant by first class mail on September 3, 1982. s/Kim C. Kesne

OCTOBER 11, 1982, ANSWER, NEW MATTER AND COUNTERCLAIM filed by Timothy E. Durant
One copy certified to Attorney

NOVEMBER 1, 1982, REPLY TO NEW MATTER filed by John Sughrue

NOVEMBER 1, 1982, PRELIMINARY OBJECTIONS OF DEPOSIT BANK, A CORPORATION, INDIVIDUALLY, TO COUNTERCLAIM filed by John Sughrue

DECEMBER 23, 1982, ORDER, filed.
NOW, this 22nd day of December, 1982, upon consideration of Preliminary Objections filed on behalf of Deposit Bank, individually, in the nature of a misjoinder of a cause of action, it is the ORDER of this Court that said Objection be and is hereby sustained, the counter-claim against Deposit Bank, individually, shall be and is hereby dismissed as being improperly joined, and Deposit Bank, individually, is discharged as a party in this case, and Defendant may pursue said claim through institution of separate legal proceedings. By the Court, /s/ John K. Reilly, Jr., President Judge

MAY 11, 1983, ORDER filed.
AND NOW, to wit, this 10th day of May, 1983, after hearing and pursuant to a stipulation stated in open Court it is ORDERED, ADJUDGED and DECREED as follows:

1. Edythe M. Boyer, Defendant, shall reconvey to Deposit Bank, Guardian of the Estate of Everett Cramer, a parcel of land situate in the City of DuBois, Clearfield County, Pennsylvania, fronting on West Garfield Street a distance of 50 foot and 70 foot deep being more particularly shown on the survey prepared by Lee Simpson Associates, Inc., dated February 18, 1983, a copy of which is attached hereto and incorporated herein by reference, with the subject parcel to be conveyed outlined in red; and

2. Subject to the approval of the Orphans' Court Division of Indiana County, the guardian-ship of Everett Cramer shall be transferred to the Orphans' Court Division of this Court and the Clerk of the Orphans' Court is directed in the event of such transfer to receive and file the same; and

3. Edythe M. Boyer shall be and is hereby deemed a a party in interest in the affairs of Everett Cramer and shall be given appropriate notice of all substantial matters involving his welfare and finances; and

CONTINUED ON PAGE 112

CONTINUED FROM PAGE 111 No. 82-3-EQU DEPOSIT BANK -vs- EDYTHE M. BOYER

MAY 11, 1983, ORDER continued.

4. Edythe M. Boyer shall have the right of visitation with her brother-in-law, Everett Cramer, from time to time as may be reasonable or mutually agreed and in the event agreement cannot be made, any interested party may petition the Orphans' Court Division of this Court for adjudication of the issues; and

5. This Order shall constitute a decree ni si in the above captioned equity matter and any party in interest may file exceptions hereto within ten (10) days from date hereof, and if no exceptions are filed, this decree shall become final without any further action. By the Court, John K. Reilly, Jr., President Judge

Paul Silberblatt
Frederic Ammerman

MAX D. IRWIN, STANLEY DOUGLAS, and CLYDE ADDLEMAN, Supervisors of Pike Township, Clearfield County Pennsylvania

82-4-EQU

~~John B.~~ ~~Gates~~

CHESTER A. OGDEN, an adult individual

Fredric J. Ammerman

LESTER NEEPER & BETTY NEEPER(intervene)

Pro	by Atty	30.00
Shff Hawkins	by Atty FJA	15.55
Pro	by Atty	40.00
Pro	by Atty	11.75
Pro	by deft	40.00
Postage		2.18
Constable		34.50
Pro	by atty (F.A)	9.00
SHff sur-	by Chester Ogden	34.40
charge	by Chester Ogden	10.00

FEBRUARY 5, 1982 COMPLAINT IN EQUITY filed by Paul Silberblatt, Esquire
One (1) copy Certified to Attorney.

FEBRUARY 18, 1982, AFFIDAVIT OF SERVICE, filed.
NOW, Feb. 11, 1982 at 1:30 PM o'clock EST served within Complaint on Chester A. Ogden, deft. at his place of residence. So answers, Chester A. Hawkins, Shff By, /s/ Marilyn Wood

MARCH 16, 1982, PRAECIPE, filed BY Gates & Seaman
PLEASE enter our appearance for Chester A. Ogden, Defendant, in the above captioned matter. /s/ John B. Gates

MARCH 16, 1982, ANSWER, filed by Gates & Seaman

APRIL 19, 1983, PETITION TO INTERVENE, filed by Fredric J. Ammerman
2 Copies Cert. to Atty

APRIL 19, 1983, RULE TO SHOW CAUSE, filed 2 Copies
AND NOW, this 19th day of April, 1983, upon consideration of the foregoing Petition, a Rule is granted on all parties to the action to show cause why Lester Neeper and Betty I. Neeper should not be permitted to intervene therein. Cert.
Rule returnable May 11, 1983, at 9:00 o'clock A.m.
All proceedings to stay meanwhile. BY THE COURT /s/ John K. Reilly Jr , President Judge.

APRIL 21, 1983, CERTIFICATE OF SERVICE filed by Fredric J. Ammerman
April 19, 1983 Petition to Intervene served by mail on Paul Silberblatt, Esq.

APRIL 21, 1983, CERTIFICATE OF SERVICE filed by Fredric J. Ammerman
April 19, 1983 Petition to Intervene served by mail on John B. Gates, Esq.

MAY 11, 1983, ORDER filed.
NOW, this 11th day of May, 1983, following argument into Petition to Intervene filed on behalf of Lester Neeper and Betty I. Neeper, it is the ORDER of this Court that said Petition be and is hereby granted and Petitioners permitted to intervene as parties in the above-captioned proceeding on the issue of whether the subject road is indeed a Township Road and if so, its exact location and distance. By the Court, John K. Reilly, Jr., President Judge

MAY 16, 1983, COMPLAINT filed by Fredric J. Ammerman
One copy certified to Attorney

JUNE 6, 1983, AFFIDAVIT OF SERVICE, filed.
NOW, June 1, 1983 at 2:15 PM o'clock DST served within Complaint on Chester A. Ogden, deft. at his place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

JULY 1, 1983, ANSWER, filed by Gates & Seaman

AUGUST 2, 1983 NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER PA. R.C.P. NO. 4007.1, filed by Fredric J. Ammerman

AUGUST 2, 1983, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER PA R.C.P. NO. 4007.1, filed by Fredric J. Ammerman

JANUARY 12, 1984, REQUEST FOR ADMISSIONS UNDER PA. R.C.P. NO. 4014 filed by Andrew P. Gates
CERTIFICATE OF SERVICE

FEBRUARY 9, 1984, CO-PLAINTIFFS' ANSWERS TO DEFENDANT'S REQUEST FOR ADMISSIONS filed by Fredric J. Ammerman
CERTIFICATE OF SERVICE

FEBRUARY 22, 1984, ANSWER TO DEFENDANT'S REQUEST FOR ADMISSIONS UNDER PA. R.C.P. NO. 4014 filed by Paul Silberblatt
CERTIFICATE OF SERVICE

FEBRUARY 24, 1984, REQUEST FOR PRODUCTION OF DOCUMENTS UNDER PA. R.C.P. 4009 filed by Andrew P. Gates
CERTIFICATE OF SERVICE

MARCH 22, 1984, REQUEST FOR PRODUCTION OF DOCUMENTS AND COPIES UNDER PA. R.C.P. #4009 filed by Fredric J. Ammerman.

APRIL 19, 1984, AFFIDAVIT filed by John B. Gates, Esq.

APRIL 19, 1984, AFFIDAVIT filed by Andrew P. Gates, Esquire.

APRIL 19, 1984, MOTION FOR SUMMARY JUDGMENT filed by Andrew P. Gates, Esquire
CERTIFICATE OF SERVICE filed.

APRIL 19, 1984, DEPOSITION OF SYLVIA KELLER filed.

APRIL 23, 1984, DEPOSITION OF Clair Whitaker taken by Plaintiffs, filed.

APRIL 23, 1984, DEPOSITION OF Willard Clair Smay taken by Plaintiffs, filed.

DEPOSITIONS FILED IN TRANSCRIPT DRAWER UNDER "O".

MAY 22, 1984, PLAINTIFFS BRIEF IN RESPONSE TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, filed by Fredric Ammerman
1 Copy Cert. to Atty

NOVEMBER 14,1984, MEMORANDUM AND ORDRR,filed.
NOW, this 14th day of Novmeber,1984, upon consideration of Defendants Motion for Summary Judgment, it is the ORDER of this Court that the same be and is hereby dismissed./s/ John A. Cherry

DECEMBER 14,1984, PETITION FOR VIEW,and RULE TO SHOW CAUSE,filed BY Frederic Ammerman.
One copy certified to atty
AND NOW, this 14thday of Cecember,1984 upon presentation and consideration of the within Petition for View, a Rule is hereby directed to be served upon Chester A. Ogden,plaintiff above named and Respondent herein to appear and show cause why the Cpurt shold not view and inspect the alleged Township Road #504 as requested in the foregoing Petition.
Rule returnable athe 8th day of Jan.1985 at 2 PM in the Courtroom of the Clearfield County Court House,Clearfield Pa./s/ John K. Reilly,Jr.,P.J.

CONTINUED TO PAGE 114

144A

CONTINUED FROM PAGE 113 82-4-EQU IRWIN vs OGDEN

JANUARY 4,1985, PETITION TO WITHDRAW and RULE, filed by Andrew Gates,Esq. Three certified copies to atty.

AND NOW,this 4th day of January,1985, upon consideration of the foregoing Petition IT IS HEREBY ORDERED that CHESTER A. OGDEN, Defendant, appear to show cause why the prayer of said Petition should not be granted.

RULE RETURNED AND HEARING THEREON,the 28th day of January,1985, at 9:00 am in the main Courtroom,Clearfield County, Court House,Clearfield Pennsylvania. BY THE COURT: /s/ John K. Reilly,Jr.,p.j.

JANUARY 28,1985, CERTIFICATE OF SERVICE,filed.

I, ANDREW P. GATES,ESQUIRE, and counsel for Chester A. Ogden,Defendant in the above captioned action,certify that I sent a true and correc copy of my petition to Withdraw as counsel for defendant in the above captioned action, by first class mail, postage prepaid, on January 4,1985, to the following: Chester A. Ogden,P.O. Box 661, Clearfield,Pennsylvania,16830.

JANUARY 28,1985 ORDER,filed.

NOW,this 28th day of January,1985, being the day set for hearing on the Petition to Withdraw,the Defendant, Chester A. Ogden being duly notified of said Petition and hearing, it is the Order of this Court that said Peition be and is hereby granted for the reasons contained therein that Gates & Seaman,Attorneys at law, are therby authorized to withdraw as counsel for defendant in the above captioned matter. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

APRIL 29,1985,PRAECIPE FOR ENTRY OF APPEARANCE,filed.

PLEASE ENTER OUR APPEARANCE ON BEHALF OF Max D. Irwin,Stanley Douglas and Clyde Addelman,Supervisours of Pike Township,Clearfield County,Pennsylvania./s/ Frederic Ammerman,Esq.

MAY 9,1985,ORDER,filed.

AND NOW, this 2nd day of May,1985, following hearing by the Court and upon agreement of the parties, the Plaintiffs' Petition for View of the road in question is hereby granted by this Court, the said view to take place at such time that is convenient for the Court and the parties hereto./s/ John K. Reilly,Jr.,P.J.

MAY 20,1985, COMPLAINT,filed.
Four copies certified to atty

MAY 22, 1985, CERTIFICATE OF SERVICE, filed by Chester A. Ogden

MAY 28,1985, PRELIMINARY OBJECTION,filed by Frederic Ammerman,Esq.

JANUARY 14,1986, DEFENDANTS OBJECTION TO PLAINTIFFS NOTICE OF TAKING DEPOSITIONS, filed by Chester A. Ogden,Deft.

JANUARY 15,1986, ORDER,filed.

NOW, this 14th day of January,1986, upon consideration of Plaintiffs Preliminary Objections to Defendants Complaint/Counterclaim, it is theORDER of this Court that said Objections be and are hereby sustained and said document filed on behalf of the Defendant stricken from the record. BY THE COURT://s// John K. Reilly,Jr.,P.J.

FEBRUARY 28,1986,PETITION and RULE TO SHOW CAUSE,filed by Frederic Ammerman,Esq.
One copy certified to atty

AND NOW,TO WIT, this 28th day of February, 1986, upon Petition of MAX D. IRWIN, STANLEY DOUGLAS and CLYDE ADDLEMAN, Township Supervisors of Pike Township and LESTER NEEPER and BETTY I. Neeper, to take telephone depositions of Vivian N. Keller and Beatrice Keller, a Rule shall be and hereby is issued directed to the defendant to appear to show cause if any he has, why the request of the Plaintiffs for telephone depositions of the above named individuals should not be granted.

This Rule shall be returnable on the 3rd day of March,1986, at 10:00 am in the Main Court Room in the Clearfield County Court House. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

MARCH 4,1986, ORDER,filed.

NOW, this 3rd day of March,1986, this Court having directed that a view of the subject premises be held October 1,1985, at 1:30 pm., the parties and this Court having appeared on Defendants property in furtherance of said view. Defendant having refused to permit entry upon his premises for this purpose, it is the ORDER of this Court that any testimony produced by Plaintiff at time of trial with regards to the existence of conditions of the subject road from and after the filing of the Complaint and at all times pertinent prior thereto shall be accepted by this Court as fact. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

APRIL 9, 1986, ORDER, filed 1 copy cert

NOW, this 9th day of April 1986, upon consideration of Plaintiffs' Petition to take telephone depositions, it is the Order of this Court that said Petition be and is hereby denied.
BY THE COURT: John K. Reilly, Jr President Judge.

APRIL 10, 1986, LETTER TO PLACE OF TRIAL LIST, filed by Chester A. Ogden
1 cert Ct. Admin.

APRIL 25, 1986, NOTICE OF TAKING DEPOSITION of Clifford Bloom and Russel Boal, filed by Fredric J. Ammerman, Esquire

APRIL 23, 1986, PETITION FOR SANCTIONS, filed by Fredric J. Ammerman, Esquire.

RULE RETURNABLE, filed.

AND NOW, this 25th day of April, 1986, upon consideration of the foregoing Petition, the Court hereby issues a Rule upon Defendant to appear and show cause why the Petition of the Plaintiffs should not be granted.

Returnable the 27th day of June, 1986, at 2:30 o'clock p.m., at the Clearfield County Court House, BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

APRIL 28, RULE RETURNABLE MAILED TO DEFENDANT, CHESTER A. OGDEN BY CERTIFIED MAIL, Receipt No. P-024-809-042.

APRIL 24,1986, NOTICE OF TAKING DEPOSITION OF VIVIAN N, KELLER AND BEATRICE KELLER, filed by Fredric J. Ammerman,Esq.

CONTINUED TO PAGE 130

John Sughrue

NORMAN W. WALLEY and EARNESTINE E. WALLEY, his wife.

82-5-EQU

Ervin S. Fennell, Jr.

JOSEPH IRACA: JOSEPH G. IRACA COAL COMPANY: and BEVERLY COAL MINING CO.

Pro by Atty 30.00
Atty 3.00
by Atty
Shff Hawkins 21.55
Peo. by atty 9.00 XX
Pro by atty 30.00
Pro By atty 9.00
Pro by Atty 5.00

Filed in Box 3 CV

FEBRUARY 16,1982, COMPLAINT IN EQUITY and RULE TO SHOW CAUSE,filed by John Sughrue,Esq.
Three copies certified to atty

FEBRUARY 19, 1982, SHERIFF'S RETURN, filed.
Now, Feb. 16, 1982 at 2:20 PM EST served within Complaint on Goldine Iraca, wife of Joseph Irace, deft at her place of residence.
Now. Feb 16, 1982 at 2:20 PM EST served within Complaint on Goldie Iraca, wife of Joseph Iraca for Joseph G. Iraca Coal Co., deft at her place of residence.
Now, Fe 16, 1982 at 2:20 PM EST served within Complaint on Goldie Iraca, wife of Joseph Iraca for Beverly Coal Mining Co., deft. at her place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

FEBRUARY 26, 1982, PRAECIPE, filed.
Please enter my appearance on behalf of the defendants named in the above action. /s/ Ervin S. Fennell, Jr., Esq

MARCH 4, 1982, ORDER, Filed
NOW, this 2 day of March, 1982, this beign the day and date set for hearing into Plaintiffs' Petitione for Injunction, upon Motion of the Plaintiffs, it is the ORDER of this Court that said Petition be and is hereby withdrawn. BY THE COURT, John K. Reilly Jr. President Judge

FEBRUARY 24, 1982, ORDER OF COURT filed
AND NOW, to-wit: this 24th day of February, 1982, this being the day and date set for the return of a Rule issued by this Court on February 16, 1982, the Defendant/ Defendants failing to appear, butthe Defendant, Joseph Iraca, by and through his attorney, Ervin S. Fennell, advising Plaintiffs' counsel, Kim C. Kesner, that he has no objection to the Court setting a hearing on Plaintiffs' request for a preliminary injunction, it is hereby ORDERED and DECREED that hearing be set on Plaintiffs' request for a preliminary injunction in the above case on the 2nd day of March. 1982 at 3:00 p.m. in the main court room of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.
Two (2) copies Certified to Attorney.

AUGUST 19, 1982, CERTIFICATION OF READINESS AND PRAECIPE FOR TRIAL, filed by Kim C. Kesner, Esquire.
Plaintiff, by his attorney, hereby certifies that the above-captioned matter is at issue and ready for trial.
Kindly place the above-captioned matter on the following trial list:
Civil Jury
The amount in controversy is in excess of the statutory amount.

AUGUST 27, 1982, DEFENDANTS' ANSWER AND NEW MATTER, filed by Ervin S. Fennell, Jr.
One copy certified to Attorney

AUGUST 27, 1982, PRELIMINARY OBJECTIONS, filed by Ervin S. Fennell, Jr.
One copy certified to Attorney

AUGUST 30, 1982, ACCEPTANCE OF SERVICE, filed by Ervin S. Fennell, Jr.
Service of Defendants; Preliminary Objections and Defendant's Answer and New Matter was accepted by me this 27th day of August, 1982. s/John Sughrue

SEPTEMBER 9, 1982, PLAINTIFFS' REPLY TO NEW MATTER, filed by John Sughrue, Esquire

JUNE 21, 1983, CERTIFICATION OF READINESS AND PRAECIPE FOR TRIAL filed by John Sughrue
Kindly place the above-captioned matter on the following trial list: Civil Jury s/John Sughrue

SEPTEMBER 22, 1983, ORDER, filed
NOW, this 21st day of September, 1983, following argument, it is the ORDER of this Court that Preliminary Objections filed on behalf of Defendant above-named be and are hereby dismissed, and further that objections to punitive damages may be raised at trial. By the Court, /s/ John K. Reilly, Jr., President Judge.

SEPTEMBER 19, 1983, MOTION & ORDER, filed by John Sughrue, Esq.
AND NOW, to-wit: this 26 day of September, 1983, upon consideration of the foregoing Motion, 1 hearing on the merits in the above-captioned matter is scheduled for the 10 day of November, 1983 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. (1) cert. copy to Atty.

OCTOBER 25, 1983, NOTICE OF DEPOSITION TO ERVIN S. FENNELL, JR., ESQUIRE, filed by Kim C. Kesner.

OCTOBER 27, 1983, DESIGNATION OF WITNESS, filedby Ervins S. Fennell, Jr.
TO: Kim C. Kesner
Please take notice that Joseph G. Iraca shall testify for the above named defendants and on behalf of himself at depositions to be taken at 3:00 p.m., Wednesday, November 2, 1983, at the office of Sughrue and Kesner, 23 North Second Street, Clearfield, Pennsylvania. /s/ Maine and Fennell

OCTOBER 27, 1983, CERTIFICATE OF SERVICE, filed by Ervin Fennell, Jr.

NOVEMBER 4, 1983, AFFIDAVIT ON KITTY SWARTZLANDER, SECRETARY, filed by J. B. Walker

NOVEMBER 4, 1983, AFFIDAVIT ON WILLIAM ANDERSON, filed by J. B. Walker

NOVEMBER 4, 1983, AFFIDAVIT ONGGROVER FLECK, filed by J. B. Walker

NOVEMBER 4, 1983, AFFIDAVIT ONAALEX DURENDETTA, filed by J. B. Walker

NOVEMBER 4, 1983, AFFIDAVIT ON RUSSELL BROWN, filed by J. B. Walker

NOVEMBER 4, 1983, AFFIDAVIT ON NYAL CATHCART, filed by J. B. Walker

NOVEMBER 7, 1983, DEPOSITION OF JOSEPH G. IRACA, filed
(filed in transcript drawer under "I")

NOVEMBER 10,1983, STIPULATION AND DEFENDANTS FIRST AMENDMENT TO NEW MATTER,filed by Ervin Fennell,Esq.

NO. 82-5-EQU NORMAN W. WALLEY al -vs- JOSEPH IRACA al

NOVEMBER 23, 1983, PLAINTIFFS' BRIEF AND REQUESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW, filed by Kim C. Kesner

DECEMBER 14,1983, DEFENDANTS BRIEF AND REQUESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW, filed
1 Copy cert. to Atty

DECEMBER 19, 1983, DEFENDANTS' SECOND AMENDMENT TO NEW MATTER filed by Ervin Fennell

FEBRUARY 1,1985, ORDER,filed.
Two copies certified to atty.
AND NOW, the first day of February,1985, Ervin S. Fennell,Jr., counsel for the defendants, having been notified of the Court's Memorandum and Decree in the above non-jury matter on the 31st day of January,1985, and said counsel for defendants having requested an extension of time of ten (10) days in which to file a Motion for Post-Trial Relief, because said counsel for defendants is leaving today for vacation, and counsel for Plaintiffs,Kim C. Kesner, having been notified of this request for extension, it is hereby ORDERED that defendants are granted an additional ten (10) days for filing their Motion,said Motion to be filed on or before February 21,1985. BY THE COURT:/s/ John K. Reilly,Jr., PJ.

FEBRUARY 21,1985, DEFENDANTS MOTION FOR POST-TRIAL RELIEF,filed by Ervin Fennell,Esq.
Four copies certified to atty.
FEBRUARY 21,1985, REQUEST FOR TRANSCRIPT OF TESTIMONY UNDER Pa. R.C.P. 227.3, filed by Ervin Fennell,Esq.
Four copies certified to atty.
FEBRUARY 27,1985, PLAINTIFFS" MOTION FOR POST TRIAL RELIEF and CERTIFICATE OF SERVICE,filed by Kim Kesner.Esq.
Two copies certified to atty
I hereby certify that on the 27th day of Febuary,1985, a true and correct copy of the foregoing Motion for Post Trial Relief,was served upon the person and in the manner indicated below, which service satisfies the requirements of Pa.R. Civ.P., Rule 233: Service by First Class Mail, Postage Prepaid,addressed as follows: Ervin S. Fennell,Jr.,Esquire MAINE AND FENNELL,228 Deposit Bank Building,DuBois,Pa. 15801./s/ Kim Kesner,Esq.

MARCH 8,1985, MEMORANDUM AND ORDER,filed.
NOW, this 28th day of January,1985, following a non-jury trial in the above-captioned matter, it is the Order of this Court that Defendants be and are hereby permanently enjoined from using the unimproved dirt road located on the property of Norman W. and Earnestine E. Walley in Knox Township,Clearfield County, without the express written consent of the owners thereof. It is further the Order of this Court that judgment be and is hereby granted in favor ofPlaintiffs and against defendants in theamount of$2,077.05 for compensatary and punitive damages. BY THE COURT:/s/ John K. REilly,Jr.,P.J.

JUDGMENT is entered in favor of the Plaintiffs and against theDefendants in the amount of Two Thousand Seventy-Seven Dollars and Five Cents ($2,077.05) for compensatory and punitive damages as per Order of Court dated January 28,1985.

JUDGMENT AS PER COURT ORDER

DEBT $2,077.05

Raymond Witherow
PROTHONOTARY

MAY 14,1985, TRANSCRIPT OF TESTIMONY TAKEN BEFORE HON, JOHN K. REILLY,JR. LODGED THIS DAY AND DATE IN PROTHONOTARY OFFICE./s/ Raymond Witherow,Prothonotary.
Filed in Transcript Drawer I
MAY 14,1985, EXHIBITS,filed.
Filed in Prothonotary Office.

MARCH 31, 1986, ORDER, filed
NOW, this 31st day of March, 1986, upon consideration of Defendant's Post-Trial Motions, it is the ORDER of this Court that said Motions be and are hereby dismissed. BY THE COURT: John K. Reilly, Jr President Judge.
APRIL 22,1986, NOTICE OF APPEAL,filed by Ervin Fennell,Esq.
Three copies cert to atty
One copy certified Superior Court
may 1,1986, SUPERIOR COURT OF PENNSYLVANIA OFFICIAL DOCKET NO 00557PGH86,filed

JUNE 2, 1986, APPEAL MAILED TO SUPERIOR COURT BY CERTIFIED MAIL RECEIPT NO. P 024 809 052, filed
JUNE 6, 1986, RETURN RECEIPT, filed

OCT 8, 1986 PRAECIPE, filed by Kim C. Kesner, Atty
Kindly enter final judgment in this matter, the Defendants' Post Verdict Motions having been dismissed by Order of this Court dated March 31, 1986. Kindly certify to the Pennsylvania Superior Court with reference to Norman W. Walley and Earnestine Walley, his wife, Appellees v. Joseph Irace: Joseph G. Iraca Coal Company: and Beverly Coal Mining Company, Appellants at No. 557 PGH 1986 an updated copy of the docket entries evidencing your entry of final judgment in accordance with this Praecipe. s/Kim C. Kesner, Atty Plff.
OCTOBER 9, 1986, SENDERS RECEIPT P 265 867 011 SUPERIOR COURT, filed
OCTOBER 13, 1986, RETURN RECEIPT, filed

116/A

381

No. 82-5-EQU. NORMAN W. WALLEY -vs- JOSEPH IRACA, et al

Final Judgment is entered in favor of the Plaintiffs and against the Defendants in accordance with Praecipe.

FINAL JUDGMENT

Raymond Mathieson
Judgment

OCTOBER 9, 1986 Docket Entries and Praecipe mailed to Superior Court of PA., Attn: E. Gennecaro by Certified, Return Receipt#265 867 011. s/lb

MARCH 16, 1987, ORDER FROM SUPERIOR COURT, filed
AND NOW, this 26th day of January, 1987, it is orderd as follows: Judgment affirmed.
BY THE COURT: Eleanor R. Valecko, Deputy Proth.

**** ALL PAPERS RETURNED FROM SUPERIOR COURT FILED IN LEGAL DRAWER "K" ****

MARCH 25, 1987 PRAECIPE TO MARK JUDGMENT SATISFIED filed
Please mark the judgment entered in the above captioned case satisfied. s/Kim C. Kesner, Esq.

SATISFIED

John R. Carfley

GLADYS DAVIS
Petitioner

82-6-EQU

HARRY DAVIS
Respondent

Pro by Atty 30.00
~~Sh~~ Atty 3.00
Shff.
Hawkins by Atty 12.75

FEBRUARY 18, 1982 PETITION IN EQUITY filed by John R. Carfley, Esquire- One (1) Certified to Attorney.

ORDER OF COURT

AND NOW, this 16th day of February, 1982, upon consideration of the foregoing petition and upon motion of counsel, IT IS HEREBY ORDERED that the Respondent named herein appear and show cause why the prayer of said petition should not be granted, and that he should further account for the proceeds of the sale of certain items as outlined in the said petition.

Respondent shall further refrain from the sale of any and all other items of personal property referred to as "marital property" in the said property settlement agreement until such time as final hearing may be held on this petition.

RULE RETURNABLE and hearing thereon the 31st day of March, 1982, at 2:30 p.m. o'clock. BY THE COURT; /s/ John K. Reilly, Jr., President Judge.

MARCH 1, 1982, AFFIDAVIT OF SERVICE, Filed

NOW, February 23, 1982 at 3:15 PM o'clock EST served the within Petition & Order on Harry Davis, defendant at 204 Merrill St., Clearfield, Clearfield County, Penna by handing to Harry Davis a true and attested copy of the original Petition & Order and made known to him the contents thereof. /s/ Chester A. Hawkins by Marilyn Wood

APRIL 26, 1982, ANSWER TO PETITION, filed by Lehman & Kasubick, Esqs.

1 copy Cert. to Atty

Anthony S. Guido

Earle D. Lees Jr.

BESSIE C. BOYER

82-7-EQU

FRANKLIN E. BOYER

Pro	by Atty	30.00
Atty		3.00
Shff		
Hawkins	by Atty	46.25

FEBRUARY 18, 1982, COMPLAINT IN EQUITY-PARTITION, filed b Anthony S. Guido

One copy certified to Attorney

INTERLOCUTORY DECREE APPOINTING TRUSTEE

AND NOW, this 18 day of February, 1982, upon consideration of the foregoing case, it is ordered, adjudged and decreed:

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

BEGINNING at a point on the Easterly right of way line of old highway 219, said point being 25 feet from and measured at right angles to the center line of said highway and being South 32° 10' West 18 feet from and measured at right angles to the center line of a proposed unnamed road and also being 37.03 feet from the Southweat corner of land of Collins; thence South 71° 24' East along the Southerly right of way line of said proposed road 245.05 feet to an iron pipe; thence South 26° 28' West 147.10 feet to an iron pipe; thence North 71° 24' West 260.08 feet to an iron pipe on the easterly right of way line of old highwat 219; thence along said highway right of way line North 32° 10' East 150 feet to place of beginning. Cpntaining 36,826 square feet or .84 acre.

There is hereby excepted and reserved from the parcel of land above described all that certain piece or parcel of land bounded and described as follows:

BEGINNING at an iron pin pn the Easterly right of way line on old U.S. Highway 219, said pin being 25 feet from and measured at right angles to the center line of said highway and being South 32° 10' West 18 feet from and measured at right angles to the center line of a 36 foot street named Whispering Trail; thence South 71° 24' East along the Southerly right of way line of Whispering Trail, 245.05 feet to an iron pin, said pin being the point of intersection of the Southerly right of way line of Whispering Trail and the Westerly right of way of Ridge Street; thence South 26° 28' West 14.13 feet along the Westerly right of way line of Ridge Street to an iron pin; thence North 71° 24' West 246.35 feet to an iron pin on the Easterly right of way line of old U.A. Highway 219; thence North 32° 10' East 14.40 feet along said right of way line to the place of beginning. Containing 3,439.80 square feet or .078 acre.

BEING the same premises conveyed by William F. Rosman and Enid Rosman, his wife, to Cecil H. Steele and Martha J.Steele, his wife, by deed dated September 29, 1967 and recorded at Clearfield, Pennsylvania, in Deed Book No. 534, page 607.

UNDER AND SUBJECT to restrictions and conditions set forth in deed from William F. Rosman, his wife to Franklin E. Boyer and Bessie C. Boyer, dated September 21, 1972, and recorded at Clearfield, Pennsylvania, in Deed Book No. 608, page 294.

2. That Albert Nelson, 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 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 Keystone 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 17 day of March, 1982. BY THE COURT, John K. Reilly, Jr., President Judge

MARCH 26, 1982, SHERIFF'S RETURN, filed

NOW, March 22, 1982, after diligent search in my baliwick I return the within Complaint in Partition "NOT FOUND" as to Franklin E. Boyer, defendant. /w/ Chester A. Hawkins by Marilyn Wood

MARCH 29, 1982, PRAECIPE, filed by Anthony S. Guido, Attorney for Plaintiff

Please reissue the complaint filed in the above case. /s/ Anthony S. Guido

MARCH 30, 1982, COMPLAINT RE-INSTATED AND RE-ISSUED TO SHERIFF FOR SERVICE

MARCH 30, 1982 COMPLAINT RETURNED TO OUR OFFICE FROM SHERIFF AS PER ATTORNEYS INSTRUCTIONS.

MARCH 31, 1982 LETTER FROM ATTORNEY ANTHONY S. GUIDO INSTRUCTING OUR OFFICE TO RETURN TO HE THE RE-INSTATED COMPLAINT, FOR HIS OFFICE WILL MAKE SERVICE.

MARCH 31, 1982 COMPLAINT GIVEN TO ATTORNEY GUIDO FOR SERVICE.

APRIL 12, 1982, RETURN OF SERVICE OF COMPLAINT , FILED BY Paul B. Bundy

AND NOW, this 7th day of April, 1982, served Defendant, FRANKLIN E. BOYER, by handing to him in person at R.D. #2, Brockway, Pennsylvania, a certified copy of Complaint filed in the above case, at 8:30 A.M., /s/ Paul Bundy

APRIL 30, 1982, ENTRY OF APPEARANCE, filed by Earle D. Lees, Jr., Esquire

Kindly enter my appearance in the above captioned matter on behalf of the Defendant, FRANKLIN E. BOYE /s/ Earle D. Lees, Jr.,

CONTINUED TO PAGE 120

CONTINUED FROM PAGE 119 NO. 82-7-EQU BESSIE C. BOYER-vs-FRANKLIN E. BOYER

MAY 5, 1982, PETITION TO DISCHARGE TRUSTEE, filed by Maine and Fennell

ORDER:

AND NOW, to wit, this 5 day of May, 1982, upon consideration of the foregoing Petition, it is hereby ORDERED that Albert L. Nelson, Esquire, shall be discharged from the duties of Trustee as set forth in the Decree dated February 18, 1982, and that the Plaintiff and Defendant shall pay to the Trustee, Albert L. Nelson, Esquire, the total sum of $180.56 for his professional services rendered and expenses incurred on their behalf. By the Court, /s/ John K. Reilly, Jr., P.J.

EQUITY 1982

Michael P. Yeager	CLEARFIELD AREA SCHOOL DISTRICT 82-8-EQU FRED L. NEISWENDER and ~~DONNA NEISWENDER~~	FEBRUARY 25, 1982, COMPLAINT IN EQUITY, filed by Michael P. Yeager Three copies Certified to Attorney FEBRUARY 25, 1982, MOTION FOR PRELIMINARY INJUNCTION, filed by Michael P. Yeager Three copies to Attorney FEBRUARY 26, 1982, AFFIDAVIT TO DISPENSE WITH NOTICE of John Clark, filed. Two copies Certified to Attorney. FEBRUARY 26, 1982, ORDER, filed. Ten copies Certified to Attorney AND NOW, this 25th day of February, 1982, the Plaintiff having filed an Affidavit that immediate and irreparable harm, loss or damage will result to it before the matter can be heard on motion, and upon consideration of the Complaint and the Injunction, Motions and Affidavits filed therewith, it is hereby ORDERED, ADJUDGED and DECREED that a Preliminary Injunction issue without security being entered by the Plaintiff as a political subdivision of the Commonwealth of Pennsylvania, enjoining and otherwise restraining the Defendants, Fred L. Neiswender and Donna Neiswender, whether individually, jointly or severally, from spending or otherwise transferring any funds, monies or cash of any kind presently held by them or otherwise under their control or direction, and it is further ORDERED, ADJUDGED and DECREED, that the said Defendants be and are hereby enjoined and prohibited from honoring any bill requests so as to dissipate any personal funds presently in their possession or otherwise under their control; and it is further ORDERED, ADJUDGED and DECREED that the said Defendants be and are hereby enjoined and prohibited from selling or othersise tranferring any of their assets whether personal or otherwise; and it is further ORDERED, ADJUDGED and DECREED that notice of the within Preliminary Injunction shall be served on the Clearfield Bank and Trust Company, the County National Bank, the Keystone Bank, the State College Federal Savings and Loan Association in Clearfield, Pennsylvania, the National Bank of the Commonwealth, and the Curwensville State Bank in Curwensville, Pennsylvania, and upon Merrill, Lynch, Pierce, Fenner and Smith, Inc., in State College, Pennsylvania, directing said institutions to freeze any and all assets held by them in the names "Fred L. Neiswender and/or Donna Neiswender" Whether said assets are singly or jointly held by them or with others; and it is further

Pro	by Atty	30.00
Atty		3.00
Shff		
Hawkins	by Atty	13.75
Pro	by atty	5.00

ORDERED that pursuant to Pennsylvania Rule of Civil Procedure No. 1531(d), a hearing pertaining to the continuance of this Preliminary Injunction will be held on March 2, 1982, at 2:00 p.m. o'clock in the Clearfield County Court House; and

Further, a Rule is hereby entered upon the said Defendants to show cause, at the above date and time, why this Preliminary Injunction should not be continued. By the Court, /s/ John K. Reilly, Jr., President Judge

MARCH 2, 1982 SHERIFF'S RETURN filed

NOW, February 26, 1982 at 12:45 P. EST served the within Complaint Motion, Affidavit, Notice and Order on Fred L. Neiswender, defendant at his place of residence 227, Charles Road, Clearfield, Clearfield County, Pennsylvnaia by handing to Fred L. Neiswender a true and attested copy of the original Complaint and made known to him the contents thereof.

NOW, February 26, 1982 at 12:45 PM EST served the within Complaint Motion, Affidavit, Notice and Order on Fred L. Neiswender, Husband of Donna Neiswender at his place of residence, 227 Charles Road, Clearfield, Clearfield County, Pennsylvnaia by handing to Fred L. Neiswender a true and attested copy of the originla Complaint and made known to him the contnets thereof. So answers, Chester A. Hawkins, Sheriff, by Marilyn Wood.

MARCH 3, 1982, ORDER, Filed 1 Copy Cert. to Atty Yeager 1 Copy Cert. to Atty Jubelin

AND NOW, this 3rd day of March, 1982, after formal discussion with counsel for Plaintiff and substitute counsel for Defendants on March 2, 1982 at the time previously appointed for hearing in the aobve-captioned matter, and after request by substitute counsel for Defendants it is hereby ORDERED, ADJUDGED AND DECREED that the Preliminary Injunction issued February 25, 1982, is to continue in full force and effect until March 24, 1982 in order to give counsel for Defendants the opportunity to return from vacation and schedule time for additional proceedings in this matter, and it is further ORDERED, ADJUDGED and DECREED that the Defendants be and are hereby permitted to cash and spend the following checks for continuing living expenses (all of which are payable to the Defendant, Fred L. Neiswender):

1. Commonwealth of Pennsylvania (Treasury Department) dated February 26, 1982, check number 00935908 in the amount of #173.40;
2. Lakeshore Visitor (Security Bank of Erie) dated February 22, 1982, check number 25748 in the amount of #235.68; and
3. Bellefonte Lanes (Central Counties Bank) dated February 18, 1982 check number 7238 in the amount of $165.00. BY THE COURT, John K. Reilly Jr. P.J.

MARCH 5, 1982, ORDER, Filed 1 Copy Cert. to Atty Yeager, 1 Copy Cert. to Atty Jubelir

AND NOW, this 4th day of March, 1982, after previous consideration and receipt of recent information, it is further

ORDERED, ADJUDGED and DECREED that the Defendants be and are hereby permitted to cash and spend the following check for continuing living expenses (which is made payable to the Defendan Fred L. Neiswender):

Lake Shore Visitor (Security Bank) dated March 1, 1982, Check No. 25765 in the amount of #280.89. BY THE COURT /s/ John K. Reilly Jr. P.J.

-over-

NO. 82-8-EQU CLEARFIELD AREA SCHOOLS =vs- FRED L. NEISWENDER

MARCH 23, 1982 ORDER, filed. 6 copies cert to Attorney

AND NOW, this 23rd day of March, 1982 it is hereby Ordered and Decreed as follows:

a. The Defendant Donna Neiswender is removed as a party from this suit, she having represented and shown that she has no assets in her own name.

b. The Defendant Fred L. Neiswender is permitted to draw the sum of Twenty Thousand Dollars ($20,000.00) for Attorneys' fees, accountants' fees and suit costs, said check to be made payable to James L. Jubelier, Esq., as Attorney for Fred L. Neiswender.

c. The Defendant Fred L. Neiswender shall be allowed to draw the sum of Fifteen Hundred Dollars ($1,5 00.00) for the purpose of purchasing inventory for his mens' suit business which he conducts from his home: with accounting to the Court to follow:

d. The Defendant Fred L. Neiswender is allowed to deposit or cash his payroll checks from the Lakeshore Visitor.

e. The Defendant Fred L. Neiswender is allowed to deposit or cash his retirement checks from the State Retirement Fund.

f. The Defendant Fred L. Neiswender shall be allowed to open a checking account at Commonwealth Bank of Pennsylvania at the Clearfield Mall, the purpose of which will be to deposit his payroll checks and any other checks which he is entitled to in order to pay his living expenses, i.e. Mortgage payments, gas credit card payments, food and clothing.

g. The Defendant Fred L. Neiswender shall be allowed to sell or exchange his assets at any time but with prior permission of the Court only.

h. The consideration for this Order and Decree is that the Defendants have supplied, in writing to the Plaintiff, a full, frank and complete listing of all their assets and liabilities.

i. The injunction shall caontinue in all other respects until further Order of Court. By the Court, s/John K. Reilly, Jr., President Judge.

MARCH 25, 1982, ORDER, filed
4 Copies Cert. to Atty
AND NOW, this 25th day of March, 1982, it is hereby ORDERED and DECREED as follows:

a. The Defendant Donna Nieswender is removed as a party from this suit, she having represented and shown that she has no assets in her own name.

b. The Defendant Fred L. Neiswender is permitted to draw the sum of Twenty Thousand Dollars (20,000.00) from his Merrill Lynch CMA Account for Attorneys' fees, accountants' fees and suit costs, said check to be made payable to James L. Jubelirer, Esq., as Attorney for Fred L. Neiswender.

c. The Defendant Fred L. Neiswender shall be allowed to draw the sum of Fifteen Hundred Dollars (1,500.00) from his Merrill Lynch CMA Account for the purpose of purchasing inventory for his men's suit business which he conducts from his home; with accounting to the Court to follow.

d. The Defendant Fred L. Neiswender is allowed to deposit or cash his payroll checks from the Lakeshore Visitor.

e. The Defendant Fred L. Neiswender is allowed to deposit or cash his retirement checks from the State Retirement Fund.

f. The Defendant Fred L. Neiswender shall be allowed to open a checking account at Commonwealth Bank of Pennsylvania at the Clearfield Mall, the purpose of which will be to deposit his payroll checks and any other checks which he is entitled to in order to pay his living expenses, i.e. mortgage payments, gas credit card payments, food and clothing.

g. The Defendant Fred L. Neiswender shall be allowed to sell or exchange his assets at any time but with prior permission of the Court only.

h. The Consideration for this Order and Decree is that the Defendants have supplied, in writing to the Plaintiff, a full, frank and complete listing of all their assets and liabilities.

i. The injunction shall continue in all other respects until further Order of the Court. By THE COURT, /s/ John K. Reilly Jr. P.J.

JUNE 11, 1982, PETITION FOR RELEASE OF FUNDS, filed by James L. Jubelirer
JUNE 11, 1982, RULE, filed.
AND NOW, this 11th day of June, 1982, a rule is entered upon the Plaintiff to show cause why the Prayer of the Petition should not be granted.
Rule returnable Wednesday, June 16, 1982, at 4:00 o'clock p.m. BY THE COURT, John K. Reilly, Jr., President Judge
JUNE 14, 1982 RULE ISSUED TO MICHAEL YEAGER BY REGULAR MAIL

JUNE 16, 1982, ANSWER & NEW MATTER, filed by Dwight L. Koerber, Jr.
JUNE 16, 1982, CERTIFICATE OF SERVICE, filed by Dwight L. Koerber, Jr.
I Certify that on the 16th day of June, 1982, I have served a copy of the foregoing pleading upon James L. Jubelirer, Esquire, Counsel for Defendant /s/ Dwight L. Koerber, Jr.

~~CONTINUED ON PAGE 85~~

CONTINUED ON PAGE 122A

EQUITY 1982

CONTINUED FROM PAGE 121 CLFD. AREA SCHOOL DIST. -vs- FRED L. NEISWENDER a1 82-8-EQU

JULY 2, 1982, ORDER filed

NOW, this 30th day of June, 1982, following Hearing into the above-captioned Petition on behalf of the Defendant for Release of Funds, it is the ORDER of this Court that said Petition be and is hereby granted to the extent that the sum of $2,550.00 be released to Defendants above-named. Said sum being the total sum requested less the amount expended for education under the Charge Services portion thereof. Merrill Lynch is authorized to release from his Case Management Account the above sum. and further, that Merrill Lynch instructed to pay to Defendants monthly, the interest accrued on the remaining balance in said account. Said pay= ments to continue for so long as Defendants are unemployed or have no final income. It is the further ORDER of this Court that the checking account in Clearfield Bank and Trust and State College Federal Savings and Loan be released from this injunction the proceeds be therefore deposited in the Merrill lynch Cash Management Account. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

OCTOBER 5, 1982, PETITION, filed by Michael P. Yeager

Three copies certified to Attorney

WHEREFORE, Petitioner, Clearfield Area School District requests that your Honorable Court refuse the Defendant access to any safe deposit box for the purpose of securint the automobile title in the name of Donna Neiswender as previously outlined; and that the Court otherwise extend its "freeze order" to said automobile until such time as the accounting by the Defendant is complete. s/Michael P. Yeager

OCTOBER 1, 1982, PETITION, filed by James L. Jubelirer

APRIL 24,1986, PRAECIPE,filed.

Please mark the above case discontinued./s/ Elizabeth Cunningham,Esq.

DISCONTINUED

JUNE 23, 1986, PETITION FOR RELEASE OF FROZEN ASSETS & RULE, filed 2 cert atty(rule)

AND NOW, this 25th day of June, 1986, upon consideration of the within Petition for Release of Frozen Assets and on motion of JAMES L. JUBELIRER & ASSOCIATES, attorneys of record for Defendant named above, a Rule is hereby granted on the Attorney for the Plaintiff to show cause, if any there be, why the relief requested should not be granted.

Rule returnable on the 21st day of July, 1986, at 1:30 P.M. in Courtroom No. of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT: John K. Reilly, Jr President Judge

JULY 22, 1986 ORDER, filed.

NOW, this 21st day of July, 1986, upon Petition of Fred L. Neiswender and Donna Neiswender by their attorney, James L. Jubelirer, Esquire, it is hereby ORDERED AND DECREED that any asset of the parties in the Clearfield Bank & Trust Company, State College Federal Savings and Loan Association in Clearfield, PA, and Merrill Lynch, Pierce, Fenner & Smith, Inc., in State College, PA., are hereby released and the Court hereby vacates its Order of the 25th day of February, 1982.

The Court finds as a fact that the Clearfield Area School District has discontinued of record its suit in Equity against the Defendant, that no representative or counsel on behalf of the Clearfield Area School District appeared at the Rule to Show Cause why the above requested relief should not be granted. BY THE COURT, s/John K. Reilly, Jr., President Judge.

Copies certified Attorneys Yeager and Jubelirer.

86 ASL/122 B

Barbara H. Schickling	WENDELL E. BAILEY and COUNTY NATIONAL BANK, Co-Trustees under the Will of Robert Bailey, Deceased	
	82-9-EQUITY	
James L. Jubelirer	JESSIE MOORE and LEE H. MOORE, her husband	
	Pro by Atty	30.00
	Atty	3.00
	Shff. Hawkins by Atty	12.75
	Shff Waite by Atty	20.45
	Pro by atty	9.00

MARCH 2, 1982, COMPLAINT IN EQUITY--PARTITION, filed by Barbara H. Schickling
Two copies Certified to Attorney

MARCH 12, 1982, SHERIFF'S RETURN, filed
NOW, March 5, 1982, Richard V. Waite, Sheriff of Centre County was deputized by Chester A. Hawkins, Sheriff of Clearfield County to serve the within Complaint in Equity on JESSIE & LEE H. MOORE, defendants
NOW, march 8, 1982 served the within Complaint in Equity on JESSIE & LEE H. MOORE. The return of Sheriff Waite is hereto attached and made a part of this return stating that he served Jessie Moore
/s/ Chester A. Hawkins by Marilyn Wood

APRIL 6, 1983, PRAECIPE FOR DEFAULT JUDGMENT filed by Barbara H. Schickling
Kindly enter judgment in favor of the above-named Plaintiffs and against the above-named Defendants for failure to file an Answer in the above-captioned action within twenty (20) days from the date of service of the Complaint, the Notice of Intention to Take Default Judgment having been mailed to Defendants at their last known address: Jessie Moore, R.D., Snow Shoe, Penna. 16874 and Lee H. Moore, R.D., Snow Shoe, Penna. 16874, as evidenced by copies of same which are attached hereto and incorporated herein by reference. s/Barbara H Schickling

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

DEFAULT JUDGMENT

Raymond Mathewson

Prothonotary

APRIL 8, 1983, PETITION FOR ORDER DIRECTING PARTITION filed by Barbara H. Schickling
Three copies certified to Attorney
PRELIMINARY ORDER
AND NOW, this 8 day of April, 1983, it appearing that the Defendants have been duly served and that the time for pleading thereto has expired and that no answer had been filed and judgment by default has been entered on the Defendants, upon motion of Barbara H. Schickling, Esquire, attorney for the Plaintiffs, IT IS ORDERED, ADJUDGED AND DECREED that partition be made of the property, which only includes surface, gas and oil, described in the Complaint among the parties therein named in proportion to their respective interests as follows:

1. Wendell E. Bailey and County National Bank, Co-Trustees under the Will of Robert Bailey, Deceased. 1/2
2. Jessie Moore and Lee H. Moore, her husband. 1/2

The parties or their attorneys are directed to appear for a preliminary conference on the 12 day of May, 1983, at 9:00 o'clock, A.M. in the Clearfield County Courthouse, Clearfield, Pennsylvania, to consider the matters set forth in Rule 1558 of the Pennsylvania Rules of Civil Procedure. BY THE COURT: John K. Reilly, Jr., President Judge

APRIL 14, 1983, PRAECIPE FOR ENTRY OF APPEARANCE, filed.
Kindly enter my appearance on behalf of the Defendants, Jessie Moore and Lee H. Moore, in the above matter. JUBELIRER & KLOTZBAUGH, By /s/ James L. Jubelirer

MAY 16, 1983, ORDER filed.
NOW, this 13th day of May, 1983, this being the day and date set for the pre-trial conference into the above-captioned matter, upon agreement of the parties, it is the ORDER of this Court that the subject premises be appraised, upon receipt of which, said premises to be offered for sale to the public. Costs of appraisal and any other costs incurred to be deducted from said sale price. Peggy Amon is to conduct the appraisal of the premises and submit her report to counsel at her earliest convenience. By the Court, John K. Reilly, Jr., President Judge

NOVEMBER 16, 1983, MOTION FOR APPOINTMENT OF MASTER, filed by Barbara H. Schickling, Esq.

NOVEMBER 16, 1983, RULE, filed
AND NOW, this 16 day of November, 1983, upon consideration of the herein Motion presented by Barbara H. Schickling, Esquire, attorney for the Plaintiffs, it is directed that a Rule shall be and hereby is issued upon JESSIE MOORE and LEE H. MOORE, Defendants, of R.D. Snow Shoe, Centre County, Pennsylvania, to show cause, if any, why Plaintiffs' motion should not be granted and a Master appointed to conduct a public sale of the premises.
Rule Retrunable to be held on the 23 day of November, 1983, at 9:00 A.M. in the main court-room of the Clearfield County Courthouse, Clearfield, Pa. BY THE COURT: /s/ John K. Reilly, Jr. President Judge. (1) copy cert. to Atty.

NOVEMBER 17, 1983, AFFIDAVIT OF SERVICE, filed by Barbara H. Schickling, Esq.

NOVEMBER 23, 1983, CORRELATION AND FINAL ESTIMATE OF VALUE, filed by Barbara H. Schickling, Esquire

NOVEMBER 23, 1983, ORDER, filed
NOW, this 23rd day of November, 1983, this being the day and date set for the Rule Returnable in the above-captioned matter on Plaintiff's Motion for Appointment of Master and being advised that Defendants will not appear, it is the ORDER of this Court that the Motion is granted and Ronald C. Collins, Esquire is hereby appointed to conduct a public sale of the subject premises in accordance with the Rules of Civil Procedure. Costs of sale, appraisal, and Court costs of the proceeding are to be deducted from proceeds of said sale. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.
One (1) copy Certified to Attorney.

DECEMBER 27, 1983, PRELIMINARY DETERMINATION, filed by Ronald L. Collins, Esquire
Two (2) copies Certified to Attorney.

Continued on Page 124

DECEMBER 27, 1983, PRELIMINARY DETERMINATION, continued

RULE, filed

NOW, this 27th day of December, 1983, upon presentation and consideration of the within Preliminary Determination and Petition for Approval of Terms of Sale, a RULE is hereby directed to be sewed on the respective attorneys of record for each party to appear and show cause why the same should not be approved by the Court.

RULE RETURNABLE the 17th day of January, 1984, at least twenty (20) days hence, during which time objections may be filed by either party hereto, at 10 o"clock A.M., in the main Courtroom of the Clearfeild County Courthouse, Clearfeild Pennsylvania. BY THE COURT: /s/ John K. Reilly, Jr. President Judge.

JANUARY 17, 1984, ADDENDUM TO PRELIMINARY DETERMINATION OF MASTER filed by Ronald L. Collins
Three copies certified to Attorney

JANUARY 18, 1984, INDICATION OF CONSENT TO PRELIMINARY DETERMINATION AND WAIVER OF EXCEPTIONS filed by Barbara H. Schickling

INDICATION OF CONSENT TO PRELIMINARY DETERMINATION AND WAIVER OR EXCEPTIONS filed by James L. Jubelirer

ORDER

NOW this 17th day of January, 1984, this being the day and date set for hearing as to the Master's Preliminary Determination in the above-captioned matter in Partition and it appearing that counsel of record for each party having indicated the approval of said report as evidence by the indications of consent hereto attached, it is the Order of this Court that the said Preliminary Determination of the Master and the Addendum to the same incorporating the earlier Order of this Court be and hereby approved as filed. BY THE COURT, John K. Reilly, Jr.
Two copies certified to Attorney

APRIL 16, 1984, MASTER'S REPORT AND RETURN OF SALE Filed by Ronald L. Collins, Esquire.
Four (4) copies certified to Attorney.

DECREE NISI filed.

AND NOW THIS 16th day of April 1984, the Court having received and reviewed the within Master's Report and Return of Sale, 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 Master be and is hereby approved and confirmed, that the recommendations of the Master as set forth in the said Master's Report be and are hereby approved and adopted by the Court, that the Master be and is hereby authorized to collect and distribute the proceeds of the said sale in accord with the terms of said Report, and that the Master 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: s/John K. Reilly, Jr., Pres. Judge

AUGUST 4,1986, PETITION TO ISCHARGE MASTER and RULE,filed by Ronald Collins,Esq.
Four copies certified to atty

NOW this 1st day of August,1986, upon presentation and consideration of the within Petition to Discharge Master,a Rule is hereby directed to be served upon the parties to the above captioned matter and/or their respective attorneys of record to appear and show cause why the same should not be granted.

RULE RETURNABLE the second day of September, 1986 at 2:45 pm in the main courtroom of the Clearfield County Courthouse,Clearfield,Pa. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

SEPTEMBER 2, 1986, ORDER, filed 5 cert atty

NOW THIS 2nd day of September, 1986, it being the day and date set for consideration of the Petition to Discharge Master and there being no objections to the same, it is the ORDER of this Court that the prayer of said petition be and is hereby granted and that Ronald L. Collins, Esquire, be and is hereby discharged from his duties as Master in the above captioned matter.

It is the further ORDER of this Court that the bond obtained by the Master in connection with the performance of his duties be and is hereby also declared to be discharged..
BY THE COURT: John K. Reilly, Jr President Judge.

EQUITY 1982

Richard H. Milgrub	JACK LINES & CAROL LINES	MARCH 3, 1982, COMPLAINT IN EQUITY, filed by Richard H. Milgrub One copy Certified to Sheriff MARCH 3, 1982, NOTICE, filed by Richard H. Milgrub. MARCH 3, 1982, MOTION FOR PRELIMINARY INJUNCTION WITHOUT HEARING, filed by Richard H. Milgrub ORDER: AND NOW, this 2 day of March 1982, upon consideration of the Plaintiffs verified mo5ion for preliminary injunction, Plaintiffs verified complaint in equity, and affidavit of Richard H. Milgrub, Plaintiffs attorney, and it appear unto the Court that immediate irrepairable harm will be sustained by Plaintiffs before a hearing can be held on Plaintiffs Motion for Preliminary Objections in that, before such hearing can be held, Defendants may cut down the trees which are in question, it is: ORDERED that, upon Plaintiffs posting a security bond with the Prothonotary in the amount of _____ Dollars, the Defendants, George Smith and Rebecca Smith, their agents, servants, employees, representatives and assigns, and all persons acting in concert with them, be and they are hereby injoined and prohibited from cutting down the trees in qu3stion. ORDERED that, pursuant to Pa. R.C.P. No. 1531(d), a hearing pertaining to the continuance of this preliminary injunction will be held on March 5, 1982, at 3:00 P.M. in the Clearfield County Courthouse, Clearfield, Pennsylvania. FURTHER, a rule is hereby entered upon the Defendant to show cause, at the above date and time, why this preliminary injunction should not be continued. BY THE COURT: /s/ John K. Reilly, Jr., P.J.
	82-10-EQU	
	GEORGE SMITH & REBECCA SMITH	MARCH 11, 1982, SHERIFF'S RETURN, filed NOW, March 5, 1982, after diligent search in my baliwick I return the within Complaint, Motion, Notice & Order in Equity "NOT FOUND" as to George & Rebecca Smith, defendants. /s/ Chester A. Hawkins by Marilyn Wood
Pro by Atty 30.00 Atty 3.00 Shff. Hawkins by Atty 14.65		

EQUITY 1982

Merle K. Evey	PAUL A. NEBGEN and TERESA J. NEBGEN, his wife	MARCH 15, 1982, COMPLAINT IN EQUITY, filed by Patterson, Evey, Routch, Black, Dorezas & Magee Four copies Certified to Sheriff. MARCH 24, 1982, SHERIFF'S RETURN, filed NOW, March 16, 1982, at 9:45 AM Est served the within Complaint in Equity on Violet Margeson, Secretary for Lawrence Township, defendant Donald B. Luzier, Supervisor and Walter C. Haversack, Supervisor, defendant at her place of employment, By handing to Violet Margeson three true and attested copies of the original Complaint in Equity and made known to her the contents thereof. NOW, March 16, 1982, at 9:45 AM EST served the within Complaint in Equity on George D. Clark, defendant at his place of employment. by handing to George D. Clark 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
	82-11-EQU	
John W. Gates Blakley & Jones	THE TOWNSHIP OF LAWRENCE; DONALD B. LUZIER, WALTER C. HAVERSACK, and GEORGE D. CLARK, LAWRENCE TOWNSHIP BOARD OF SUPERVISORS	APRIL 5, 1982, PRAECIPE, filed by John B. Gates. Enter our appearance for the Defendants in the above captioned matter. /s/ John B. Gates, Esquire Township Solicitor APRIL 5, 1982, ANSWER AND COUNTERCLAIM, filed by Gates & Seaman. One copy Certified to Attorney. MAY 3, 1982, PRAECIPE FOR ENTRY OF APPEARANCE, filed Enter our appearance in the above-captioned matter on behalf of the Defendants, THE TOWNSHIP OF LAWRENCE; DONALD B. LUZIER, WALTER C. HAVERSACK, and GEORGE D. CLARK, LAWRENCE TOWNSHIP BOARD OF SUPERVISORS. s/Scott V. Jones of Blakley & Jones JUNE 4, 1982, AFFIDAVIT OF SERVICE, filed by Scott V. Jones, Esquire JUNE 22, 1982, REPLY TO COUNTERCLAIM, filed by Merle K. Evey, Esquire JULY 23, 1982, ANSWERS TO INTERROGATORIES OF DEFENDANTS TO PLAINTIFFS, filed JANUARY 17, 1983, PRAECIPE filed by Scott V. Jones Place the above-captioned case on the equity trial list. s/Scott V. Jones AUGUST 17, 1983, ORDER, filed NOW, this 16th day of August, 1983, this being the day and date set for hearing into the above-captioned case, upon agreement of the parties, it is the ORDER of this Court that a registered surveyor selected by the Plaintiffs shall establish the western boarder of Defendants' right of way for Owens Street located in the Kerr Addition section of Lawrence Township, Pennsylvania, said boundary to be a line located five (5) feet west from the existing paved portion of Owens Street and further that boundary marker shall be erected along said portion. THE parties further agree that upon creation of the said right of way line, Defendants shall have the right to remove any and all articles or obstructions located to the east of said line. UPON creation of said line Plaintiffs' demand for money damages shall be dismissed. UPON acceptance by the Defendants the description of the above right of way line shall be filed of record and constitute the exact location of the western boundary of the above-mentioned right of way. By the Court, John K. Reilly, Jr., President Judge.
Pro by Atty 30.00 Atty 3.00 Sheriff Hawkins by Atty 17.75		
		FEBRUARY 22, 1984, STIPULATION filed by Blakley & Jones

Novak, Donovan, Mundorf	JAMES E. DOHNER	
	82-12-EQU	
Bell, Silberblatt & Swoope	BOROUGH OF CLEARFIELD and THE BOROUGH COUNCIL OF CLEARFIELD BOROUGH; WILLIAM E. COXEY, President and members, MRS. BERNYCE DUFTON; MRS. CARL BELIN, NICK BIVIANO; ROGER GORTON; JAMES GRAY, MRS. ELEANOR KESTER; EDWARD J. MASTER; FRED PIZELLA; PETE PONTILLA; CHARLES RUMFOLA; WILLIAM E. SWISHER	

Pro	by Atty & Plff	30.00
Atty		3.00
Shff		
Hawkins	by Atty	39.75
Disc	by atty (P.S.)	3.00

MARCH 18, 1982, COMPLAINT IN EQUITY--CIVIL RIGHTS ACTION, filed by Benjamin Novak, Esquire
Nineteen (19) Copies Certified to Attorney.

APRIL 5, 1982, SHERIFF"S RETURN, filed
NOW, March 19, 1982, at 1:17 PM EST served the within Complaint in Equity on DOROTHY CARBALAN, Secretary for the Borough of Clearfield, defendant at her place of employment, Borough Bldg. Clearfield, Pa, by handing to Dorothy Cabalana a true and attestee copy of the original Complain in Equity and made known to her the contents thereof.
NOW, March 19, 1982, at 1:26 PM EST served the within Complaint in Equity on RODGER GORTON, defendant at Borough Bldg., Clearfield, PA by handing to Rodger Gorton a true and attested copy of the original Complaint in Equity and made known to him the contents thereof.
NOW, March 19, 1982 at 2:00 PM EST served the within Complaint in Equity on PAUL SILBERBLATT, Solictor for Clearfield Borough Council, defendant at his place of business, Clearfield, Pa by handing to Paul Silberblatt a true and attested copyof the original Complaint in Equity and made known to him the contents thereof.
NOW March 19, 1982, at 2:00 PM EST served the within Complaints in Equity on PAUL SILBERBLATT, solictor for the following Clearfield Borough Council Members: Nick Bivian Fred Pizella; Edward J. Master; Mrs. Elanor Kester; James Gray; Mrs. Carl Belin; William E. Coxey; Mrs. Bernyce Dufton; Charles Rumfola; Pete Pontilla; and William E. Swisher, def endants at his place of business, Clearfield Pa, by handing to Paul Silberblatt a true and attested copies of the original Complaint in Equity and made known to him the contents thereof. /s/ Chester A. Hawkins by' Marilyn Wood

APRIL 7, 1982, PRAECIPE, filed by Bell, Silberblatt & Swoope
ENTER my appearance for Defendants in above case
/s/ Paul Silberblatt, Esquire Attorney for Defendants

APRIL 7, 1982, PRELIMINARY OBJECTIONS, filed by Bell, Silberblatt & Swoope

JUNE 28, 1982, ORDER, filed.
NOW, this 28th day of June, 1982, following argument into the above Preliminary Objections, it is the ORDER of this Court that said Objections be and are hereby su sustained and Plaintiff directed to amend his paragraphs 18 and 23 of his Complaint and paragraph C of the WHEREFORE Clause in the second Count thereof to more specifically plead the conduct of the Clearfield Borough Council and its solicitor was arbitrary, capricious, unreasonable, oppressive, discriminatory and unfair, and further, to state exactly and specifically the nature of the disruption of Plaintiff's life and also to state specifically the actual damages sustained by Plaintiff. Said Amended Pleading to be filed within twenty (20) days from date hereof. By the Court, John K. Reilly, Jr. President Judge

AUGUST 24, 1982 PRAECIPE TO DISCONTINUE, filed by Benjamin Novak, Atty for Plff.
The above captioned case having been amicably resolved between and among the parties thereto, it is requested that the above captioned matter be marked SETTLED, SATISFIED AND DISCONTINUED as to all parties. s/Benjamin Novak, Attorney for Plaintiff.

Record costs in the sum of $75.75 have been paid in full, this case Discontinued, Settled and Satisfied as to all parties.

*****SETTLED SATISFIED DISCONTINUED*****

CONTINUED FROM PAGE 114 NO. 82-4-EQU MAX D. IRWIN, al -vs- CHESTER A. OGDEN

APRIL 29, 1986, OBJECTIONS TO PLAINTIFFS NOTICE OF TAKING DEPOSITIONS, filed by Defendant. Three Copies Certified to Mr. Ogden, deft.

APRIL 29, 1986, SENDER'S RECEIPT, filed.

MAY 1, 1986, RETURN RECEIPT, filed

MAY 1, 1986, PETITION TO CONFIRM TAKING OF DEBOSITIONS & RULE TO SHOW CAUSE, filed 1 cert atty
AND NOW, TO WIT, this 1st day of May, 1986, upon Motion of Max D. Irwin, Stanley Douglas, Clyde Addleman, Supervisors of Pike Township, and Lester Neeper and Betty I. Neeper, to have a hearing set on the Petition to Confirm Taking of Depositions, a Rule shall be and hereby is issued directed to the Defendant to appear to show cause, if any they have, why the request of the Plaintiffs should not be granted.
This rule shall be returnable on the 7th day of May, 1986, at 11:00 o'clock A.M. in the Main Courtroom in the Clearfield County Court House, BY THE COURT: John K. Reilly, Jr P.J.

MAY 9, 1986, ORDER, filed 1 cert Atty Ammerman
AND NOW, this 9th day of May, 1986, in consideration of the Plaintiffs' Petition to Confirm Taking of Depositions and following attendance at the scheduled hearing by Fredric J. Ammerman, Attorney for the Plaintiffs, it is the Order of thisCourt that the deposition of Clifford Bloom and Russell Boal be, and hereby are, scheduled for Friday, May 30, 1986 at 1:30 pm in the Law Library of the Clearfield County Court House.
It is the further Order of this Court that the said depositions shall not be rescheduled or delayed except upon further Order of this Court upon good cause shown.
BY THE COURT: John K. Reilly, Jr President Judge.

MAY 27,1986, MOTION FOR CONSOLIDATION OF CASES,filed by Chester Ogden,Pro-se
One copy certified to Mr.Ogden
MAY 27,1986, NOTICE OF TAKING DEPOSITION OF CLIFFORD BOLLM AND RUSSELL BOAL,filed by Frederic Ammerman,Esq.

JUNE 26, 1986, DEPOSITION OF CLIFFORD ZACHARIAH BLOOM, filed in trans. drawer "O"

JUNE 26, 1986, DEPOSITION OF RUSSELL A. BOAL, filed in trans. drawer "O"

JUNE 27, 1986, ARGUMENT, filed by Chester A. Ogden, Pro-se. 4 cert C. Odgen.
See 86-190-CD for original filing.

JULY 1,1986, ORDER,filed.
NOW, this 27th day of June,1986, this being the day and date set for argument into Plaintiffs' Motion for Sanctions alleging Defendant's failure to respond tointerrogatories,Defendant having admitted the same and stated his continued intent to refuse to to said interrogatories, it is the ORDER of this Court that unless the Defendant responds fully to the interrogatories as filed by the Plaintiffs within five (5) days from date hereof, said Defendant shall be precluded from calling any witnesses including expert witnesses at the time and date scheduled for trial in the above matter. And,Further, that he shall respond to the motion for production of Documents to the extent that he has not already done so through prior filings in this matter within five (5) days from date hereof or be precluded from offering same at trial. BY THE COURT:/s/ John K. Reilly,JR.,P.J.

JULY 10, 1986, DEPOSITION OF VIVIAN N. KELLER, filed in trans. drawer O
JULY 10, 1986, DEPOSITION OF BEATRICE KELLER, filed in trans. drawer O

JULY 21,1986, PRAECIPE TO FILE RETURN AND LIST COSTS,filed.
Please file the attached return of service by Constable J.B., Walker in regard to service of Plaintiffs subpoenas and list the constable charge of $30.50 as costs in this case./s/ Frederic Ammerman,Esq.

JULY 30, 1986, PLAINTIFFS" BRIEF FOLLOWING NON-JURY TRIAL, filed by Fredric J. Ammerman, Esq.

AUGUST 18, 1986, DEFENDANT"S BRIEF - FOLLOWING NON-JURY TRIAL, filed by Chester A. Ogden, Pro-se 4 copies cert

SEPTEMBER 25,1986, MEMORANDUN AND DECREE,filed.
NOW, this 24th day of September,1986, following hearing into the above-captioned matter, it is the Order of this Court that a Decree NISI be entered granting judgment in favor of the Plaintiffs and against the Defendant. Said Decree to become final if no exceptions thereto are filed within ten (10) days from date hereof. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

OCTOBER 6, 1986 MOTION FOR POST TRIAL RELIEF filed by Chester A. Ogden
Five copies certified Chester A. Ogden
Original hand-delivered to Court Administrator 10/15/86

DECEMBER 19, 1986 ORDER filed
NOW, this 18th day of December, 1986, it is the ORDER of this Court that Defendant's Motion for Post-Trial Relief be and is hereby dismissed and that Pike Township Route 504 is hereby declared to be a public road beginning at its intersection with Pike Township Route 517 continuing over and across the property of the Defendant to the property owned by Lester and Betty Neeper. By the Court, John K. Reilly, Jr., President Judge
One copy ran off and mailed to C. Ogden

DECEMBER 26, 1986 PRAECIPE FOR ENTRY OF FINAL JUDGMENT filed
Pursuant to Order of Court dated December 18, 1986, please enter final judgment on behalf of the Plaintiffs against the Defendant, Chester A. Ogden. s/Fredric J. Ammerman, Esq.

Judgment in favor of the Plaintiffs and against the Defendant, Chester A. Ogden.

FINAL JUDGMENT

Raymond Mathewson
Prothonotary

Cont'd to Pg. 143

Jubelirer, Carothers, Krier, Halpern & Smith

HAWLEY FUEL COAL, INC.

82-13-EQU

RALPH H. THOMPSON and JANIS M. THOMPSON, his wife

Pro by Atty 30.00
Atty 3.00
Shff.
Hawkins by Atty 17.95

MARCH 23, 1982, COMPLAINT IN EQUITY, filed by M. David Halpern, Esquire
Two copies Certified to Sheriff

MARCH 23, 1982, MOTION FOR PRELIMINARY INJUNCTION WITHOUT HEARING, filed by Jubelirer, Carothers, Krier, Halpern & Smith
One Copy Certified to Attorney.

ORDER AND DECREE

AND NOW, THIS 23 day of March, 1982, upon consideration of the Motion of M. David Halpern, Esquire, Attorney for Hawley Fuel Coal, Inc. and upon consideration of the averments of the Complaint filed in Equity to the above term and number,

IT IS HEREBY ORDERED AND DECREED:

1) That Ralph H. Thompson and Janis M. Thompson, his wife be and are hereby enjoined from interferring with the right of Hawley Fuel Coal, Inc. to gain access to lands in Morris Township, Clearfield County, Pennsylvania described on Exhibit A attached hereto.

2) That they are further enjoined from interferring in any way with the right of Hawley Fuel Coal Inc. to utilize said lands in accordance with the permitted usage as set forth in the Deed of Easement dated February 9, 1981 and recorded in the Office of the Recorder of Deeds in Clearfield County in Volume 232 at Page 66.

The Plaintiff herein is ordered to forthwith file a Bond with the Prothonotary in the amount of $------ as security for the issuance of the Order.

IT IS FURTHER ORDERED that a Hearing shall be held on the 25 day of March, 1982 for the purpose of determining whether this Preliminary Injunction shall be continued until a determination be made on the Complaint filed to the above term and number at 1:00 P.M. /s/ John K. Reilly Jr., J.

MARCH 29, 1982, ORDER AND DECREE, filed

AND NOW, this 29th day of March, 1982, the following order is entered without hearing, in accordance with the Agreement of the parties as evidenced by the consent of th parties and as indicated by the signatures of their counse annexed hereto.

IT IS HEREBY ORDERED AND DECREED:

1. That Ralph H. Thompson and Janis M. Thompson, his wife, be and are hereby enjoined from inteferring with the right of Hawley Fuel Coal, Inc. to gain access to land in Morris Township, Clearfield County, Pennsylvania, described on Exhibit A attached hereto.

2. They are further enjoined from interferring in any way with the right of Hawley Fuel Coal, Inc. to utiliz the rail siding errected thereon, to stockpile coal thereo and such other uses as may be required by Hawley to carry out the aforesaid purposes.

3. That the Plaintiff shall not be required to post any Bond.

This Preliminary injunction is to remain in full force and effect until a final determination of the issues set forth in the Complaint in Equity filed to the above captioned term and number, unless otherwise directed by this Court. BY THE COURT /s/ John K. Reilly Jr. President Judge

AND NOW, this 25th day of March, 1982, M. David Halpern, Esquire, Attorney for Hawley Fuel Coal, Inc. Plaintiff, consents to the entry of the above Order /s/ M. Davis Halpern, Esquire Attorney for Plaintiff

AND NOW this day of March, 1982, Joseph J. Lee, esquire, Attorney for Ralph H. Thompson and Janis M. Thompson, Defendants, consents to the entry of the above Order. /s/ Joseph J. Lee, Esquire, Attorney for Defendants

MARCH 31, 1982, SHERIFF'S RETURN, filed

NOW, March 24, 1982, at 11:45 AM EST served the within Complaint in Equity on RALPH H. THOMPSON, defendant , by handing to him a true and attested copy of the original Complaint in Equity and made known to him the contents thereof.

NOW, March 24, 1982, at 11:45 AM EST served the within Complaint in Equity on RALPH H. THOMSPON, husband of Janis M. Thompson, defendant, by handing to RalphH. Thompson a true and attested copy of the original Complaint in Equity and made known to him the contents thereof.

NOW, March 24, 1982, at 11:45 AM EST served the within Motion for Preliminary Injunction on RALPH H. THOMPSON, defendant by handing to him a true and attested copy of the original Motion and made known to him the contents thereof. /s/ Chester A. Hawkins by Marilyn Wood

Anthony S. Guido	CARMON BROCIOUS	MARCH 25, 1982, COMPLAINT IN EQUITY, filed by Anthony S. Guido. One copy for Acceptance by R. Milgrub. Service accepted this 30th day of March, 1982. /s/ Richard H. Milgrub.
	82-14-EQU	APRIL 16, 1982, ANSWER, COUNTERCLAIM & NEW MATTER filed by Richard H. Milgrub 1 Copy Cert. to Atty
Richard H. Milgrub Allen C. Welch	SANDY TOWNSHIP	MAY 5, 1982, ANSWER TO COUNTERCLAIM AND REPLY TO NEW MATTER, filed by Anthony S. Guido, Esquire AUGUST 31, 1982, STIPULATION OF FACTS, filed by Anthony S. Guido SEPTEMBER 20, 1982, BRIEF ON BEHALF OF DEFENDANT, SANDY TOWNSHIP, filed by Richard H. Milgrub Two copies certified to Attorney OCTOBER 27, 1982, MEMORANDUM AND ORDER, filed.

Pro By Atty 30.00
Atty 3.00

Plaintiff, above-named, first assumed the office of Sandy Township Tax Collector in January of 1974 and was re-elected in 1977 and 1981. During the period of time from 1973 through 1981, Defendant, also above-named, provided the office of tax collector certain fringe benefits including office space and utilities, telephone service, and social security coverage. In addition thereto, hospitalization coverage was also provided the tax collector beginning in 1978.

At their regular meeting in February of 1981, the Township Supervisors considered the question of compensation for the tax collector as required by Section 5511.36a of the Local Tax Collection Law, which section provides as follows:

> "When any taxing district or taxing authorities propose to either raise or reduce the compensation or salary for the office of an elected tax collector, such action shall be by ordinance or resolution, finally passed or adopted prior to the fifteenth day of February of the year of the municipal election." 72 Pa. C.S.A. §5511.36a.

At that meeting, Defendant did not elect to discontinue any of the above-mentioned fringe benefits, and in addition elected to continue the compensation of the tax collector for the ensuing term commencing in January of 1982 at 4½% of the taxes collected.

Thereafter, at a meeting of the Supervisors held in January of 1982, Defendant nevertheless did elect to discontinue said benefits, and, further, elected to charge the sum of Two Hundred ($200.00) Dollars per month beginning February 1, 1982, as rental for the collector's office space. Plaintiff thereupon brought this suit seeking a restoration of those benefits and claiming that the actions by the Defendant in discontinuing them were contrary to the Local Tax Collection Law.

More specifically, the question now before the Court is whether, if Defendant wished to discontinue said benefits to the local tax collector, Defendant was required by the above-quoted section 5511.36a of the Local Tax Collection Law to adopt a resolution to that effect prior to the fifteenth day of February, 1981, the year of local elections. For the following reasons, this Court holds that Defendant was so required and must now restore those benefits as given previously.

Although there is no case law directly on point, this Court is influenced by the Commonwealth Court's reflection on the purposed of Section 511.36a in Blaine v. Wallenpaupack Area School District, 19 Pa. Cmwlth. 373 (1975), in which case the Court states:

> "Section 36.1 (i.e. §5511.36a) of the Act was designed to provide adequate notice, to all candidates for the office of tax collector, as to the compensation they would receive if elected to that office. Myers v. school District of Newton Township, 396 Pa. 542, 153 A2d 494 (1959); Cooke v. Greenville, 2 Pa. Commonwealth Ct. 417, 278 A.2d 182 (1971). The fifteenth day of February, referred to in section 36.1, was a date chosen by the Legislature to enable prospective candidates to make a decision as to the adequacy of the salary and thereafter whether to run for the office prior to expending time, money and effort in the primary election in May and thereafter in the municipal election in the fall. Additionally and of equal importance is the legislative intent that the compensation of the elected officia not be changed during his term of office, either as a reprisal or reward for his actions. Section 361o prevents in Mr. Justice ROBERTS' words "political vendettas'. (Costello v. North Braddock Borough, 428 Pa. 264, 269, 237 A.2d 236, 238 (1968), concurring opinion by Mr. Justice ROBERTS.)" (emphasis in original) ibid., 19 Pa. Cmwlth, at 375.

With those legislative intentions in mind, it becomes clear that to allow the action of Defendant to stand would completely vitiate the spirit of section 511.36a. Here, Plaintiff entered the race for tax collector secure in the belief that the compensation he would receive if he won the race would be 4½% of the taxes collected and, further, that this compensation would be unencumbered and not reduced by any expenditures for office space, telephone service, hospitalization insura nor the employer's share of social security coverage since no action to reduce said compensation (either directly by reducing the percentage commission on taxes collected or indirectly by shifting the burden of the costs of the above-mentioned expenses of office onto the collector himself) was taken by Defendant prior to February 15, 1981, the year of the election, as required by section 5511.36a. Had Plaintiff known that the compensation for the office of tax collector was to be indirectly reduced for the ensuing term as Defendant attempted to do hereby shifting said expenses onto the collector, he may have decided not to run or to withdraw from the race. He was not given that choice, however, since no adequate notice of Defendant's plans were given him.

Indeed, Defendant's plans did not even come to light until after the election was over. Without casting any adverse judgment on the motivations of Defendant here, such timing further invites the second evil against which section 5511.36a was meant to prevent-namely, the possibility of leaders dissatisfied with a successful candiate for whatever reason effectively reducing his compensation as a reprisal.

In other words, to allow Defendant to indirectly reduce Plaintiff's compensation as aforesaid would not only fail to uphold the policy of giving candidates for the job adequate notice of any reduction in compensation so as to allow them to decide not to run, it would also encourage the existence of political vendettas as desried by Mr. Justice Roberts in Costello, op. cit. The spirit

CONTINUED TO PAGE 134

CONTINUED FROM PAGE 133

of spirit of section 5511.36a would thus be effectively trampled by allowing the taxing authorities to do indirectly what they cannot do directly, and the legislative intent to outlaw such practices would be defeated.

Since Defendant's actions here do indirectly reduce the compensation of the township tax collector by shifting the above-mentioned expenses of office onto the collector himself, thus reducing his actual income by increasing his out-of-pocket expenses, those actions must be declared invalid as the proper procedure for such action (i.e., the requirements of section 5511.36a) was not followed. To hold otherwise would invite the abuses outlined above.

Defendant urges that should the Court hold that this situation is controlled by section 5511.36a, then the cost of the fringe benefits must be added to the tax collector's 4½% commission on all taxes collected to determine whether rhe maximum legal compensation of 5% of taxes collected is being exceeded. See: 72 Pa. C.S.A. §5511.35. Defendant further argues that if such limit is being exceeded, the excess must be returned to t he Township. However, this Court does not agree that the cost of the benefits are to be considered as " "compensation" within the meaning of section 5511.35, which provision set the maximum compensation allowable to a tax collector of this type.

It must be noted first that this Court did not declare the fringe benefits at issue here to be "compensation" within the meaning of the Local Tax Collection Law ehen it concluded that their discontinuation was governed by the requirements of section 5511.36a of said Act. Rather, this Court concluded that section 5511.36a applied because although the benefits themselves are not compensation under the Act, their discontinuation would in effect directly reduce the collectors compensation by shifting the burden of their expense onto him. In essence, the Court has, in order to safeguard the spirit and vitality of section 5511.36a, interpreted that spirit and vitality of section 5511.36a, interpreted that section to necessarily read as follows:

> "When any taxing district or taxing authorities propose to either raise or reduce the compensation or salary for the office of an elected tax collector, <u>either directly or indirectly</u>, such action shall..."

No such safeguarding of policy is necessary in interpreting "compensation" as defined as in section 5511.35. In that provision, compensation is defined as "salary, wages or a commission on all such taxes to be fixed..." 72 Pa. C.S.A. § 5511.35. No mention is made of fringe benefits as being within the defenition. Indeed, there is an implicit difference between compensation and other benefits accruing to the office raised within section 5511.35 itself. Not only does that section provide for actual compensation for the collector, but in addition th thereto it also provides that he "shall be allowed...actual and needful expenditures for printing, postage, books, blanks and forms." The provision therefore contemplates that a particular collector could be receiving the maximum 5% of all taxes collected and nevertheless a also receive the cost of the above listed expenditures. Such expenses cannot thus be considerrd as compensation, since section 5511.35 sets a maximum on actual compensation, since section 5511.35 sets a maximum on actual compensation and nevertheless provides for additional benefits beyond that maximum. Since expenditures such as office space, utilities, and telephone service are akin to those mentioned within section 5511.35 and listed above (i.e., they ar are all necessary to the functioning of the office and are, thus, as much a benefit to Defendant as to the tax collector), those expenditures must also not be considered as compensation within the Act and, therefore, are also not included within the 5% maximum.

Moreover, the social security coverage previously supplied for the tax collector is also not to be included within the 5% maximum. Since those payments were only the <u>employer's</u> share of social security coverage and did not represent any portion of the share of said taxes paid by the employee, those payments were not actually compensation to the collector, but rather were merely the cost to the Township of being able to have a tax collector. In other words such payments are not compensation to the employee (i.e., the tax collector) but instead a cost of employment to be borne by the employer (i.e., Sandy Township(.

The benefit which most resembles compensation to the collector is the hospitalization insurance coverage. That benefit-unlike the necessary expenditures for office space which expenditures are as much a benefit to the Township as to the tax collector since they provide the Township with a tax collector capable of functioning, and unlike the Social Security coverage, which portion of the payments are statutorily required to be paid by an employer as a cost of employment-is almost exclusively for the benefit of the tax collector alone. However, this Court is of the opinion that since, like the other benefits discussed above, such payments by the Township for health coverage are not direct compensation to the tax collector, and, further, are not includibee within his gross income for income tax purposes (26 U.S.C.A S106), they are also not within the definition of compensation in section5511.35 and are also not to be included when determining whether the 5% maximum for compensation has been exceeded.

WHEREFORE, the Court enters the following Order:

<u>ORDER</u>:

NOW, this 27th day of October 1982, it is the ORDER of this Court that judgment be and is hereby entered in favor of Plaintiff and against Defendant. It is the further ORDER of this Court that Defendant be and is hereby required to continue to provide the benefits previously provided the office of tax collector during the remainder of the current term of office, which commended in January of 1982, in accordance with the Court's Memorandum filed this same day. By the Court, /s/ John K. Reilly, Jr., President Judge

Judgment is entered in favor of the Plaintiff and against the Defen ant as Per Court Order.

JUDGMENT.

Raymond Bathurne

Prothonotary

<u>NOVEMBER 1, 1982, ORDER</u> filed.

NOW, this 1st day of November, 1982, it is the ORDER of this Court that Order dated October 27, 1982, be and is hereby rescinded and the matter to be rescheduled for argument before a visiting judge. By the Court, John K. Reilly, Jr., President Judge

CONTINUED TO PAGE 134A

CONTINUED FROM PAGE 134 NO. 82-14-EQU CARMON BROCIUOS -vs- SANDY TOWNSHIP

JANUARY 20, 1983, PETITION FOR WITHDRAWAL AS COUNSEL, filed by Milgrub & Lhota
1 Copy Cert. to Atty

JANUARY 20, 1983, RULE TO SHOW CAUSE, filed
1 Copy Cert. to Atty
AND NOW, this 14th day of January, 1983, upon consideration of the foregoing Petition for Withdrawal as Counsel, it is the order of this Court that a rule be issued against Sandy Township to show cause, if any, why the said Richard H. Milgrub, Esquire, should not withdraw his appearance in regard to the above captioned matter.
RULE IS RETURNABLE THE 26th day of January, 1983, at 9:00 a.m. BY THE COURT /s/ John K. Reilly Jr., President Judge

JANUARY 31, 1983, PRAECIPE FOR APPEARANCE filed.
Please enter my appearance on behalf of the Defendants in the above captioned matter.
s/Allen C. Welch

JUNE 21, 1983, MEMORANDUM AND ORDER filed.
WHEREFORE, the Court enters the following Order:

O R D E R

NOW, this 20th day of June, 1983, it is the ORDER of this Court that judgment be and is hereby entered in favor of Plaintiff and against Defendant. It is the further ORDER of this Court that Defendant be and is hereby required to continue to provide the benefits previously provided the office of tax collector during the remainder of the current term of office, which commenced in January of 1982, in accordance with the Court's Memorandum filed this same day. By the Court, John K. Reilly, Jr., President Judge

SEPTEMBER 21, 1983, PETITION FOR CONTEMPT CITATION & ORDER, filed
NO COPIES
AND NOW, this 21st day of September, 1983, a rule is issued upon Defendant, SANDY TOWNSHIP and upon Supervisor, LORNA MARSH, to show cause why LORNA MARSH, as Supervisor of Sandy Township, and SANDY TOWNSHIP, should not be held in contempt of court for failure to comply with the Order of Court in the above case dated June 20, 1983.
Rule returnable the 10th day of October, 1983, at 10:00 AM. BY THE COURT /s/ John K. Reilly, Jr., President Judge.

OCTOBER 19, 1983, ORDER, filed
NOW, this 10th day of October, 1983, this matter having come before the Court on Plaintiff's Petition to Impose Contempt Sanctions against Defendant for failing to comply with the Order of this Court dated June 20, 1983, the Court being satisfied that compliance with said Order not having as yet occured, it is the ORDER of this Court that Sandy Township, Defendant above-named, comply with the provisions of the Order of this Court dated June 20, 1983, to the extent that they supply to the Plaintiff the benefits which he had previouslly been receiving from the date of the last provision thereof, present, and throughout the rest of his elected term as Tax Collector for Sndy Township. Said benefits to be provided on or before October 25th, 1983, at 9:00 o'clock a.m., failure to comply with the provisions of this Order shall be considered as prima facie proof of contempt and appropriate sanctions eill be entered forthwith. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

Allan E. MacLeod	MAYNARD C. GRAHAM and MARIAN GRAHAM, his wife	MARCH 26, 1982, PRAECIPE FOR WRIT OF SUMMONS, filed. Kindly issue a Writ of Summons in Trespass, Assumpsit and Equity directed against the above-captioned Defendants. /s/ Allan E. MacLeod.
		MARCH 26, 1982, SUMMONS ISSUED TO MR. GRAHAM FOR SERVICE.
	82-15-EQUITY	MAY 10, 1982, PRAECIPE FOR APPEARANCE, filed by Brian H. Baxter, Deputy Attorney General. Please enter my appearance in the above-captioned case on behalf of Defendants, Commonwealth of Pennsylvania Department of Environmental Resources, Clifford Jones and Peter Duncan, Secretary: Robert P. Ging, Jr., Richard S. Ehmann, Eugene Dice, Charles Gummo, John Meehan, John Varner, Nile Linberg, Sr., and James Forcey. Defendants, Commonwealth of Pennsylvania, Department of Environmental Resources, Clifford Jones and Peter Duncan, Secretary: Robert P. Ging, Jr., Richard S. Ehmann, Eugene Dice, Charles Gummo, John Meehan, John Varner, Nile Linberg, Sr. and James Forcey, hereby demand a trial by jury. /s/ Brian H. Baxter, Deputy Attorney General
Brian H. Baxter	COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL RESOURCES, CLIFFORD JONES and PETER DUNGAN, SECRETARY; ROBERT P. GING, JR., RICHARD S. EHMANN, EUGENE DICE, CHARLES GUMMO, JOHN MEEHAN, JOHN VARNER, NILE LINBERG SR., and JAMES FORCEY	MAY 10, 1982, PRAECIPE FOR RULE TO FILE COMPLAINT, filed by Brian H. Baxter, Deputy Attorney General. ENTER Rule on the Plaintiffs, Maynard C. Graham and Marian Graham, his wife, in the above entitled matter to file a Complaint within twenty (20) days or suffer Judgment of Non Pros sec. reg. /s/ Brian H. Baxter
		MAY 12, 1982, RULE SENT TO BRIAN H. BAXTER, by regular mail
		MAY 14, 1982, OBJECTIONS TO PLAINTIFFS' MOTION TO PRODUCE filed by Brian H. Baxter, Deputy Attorney General
		JUNE 2, 1982, AFFIDAVIT OF SERVICE, filed by Brian H. Baxter, Deputy Attorney General. Service made on Plaintiff May 26, 1982.
		JUNE 14, 1982, COMPLAINT IN EQUITY, TRESPASS AND ASSUMPSIT, filed by Allen E. MacLeod. No copies
Pro by Plff 15.00		JUNE 14, 1982, MOTION TO PRODUCE, filed by Allan E. MacLeod
Atty 3.00		JUNE 14, 1982, PRAECIPE FOR APPEARANCE, filed by Allen E. MacLeod. Enter my appearance for Plaintiffs. Pleast list time and place for argument on defendant Motion for Protective Order and Plaintiff Motion To Produce. s/Allen E. MacLeod
Pro by Atty 15.00		JULY 2, 1982, PRELIMINARY OBJECTIONS, filed by Brian H. Baxter, Deputy Attorney General
Pro by Plff 20.00		JULY 2, 1982, AMENDED OBJECTIONS TO MOTION FOR PRODUCTION OF DOCUMENTS, filed by Brian H. Baxter

OCTOBER 14, 1982, MEMORANDUM AND ORDER, filed.

Wherefore, all allegations of negligence on the part of the Commonwealth through its agents and employees in enforcing the various applicable statutes and regulations against Graham Brothers Coal Company as a going concern, and not otherwise specifically affecting any personal property of the Plaintiff entrusted to the care of the Commonwealth under a bailment, must be dismissed as not falling within any exception to the Commonwealth's sovereign immunity. To hold otherwise would effectively abrogate any limitation on the Commonwealth's sovereign immunity and allow suit against the Commonwealth any time a party was subject to its statutes.

Likewise, those same portions of the Complaint must be dismissed not only as against the Commonwealth, but also as against all other Defendants. The self-same section which delineates whe the Commonwealth's sovereign immunity is waived (viz., 42 P.S. §8522) also provides for the waiver of immunity as against Commonwealth parties. That term is defined in 42 P.S. §8501 as "(a) Commonwealth agency and any employee thereof, but only with respect to an act within the scope of his office or employment." Insofar as the Plaintiffs are alleging mere negligence on the part of Commonwealth parties (i.e., DER, its officers and employees) in their enforcement activities against Graham Brothers Coal Company, and also not alleging specific damage to any other personal property of the Plaintiff in the care, custody or control of the Commonwealth, those parties were clearly acting within the scope of their employment and, thus, are also immune from suit. The only assertions of actual misconduct amounting to more than mere negligence and possibly being out side the scope of employment appear to be those allegations concerning DER's activities (especiall and particularly through the actions of Defendant Robert P. Ging, Jr.,) with respect to the alleged wrongful non-issuance of an amended mining permit and the forfeiture of bonds posted by Plaintiffs with DER. Those portions of the Complaint will be dealt with presently, but all other portions as discussed previously must be dismissed as against all Defendants.

Plaintiffs also assert as personal property in the care, custody or control of the Commonwealth those mining permits which were issued to them by DER and another amended permit which Plaintiffs claim should have been issued to them, but was wrongfully denied by DER. The Court need not decide whether such permits are personal property so that the Commonwealth's sovereign immunity is waived. Rather, the Court can simply consider the claim that Plaintiffs were wrongfully denied an amended permit as an action to compel compliance by DER with the provisions of the Surface Mining Conservation and Reclamation Act, 52 P.S. §1396.1, et. seq.

Section 1396.21 of said Act provides as follows:

"(a) Except as provided in subsection (c), any person having an interest which is or may be adversely affected may commence a civil action on his own behalf to compel compliance with this act or any rule, regulation, order or permit issued pursuant to this act against the d department where there is an alleged failure of the department to perform any act which is not discretionary with the department..Any other provision of law to the contrary notwithstanding, the court of common pleas shall have jurisdiction of such actions...(emphasis added) 52 P.S. §396.21(a).

CONTINUED TO PAGE 136

CONTINUED FROM PAGE 135

Since the issuance of a permit upon submission of a proper application is not discretionary with DER (see: 52 P.S. §1396.4(c)0, this Court would have jurisdiction to compel the issuance of a permit to force DER to comply with the said Act. Unfortunately for Plaintiffs, this issue is barred by the principle of collateral estoppel. Consequently, all those portions of the Complaint dealing with the wrongful non-issuance of a permit must also be dismissed as against all Defendants.

The Supreme Court has recently set forth the requirements of collateral estoppel in the case of Safeguard Mutual Insurance Company v. Williams, 463 Pa. 567, 345 A.2d 664 (1975.)

> "(A) plea of collateral estoppel is valid if 1) the issue decided in the prior adjudication was identical with the one presented in the later action, 2) there was a final judgment on the merits, 3) the party against whom the plea is asserted was a party or in privity with a party to the prior adjudication, and 4) the party against whom it is asserted has had a full and fair opportunity to litigate the issue in question in a prior action." 463 Pa. at 574.

Plaintiff Maynard Graham has been a party in extensive litigation before this Court at 80-10-EQU. In that action, which was commenced by DER, the Court specifically found that Maynard Graham and Graham Brothers Coal Company had failed to obtain propert permits and otherwise failed to comply with the requirements of the Surface Mining Conservation and Reclamation Act (hereinafter "Mining Act"). 52 P.S. §1396.1, et seq. (see Order dated February 20, 1981)

Since the Court did find that Mr. Graham had failed to comply with the Act, then obviously the Court also necessarily found that no permit was due him. Similarly, Plaintiffs further argument that DER violated a settlement agreement sanctioned by this Court by Order dated March 21, 1980, it also without merit. That Order involved the substitution of a second mortgage on real estate owned by Plaintiffs for the otherwise required bond under said Mining Act. Not only was that Order declared temporary and interlocutory in nature (see Order of April 22, 1980), but it was also specifically vacated by Order dated January 15, 1981. Moreover, since this Court specifically found that Mr. Graham had not complied with the Mining Act and that no proper permits had been obtained, it also necessarily found that DER had not violated any settlement agreement or Order of Court, but rather that Mr. Graham was simply not entitled to an amended mining permit. (See Order of February 20, 1981).

Wherefore, since the issue decided in the prior adjudication was idential with the issue presented here (i.e., whether or not Mr. Graham was entitled to an amended permit and whether DER had wrongfully refused him the same), and since there was a final judgment as to that issue (i.e., the Order of February 20, 1981), and since Maynard Graham was a party in that action and had a full and fair opportunity to litigate the issue there, all of the elements of collateral estoppel have been established by the Defendants here. All issues raised by Plaintiffs' Complaint dealing with the wrongful non-issuance of an amended mining permit or the violation of a settlement agreement by DER must, therefore, be dismissed as against all Defendants.

Plaintiffs' Complaint also raises an issue concerning the manner in which bonds which were posted by Maynard Graham and Graham Brothers Coal Company were forfeited upon a finding by this Court of noncompliance with the Mining Act. More specifically, Plaintiffs allege that DER through its personnel (especially Defendant Robert P. Ging, Jr.,) violated department policy of encouraging other coal operators in the area to take over certain mine sites before a bond is forfeited.

Here, Plaintiffs allege that before said bonds posted by Mr. Graham and Graham Brothers Coal were forfeited, at least two competent and capable coal operators made inquiries at the Hawk Run office of DER regarding taking over the Graham Brothers site, Further, Plaintiffs assert that these operators were informed that there was no possiblity of their taking over the sites, and that they were further actively discouraged from continuing to deal with DER or Mr. Graham himself with respect to these sites in direct contravention of an understood departmental policy as aforesaid. As a result of this alleged wrongful conduct, Plaintiffs' bonds were forfeited to the Commonwealth. (See Plaintiffs' Complaint, at paragraphs 38-40).

It must be noted first that the issue of the manner in which Mr. Graham's bonds were forfeited was not before this Court in the prior action. While it is true that this Court did determine that all of the statutory elements necessary for a bond forfeiture were established (i.e., that Maynard Graham and Graham Brothers Coal Company failed to comply with the applicable statutes and regulations), this Court did not review the actual procedure resulting in bond forfeiture. If Plaintiff is correct in that DER through its agents and employees violated a department policy in not encouraging other coal operators to take over the mine sites before accepting forfeiture of the bond posted, then Plaintiffs may have a valid cause of action. In any event, it is not barred by collateral estoppel.

Moreover, the bond posted by Mr. Graham would constitute personal property entrusted to the care, custody or control of the Commonwealth, so that this Court would have subject matter jurisdiction over a claim of negligent damage to that property by the Commonwealth. (See 42 P.S. §761(a)(1)(iii), and 42 P.S. §8522(b)(3) as discussed hereinbefore). Apparently Mr. Graham posted some of his own money as a bond (See Plaintiffs' Complaint at paragraph 30); and had it not been for the alleged wrongful conduct by DER in violating its department policy as aforesaid, that bond could have been leased to Mr. Graham. Personal property of Mr. Graham was, therefore, placed in the control of DER in a bailment type situation, which placement resulted in a loss to Mr. Graham. Sovereign immunity would, thus, be waived pursuant to the personal property exception of 42 P.S. §8522, which would allow this court to hear the action according to 42 P.S. §761(a)(1)(iii).

However, sections 1396.4(h) and (i) of the Mining Act (52 P.S. §3961.1 et seq.), which deal with the procedure of bond forfeiture, provide as follows:

> "(h)...Any operator aggrieved by reason of forfeiting the bond or converting collateral, as herein provided, shall have a right to contest such action and appeal therefrom as herein provided.
>
> (i) Should any operator be aggrieved by any decision or action of the secretary with respect to the amount of any bond, the terms, conditions or release thereof, or any other matter related thereto, he may proceed to lodge an appeal with the Environmental Hearing Board in the manner provided by law, and from the adjudication of said board he may further appeal as provided by Title @, of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure)." 52 P.S. §1396.4(h) and (i).

Plaintiffs should, therefore, have first appealed the bond forfeiture to the Environmental Hearing Board. If they receive an adverse ruling there, then and only then may they appeal to this Court. Consequently, this Court shall also dismiss those portions of Plaintiffs' Complaint dealing with said bond forfeiture without prejudice, nor any holding such that collateral estoppel or res judicata whould bar further action by them on this issue.

CONTINUED TO PAGE 136 136 A

CONTINUED FROM PAGE 136 NO. 82-15-EQU MAYNARD C. GRAHAM, al -vs- COMMONWEALTH OF PA, et al

Since Plaintiffs' additional claims for punitive damages against Defendant Robert P. Ging, Jr., (not otherwise dealt with herein) necessarily and inextricably depend upon a determination of the validity of the bond forfeiture, this Court must also stay hearing that cause of action pending the outcome of any Environmental Hearing Board decision.

The only other issue raised by Plaintiffs' Complaint challenges the constitutionality of the Interim Regulatory Program (I.R.P.) as enforced by DER. Even assuming Plaintiffs have standing to sue, the issue does not fall within any of the exceptions to the Commonwealth's immunity as delineated in chapter 85 of the Judicial Code for the same reasons as discussed previously herein. As a suit against the Commonwealth, then, exclusive original jurisdiction over that issue lies with the Commonwealth Court. (see 42 P.S. §761(a)(1).)

WHEREFORE, the Court enters the following Order:

ORDER

NOW, this 13th day of October, 1982, Defendants' Preliminary Objections are granted in accordance with the Court's Memorandum entered this same day. It is the further ORDER of this Court that Plaintiffs' Complaint be and is hereby dismissed with prejudice except as to the issue of the validity of the bond forfeiture, which issue is properly first before the Environmental Hearing Board, and the issue of the constitutionality of the Interim Regulatory Program, which issue is properly before the Commonwealth Court. By the Court, /s/ John K. Reilly, Jr., President Judge

NOVEMBER 12, 1982 NOTICE OF APPEAL, filed by Alla E. MacLeod, Attorney for Plff.
1 Copy mailed to Commonwealth Court.

CERTIFICATE OF SERVICE, filed by Maynard Graham.

NOVEMBER 29, 1982, NOTICE OF APPEAL FROM COMMONWEALTH COURT, Their Number 2962 C.D.1982

APRIL 13, 1983 APPEAL AND PRAECIPE FOR HEARING filed by Allan E. MacLeod

CERTIFICATE OF SERVICE

Sughrue & Kesner	GEORGE W. OWENS; BETTY A. OWENS; and JAMES F. KERR DONNA ZIMMERMAN, BEVERLY SAYERS, ADELINE FRELIN, and EMMA L. THOMPSON 82-16-EQU	MARCH 30, 1982, COMPLAINT IN EQUITY, filed by John Sughrue One copy Certified to Attorney. APRIL 28, 1982, ACCEPTANCE OF SERVICE, filed by Sughrue & Kesner I, DANIEL M. FREEMAN, Superintendent of Clearfield Area School District hereby Certify that I this date accepted service of a true and correct copy of a complaint in Equity filed in the above-captioned action and certify that I am authorized to do so. /s/ Daniel M. Freeman
Michael Yeager	CLEARFIELD AREA SCHOOL DISTRICT	APRIL 28, 1982, ENTRY OF APPEARANCE, filed by Michael P. Yeager APRIL 28, 1982, PRELIMINARY OBJECTIONS, filed by Michael P. Yeager APRIL 28, 1982, PETITION TO AMEND RATES OF COMPENSATION FOR VARIOUS TAX COLLECTORS - 1981, filed by Michael P. Yeager APRIL 28, 1982, ANSWER AND NEW MATTER, filed by Michael P. Yeager APRIL 28, 1982, ACCEPTANCE OF SERVICE, filed by Michael P. Yeager I, KIM C. KESNER, hereby certify that I this date accepted service of a true and correct copy of the Petitio to Amend Rates of Compensation for Various Tax Collectors-1981, Answer and Preliminary Objections filed in the above captioned action on behalf of the Plaintiffs, and certify that I am authorized to do so. /s/ Kim C. Kesner
	Pro by Atty 30.00 Atty 3.00	MAY 17, 1982, CERTIFICATE OF MAILING, filed by Sughrue & Kesner Now, this 17th day of May, 1982, I do hereby certify that a true and correct copy of Plaintiffs Reply to New Matter to Defendant were sent by U.S. Mail on the 17th day of May, 1982 to the counsel of record, to wit, Michael P. Yeager & Kim C. Kesner MAY 17, 1982, PLAINTIFFS REPLY TO NEW MATTER, FILED BY Sughrue & Kessner 1 Copy Cert. to Atty
		JULY 9, 1982, AMENDED COMPLAINT filed by John Sughrue, Esquire One (1) copy Certified to Attorney ORDER filed One (1) copy Certified to Attorney. AND NOW, this 9th day of July, 1982, upon agreement and stipulation by the parties hereto and furthermore, after voluntary amendment by Plaintiffs' of their Complaint, it is hereby ORDERED and DECREED that Defendant's Preliminary Objections be and are hereby dismissed. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

AUGUST 19, 1982, CERTIFICATION OF READINESS AND PRAECIPE FOR TRIAL, filed by Kim C. Kesner, Esquire.

Plaintiff, by his attorney, hereby certifies that the above-captioned matter is at issue and ready for trial.

Kindly place the above-captioned matter on the following trila list;

Equity Non-Jury.

The amount in controversy is less than the statutory amount.

NOVEMBER 15, 1982, ANSWERS TO INTERROGATORIES, filed by Sughrue & Kesner

George W. Owens, Betty A. Owens, Adeline V. Frelin, Donna O. Zimmerman, Beverly Sayers, Emma Louise Thompson, James Christopher Craigo

DECEMBER 2, 1982, MOTION FOR PRE-TRIAL CONFERENCE AND TRIAL DATE filed by Kim C. Kesner

One copy certified to Attorney

ORDER

AND NOW, this 7 day of December, 1982, upon consideration of the foregoing Motion and in accordance with Pa. R. Civ. P., Rule 212, it is hereby ORDERED and DECREED that a pre-trial conference will be held in the above case on the 22 day of December, 1982, at 2:00, P.M., to which both counsel shall attend. A copy of this Order shall be served upon counsel for the Defendant by Plaintiff's counsel. Moreover, trial in this matter shall commence on the 7 day of January, 1983 at 9:00 a.m. in the main court room of the Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT: John K. Reilly, Jr., President Judge

JANUARY 4, 1983, REPLY BRIEF filed by Kim C. Kesner

Two copies certified to Attorney

AUGUST 25, 1983, CONSENT DECREE, filedby Kim C. Kesner

2 Copies Cert. to Atty

This cause coming before the Court on Plaintiffs' Complaint and Defendant's Petition, and after commencing trial on both matters on Friday, January 7, 1983, the parties hereto advising this Court by their counsel that they wish to settle these matters by agreement in lieu of adjudication and the undersigned counsel requesting this Court's approval of the following Consent Decree, it is hereby ORDERED and DECREED that Defendant shall repeal and rescind the resolutions previously enacted by the Clearfield Area School District Board of Directors on January 26, 1981 and October 26, 1981, which established the rates of compensation for various tax collectors within the Clearfield Area School District; and it is further ORDERED that the elected and appointed tax collectors of the various political subdivisions of the Clearfield Area School District and their successors shall be paid as compensation for their collection of real estate taxes for the Clearfield Area School District, the following percentages of taxes collected:

CONTINUED TO PAGE 137A

~~138~~
137A

CONTINUED FROM PAGE 137 NO. 82-16-EQU GEORGE W. OWENS al -vs- CLEARFIELD AREA SCHOOL DISTRICT

Bradford Township	3.5%
Clearfield Borough	1.7%
Covington Township	5%
Girard Township	5%
Goshen Township	5%
Knox Township	5%
Lawrence Township	1.7%
Pine Township	5%

And it is further ORDERED that these rates of compensation shall be in effect for the elected and appointed tax collectors of the Clearfield Area School District and their successors for the full period of collection for the duplicate years of 1982-83, 1983-84, 1984-85 and 1986-86, inclusive; and it is further ORDERED that Defendant shall enact the foregoing rates of compensation by appropriate resolution. /s/ John Sughrue, Esquire Attorney for Plaintiffs, and Kim C. Kesner Esquire Attorney for Plaintiffs, APPROVED BY THE COURT /s/ John K. Reilly Jr., Presidnet Judge.

David P.King

ROBERT B. WELLS and
PAULINE E. WELLS

82-17-EQU

T.W. CHAPMAN and
WINIFRED C. CHAPMAN

APRIL 1, 1982, COMPLAINT IN EQUITY-- FOR SPECIFIC PERFORMANCE, filed by David P. King.
Two copies Certified to Sheriff

APRIL 7, 1982, SHERIFF'S RETURN, filed
NOW, April 2, 1982, at 10:15 AM EST served the within Complaint in Equity on T.W. Chapman, defendant at his place of employment, RD #1 DuBois, Clearfield, by handing to T.W. Chapman a true and attested copy of the original Complaint in Equity and made known to him the contents thereof.
NOW, April 2, 1982, at 10:15 A.M. EST served the within Complaint in Equity on T.W. Chapman, Husband of Winifred C. Chapman, defendant at his place of em ploymen by handing to him a true and attested copy of the origina Complaint in Equity and made known to him the contetns thereof. /s/ Chester A. Hawkins by Marilyn Wood

APRIL 19, 1982, NOTICE, ANSWER AND NEW MATTER, file by Anthony S. Guido, P.C.

APRIL 30, 1982, REPLY, filed by David P. King

JULY 19, 1982, STIPULATION OF SETTLEMENT, filed
It is hereby Stipulated by the Parties and their respective Counsel that the above action be Settled on th following basis:
1. One Drexel Pentz had agreed to purchase the larger premises of Chapman including the property subject to this litigation.
2. Recently, Pentz notified Chapman that the sale in question was terminated due to the proposed sale of the subject tract to Wells and other reasons.
3. Chapman hereby agrees to convey the subject premises to Wells unless the sale of the larger premises to Pence is closed within Sixty (60) Days of this date. If not concluded within that time, then Chapman agrees to convey the subject premises to Wells on the terms heretofore agreed upon.
4. In the event said sale of the larger premises from Chapman to Pentz is closed with said Sixty (60) Day period, then Chapman agrees to pay to Wells the sum of Seventy Five Hundred ($7500.00) Dollars for any interest which Wells may have in and to the subject premises which Wells agrees to accept in full satisfactio of any claims which he may have.
The above Settlement is hereby approved this 19th day of July, 1982. BY THE COURT /s/ John K. Reilly Jr. President Judge

Pro	by Atty	30.00
Atty		3.00
Shff		
Haskins	by Atty	20.35

EQUITY 1982

William C. Kriner	JUDITH K. WITHEROW	APRIL 12, 1982, COMPLAINT IN EQUITY, filed by William C. Kriner One copy Certified to Attorney. MAY 11, 1982, AFFIDAVIT OF SERVICE, filed NOW, May 4, 1982, at 3:00 P.M. o'clock DST served the within Complaint in Equity on WAYNE S. WITHEROW, defendant at Market St., Clearfield, Pa by handi to Wayne S. Witherow a true and attested copyof the origin Complaint in Equity and made known to him the contents thereof. /s/ Chester A. Hawkins by Marilyn Wood JUNE 4, 1982, PRELIMINARY OBJECTIONS, filed by Cynthia Soult One copy certified to Attorney JULY 22, 1982, ORDER, filed. NOW, this 21st day of July, 1982, following argument into the Preliminary Objections filed on behalf of the Defendant above-named, it is the ORDER of this Court that said Objections be and are hereby dismissed upon condition that no liability shall accrue to the Defendant under Paragraph 1 of the Agreement, which is the subject of this litigation, prior to August 1, 1982. IT is the further ORDER of this Court that Defendant shall file Responsive Pleadings to the Complaint within twenty (20) days from date hereof. By the Court, John K. Reilly, Jr., President Judge AUGUST 9, 1982, ANSWER, filed by Cynthia Soult One copy certified to Attorney
	82-18-EQU	
Cynthia Soult	WAYNE S. WITHEROW	

Pro	by Atty	30.00
Atty		3.00
Shff Hawkins	by Atty	14.75

EQUITY # 13 1982

Walter D. Campbell	RITA R. DEEMER, Formerly known as RITA R. CRESSLER	APRIL 23, 1982, COMPLAINT IN EQUITY--PARTITION PROCEEDING filed by Walter D. Campbell. One Copy Certified to Sheriff One copy Certified to Attorney JUNE 2, 1982, AFFIDAVIT OF SERVICE, filed. NOW, May 21, 1982, at 2:39 PM o'clock DST served within Complaint on deft. So answers, Chester A. Hawkins Shff By /s/ Marilyn Wood. 82-19=EQU JULY 26, 1982, ANSWER filed by Timothy E. Durant One copy certified to Attorney FEBRUARY 25, 1983, PRAECIPE TO MARK SETTLED, DISCONTINUED AND ENDED filed. Upon payment of your costs, please mark the above entitled matter settled, discontinued and ended, with legal prejudice. s/Walter D. Campbell
Timothy E. Durant	RICHARD CRESSLER Box 191 Grampian, Pa. 16836	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

Pro	by Atty	30.00
Atty		3.00
Shff Hawkins	by Atty	20.35
Pro	by Atty	5.00

xxxx

CONTINUED FROM PAGE 143 82-4-EQU MAX D. IRWIN al -vs- CHESTER A. OGDEN

APRIL 20, 1987 CERTIFICATE OF SERVICE filed
I hereby certify that on the 13th day of April, 1987, I served a certified copy of the Petition for Defendant to be held in Indirect Criminal Contempt, in the above case, by certified mail as evidenced by the executed return receipt attached hereto to the following address: Mr. Chester A. Ogden, RD#4, Box 63-A, Clearfield, PA 16830 s/Fredric J. Ammerman, Esq.

MAY 5, 1987 MEMORANDUM AND ORDER filed
Copies sent to Attorney Ammerman and Mr. Ogden
This is the return day for a Rule issued on date of April 8, 1987, directing Defendant, Chester A. Ogden, to appear and show cause why he should not be held in indirect Criminal Contempt in the above-captioned matter. The Petition set forth facts fully sustained by the testimony and the record. Neither the Defendant nor any counsel for him appeared. In fact, Defendant filed no Pleading but advised by letter dated May 1, 1987, directed to the Court Administrator, Raymond Billotte, (Exhibit No. 3 of the Plaintiffs) that he would not appear. The testimony fully established that Defendant was under an Order dated December 18, 1986, by the Honorable John K. Reilly, Jr., denying his motions for post-trial relief and declared Pike Township Route 504 to be a public road, "Beginning at its intersection with Pike Township Route 107, continuing over and across the property of Defendant, Chester A. Ogden, and property owner Lester Neeper", the latter being one of the Plaintiffs in this case. By an additional Order dated February 18, 1987, Judge Reilly also ordered that "Defendant, Chester A. Ogden, shall be and is hereby enjoined from obstructing the public use and passageway of Township Road as described herein". Factually, the testimony established that Defendant has placed himself in violation of the above Order and thus is in Criminal Contempt.
In View of the fact that there is no legal basis for Defendant's actions, we enter the following Order.

O R D E R

NOW, May 4, 1987, it is hereby declared that said Defendant, Chester A. Ogden, is in Criminal Contempt of the Order of December 18, 1986, and of February 18, 1987, (from which he filed no appeals) it is ordered that Chester A. Ogden be and is hereby held in contempt of said Orders, of which contempt he may purge himself by removing the obstructions from said Township Road 504 within ten days from date and ceasing from any further obstructions thereof. It is further ordered that he shall not use any illegal means to prevent entry by the Plaintiffs, their agents or enforcement officers upon the roadway to remove such obstructions and property and to establish passageway on said Route 504. In the event that Defendant shall fail to comply herewith and shall not have removed the said obstructions within the ten-day period he shall be subject to immediate arrest, the obstruction shall be removed from the roadway and passageway be opened for all purposes, thereupon he shall pay a fine of five hundred dollars ($500.) and be incarcerated in the Clearfield County Jail for a period of thirty days. BY THE COURT, John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding

MAY 14, 1987 DEFENDANTS RESPONSE TO MEMORANDUM AND ORDER filed by Chester A. Ogden
Three copies certified Defendant

JUNE 4, 1987 PETITION FOR EXECUTION OF ORDER HOLDING DEFENDANT IN INDIRECT CRIMINAL CONTEMPT filed by Fredric J. Ammerman, Esq.
Two copies certified Attorney
ORDER
NOW, this 4th day of June, 1987, due to the Defendant's failure to purge himself of indirect criminal contempt as set forth in this Court's Order of May 4, 1987, and upon Petition of the Plaintiffs, it is the Order of this Court that the Defendant be incarcerated in the Clearfield County Jail for a period of thirty (30) days, that he shall pay a fine of Five Hundred Dollars ($500.00), that all obstructions on Township Route 504 be removed with any costs of the said removal being taxed to the Defendant and that he shall hereafter keep his dog chained or tied at all times. BY THE COURT: John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding

JUNE 9, 1987 CLAIM FOR WRIT OF HABEAS CORPUS filed
s/Rhue Ogden s/Pauline Dixon

JUNE 29, 1987 DEFENDANTS RESPONSE TO COURT DIRECTIVE filed by Chester A. Ogden
One copy certified Mr. Ogden
CERTIFICATE OF SERVICE

JUNE 30, 1987 ORDER filed
NOW, June 22, 1987, the stipulation here entered into this day by Mr. Chester Ogden and counsel for Pike Township and individual plaintiffs is accepted, and it is Ordered that the said Chester A. Ogden be released forthwith from the Clearfield County Jail upon the condition that he shall remove the equipment and answer to the requirements of the prior Order of Court with regard to the dog and any matters contained therein upon which the contempt Order was previously issued; and that he shall fully comply with such Order insofar as any interference which is forbidden therein shall be concerned in the future. It is Further Ordered that he shall have until Saturday, June 27, 1987, at Nine (9:00) p.m. to remove said machinery from the roadway as agreed. It is also the Order of this Court that the payment of fine heretofore assessed in the sum of Five Hundred ($500.00) Dollars is hereby waived and cancelled for payment. BY THE COURT, John A. Cherry, Senior Judge, 46th Judicial District, Specially Presiding
Copies mailed to F. Ammerman, Esq. and Chester Ogden

OCTOBER 27, 1987, MOTION FOR RELIEF FROM ORDER, NEW MATTER, COUNTERCLAIM, AND NAMING OF ADDITIONAL DEFENDANT, filed by Chester A. Ogden, Deft. 6 cert/Mr. Ogden

NOVEMBER 4, 1987, SHERIFF RETURN, filed.
Now October 27, 1987 at 1:20 PM EST served the within Motion, New Matter, Counterclaim & Naming of Additional Deft. on John K. Reilly, Jr., Pres. Judge at employment, Courthouse, Clfd, Clfd County, PA by handing to John K. Reilly Jr.
Now October 29, 1987, at 8:52 AM EST served the within Motion, New Matter, Counterclaim & Naming of Additional Deft. on Pike Township Supervisors, deft. at employment, PO Box 453, Curwensville, Clfd County, PA by handing to Charles D. Walker, Pike Twp. Supervisor.
Now October 29, 1987, at 9:04 AM EST served the within Motion, New Matter, Counterclaim & Naming of Additional Deft. on Lester & Betty Neeper, defts at residence, RD#1 Box 352, Curwensville, Clfd County, PA by handing to Betty Neeper.
Now October 29, 1987, at 9:58 AM EST served the within Motion, New Matter, Counterclaim & Naming of Additional Deft. on Fredric Ammerman, Atty at Market St., Clfd, Clfd County, PA (Shff Office) by handing to Fredric Ammerman.
Now November 2, 1987, at 2:45 PM EST served the within Motion, New Matter, Counterclaim & Naming of Add'l Deft on John A. Cherry, Senior Judge, deft at employment, Market St. Clfd, Clfd County, PA by handing to John A. Cherry . /s/ Chester A. Hawkins by Marilyn Hamm, Shff.

CONT"D TO PG. 144/a

Cont'd from Pg. 144 MAX D. IRWIN vs CHESTER A. OGDEN

NOVEMBER 17, 1987, MOTION TO STRIKE DEFENDANT'S COUNTERCLAIM, RULE & ORDER, filed 1 copy cert atty.

AND NOW, TO WIT, this 17th day of November, 1987, upon Motion to Strike Defendant's Counterclaim filed by Max D. Irwin, Stanley Douglas and Clyde Addleman, Supervisors of Pike Township and Lester Neeper and Betty Neeper, Plaintiffs, a Rule shall be and hereby is issued directed to Chester A. Ogden, to appear to show cause, if any he has, why the Plaintiffs' Motion should not be granted.

This Rule shall be returnable on the 3rd day of December, 1987, at 9:00 A.M. in the main Courtroom in the Clearfield County Courthouse, Clearfield, PA.
BY THE COURT: John A. Cherry, Senior Judge.

NOVEMBER 30, 1987, DEFENDANTS ANSWER TO RULE TO SHOW CAUSE, filed by Chester A. Ogden, Pro se, 6 cert/Ogden

DECEMBER 3, 1987, ORDER, filed
1 copy cert C. Ogden; 1 cert F. Ammerman

NOW, December 3, 1987, trying to give some form of legality to the matters referred to in his letter of October 28th, 1987, directed to Mr. Raymond Billotte, Court Administrator, and to his claim this morning to this Court, and having reviewed all of the records of all of the cases, including the present one under consideration, 82-4-EQU above, and having determined that the defendant has no legal bases for any counterclaim against any of the judges, to wit, and namely, the Honorable John K. Reilly, Jr., the Honorable Joseph S. Ammerman, and the Honorable John A. Cherry, judges of this Court, it is ORDERED and FOUND that there is no basis whatsoever for his actions to seek the inclusion of said judges in the various and all of the cases presently involving the said defendant either as a plaintiff or as a defendant. It is hereby ORDERED That all such counter-claims as to thouse judges be and they are hereby DISMISSED with prejudice.
BY THE COURT: John A. Cherry, Senior Judge.

DECEMBER 3, 1987, ORDER, filed
1 copy cert Mr. Ogden; 1 cert F. Ammerman.

NOW, December 3, 1987, it is Ordered that each of counsel, which means to include the defendant, Chester A. Ogden, in the case of 82-4-EQU, are required to file a Brief within Ten (10) days from today in the Court Administrator's Office of Clearfield County limiting themselves to the bases for their argument either way with regard to whether that Rule should be Ordered to be absolute or whether it should be dismissed.
BY THE COURT: John A. Cherry, Senior Judge.

NOVEMBER 30, 1987, COUNTERCLAIM, filed by Chester A. Ogden.

DECEMBER 4, 1987, PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT, filed by Chester A. Ogden, 1 cert Mr. Ogden

DECEMBER 9, 1987 JURISDICTIONAL CHALLENGE, filed by C.A. Ogden
3 copies cert Mr. Ogden

DECEMBER 14, 1987, DEFENDANT"S BRIEF, filed 6 cert Mr. Ogden

DECEMBER 22, 1987, ORDER, filed 1 cert/Mr. Ogden

NOW, December 21, 1987, upon consideration of all matters presented in the above stated matter, we have concluded that there is no foundation in fact or in law for the position taken by the above named defendant, Chester A. Ogden, and therefore, it is ORDERED AND DECREED, that the said Chester A. Ogden is hereby forbidden from filing any further pleadings in the above stated case; this matter having been fully concluded by the Courts, and there being no further bases for his claims to be extended by further filing in the Court. BY THE COURT: John A. Cherry, Pres. Judge, Specially Presiding.

JANUARY 22, 1988, JURISDICTIONAL CHALLENGE, filed by Chester A. Ogden, 3 cert/OGDEN

JANUARY 22, 1988, PRAECIPE, filed.

Please file the enclosed copy of correspondence with the Record in the above identified Case. The original of this was supplied John A. Cherry, Senior Judge, on January 22, 1988, and is being submitted in reguard to his Order of Court dated December 3, 1987. /s/ Chester A. Ogden

JANUARY 28, 1988, PRAECIPE, REQUEST FOR INFORMATION PERTAINING TO THE COURTS DISPOSITION OF CASE, filed by Chester A. Ogden

JANUARY 28, 1988, LETTER FROM FREDRIC J. AMMERMAN, ESQ. filed.

NOVEMBER 10, 1986, ARGUMENT, filed by C.A. Ogden, Pro Se.
5 cert Mr. Ogden (filed to 86-190-CD)

MARCH 22, 1988, MEMORANDUM AND ORDER, filed. 1 cert/mailed Mr. Ogden by C.R..R #796 984 853 2 cert/F. Ammerman,

That all papers filed subsequest to December 21, 1987, be and they are hereby dismissed, there having been no appeal taken fromt he said prior Order of this Court. It is further Ordered that the Prothonotary, Raymond Witherow, and officers under his jurisdiction refuse to enter the filing of any further matters proffered in this case. BY THE COURT: John A. Cherry, Sr. Judge.

MARCH 22, 1988 SENDER"S RECEIPT, filed
MARCH 24, 1988, RETURN RECEIPT, filed

APRIL 8, 1988, SENDER'S RECIPET P-796 984 858, filed.

SEPT. 28, 1999, CONTEMPT PETITION, filed by Atty. Michael Marshall
Three Cert. to Atty.

Barbara H. Schickling	FRED LONG and MARY JANE LONG, husband and wife	APRIL 28, 1982, COMPLAINT IN EQUITY, filed by Barbara H. Schickling One copy Certified to Attorney. MAY 10, 1982, AFFIDAVIT OF SERVICE, filed Now, May 3, 1982 at 12:08 PM o'clock DSt served the within Complaint in Equity on CLYDE ADDLEMAN Township Supervisor at his place of employment, Pike Township Municipal Bldg. Curwensville, Penna. by handing to Clyde Addleman 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
	82-20-EQU	MAY 17, 1982, APPEARANCE, filed. Enter our appearance for Defendant, PIKE TOWNSHIP, in above case. BELL, SILBERBLATT & SWOOPE, By /s/ Paul Silberblatt, Esquire
Paul Silberblatt	PIKE TOWNSHIP	MAY 17, 1982, ANSWER TO COMPLAINT IN EQUITY, filed by Bell, Silberblatt & Swoope JANUARY 18, 1983, CERTIFICATION OF READINESS AND PRAECIPE FOR TRIAL filed by Barbara H. Schickling Kindly place the above-captioned matter on the following trial list: Equity Non-Jury. s/Barbara H. Schickling
Pro by Atty 30.00 Atty 3.00 Shff Hawkins by Atty 15.55		JUNE 25, 1985, MEMORANDUM, filed This Court does herein hold in favor of the Plaintiffs and against the Defendant and will direct Defendant Township, to replace the township road in it's proper location as indicated by Plaintiffs' survey and regrade and restore Plaintiff's property to its original condition, to place permanent land marks on the western border of the subject and to pay the sum of $427.00 as the costs incurred for the services of the impartial surveyor. BY THE COURT: John K. Reilly, Jr P.J. " FINDINGS OF FACT, filed " DECREE NISI, filed NOW, this 24th day of June, 1985, following hearing into the above captioned action in equity, it is the ORDER of this Court that Defendant Pike Township shall relocate Township Route T-214, to the original right-of-way as established by Plaintiffs' exhibits and testimony and shall restore Plaintiffs' property to its original condition, Defendant shall further establish a permanent boundary on western edge of said township road right-of-way and shall pay the sum of $427.00 as the costs of the independent survey performed for both parties. This Decree Nisi shall become final within ten (10) days of the notice of filing of this Decree Nisi. BY THE COURT: John K. Reilly, Jr President Judge.

John R. Carfley

Peter G. Terranova

DAVID DeLARME and HOPE M. DeLARME

82-21-EQU

NATIONAL FUEL GAS SUPPLY CORPORATION

Pro	by Atty	30.00
Atty		3.00
Shff	by Atty	25.95

MAY 3, 1982, COMPLAINT IN EQUITY, filed by John R. Carfley
One copy certified to Sheriff
JUNE 11, 1982, SHERIFF'S RETURN, filed.
Now, May 10, 1982 at 12:10 PM DST served the within Complaint in Equity on National Fuel Gas Supply Corp., defendant by placing a true and attested copy of the original Complaint in Equity on Counter at place of business, 51 West Long Ave., DuBois, Clearfield County, Pennsylvania, as Secretary REFUSED to accept service. So answers, Chester A. Hawkins by Marilyn Wood
JULY 16, 1982, ANSWER, filed by Peter G. Terranova
JULY 16, 1982, PRAECIPE, filed by John R. Carfley
Please place the above captioned case on the next civil trial list. Estimated time for trial is approximately one (1) day. s/John R. Carfley
SEPTEMBER 13, 1982, NOTICE TO TAKE DEPOSITIONS, filed by Peter G. Terranova
SEPTEMBER 17, 1982, NOTICE TO TAKE DEPOSITIONS, filed by Peter G. Terranova

OCTOBER 18, 1982, NOTICE TO TAKE DEPOSITIONS, filed

OCTOBER 18, 1982 AMENDED NOTICE TO TAKE DEPOSITIONS filed by Peter G. Terranova
NOVEMBER 29, 1982, DEPOSITION OF DAVID KOLB DELARME filed.
NOVEMBER 29, 1982, DEPOSITION OF RALPH KORB filed.

DECEMBER 6, 1982 ANSWERS TO INTERROGATORIES TO DEFENDANT filed by Peter G. Terranova
One exact copy of above also enclosed
MARCH 21, 1983 TRANSCRIPT OF PROCEEDINGS filed.
Transcript testimony taken before Hon. John K. Reilly, Jr. lodged this day and date in Prothonotary Office. s/Raymond Witherow
FILED IN TRANSCRIPT DRAWER UNDER "N"

MAY 4, 1983 BRIEF, filed by Peter G. Terranova, Atty for National Fuel Gas Supply Corp.
. (May 5, 1983 Brief taken to Judge Reilly.)

AUGUST 23,1984, MEMORANDUM AND ORDER,filed.
Accordingly, the Court enters the following Decree:
NOW, this 23rd day of August,1984, it is the ORDER of this Court that Preliminary Judgment bi and is hereby granted in favor of the Defendant, National Fuel Gas Supply Corporation, and againest the Plaintiffs David DeLarme and Hope M. DeLarme, said Decree to become final unless exceptions are filed thereto within ten (10) days from date hereof. BY THE COURT, /s/John K.Reilly,Jr.,P.J.

SEPTEMBER 4,1984, EXCEPTIONS TO MEMORANDUM AND ORDER,filed by John R. Carfley,Esq.

MARCH 5,1985, ORDER,filed.
NOW, this 4th day of March,1985, following argument, it is the ORDER of this Court that Exceptions filed on behalf of Plaintiff above named, it is the Degree of this Court dated, August 23,1984, be and are hereby dismissed. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

EQUITY DOCKET #13 1982

Scott V. Jones	J. LYNN McGARVEY CARLA McGARVEY 82-22-EQU KEITH E. ERICKSON DONNA M. ERICKSON	Pro by Atty Atty Shff. Hawkins by Atty	30.00 3.00 20.35

MAY 4, 1982, COMPLAINT IN EQUITY, filed by Scott V. Jones of Blakley & Jones
Two copies certified to Attorney

MAY 11, 1982, SHERIFF'S RETURN, filed
NOW, May 5, 1982, at Noon DST served the within Complaint in Equity on DONNA M. ERICKSON, defendant at her place of residence, RD #1, DuBois, Pa by handing to Donna M. Erickson a true and attested copy of the original Complaint in Equity and made known to her the contents thereof.
NOW May 5, 1982, at Noon DST served the within Complaint in Equity on DONNA M. ERICKSON, Wife of Keith E Erickson, defendant at her place of residence RD # DuBois, Clearfield Pa by handing to Donna M. Erickson a true and attested copy of the original Complaint in E uity and made known to her the contents thereof.
/s/ Chester A. Hawkins by Marilyn Wood

MAY 24, 1982, PRELIMINARY OBJECTIONS, filed by Gleasc Cherry and Cherry, P.C.
1 Copy Cert to Atty

Belin,Belin & Naddeo

ERNEST BARINGER and ERNEST J. BARINGER

82-23-EQU

Saling & Tupitza

WILLIAM F. HARLAN and ANN B. HARLAN, his wife Defendants

Pro by Atty 30.00
Shff.
Hawkins by Atty 12.75
Shff.
Fulton by Atty 22.95
Atty 3.00

JUNE 4, 1982, COMPLAINT IN EQUITY, filed by Belin, Belin & Naddeo
2 Copies Cert. to Atty

JUNE 4, 1982, ORDER OF APPEARANCE, filed by George G. Heiney, II, Esquire & Cynthia Soult, Esquire Atty's for Plaintiff

JULY 15, 1982, SHERIFF'S RETURN, filed
NOW, June 7, 1982, Frederic M. Fulton, Sheriff of Chester County was deputized
NOW June 30, 1982 served the within Complaint in Equity on WILLIAM F. & ANN B. HARLAN, defendants by deputizing the Sheriff of Chester County. The return of Sheriff Fulton is hereto attached and made a part of this return stating that he served Ann Harlan. /s/ Chester A. Hawkins by Marilyn Wood

AUGUST 24, 1982, ANSWER AND NEW MATTER, filed by Saling & Tupitza
1 Copy Cert. to Atty
SEPTEMBER 17, 1982, REPLY TO NEW MATTER, filed by George G. Heiney, III and Belin, Belin & Naddeo

OCTOBER 22, 1982, DEFENDANTS' FIRST SET OF INTERROGATORIES ADDRESSED TO THE PLAINTIFFS, filed by Saling & Tupitza

FEBRUARY 3, 1983, PETITION FOR COURT TO ISSUE RULE TO SHOW CAUSE WHY THERE SHOULD NOT BE PARTITION OF PROPERTY filed by George Heiney, II and Cynthia Soult

RULE

AND NOW, this 1 day of February, 1982, upon consideration of the foregoing petition filed by Attorneys for Plaintiffs, a Rule is issued and directed to Petitioners through their counsel, James S. Tupitza, to show cause why an Order should not be issued, under Pennsylvania Rules of Civil Procedure Rule 1557, directing partition of this property, and why said Order should not set forth the names of all co-tenants and the nature and extent of their interests in the property.

This Rule shall be served on George Heiney, II, Attorney for Ernest Baringer and Ernest J. Baringer, by regular mail.

Rule returnable the 3rd day of March, 1983, at 9:00 a.m. at the Clearfield County Courthouse. BY THE COURT, John K. Reilly, Jr., P.J.

One copy certified to Attorney

MARCH 8, 1983, ORDER filed.

AND NOW this 3rd day of March, 1983, this being the date and time set for a Rule to show cause why an Order should not be issued directing partition of the property subject to the above captioned action and Defendant having failed to appear, it is the ORDER of this Court that said property shall be partitioned and that Benjamin Blakley III, Esquire, is appointed Master to acccomplish said partition and hear all related issues. BY THE COURT, John K. Reilly, Jr., P.J.

Two copies certified

APRIL 5, 1983, EXCEPTIONS, filed by James S. Tupitza
1 Copy Cert. to Atty

MARCH 1, 1984, STIPULATION filed by George G. Heiney II

APRIL 6, 1984, NOTICE OF MASTER'S HEARING, filed by Benjamin S. Blakley, III, Master

MAY 18, 1984, NOTICE OF RESCHEDULING OF MASTERS HEARING, filed by Benjamin S. Blakley, III

JULY 27,1984, MASTER'S REPORT, filed by Benjamin Blakley ,III,Esq.

AUGUST 17,1984,ORDER,filed.

AND NOW, this 17th day of August,1984, upon consideration of the report of the Master in Partition,Benjamin S. Blakley,III, Esquire, filed in the above captioned actionand it appearing that all interested persons have been notified by the Master of the filing of this report, that the disbursements from the funds of the sale of this property is approved and if no exceptions are filed to the Master's report within twenty (20) days of the date of this Order, then the order is to become final and the Master is directed as follows:

(1) That the proceeds of the $21,822.19 from the sale of the subject premises be distributed as follows:

(a) Trustee's fee	$500.00
(b) Reimbursement to Plaintiffs attorney for Court Costs	73.70
(c) Stipulated Deduction from Defendants Proceeds to be paid to Plaintiff	600.00
(d) Plaintiff's one-half share of proceeds	10,624.25
(e) Defendants share of proceeds less $600.00stipulated amount	10,024.24
TOTAL	$21,822.19

BY THE COURT,/s/ John K. Reilly,Jr.,P.J.

EQUITY #13

Joseph Colavecchi	JOHN A. REDDING, JR. and LOIS A. REDDING, his wife; ELISABETH JANE THOMPSON; JOSEPH COLAVECCHI; RUTH MARGARET MITCHELL and HELEN S. HOLLAND	JUNE 21, 1982, COMPLAINT IN PARTITION, EQUITY, filed by Joseph Colavecchi. Two copies Certified to Sheriff Two copies Certified to Attorney JULY 2, 1982, FIRST AMENDED COMPLAINT IN PARTITION filed by Joseph Colavecchi Two copies certified to Sheriff Six copies certified to Attorney
	82-24-EQU	JULY 9, 1982, PRAECIPE, filed by William U. Smith Please enter my appearance for the Defendant, Earl M. Brown, in the above captioned matter. /s/ William U. Smith
William U. Smith	EARL M. BROWN; and COUNTY NATIONAL BANK AT CLEARFIELD, TRUSTEE PATRICIA K. SOULT; GERTRUDE M. KELLEY: and the ESTATE OF ELIZABETH C. KELLEY	JULY 13, 1982, SHERIFF'S RETURN, filed NOW, July 2, 1982 at 10:50 AM DST served the within Complaint in Partition on Duane Shifter, Asst. Cashier for County National Bank, defendant at his place of employment CNB, Clearfield, Clearfield County, Pennsylvania by handing to Duane Shifter a true and attested copy of the original Complaint in Partition and made known to him the contents thereof. NOW, July 7, 1982, at 10:00 AM DST served the within Complaint in Partition on Helen Brown, Wife of Earl M. Brown, defendant at her place of residence, 418 W. 1st St. Clearfield, Clearfield County, Pennsylvania by handing to Helen Brown a true and attested copy of the original Complaint in Partition and made known to her the contents thereof. So answers, Chester H. Hawkins, Sheriff, by Marilyn Wood. JULY 13, 1982, SHERIFF'S RETURN filed NOW, July 7, 1982, at 10:00 AM DST served the within First Amended Complaint in Partition on Helen Brown, Wife of Earl M. Brown, defendant at her place of residence. 418 W. First St., Clearfield, Clearfield County, Pennsylvania by handing to Helen Brown a true and attested copy of the original First Amended Complaint in Parittion and made known to her the contents thereof. NOW, July 7, 1982 at 3:10 PM DST served the within First Amended Complaint in Partition on Patricia Soult, defendant at her place of residence, 108 Elizabeth St., Clearfield, Clearfield County, Pennsylvania by handing to Patricia Soult a true and attested copy of the original First Amended Complaint in Partition and made known to her the contents thereof. So answers, Chester A. Hawkins, Sheriff, by Marilyn Wood.

Pro	by Atty	30.00
Atty		3.00
Shff.		
Hawkins	by Atty.	14.75
Shff.		
Hawkins,	by Atty	14.75

JULY 13, 1982, ANSWER, filed by William U. Smith

SEPTEMBER 29, 1982 PETITION FOR COURT TO ISSUE RULE TO SHOW CAUSE WHY THERE SHOULD NOT BE PARTITION OF PROPERTY, AND RULE, filed by Joseph Colavecchi, Atty. 5 Cert Attorney

RULE

AND NOW, this 25th day of September, 1982 upon consideration of the forgoing Petiton filed by Attorney for Plaintiffs, a Rule is issued and directed to Defendants or their Counsel of record to show cause why an Order should not be issued, under RCP 1557, directing partition of this property and said Order to set forth the names of all co-tenants and the nature and extent of their interests in the property.

Issue of this Rule shall be served on all Defendants or their Counsel of record.

Rule returnable the 27th day of October, 1982 at 1:30 P.M. at the Clearfield County Courthouse. By the Court, s/John K. Reilly, Jr., President Judge.

SEPTEMBER 29, 1982 PETITION FOR ORDER DIRECTING PARTITION, filed by Joseph Colavecchi, Attorney. 4 Cert Attorney

RULE

AND NOW, this 29 day of September, 1982, a petition having been presented to the Court under RCP 1557, requesting that a Rule be issued to all of the Defendants to show cause why the Court should not enter an Order directing partition setting forth the ; names of all co-tenants and the nature and extent of their interests in the property, said nature and extent of their interests being set forth in this petition, a Rule is hereby issued directed to William U. Smith, Attorney for Earl M. Brown, and to James A. Naddeo, Attorney for Patricia K. Soult, Gertrude M. Kelley and the Elizabeth C. Kelley Estate, as to why an Order directing partition as set out above shall not be entered of record.

This Rule is returnable the 27th day of October 1982, at 1:30 P.M. at the Clearfield County Courthouse, with notices to be given to William U. Smith, Esquire, and to James A. Naddeo, Esquire, on behalf of the Defendants. By the Court, s/John K. Reilly, Jr., President Judge.

OCTOBER 28, 1982, ORDER, filed

NOW, this 27th day of October, 1982, this being the day and date for hearing on Rule to Show Cause why there should not be partition of property in the above-captioned matter, it is the ORDER of this Court that upon agreement of the parties subject property cannot be physically partitioned among the parties, and therefore, this Court appoints Thomas F. Morgan, Esquire, as Master to proceed according to statute. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

DECEMBER 17, 1982, MASTER's REPORT, filed by Thomas F. Morgan

DECEMBER 17, 1982, DECREE, filed

Upon consideration of the foregoing petition and no objection thereto having been made by any of the parties, the sale to Earl M. Brown is hereby confirmed, the Master is authorized to execute and deliver to Earl M. Brown a deed for the subject premises upon receipt of the amount bid, to pay from the proceeds the costs, to pay himself a

M

CONT'D ON BACK

CONTINUED FROM PAGE 151 JOHN A REDDING, JR. al -vs- EARL M. BROWN al

Master's commission of $225.00, to pay the residue to the parties in the proportions to which they are entitled.

Approved nisi this 20 day of December, 1982, to be final in twenty days unless exceptions be filed. BY THE COURT /s/ John K. Reilly Jr., President Judge

JANUARY 3, 1983, WAIVER filed by James A. Naddeo

NOW this 20th day of December, 1982, I James A. Naddeo attorney for Patricia K. Soult, Gertrude M. Kelley and Estate of Elizabeth C. Kelley hereby waive the twenty day period for filing exceptions and agree that the Master may proceed in accordance with the decree as confirmed nisi on December 17, 1982. s/James A. Naddeo

WAIVER filed by Joseph Colavecchi

NOW this 20th day of December, 1982, I, Joseph Colavecchi, attorney for John A. Redding Jr. and Lois A. Redding, his wife; Elizabeth Jane Thompson; Joseph Colavecchi; Ruth Margaret Mitchell and Helen S. Holland, hereby waive the twenty day period for filing exceptions and agree that the Master may proceed in accordance with the decree as confirmed nisi on December 17, 1982. s/Joseph Colavecchi

WAIVER filed by W. U. Smith

NOW this 20th day of December, 1982, I, William U. Smith attorney for E. M. Brown hereby waive the twenty day period for filing exceptions and agree that the Master may proceed in accordance with the decree as confirmed nisi on December 17, 1982. s/W. U. Smith

DECREE

NOW, this 27th day of December, 1982, the attached waivers having been received on behalf of all parties of record, the Decree of December 20, 1982, is hereby made absolute and the Master is directed to proceed in accordance thereto. BY THE COURT: John K. Reilly, Jr., President Judge

JANUARY 5, 1983, SCHEDULE OF DISTRIBUTION filed by Thomas F. Morgan, Master

Gross Estate	$2,150.00	
Less:		
a) Joseph Colavecchi, advanced costs	65.70	
b) Thomas F. Morgan, Master's Commission	225.00	
Balance for Distribution as follows:	$1,859.30	
a) Joseph Colavecchi, attorney for John A. Redding, Jr., et al		$929.65
b) William U. Smith, attorney for Earl M. Brown		464.825
c) James A. Naddeo, attorney for Patricia K. Soult, et al		464.825

s/Thomas F. Morgan, Master

EQUITY # 13 1982

Joseph J. Lee	GINGER JOAN KENDRICK	JUNE 23, 1982, COMPLAINT IN EQUITY, filed by Joseph J. Lee, One Copy Certified to Sheriff.
	82-25-EQU	JULY 16, 1982, PRAECIPE, filed by William U. Smith Please enter my appearance for the Defendants in the above captioned case. s/William U. Smith
		JULY 27, 1982, SHERIFF'S RETURN, filed. Now, July 14, 1982 served within Complaint in Equity on Elizabeth Kendrick. So answers, Chester A. Hawkins by Marilyn Wood
William U. Smith	JOHN E. KENDRICK and ELIZABETH KENDRICK	SEPTEMBER 16, 1982, ANSWER filed by William U. Smith
		DECEMBER 23, 1982, PRAECIPE, filed. Place the above case on the Trial List for the coming term of Civil Court. /s/ Joseph J. Lee
		AUGUST 30, 1983, PRAECIPE, filed Please discontinue the above action and mark the record closed supon payment of costs. /s/ Joseph J. Lee

Pro	by Atty	30.00
Atty		3.00
Shff	by Atty	19.55
DISC.	by Atty.	5.00

EQUITY #13

Belin,Belin & Naddeo	ELEANOR GENELIUS, an individual	JUNE 29, 1982, COMPLAINT IN PARTITION, EQUITY, filed by James A. Naddeo One copy Certified to Sheriff.
	82-26-EQU	JULY 14, 1982, AFFIDAVIT OF SERICE, filed NOW, July 8, 1982 at 11:20 A.M. o'clock DST served the within Complaint in Partition on Ruby Prementine, Sister of Frank Genelius, defendant at her place of residence, Smoke Run, Clearfield, Clearfield County, Penna. by handing to Ruby Prementine a true and attested copy of the original Complaint in Partition and made knwon to her the contents thereof. So answers, Chester A. Hawkins Sheriff by Marilyn Wood,
John Sughrue	FRANK GENELIUS, an individual	AUGUST 2, 1982, APPEARANCE, filed. You are hereby directed to enter our appearance on behalf of the Defendant in regard to the above-captioned case. s/John Sughrue
	Pro by Atty 30.00 Atty 3.00 Shff Hawkins by Atty. 19.95	

EQUITY DOCKET #13

Toni M. Cherry	THOMAS W. SMITH and LILLIAN M. SMITH		
	82-27-EQU		
Anthony S. Guido	JOSEPH M. SHANKEL and KATHRYN M. SHANKEL		
	Pro	by Atty	30.00
	Atty		3.00
	Shff	by Atty	16.53
	Pro	by atty	30.00

JULY 7, 1982, COMPLAINT IN EQUITY, filed by Toni M. Cherr
July 12, 1982 Two copies certified to Sheriff
JULY 30, 1982, SHERIFF'S RETURN, filed.
Now, July 19, 1982 served within Complaint in Equity on Kathryn M. Shankel by Certified Mail, return receipt attached.
Now, July 19, 1982 served within Complaint in Equity on Joseph M. Shankel by Certified Mail, return receipt attached. So answers, Chester A. Hawkins by Marilyn Wood

AUGUST 26, 1982, NOTICE, ANSWER & NEW MATTER, filed by Anthony S. Guido

SEPTEMBER 14, 1982, ANSWER TO NEW MATTER, filed by Toni M. Cherry, Esquire.

SEPTEMBER 16, 1982, PRAECIPE filed by Anthony S. Guido
Defendants, JOSEPH J. SHANKEL and KATHRYN M. SHANKEL, demand a jury trial in the above case. s/Anthony S. Guido

JANUARY 21, 1983, PRAECIPE, filed by Toni M. Cherry, Esquire. NON-JURY.
Will you please place the above captioned case on the present Trial List.

JULY 13, 1983, NOTICE OF DEPOSITION, filed by Anthony S. Guido.

AUGUST 1, 1983 PETITION TO BAR TESTIMONY OF PLAINTIFFS' EXPERT WITNESSES, filed by Anthony S. Guido., Atty for Defts. 2 cert. Attorney

ORDER
AND NOW, this 1st day of August, 1983, upon consideration of the foregoing Petition, a Rule is entered upon the Plaintiffs, THOMAS W. SMITH and LILLIAN M. SMITH, to show cause why the experts which they have retained in this case should not be barred from testifying at the trial of this case scheduled for August 18, 1983.
Rule returnable the 15th day of August, 1983 at 1:00 P.M. By the Court s/John K. Reilly, Jr., President Judg.

AUGUST 19, 1983, PRAECIPE, filed by Toni M. 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. GLEASON, CHERRY AND CHERRY, By /s/ Toni M. Cherry, Attorneys for Plaintiffs
JANUARY 2,1985, SUGGESTION OF DEATH,filed.
Please be advised that Joseph M. Shankel, one of the above-named defendants has died, leaving his wife Kathryn M. Shankel as sole defendant./s/ Toni M. Cherry,Esq.
APRIL 19,1985, MEMORANDUM AND ORDER,filed.
NOW, this 19th day of April,1985, following conclusion of Plaintiffs testimony, it is the ORDER of this Court that Defendants Motion for Involuntary Non Suit be and is hereby granted. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.
APRIL 29,1985, MOTION TO TAKE OFF THE NONSUIT,filed by Toni M. CHerry,Esq.
One copy certified to atty.

MAY 20,1985, SUGGESTION OF DEATH AND SUBSTITUTION OF PERSONAL REPRESENTATIVE,filed by Anthony Guido,Esq.

APRIL 8,1986, ORDER,filed.
NOW, this 7th day of April,1986, upon consideration of Plaintiffs' Motion to take off non-suit entered by this Court on April 19,1985, it is the ORDER of this Court that said Motion be and is hereby dismissed. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

MAY 5, 1986, NOTICE OF APPEAL & PROOF OF SERVICE, filed 1 cert Superior Ct. filed by Toni M. Cherry, Esq.
MAY 19,1986, SUPERIOR COURT OF PENNSYLVANIA OFFICIAL DOCKET NO 00619PGH86,filed.

JUNE 19, 1986, ALL PAPERS MAILED TO SUPERIOR COURT CERTIFIED RECEIPT NO. P 278 107 104, filed
JUNE 23, 1986, RETURN RECEIPT, filed

AUGUST 15, 1986, PETITION TO ENFORCE SETTLEMENT & ORDER, filed 2 orders cert atty
AND NOW, this 15th day of August, 1986, upon consideration of the foregoing Petition a hearing is scheduled for the 29th day of September, 1986, at 9:00 A.M.
BY THE COURT: John K. Reilly, Jr President Judge.

SEPTEMBER 17, 1986, APPEAL FROM SUPERIOR COURT, filed
September 11, 1986 - Praecipe for Discontinuance, filed (APPEAL DISCONTINUED)
/s/ Eleanor R. Valecko, Deputy Prothonotary.

John R. Carfley

LEWIS OLSON, WILLARD OLSON, HEIRS OF ANNA OLSON CLARK, Deceased, WILLIAM CLARK, AARON CLARK, ALICE FRAVEL, JANET K. BOND, JOHN F. CLARK, MRS. MICHAEL CILLO, & MRS. CHRISTINE McMASTER: HEIRS OF ANDREW OLSON, Deceased, HOWARD OLSON, HEIRS OF HILDA OLSON HANSEN, Deceased, MRS. GEORGE SCHMELZEL, WILLIAM E. HANSEN, JOHN L. FERGUSON & GLORIA J. FERGUSON, his wife,

82-28-EQU

CHARLES OLSON, JOHN OLSON, FREDRICK OLSON, ALICE OLSON ANDERSON, HILMA OLSON, and all their heirs, executors, administrators, successors, and assigns, all or whom are deceased or whose whereabouts are unknown to the Plaintiffs

Pro by Atty 30.00
Atty 3.00

JULY 16, 1982, COMPLAINT IN PARTITION, filed by John R. Carfley

JULY 16, 1982, AFFIDAVIT, filed

JULY 16, 1982, MOTION FOR PUBLICATION, filed

JULY 16, 1982, ORDER OF PUBLICATION, filed.

AND NOW, this 16 day of July, 1982, upon consideration of the foregoing motion, the Plaintiffs are granted leave to make service of the complaint upon the Defendants above named, his heirs, personal representatives and assigns, by publication once a week for three successive weeks in a newspaper of general circulation in Clearfield County and Proof of Publications shall thereto be filed with the proceedings in said action, said advertisements shall state that the defendants be required to answer the complaint within twenty (20) days from the last advertisement thereof. BY THE COURT, /s/ John K. Reilly, Jr., P.J.

OCTOBER 6, 1982, PRAECIPE, filed by John R. Carfley

Please enter judgment against the defendants named herein for failure to file an answer to said complaint as required by the Pennsylvania Rules of Civil Procedure. s/John R. Carfley

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

DEFAULT JUDGMENT

Raymond Fetherow

Prothonotary

OCTOBER 19, 1982, PRELIMINARY ORDER, filed

AND NOW, this 19th day of October, 1982, it appearing that the defendants have 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 entered on the defendants, upon motion o f John R. Carfley, Esquire, attorney for the plaintiffs, IT IS ORDERED, ADJUDGED AND DECREED that partition be made of the lands mentioned and described in the complaint among the parties therein named in proportion to their respective interests as follows:

1. Lewis Olson - 13/22 interest
2. Willard Olson - 1/22 interest.
3. heirs of Anna Olson - 1/22 interest.
   A. William Clark - 1/154 interest
   B. Aaron Clark - 1/154 interest.
   C. Alice Fravel - 1/154 interest.
   D. Janet K. Bond - 1/154 interest.
   E. John R. Clark - 1/154 interest.
   F. Mrs. Michael Cillo - 1/154 interest.
   G. Mrs. Christine McMaster - 1/154 interest.
4. Heirs of Andrew Olson - 1/22 interest.
   A. Howard Olson - 1/22 interest.
5. Heirs of Hilda Olson Hansel - 1/22 interest.
   A. Mrs. G3orge Schmelzel - 1/44 interest.
   B. William E. Hansen - 1/44 interest.
6. John L. Ferguson and Gloria J. Ferguson
   An equitable interest in the within described property by an Agreement of Sale executed by Lewis Olson dated September 9, 1980.
7. Charles Olson, deceased or whereabouts unknown - 1/22.
8. John Olson - deceased or whereabouts unknown - 1/22.
9. Frederick Olson, deceased or whereabouts unknown - 1/22.
10. Alice Olson, deceased or whereabouts unknown - 1/22.
11. Hilma Olson, deceased or whereabouts unknown - 1/22.

The parties or their attorneys are directed to appear for a preliminary conference on the 24th day of November, 1982, at 1:00 o'clock P.M. in the Clearfield County Courthouse, Clearfield, Pennsylvania, to consider the matters set forth in Rule 1558 of the Pennsylvania Rules of Civil Procedure. BY THE COURT /s/ John K. Reilly Jr., President Judge

OCTOBER 19, 1982, MOTION FOR ORDER DIRECTING PARTITION, filed by John R. Carfley

JANUARY 20, 1983 ORDER filed.

AND NOW this 24th day of November, 1982, it appearing to the Court that all interested parties in the above captioned matter have appeared by and through counsel, and it being further the finding of the Court that agreement has been reached as between the parties as to a plan of sale, whereby the said property will be sold to John L. Ferguson and Gloria J. Ferguson who retain an equitable interest in the within described property by agreement of sale executed the 9th day of September, 1980, for the sum or price of $7500.00, which sum shall be distributed to the following individuals and in the following proportions:

CONTINUED TO PAGE 160

CONTINUED FROM PAGE 159 NO. 82-28-EQU LEWIS OLSON et al -vs- CHARLES OLSON et al

JANUARY 20, 1983, ORDER OF COURT continued

1. Lewis Olson - 13/22 interest.
2. Willard Olson - 1/22 interest.
3. Heirs of Anna Olson - 1/22 interest:
   - A. William Clark - 1/154 interest.
   - B. Aaron Clark - 1/154 interest.
   - C. Alice Fravel - 1/154 interest.
   - D. Janet K. Bond - 1/154 interest.
   - E. John R. Clark - 1/154 interest.
   - F. Mrs. Michael Cillo - 1/154 interest.
   - G. Mrs. Christine McMaster - 1/154 interest.
4. Heirs of Andrew Olson - 1/22 interest.
   - A. Howard Olson - 1/22 interest.
5. Heirs of Hilda Olson Hansel - 1/22 interest.
   - A. Mrs. George Schmelzel - 1/44 interest.
   - B. William E. Hansen - 1/44 interest.
6. Charles Olson,-deceased or whereabouts unknown - 1/22.
7. John Olson-deceased or whereabouts unknown - 1/22.
8. Frederick Olson - deceased or whereabouts unknown - 1/22.
9. Alice Olson - deceased or whereabouts unknown - 1/22.
10. Hilma Olson - deceased or whereabouts unknown - 1/22.

IT IS THE FURTHER OF THIS COURT that the said Charles Olson, John Olson, Frederick Olson, Alice Olson, and Hilma Olson, being deceased or their present whereabouts unknown, that John Ayres, Esquire, be and is hereby appointed pursuant to Section 1571 of the Pennsylvania Rules of Civil Procedure as Trustee to see payment of those sums due the party or person hereinabove named, the said sums to be retained in an interest bearing account until such time as this court shall further order and direct. BY THE COURT: John K. Reilly, Jr., P.J.

MARCH 31, 1989, PETITION FOR APPROVAL OF FEES, filed by John A. Ayres, Jr., Esq 1 cert/Atty

MARCH 31, 1989, ORDER OF COURT, filed 1 cert/Atty

NOW, this 30 day of March, 1989, Petition for Approval of Fees having been presented to and read by the Court, it is ORDERED that John A. Ayres, Jr., Trustee, is authorized to withdraw Two Hundred ($200.00) Dollars as fees for services as Trustee in the above-captioned matter. It is further ORDERED that John A. Ayres, Jr, is authorized to withdraw any sum that may be necessary for payment of filing of this Petition and Order. Further, a certified true and attested copy of this Order shall be deemed sufficient for purpose of presentation to the depository bank for purpose of making said withdrawal. BY THE COURT: John K. Reilly, Jr., P.J.

FEBRUARY 13, 1990, PETITION FOR APPROVAL OF FEES AND COSTS, filed by John A. Ayres, Jr., Esq.

FEBRUARY 13, 1990, ORDER OF COURT FOR APPROVAL OF FEES AND COSTS, filed 1 cert Atty

NOW, this 13th day of February, 1990, Petition for Approval of Fees having been presented to and read by the Court, it is ORDERED that John A. Ayres, Jr., Trustee, is authorized to withdraw Seventy-Five ($75.00) Dollars as fees for services as Trustee in the above-captioned matter. It is further ORDERED that John A. Ayres, Jr is authorized to withdraw any sum that may be necessary for payment of filing of this Petition and Order, and payment of Pennsylvania State Income Tax. Further, a certified true and attested copy of this Order shall be deemed sufficient for purpose of presentation to the depository bank for purpose of making said withdrawal. BY THE COURT: John K. Reilly, Jr., P.J.

JANUARY 18, 1991, PETITION FOR ORDER OF COURT FOR APPROVAL OF FEES AND COSTS , filed by John A. Ayres, Esq.

JANUARY 18, 1991, ORDER OF COURT FOR APPROVAL OF FEES AND COSTS, filed 1 cert/Atty

NOW THIS 18th day of January, 1991, Petition for Approval of Fees having been presented to and read by the Court, it is ORDERED that John A. Ayres, Jr., Trustee, is authorized to withdraw Seventy-Five ($75.00) Dollars as fees for services as TRustee in the above-captioned matter. It is further ORDERED that John A. Ayres, Jr is authorized to withdraw the sum of One Dollar and Eighty-Seven Cents ($1.87) for payment of PA State Income Tax. Further, a certified true and attested copy of this Order shall be ddemed sufficient for purpose of presentation to the depository bank for purpose of making said withdrawal. BY THE COURT: John K. Reilly, Jr., P.J.

MARCH 11, 1992, PETITION FOR ORDER OF COURT FOR APPROVAL OF FEES AND COSTS, filed by John A. Ayres, Jr., Esq. No Certs.

MARCH 11, 1992, ORDER OF COURT FOR APPROVAL OF FEES AND COSTS, filed 1 cert/Atty

NOW, THIS 11th day of March, 1992, Petition for Approval of Fees having been presented to and read by the Court, it is ORDERED that John A. Ayres, jr., Trustee, is authorized to withdraw Seventy-Five ($75.00) Dollars as fees for services as Trustee in the above-captioned matter. it is further ORDERED that John A. Ayres, Jr, is authorized to withdraw the sum of Two Dollars and Four Cents ($2.04) for payment of Pennsylvania State Income Ta. Further, a certified true and attested copy of this Order shall be deemed sufficient for purpose of presentation to the depository bank for purpose of making said withdrawal. BY THE COURT: John K. Reilly, jr., P.J.

MARCH 9, 1993, PETITION FOR ORDER OF COURT FOR APPROVAL OF FEES AND COSTS, filed by John A. Ayres, Jr., Esq.

MARCH 9, 1993, ORDER OF COURT FOR APPROVAL OF FEES AND COSTS, filed

NOW, THIS 8th day of March, 1993, Petition for Approval of Fees having been presented to and read by the Court, it is ORDERED that John A. Ayres, Jr., Trustee, is authorized to withdraw Seventy-Five ($75.00) Dollars as fees for services as Trustee in the above-captioned matter. It is further ORDERED that John A. Ayres, Jr is authorized to withdraw the sum of One Dollar and Seventy-Six Cents ($2.76) for payment of Pennsylvania State Income Tax. Further, a certified true and attested copy of this Order shall be deemed sufficient for purpose of presentation to the depository bank for purpose of making said withdrawal. BY THE COURT: John K. Reilly, Jr., P.J.

CONT TO PG 164

EQUITY DOCKET # 13

Joseph Colavecchi	CLINTON W. HUBLER and JOANN GREENE HUBLER, his wife		JULY 21, 1982, COMPLAINT IN EQUITY, filed by Joseph Colavecchi Five copies certified to Attorney JULY 27, 1982, PRAECIPE, filed. Please enter my appearance on behalf of the defendants in the above captioned case. s/James A. Naddeo JULY 27, 1982, ACCEPTANCE OF SERVICE, filed. Service accepted July 23, 1982 of Complaint s/James A Naddeo AUGUST 6, 1982, PRELIMINARY OBJECTIONS, filed by James A. Naddeo One copy certified to Attorney AUGUST 18, 1982, STIPULATION AND AGREEMENT CONCERNIN ONE-TWELFTH OWNERSHIP INTEREST OF CLINTON W. HUBLER, filed by Joseph Colavecchi AUGUST 27, 1982, ANSWER TO COMPLAINT, filed by James A. Naddeo One copy certified to Attorney
	82-29-EQU		
James A. Naddeo	HARRY EVANS and WANDA EVANS, his wife		
	Pro by Atty	30.00	
	Atty	3.00	
	Pro	2.00	
	Pro	2.00	
	Pro	2.00	
	Pro	2.00	
	Pro	2.00	
	Pro	2.00	
	Pro	2.00	
	Pro	2.00	
	Pro by CA B.	9.00	SEPTEMBER 15, 1982, REPLY TO NEW MATTER, filed by Joseph Colavecchi SEPTEMBER 17, 1982, CERTIFICATION OF READINESS AND PRAECIPE FOR TRIAL filed by Joseph Colavecchi Kindly place the above-captioned matter on the following trial list: Equity Non-Jury s/Joseph Colavecchi SEPTEMBER 20, 1982, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER RULE 4007.1 filed by Joseph Colavecchi SEPTEMBER 23, 1982, NOTICE OF TAKING DEPOSITION OF CLINTON W. HUBLER filed by James A. Naddeo OCTOBER 7, 1982, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER RULE 4007.1-DEPOSITION OF LYLE CROWELL filed by Joseph Colavecchi OCTOBER 7, 1982, DEPOSITION OF HARRY EVANS filed by Joseph Colavecchi FILED IN TRANSCRIPT DRAWER UNDER "E" OCTOBER 7, 1982, DEPOSITION OF CLINTON W. HUBLER filed by Joseph Colavecchi FILED IN TRANSCRIPT DRAWER UNDER "E"

FEBRUARY 17, 1984 SUBPOENA directed to Lyle Crowell filed by Joseph Colavecchi
One copy certified to Attorney
MARCH 9, 1984, CONSTABLE'S AFFIDAVIT OF SERVICE filed.
Subpoena served on Lyle Crowell on March 7, 1984. s/Frank Notor

MARCH 13, 1984, REQUEST FOR ADMISSIONS UNDER RULE 4014, filed by Joseph Colavecchi

MARCH 16, 1984, ANSWER TO PLAINTIFFS REQUEST FOR ADMISSIONS, filed by James A. Naddeo
One Copy Cert. to Atty

MARCH 23, 1984, MOTION FOR PRODUCTION OF DOCUMENTS filed by Joseph Colavecchi, Esq.

MARCH 23, 1984, FIRST AMENDED REQUEST FOR ADMISSIONS UNDER RULE #4014 filed by Joseph Colavecchi, Esq.

March 30, 1984, SUBPOENA directed to Wava English, filed by Joseph Colavecchi.
One copy certified to Attorney
MARCH 30, 1984, SUBPOENA directed to Daniel English, filed by Joseph Colavecchi.
One copy certified to Attorney.
MARCH 30, 1984, SUBPOENA directed to Theodore Pelton, filed by Joseph Colavecchi.
One copy certified to Attorney.
MARCH 30, 1984, SUBPOENA directed to Levoy Pelton, filed by Joseph Colavecchi.
One copy certified to Attorney.
MARCH 30, 1984 SUBPOENA directed to Mrs. Vera Forcey, filed by Joseph Colavecchi.
One copy certified to Attorney.
MARCH 30, 1984 SUBPOENA directed to Mrs. Nedra Hubler, Filed by Joseph Colavecchi.
One copy certified to Attorney.
APRIL 3, 1984, MOTION FOR PROTECTIVE ORDER, filed by James A. Naddeo.
ORDER filed.
AND NOW, this 3rd day of April, 1984, upon consideration of the attached Motion for Protective Order filed by Belin, Belin & Naddeo, attorneys for defendants, a hearing is scheduled for the 9th day of May, 1984, at 9:00 AM in the main Courtroom of the Clearfield County Courthouse. BY THE COURT /s/ John K. Reilly, Jr. P.J.
APRIL 6, 1984, ANSWER TO MOTION FOR PROTECTIVE ORDER & PETITION FOR COUNSEL FEES & EXPENSES, filed by Joseph Colavecchi, Esquire.

APRIL 17, 1984, AFFIDAVIT directed to Mrs. Nedra Hubler 4/13/84, filed by Joseph Colavecchi.
APRIL 17, 1984, AFFIDAVIT directed to Mrs. Vera Forcey 4/13/84, filed by J. Colavecchi.
APRIL 17, 1984, AFFIDAVIT directed to Theodore Pelton 4/12/84, filed by J. Colavecchi.
APRIL 17, 1984, AFFIDAVIT directed to Levoy Pelton 4/12/84, filed by J. Colavecchi.
APRIL 17, 1984, AFFIDAVIT directed to Daniel English 4/12/84, filed by J. Colavecchi.
APRIL 17, 1984, AFFIDAVIT directed to Wava English 4/12/84, filed by Joseph Colavecchi.

MAY 9, 1984, ORDER filed.
NOW, May 9, 1984, both of Counsel having appeared before the Court and having declared that the matter involved in Defendants' Motion for Protective Order has been settled, argument thereon is hereby canceled, and it is directed that proceedings be followed as required by rules of Court and the law applicable thereto. BY THE COURT, s/John A. Cherry, Serior Judge
MAY 11, 1984, SUBPOENA directed to Stephen Prunella, filed by Joseph Colavecchi.
No Copies.
MAY 14, 1984, SUBPOENA directed to Lynn Coudriet, filed by Joseph Colavecchi.
One copy certified to Attorney.

CONTINUED TO PAGE 162

EQUITY DOCKET #13

CONTINUED FROM PAGE 161 NO. 82-29-EQU CLINTON W. HUBLER -vs HARRY EVANS, al

MAY 18, 1984, AFFIDAVIT OF SERVICE directed to Lynn Coudriet, filed by J. Colavecchi, Esq.
MAY 18, 1984 AFFIDAVIT OF SERVICE directed to Stephen Prunella, filed by J. Colavecchi
NOVEMBER 7,1984, MEMORANDUM AND DECREE,filed.
Accordingly, the court enters the following:

DECREE NISI

NOW, this 7th day of November,1984, the court enters thefollowing Decree Nisi in favor of the Defendants,Harry Evans and Wanda Evans, his wife and against Plaintiffs, Clinton W. Hubler and Joann Greene Hubler,his wife, said decree to become final ten(10) days from date hereof unless exceptions are filed on behalf of plaintiffs. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

DECEMBER 14,1984, MOTION TO ENTER FINAL ORDER and ORDER,filed by James A. Naddeo,Esq.
AND NOW, this 14th day of December,1984, upon Motion of counsel for the defendants in the above captioned case, it appearing from the record that plaintiffs have failed to file exceptions to Decree nisi entered by this Court on November 7,1984, it is the Order of this Court that Final Judgment be entered in favor of the defendants,Harry Evans and Wanda Evans, his wife and against the plaintiffs, Clinton W. Hubler and Joann Greene Hubler,his wife. BY THE COURT:/s/ John K. Reilly.Jr.,P.J.

Judgment is entered in favor of the defendants, Harry Evans and Wanda Evans,his wife and against the plaintiffs, Clinton W. Hubler and Joann Greene Hubler,his wife, for failure to file exceptions to the decree Nisi of November 7,1984.

DECREE NISI

Raymond Rutherford

Prothonotary

JUNE 13, 1985 , TRANSCRIPT OF PROCEEDINGS, filed in Trans. Drawer under "E"

EQUITY DOCKET #13

James A. Naddeo

CAROLYN A. LACHEMEYER

82-30-EQU

Thomas F. Morgan

FREDERICK I. McKENZIE

Pro	by Atty	30.00
Atty		3.00
Shff	by Atty	11.75

JULY 29, 1982, COMPLAINT IN EQUITY, filed by James A. Naddeo of Belin, Belin & Naddeo
One copy certified to Attorney
AUGUST 5, 1982, SHERIFF'S RETURN, filed.
Now July 30, 1982 served within Complaint on Frederick I. McKenzie. So answers, Chester A. Hawkins by Marilyn Wood

NOVEMBER 10, 1982 AMENDED COMPLAINT filed by James A. Naddeo
One copy certified to Attorney
NOVEMBER 29, 1982, ACCEPTANCE OF SERVICE, filed.
I hereby accept service of the Amended Complaint filed in the above captioned case. s/Thomas F. Morgan, Attorney for Defendant

DECEMBER 14, 1982, ANSWER, NEW MATTER & COUNTER-CLAIM, Filed by Thomas F. Morgan

DECEMBER 14, 1982, ACCEPTANCE OF SERVICE, filed by James A. Naddeo

DECEMBER 22, 1982, ANSWER TO NEW MATTER and COUNTER-CLAIM, filed by Belin, Belin & Naddeo
1 Copy Cert. to Atty

FEBRUARY 8, 1983, PRAECIPE, filed.
Please place the above captioned case on the list for trial. BELIN, BELIN & NADDEO, BELIN, BELIN & NADDEO, By /s/ James A. Naddeo

APRIL 2, 1984, MEMORANDUM AND ORDER filed.
This matter comes before the Court on the issue of whether the attorney-client privilege can be waived by testimony of the client. In the instant case the issue of Plaintiff's knowledge and understanding of a consent modification of a support order was testified to by the Plaintiff and Defendant attempted to call her then counsel to rebut her testimony. This Court is of the opinion that the testimony of her former counsel is hereir precluded because of the attorney-client relationship.
First, although only a portion of the record has been transcribed and this Court must base its ruling on that portion and the Court's recollection of the balance of the testimony, it would appear that it would require a strained interpretation of the testimony to conclude that Plaintiff was attacking her former counsel's manner of representation of her. Moreover, without the complete record this Court can only conclude that the subject testimony occurred only on cross-examination and for these reasons the Court enters the following Order: ORDER
NOW, this 30th day of March, 1984, it is the ORDER of this Court that the testimony of David S. Ammerman, Esquire, in the above-captioned matter be and is hereby precluded on the basis of a privileged attorney-client relationship. This Order is entered on the basis of the record as it is now transcribed and in the event that the direct testimony of the Plaintiff is transcribed in the future, upon consideration thereof, this Court reserves the right to amend this Order. BY THE COURT /s/ John K. Reilly, Jr. P.J.

APRIL 12, 1984, PARTIAL TRANSCRIPT OF PROCEEDINGS filed.

JUNE 25, 1984, DIRECT EXAMINATION OF CAROLYN A. LACHEMEYER filed.
filed in transcript drawer under L.

DECEMBER 30, 1986 MEMORANDUM AND ORDER filed
WHEREFORE, the Court enters the following:
O R D E R
NOW, this 19th day of December, 1986, following hearing, it is the ORDER of this Court that Plaintiff's Complaint seeking specific performance is granted in part and denied in part as set forth in the foregoing Memorandum and judgment entered in favor of the Plaintiff and against the Defendant on Defendant's Counter-Claim. By the Court, John K. Reilly, Jr., President Judge

CONT. FR. PG 160 OLSON etal vs. OLSON et al 82-28-EQU

MARCH 16, 1994,PETITION FOR ORDER OF COURT FOR ARROVAL OF REE AND COSTS, filed by John A. Ayres, Jr, Esq.

MARCH 16, 1994, ORDER OF COURT FOR APPROVAL OF FEES AND COSTS, filed 1 cert/Atty

NOW THIS 16th day of March, 1994, Petition for Approval of Fees having been presented to and read by the Court, it is ORDERED that John A. Ayres, Jr, Trustee, is authorized to withdraw Seventy-Five ($75.00) Dollars as fees for services as Trustee in the above-captioned matter. It is further ORDERED that John A. Ayres, Jr, is authorized to withdraw the sum of One Dollar and Twenty-five Cents ($1.25) for payment of Pennsylvania State Income Tax. Further, a certified true and attested copy of this Order shall be deemed sufficient for purpose of presentation to the depository bank for purpose of making said withdrawal. BY THE COURT: John K. Reilly, Jr, P.J.

MARCH 13, 1995, PETITION FOR ORDER OF COURT FOR APPROVAL OF FEES AND COSTS, filed by s/JOHN A. AYERS, JR., ESQUIRE. ONE (1) CERT TO ATTY AYRES.

VERIFICATION

JOHN A. AYRES, JR., TRUSTEE, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THAT THE FACTS SET FORTH IN THE FOREGOING PETITON FOR APPROVAL OF FEES ARE TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE, INFORMATION AND BELIEF.
s/JAN A. AYRES, ESQUIRE

ORDER OF COURT

NOW, THIS 13 day of March, 1995, Petition for Approval of Fees having been presented to and read by the Court it is ORDRED that John A. Ayres, Jr., Trustee, is authorized to withdraw Seventy-five ($75.00) Dollars as fees for services as Trustee in the above-captioned matter. Further, a certified true and attested copy of this Order shall be deemed sufficient for purpose of presentation to the depository bank for purpose of making said withdrawal.
BY THE COURT: S/JOHN K. REILLY,JR., PRESIDENT JUDGE

Richard H. Milgrub	HAMEROFF-MARKEL, INC.	AUGUST 31, 1982, MOTION FOR PRELIMINARY INJUNCTION WITHOUT PRIOR HEARING, filed by Richard H. Milgrub, Esq. One (1) copy Certified to Attorney
	82-31-EQU	ORDER, filed AND NOW, this 31st day of August, 1982, the Plaintiff having filed an Affidavit that immediate and irreparable damage will result to nim before the matter can be heard on Motion, upon consideration of a complaint and injunction affidavits filed herewith, it is ordered and decreed that a preliminary injunction be issued and hte Defendants are enjoined and restrained from exercising any of their options upon the Agreement of Sale.
Richard T. Wentley	IRVAN KAPLAN & INGEBORG KAPLAN	
	Pro by Atty. 30.00 Atty. 3.00	HEARING is fixed for the 14th day of September, 1982, at 9:00 A.M. at the Clearfield County Courthouse, Courtroom No. 1, Clearfield, Pennsylvania. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.
		AUGUST 31, 1982, ACTION FOR DECLARATORY RELIEF, filed by Richard H. Milgrub, Esquire One (1) copy Certified to Attorney.
		SEPTEMBER 9, 1982, AFFIDAVIT OF SERVICE, filed by Richard H. Milgrub, Esquire
		SEPTEMBER 16, 1982, NOTICE OF FILING OF PETITION AND BOND FOR REMOVAL, filed by Richard T. Wentley of Reed Smith Shaw & McClay

Thomas F. Morgan	CLYDE E. LYNCH, JR. and NANCY J. LYNCH 82-32-EQU CHARLES EDWARD CROOKS, and REBECCA ANN CROOKS, and CHARLES MICHAEL CROOKS Pro by Atty. 30.00 Atty. 3.00 by Atty Shff Hawkins 14.75 by Atty Shff Allen 18.02	SEPTEMBER 8, 1982, PETITION IN EQUITY, filed by Thomas F. Morgan, Esquire. Three copies Certified to Sheriff. WHEREFORE, your petitioners prays Your Honorable Court to issue a rule upon the respondents directing them to show cause why they should not be directed to execute the said release and to reimburse the petitioners for the costs and expenses they have incurred as a result of the respondents failure to execute the said release. ORDER filed NOW, this 7th day of September, 1982, upon consideration of the foregoing petition, it is ordered that a rule issue, directed to the respondents to show cause why they should not be ordered to execute the said release and further ordered to pay the costs and expenses including reasonable attorney's fees incurred by petitioners. Rule returnable October, 7th, 1982 at 9:00 a.m. BY THE COURT: /s/ John K. Reilly, Jr., President Judge. OCTOBER 20, 1982, SHERIFF'S RETURN, filed. Now, Sept. 10, 1982, D.E. Allen, Jr., Shff of Warren Co. was deputized to serve Complaint on defts. Now, Sept. 15, 1982 served within Complaint on Defts. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

Barbara H. Schickling

LARRY T. MARTELL and DOROTHY L. MARTELL

82-33-EQU

KINLEY A. GREENDONER, SR. BETTY LOU GREENDONER, husband and wife; and TERRY McGARY AND CAROL McGARY, husband and wife.

Pro	by Atty.	30.00
Atty.		3.00
Shff	by Atty	22.55
Disc	by atty	5.00

Ck#2018
11402

½Costs	30.27
B. Schickling	25.27
Pro	5.00
	30.27

SEPTEMBER 9, 1982, COMPLAINT IN EQUITY, filed by Barbara H. Schickling, Esquire
Four (4) copies Certified to Attorney.
SEPTEMBER 17, 1982, SHERIFF'S RETURN, filed.
Now September 13, 1982 served within Complaint in Equity on Carol McGary.
Now September 13, 1982 served within Complaint in Equity on Carol MeGary, wife of Terry McGary.
Now September 13, 1982 served within Complaint in Equity on Betty Greendoner.
Now September 13, 1982 served within Complaint in Equity on Kinley Greendoner. So answers, Chester A. Hawkins by Marilyn Wood
FEBRUARY 22, 1984, SUBMISSION FOR SETTLEMENT filed by Richard H. Milgrub
FEBRUARY 22, 1984, CONSENT DECREE filed.
Two copies certified to Attorney
AND NOW, this 22 day of February, 1984, it appearing to the Court that a Submission for Settlement dated February 20, 1984, has been entered into by and among Larry T. Martell and Dorothy L. Martell, husband and wife Plaintiffs, of the one part, and Kinley A. Greendoner, Sr and Betty Lou Greendoner, husband and wife, and Terry McGary and Carol McGary, husband and wife, Defendants, of the other part, and their respective attorneys, it is ORDERED and DECREED as follows:

1. The Plaintiffs, Larry T. Martell and Dorothy L. Martell, husband and wife, their heirs, administrators, executors and assigns, are granted the right to use a ten (10) foot private drive extending from Pine Street to the premises located in the First Ward of Curwensville Borough, Clearfield County, Pennsylvania, presently owned by Plaintiffs which is more fully described in a Deed recorded in Clearfield County Deed Book 676, page 201, in common with the Defendants, Kinley A. Greendoner, Sr., and Betty Lou Greendoner, husband and wife, and Terry McGary and Carol McGary, husband and wife, their heirs, administrators, executors and assigns.

2. It is the further Order of this Court that none of the parties, their heirs, administrators, executors, or assigns shall maintain or create any obstruction or interfere in any way with the right of the Plaintiffs, their heirs, administrators, executors and assigns, to use said private drive nor shall any of the parties allow an unattended vehicle to remain standing in said private drive so as to interfere with the use thereof, except for the purpose of loading or unloading said vehicle.

This is a Consent Decree agreed upon between the Plaintiffs and Defendants and the record costs of said proceeding will be divided equally between the Plaintiffs and Defendants.
BY THE COURT, John K. Reilly, Jr., President Judge

MARCH 14, 1984 PRAECIPE TO SETTLE AND DISCONTINUE, filed by Barbara H. Schickling, Atty for Plaintiffs.
Please mark the above-captioned case settled and discontinued upon payment of one-half of the costs by Defendants pursuant to Order dated February 22, 1984. s/Barbara H. Schickling, Atty for Plff.

Half of costs in the amount of $30.27 have been paid by Defendants, check#2018, this case marked Settled and Discontinued.

*****SETTLED DISCONTINUED*****

****

Belin, Belin & Naddeo	CARL O. BISHOP, SR., JAMES L. WOLFGANG, ROSAMAE MERRILL, GEORGE E. TERSINE and MARY TERSINE, t/d/b/a AUTUMN LANE ESTATES, a Partnership 82-34-EQU CLEARFIELD COUNTY TAX CLAIM BUREAU, Defendant Pro by Atty 30.00 Atty by Atty 3.00 Shff Hawkins 11.75	SEPTEMBER 17, 1982, COMPLAINT IN EQUITY, filed by Carl A. Belin, Jr. One Copy Certified to Attorney. SEPTEMBER 17, 1982, ORDER, filed. AND NOW, this 17th day of September, 1982, upon reading and considering the foregoing Complaint in Equity, the Court having been advised by the Director of the Clearfield County Tax Claim Bureau that the facts set forth in said Complaint are true and correct and further that the Clearfield County Tax Claim Bureau intends not to enter a defense as to said Complaint, and the Court being advised that the tax sale will be held on Monday, September 20, 1982 at 10:30 A.M. and that sufficient time does not exist for a hearing on the matter and the Court further being advised that upon admission of the facts by the Clearfield County Tax Claim Bureau that a hearing would result in a favorable Order and Decree for the plaintiffs, it is the ORDER of the Court that the Clearfield County Tax Claim Bureau is hereby directed to strike the house from the assessment of No. 108-A13-14 in any tax sale to be held on said parcel, that only the land shall be included as a part of said tax sale. It is further the ORDER of the Court that the Clearfield County Tax Claim Bureau is hereby permanently enjoined from attempting to sell the house as a part of the assessment of the 4.90 acres currently assessed to County Tax No. 108-A13-14. Copy of this injunction shall be served upon the Clearfield County Tax Claim Bureau immediately. BY THE COURT, /s/ John K. Reilly, Jr., P.J. Three copies Certified to Attorney. SEPTEMBER 22, 1982, AFFIDAVIT OF SERVICE, filed. NOW, Sept 17, 1982, at 1:05 PM o'clock DST served the within Complaint on Fran McDermott, Cheif of Tax Claim Bureau. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

Joseph Colavecchi

WALTER L. WELKER

82-35-EQU

Cynthia Soult

MARIAN G. MARTELL formerly known as MARIAN G. WELKER

	Pro	by Atty	30.00
	Atty		3.00
	Shff	by Atty	21.15
	Disc	by Plff	5.00
Ck#4248			
462	Adv costs		59.15
11340	J. Colavecchi		54.15
	Pro		5.00
			59.15

SEPTEMBER 22, 1982, COMPLAINT IN PARTITION, EQUITY, filed by Joseph Colavecchi
Three copies Certified to Attorney.

OCTOBER 7, 1982, AFFIDAVIT OF SERVICE, filed.
NOW, Sept. 29, 1982, at 1:45 PM o'clock DST served within Complaint on Marian G. Martell, deft. at her place of residence. So answers, Chester A. Hawkins, Shff
By /s/ Marilyn Wood

OCTOBER 14, 1982, ANSWER AND NEW MATTER, filed by Cynthia Soult, Esquire
One (1) copy Certified to Attorney.

OCTOBER 25, 1982, REPLY, filed by Joseph Colavecchi, Three Copies Certified to Attorney.

NOVEMBER 1, 1982, PETITION FOR COURT TO ISSUE RULE TO SHOW CAUSE WHY THERE SHOULD NOT BE PARTITION OF PROPERTY filed by Joseph Colavecchi
Three copies certified to Attorney
RULE
AND NOW, this 29 day of October, 1982, upon consideration of the foregoing petition filed by Attorney for Plaintiff, a Rule is issued and directed to Cynthia Soult, Attorney for Marian G. Martell, Defendant, to show cause why an Order should not be issued, under RCP 1557, directing partition of this property, and why said Order should not set forth the names of all co-tenants and the nature and extent of their interests in the property.
This Rule shall be served on Cynthia Soult, Attorney for Marian G. Martell, by regular mail
Rule returnable the 30 day of December, 1982, at 9:00 AM at the Clearfield County Courthouse. BY THE COURT: John K. Reilly, Jr., President Judge

DECEMBER 12, 1983 PRAECIPE TO DISCONTINUE, filed by Joseph Colavecchi, Atty for Plff.
Please mark the record in the above-captioned action discontinued, settled and ended upon payment of all costs. s/Joseph Colavecchi, Atty for Plff.

Record costs in the sum of $59.15 have been paid in full by James A. Naddeo, Check#4248, this case marked Settled, Discontinued and Ended.

*****SETTLED DISCONTINUED ENDED*****

EQUITY #13 1982

Smades & Jones-Wenger

FRANCES ROBERTS

82-36-EQU

COLLEEN SEKERES, LILLIAN CROCKER, ANNA CROCKER, EILEEN COOKE, CHARLES R. CROCKER, GERALD E. CROCKER, SHAREEN D. RICH, LINDA L. CANAAN, THOMAS A. GIBBON, PATRICIA KRAFICK, GRACE DEWITT, GARY LENDER, KAY LENDER, DORREYLE LENDER, KATHY LENDER, WILLIAM LENDER, NORMA JEAN CLARK ECKER, ISABELLE SCOTT, EMMA RUHE, GEORGE LENDER, ARCHIBALD ROUNSLEY, HAROLD ROUNSLEY, LOLA ROUNSLEY, and WINIFRED ROUNSLEY

Pro	by Atty	30.00
Atty		3.00
Shff.		
Hawkins	by Atty	32.75
Shff		
Nace	by Atty.	19.05
Shff		
Peck	by Atty.	100.60
Shff		
Michaels	by Atty	32.55
Shff		
Coon	by Atty.	16.25
Notary Public		
Allgy Co.	by Atty	1.50

Pro by Atty 9.00

SEPTEMBER 23, 1982, COMPLAINT IN PARTITION-EQUITY, filed by Winifred H. Jones-Wenger.
Twelve Copies Certified to Sheriff.

DECEMBER 1, 1982, SHERIFF'S RETURN, filed.

NOW, September 24, 1982, Oliver C. Nace, Sheriff or York County was deputized by Chester A. Hawkins, Sheriff of Clearfield county to serve the within Complaint in Partition on Norma Jean Clark Ecker, Defendant.

NOW, September 28, 1982 served the within Complaint in Partition on Norma Jean Clark Ecker, defendant by deputizing the sheriff of York county. The return of sheriff Nace is hereto attached and made a part of this return.

NOW, September 27, 1982, Lawrence Michaels, Sheriff of Bucks County was deputized by Chester A. Hawkins, Sheriff of Clearfield County to serve the within Complaint in Partition on homas A. Gibbon, defendant.

NOW, October 4, 1982 served the within Complaint in Partition on Thomas A. Gibbon, defendant by deputizing the Sheriff of Bucks County. The return of Sheriff Michaels, is hereto attached and made a part of this return stating that he served Ed Stuber, Adult member of household.

NOW, September 24, 1982, Eugene L. Coon, Sheriff of Allegheny County was deputized by Chester A. Hawkins, Sheriff of Clearfield County to serve the within Complaint in Partition on emma Ruhe, defendant.

NOW, October 22, 1982, served the within Complaint i Partition on Emma Ruhe by deputizing the Sheriff of Alleegheny County. The return of Sheriff Coon is hereto attached and made a part of this return.

NOW, September 27, 1982, John W. Peck, Sheriff of Westmoreland County was deputized by Chester A. Hawkins, Sheriff of Clearfield County to serve the within Complaint in Partition on Gary Lender, Grace Dewitt, Kay lender, Dorreyle Lender, Kathy Lender, Isabell Scott, Geroge Lender, Patricia Krafick and olleen Sekeres, defendants.

NOW, October 5, 1982, served the within Complaint in Partition on Kathy Lender, Dorreyle Lender and Kay Lender, defendants by deputizing the Sheriff of Westmoreland County. The return of Sheriff Peck is hereto attached and made apart of this return stating that he served Clara Lender, Mother of defendants.

NOW, October 5, 1982 attempted to serve the within Complaint in Partition on George Lender and Gary Lender, defendants by deputizing the Sheriff of Westmoreland County. The return of Sheriff Peck is hereto attached and made a part of this return marked "MORTUUS EST"

NOW, October 6, 1982 served the within Complaint in Partition on Isabelle Scott, defendant by deputizing the Sheriff of Westmoreland County. The return of Sheriff Peck is hereto attached and made a part of this return.

NOW, October 12, 1982 served the within Complaint in Partition on Colleen Sekers, defendant by deputizing the Sheriff of Westmoreland County. The return of Sheriff Peck is hereto ataached and made a part of this return.

NOW, October 12, 1982 served the within Complaint in Partition on Patricia Krefick, defendant by deputizing the Sheriff of Westmoreland County. The return of Sheriff Peck is hereto attached and made a part of this return.

NOW, October 18, 1982 attempted to serve the within Complaint in Partition on Grace Dewitt, defendant by deputizing the Sheriff of Westmoreland County. The return of Sheriff Peck is hereto attached and made a part of this return marked "NOT FOUND." Moved to New Jersey, no forwarding address. So answers, Chester A. Hawkins, Sheriff, by Marilyn Wood.

JULY 31, 1984, PRAECIPE TO REINSTATE, filed.

Please reinstate the Complaint in Partition in the Above captioned matter. So says, Winifred H. Jones-Wenger, Atty.

AFFIDAVIT, filed

MOTION FOR PUBLICATION, filed.

ORDER OF PUBLICATION, filed.

AND NOW, this 31 day of July, 1984, upon consideration of the foregoing Motion, the Plaintiff is granted leave to make service of the Complaint upon the Defendants, Grace Dewitt, Gary Lender, Harold Rounsley, Lola Rounsley and Winifred Rounsley by publication once a week for three successive weeks in a newspaper of general circulation in Clearfield County, and proof of publication thereto shall be filed with the proceedings in said action, said advertisement shall state that the Defendants be required to answer the Complaint within twenty(20) days from the last advertisment thereof. BY THE COURT, John K. Reilly, Jr. PJ

JUNE 12, 1985, AFFIDAVIT OF SERVICE, filed by Winifred H. Jones-Wenger, Esquire.

JUNE 12, 1985, MOTION FOR ORDER DIRECTING PARTITION, filed by Winifred H. Jones-Wenger, Esq.
One (1) copy Certified to Attorney.

CONTINUED TO PAGE 176

CONTINUED FROM PAGE 175, 82-36-EQU FRANCES ROBERTS vs. COLLEEN SEKERES, al

JUNE, 12, 1985, ORDER DIRECTING PARTITION AND NOTICE OF PRELIMINARY CONFERENCE, filed.

AND NOW, this 12th day of June, 1985, 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 Winifred H. Jones-Wenger, Esquire, Attorney for the Plaintiff, it is ORDERED, ADJUDGED and DECREED that partition be made of the lands mentioned and described in the Complaint among the following parties in proportion to their respective interests therein, as follows: Frances Roberts, 7923/10080 or 78.6%; Patri cia Krafick, 45/10080 or .45%; Grace DEwitt, 48/10080 or .48%; Gary Lender, 48/10080 or .48%; Dorreyle Lender, 48/10080 or .48%; Kathy Lender, 48/10080 or .48%; William Lender, 120/10080 or 1.19%; Norma Jean Clark Ecker, 120/10080 or 1.19%; George Lender, 240/10080 or 2.38%; Archibald Rounsley, 260/10080 or 3.57%; Harold Rounsley, 360/10080 or 3.57%; Lola Rounsley, 360/10080 or 3.57%; Winifred Rounsley, 360/10080 or 3.57&;

The parties or their attorneys are directed to appear for a preliminary conference on July 3, 1985 at 1:30 P.M. to consider the matters set forth in Pa. R.C.P. 1558. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

JUNE 12, 1985, PRAECIPE, filed by Winifred H. Jones-Wenger, Esquire.

Enter a judgmetn by default against the Defendants for failure to plead to the Complaint within twenty (20) days after service thereof.

Judgment entered in favor of the Plaintiff and against the Defendants for failure to Plead to the Complaint.

DEFAULT JUDGMENT

Raymond Mathews
Prothonotary

OCTOBER 9, 1987, ADJUDICATION AND DECREE, filed
1 cert atty

AND NOW, This 9th day of October, 1987, a preliminary conference pursuant to Pa. R.C.P. 1558 being held July 3, 1985, and no parties other than Plaintiff appearing and upon consideration of the Petition filed by Plaintiff the Court makes the following findings:

1. The property subject of this action situate in Woodward Township, Clearfield County, Pennsylvania, is not capable of division into purparts proportionate in value to the interest of the co-tenants without prejudice to or spoiling the whole;

2. The property has a value of $1,500.00

3. Plaintiff, Frances Roberts, who owns a majority in value of the property has requested that the property be awarded to her;

4. Reasonable costs in the amount of $1,513.40 were incurred for the common benefit of all the parties and were necessary for such common benefit.

AND It is hereby ORDERED AND DECREED that:

1. The property described as follows:

ALL the certain piece of land situate in Woodward Township Clearfield County, Penna., bounded and described as follows:

BEGINNING: at a point on the Township Road, South side, leading from Houtzdale to Madera, and the East side of the Street; thence along said Street, South nineteen degrees thirty minutes West (S 19 30' W) one hundred forty-seven (147') feet to a point, and fronting fifty (50') feet on said Township Road and twenty-five (25') feet at rear end, being the triangular part of Lot No. 14 in West Houtzdale.

is hereby awarded to FRANCES ROBERTS.

2. Such premises are hereby charged with the reasonable and necessary costs in the amount of $1,513.40 which amount is greater than the total value of the premises, and upon payment thereby by Plaintiff, FRANCES ROBERTS, such premises shall be free and clear of all liens for such expenses and from any and all claims of defendants. BY THE COURT: John K. Reilly, Jr President Judge.

EQUITY #13

Belin,Belin & Naddeo	RUTH A. McGOVERN, an individual		OCTOBER 29, 1982, COMPLAINT IN EQUITY, filed by James A. Naddeo One copy Certified to Sheriff.
	82-37-EQU		NOVEMBER 8, 1982, AFFIDAVIT OF SERVICE, filed. NOW, Nov. 4, 1982, at 9:33 A.M. o'clock EST served within Complaint on Laura McGovern, wife of deft. at her place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood
Barbara H. Schickling	DONALD L. McGOVERN, an individual		NOVEMBER 23, 1982, ANSWER, filed by Barbara H. Schickling. One Copy Certified to Attorney.
			DECEMBER 3, 1982, NOTICE OF TAKING DEPOSITION, filed by James A. Naddeo, Attorney for Plaintiff
			DECEMBER 3, 1982, PRAECIPE, filed by James A. Naddeo, Esquire. Please place the above captioned case on the list for trial.
			SEPTEMBER 6, 1983 PRAECIPE, filed by James A. Naddeo, Aty 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.
	Pro by Atty	30.00	
	Atty	3.00	
	Shff Hawkins by Atty	23.55	, Record costs in the sum of $61.55 have been paid in full by Defendant Donald L. McGovern, Check#1093 this case marked Settled and Discontinued.
	Disc by atty	5.00	
Ck#1093	Adv costs	61.55	
11149	J. Naddeo	56.55	
	Pro	5.00	
		61.55	
	*****SETTLED		DISCONTINUED*******

EQUITY #13

Mack and Bonya

EAST BRANCH LODGE

82-38-EQU

RAYMOND A. HOUSER

NOVEMBER 8, 1982, COMPLAINT IN EQUITY, filed by Joseph N. Mack
Two copies Certified to Sheriff.

NOVEMBER 24,1982, SHERIFF'S RETURN, filed.
NOW, November 16, 1982, John Gondal, Sheriff of Indiana County was deputized by Chester A. Hawkins, Sheriff of Clearfield County to serve the within Complaint in Equity on Raymond A. Houser, defendant.
NOW, November 19, 1982, served the within Complaint in Equity on raymond a. houser, defendant by deputizing the Sheriff of Indiana County. The return of Sheriff Gondal is hereto attached and made a part of this return. /s/ Answers, Chester A. Hawkins, Sheriff, by Marilyn Wood.

JULY 5, 1983 PRAECIPE, filed by Joseph N. Mack Atty for Plff.
Please mark the above-captioned case settled and ended and discontinued. s/Joseph N. Mack, Atty for Plff.

Record costs in the sum of 35.00 have been paid in full by Attorney Mack, this case marked Settled, Discontinued and Ended.

Pro	by Atty	30.00
Atty		3.00
Disc	by atty	5.00

Belin,Belin & Naddeo	SAMUEL KENNETH SHIMMEL	NOVEMBER 8, 1982, COMPLAINT IN PARTITION-EQUITY, filed by Cynthia Soult. One copy Certified to Attorney. NOVEMBER 18, 1982, AFFIDAVIT OF SERVICE, filed. NOW, Nov. 10, 1982, at 2:16 PM o'clock EST served within Complaint on Barb Shimmel, Daughter of Lenora Gail Shimmel, deft. at her place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood FEBRUARY 24, 1983, PRAECIPE FOR APPEARANCE filed Please enter our appearance in the above-captioned case on behalf of the Defendant, Lenora Gail Shimmel. s/Paul Silberblatt
	82-39-EQU	
Bell, Silberblatt & Swoope	LENORA GAIL SHIMMEL	MARCH 8, 1983, PETITION, filed by Paul Silberblatt MARCH 8, 1983, ORDER OF COURT, filed NOW, this 8th day of March, 1983, upon consideration of the foregoing Petition, a Rule is issued on the Plaintiff, Samuel Kenneth Shimmel, to show cause why he should not join in the Deed for the sale of the real estate as described in his Complaint in Partition; why any losses or additional costs increed due to his failure to agree to said sale should not be deducted from his undivided one-half share of the proceeds. Rule returnable the 21 day of March, 1983 at 3:30 P.M. BY THE COURT /s/ John K. Reilly Jr., President Judge.
	Pro by Atty 30.00 Atty 3.00 by Atty Shff Hawkins 18.75	
		MARCH 28, 1983, ORDER OF COURT, filed AND now this 21st day of March, 1983 being the time for the Return of the Rule issued in the above matter, the Court having been informed that the attorneys for the respective parties are in agreement and that the Plaintiff, Samuel Kenneth Shimmel has indicated his desire to purchase the undivided one-half interest in the real estate in question from the Defendant, Lenora Gail Shimmel and that Lenora Gail Shimmel has indicated her willingness to convey her said undivided one-half interest, it is the Order of this Court that Samuel Kenneth Shimmel shall have a period of twenty-one (21) days from this date in which to purchase the said undivided one-half interest of the real estate described in Exhibit "A" in Defendan's Petition filed March 8, 1983 in accordance with the market value as set forth in paragraph five (5) of the Plaintiff's Complaint in Partition. In the event the Plaintiff shall fail to complete said purchase within the said twenty-one (21) days, then the Plaintiff is hereby Ordered to sign and acknowledge the original of the Deed set forth as Exhibit "A" in Defendant's petition so that the real estate may be sold for the highest possible price to anyone else. BY THE COURT, /s/ John K. Reilly Jr., President Judge.

Blakley & Jones	LEON J. SCHAFFER 82-40-EQU		NOVEMBER 17, 1982, COMPLAINT IN PARTITION, filed by Benjamin S. Blakley, III Six Copies Certified to Attorney. NOVEMBER 24, 1982, ACCEPTANCE OF SERVICE, filed by Victoria Jean Lewis Service of a certified copy of the Complaint in Partition filed in the above matter upon me, by the Plaintiff, LEON JAMES SCHAFFER, is acknowledged and hereby accepted by me, on this the 20th day of November, 1982. /s/ Victoria Jean Lewis
Anthony S. Guido Carl A.Belin	LELAND F. SCHAFFER, VICTOR DEAN SCHAFFER, VICTORIA JEAN LEWIS, NORMAN LUTHER SCHAFFER, JUDY ARLENE WOODS, and ROBERT FRANKLIN SCHAFFER		NOVEMBER 24, 1982, ACCEPTANCE OF SERVICE, filed by Judy Arlene Woods Service of a certified copy of the Complaint in Partition filed in the above matter upon me, by the Plaintiff, Leon James Schaffer, is acknowledged and hereby accepted by me on this the 20th day of November, 1982. /s/ Judy Arlene Woods NOVEMBER 24, 1982, ACCEPTANCE OF SERVICE OF NORMAN LUTHER SCHAFFER, filed NOVEMBER 24, 1982, ACCEPTANCE OF SERVICE OF VICTOR DEAN SCHAFFER, filed NOVEMBER 24, 1982, ACCEPTANCE OF SERVICE OF ROBERT FRANKLIN SCHAFFER, filed
	Pro by Atty	30.00	DECEMBER 14, 1982, AFFIDAVIT OF SERVICE, filed. NOW, Dec. 8, 1982 at 1:30 PM o'clock EST served within Complaint on Leland F. Schaffer, deft. at his place of residence. So answers, Chester A. Hawkins, Shff By, /s/ Marilyn Wood
	Atty by Atty	3.00	
	Shff Hawkins	19.95	
	Pro by atty	9.00	

DECEMBER 27, 1982, PRAECIPE, filed.
Enter my appearance on behalf Of LELAND F. SCHAFFER, one of the Defendants in the above case. /s/ Anthony S. Guido

NOVEMBER 2,1984, AFFIDAVIT OF MAILING,filed.
BENJAMIN S. BLAKLEY,III, being duly sworn according to law, deposes and says that he as Attorney for the Plaintiff, LEON JAMES SCHAFFER, did on October 29, 1984, serve on the defendant, ROBERT FRANKLIN SCHAFFER Notice of default Judgment in the above matter, by certified mail,return receipt requested, deliver to addressee only, said return receipt being attached hereto /s/Benjamin S. Blakley,III,Esq.

NOVEMBER 2,1984, AFFIDAVIT OF MAILING,filed.
BENJAMIN S. BLAKLEY,III,being duly sworn according to law deposes and says that he as Attorney for the plaintiff LEON JAMES SCHAFFER, did on October 29, 1984 serve on the defendant JUDY ARLENE WOODS,notice of Default Judgment in the above matter, by certified mail return receipt requested, deliver to addressee only, said return receipt being attached hereto./s/ Benjamin S. Blakley,III,esq.

NOVEMBER 2,1984, STIPULATION,FILED.By A. Ted Hudock,Esq.

NOVEMBER 9,1984, AFFIDAVIT OF MAILING,filed.
BENJAMIN S. BLAKLEY,III, being duly sworn according to law,deposes and says that he as Attorney for the Plaintiff,LEON JAMES SCHAFFER, did on November 2,1984, serve on the defendant VICTORIA JEAN LEWIS,Notice of Default judgment in the above matter, by certified mail,return receipt requested deliver to addressee only,said return receipt being attached hereto./s/ Benjamin S. Blakely,Esq.

NOVEMBER 9,1984, AFFIDAVIT OF MAILING,filed.
BENJAMIN S. BLAKLEY,III being duly sworn according to law,deposes and says that he as Attorney for the Plaintiff, LEON JAMES SCHAFFER, did on November 5,1984, serve on the defendant NORMAN LUTHER SCHAFFER, notice of Default Judgment in the above matter, by certified mail, return receipt requested, deliver to addressee only, said return receipt being attached hereto. /s/ Benjamin S. Blakley,Esq.

NOVEMBER 14,1984, PRAECIPE,filed.
Please enter our appearance on behalf of the defendant, Victoria Jean Lewis,with regard to the above-captioned action?/s/ Carl A. Belin,Jr.,Esq.

DECEMBER 5,1984, AFFIDAVIT OF MAILING,filed by Benjamin S. Blakley,ESQ.

BENJAMIN S. BLAKLEY,III,ESQ being duly sworn accodring to law,deposes that he as attorney for the Plaintiff, LEON JAMES SCHAFFER,did on October 26th,1984, mail to the defendant Leland F. Schaffer, Notice of Default Judgment in the above matter, said notice having been returned to Plaintiff's Attorney, marked unclaim. Said mailing being attached hereto./

DECEMBER 14,1984, PRAECIPE FOR DEFAULT JUDGMENT,filed. TWO copies certified to atty.
Please enter default judgment in the above matter against the Defendants,LELAND F. SCHAFFER VICTORIA JEAN LEWIS,NORMAN LUTHER SCHAFFER, JUDY ARLENE WOODS AND ROBERT FRANKLIN SCHAFFER,for failure to file an Answer to the Complaint in Partition./s/ Benjamin S. Blakley,III,Esq.

Judgmentis entered in favor of the Plaintiff and against the Defendants,LELAND F. SCHAFFER, VICTORIA JEAN LEWIS, NORMAN LUTHER SCHAFFER, JUDY ARLENE WOODS and ROBERT FRANKLIN SCHAFFER, for failure to fila an Answer to the Complaint in Partition.

DEFAULT JUDGEMENT Raymond Rothermel

Prothonotary

CONTINUED TO PAGE 184

CONTINUED FROM PAGE 183 82-40-EQU SCHAFFER vs SCHAFFER

FEBRUARY 19,1985, MOTION FOR ORDER DIRECTING PARTITION and ORDER,filed by Benjamin Blakley,III,Esq.
Six copies certified to atty.
AND NOW, this 4th day of February,1985, it appearing that the complaint has been duly served and the time for pleading has expeired and that no Answer has been filed by the Defendants, with the exception of VICTOR DEAN SCHAFFER, who has entered into a Stipusation, stipulating to the partition of the real property, which is the subject of this action, and it appearing that Judgemnt by Default has been duly entered against all defendants not filing an Answer thereto, upon motion of BENJAMIN S. BLAKLEY,III, ESQUIRE, Attorney for the Plaintiff, it is ORDERED, ADJUDGED and DECREED that Partition be made of the lands mentioned and described in the Complaint among the parties there in contained in proportion to their rewpective interests therein, as follows:

TO: LEON JAMES SCHAFFER,one-seventh (1/7) share
TO: LELAND F. SCHAFFER, one-seventh (1/7) share
TO: VICTOR DEAN SCHAFFER,one-seventh (1/7) share
TO: VICTORIA JEAN LEWIS,one-seventh (1/7) share
TO: NORMAN LUTHER SCHAFFER,one-seventh (1/7) share
TO: JUDY ARLENE WOODS,one-seventh (1/7/)share
TO: ROBERT FRANKLIN SCHAFFER,one-seventh (1/7) share

The parties or their Attorneys are directed to appear for a Preliminary Conference on the 19th day of February,1985, at 1:30 p.m. at the Courthouse in Clearfield, Pennsylvania, to consider the matter as set forth in Pennsylvania Rules of Civil Procedure 1558. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.
FEBRUARY 19,1985, ORDER APPOINTING MASTER,filed.
Six copies certified to atty.

EQUITY DOCKET #13

Barbara H. Schickling	DUANE H. THOMPSON and GLORIA THOMPSON, his wife; and MARVIN JACKSON, JR. and MARY JACKSON, his wife	NOVEMBER 24, 1982, COMPLAINT IN EQUITY, filed by Barbara H. Schickling Two copies Certified to Attorney. DECEMBER 3, 1982, PRAECIPE, filed. Please enter my appearance on behalf of the defendants in the above captioned case. BELIN, BELIN & NADDEO, By /s/ James A. Naddeo, Attorney for Plaintiff DECEMBER 6, 1982, SHERIFF'S RETURN filed. Now, December 2, 1982 served within Complaint in Equity on Bonnie E. Nadzon. Now, December 2, 1982 served within Complaint in Equity on Bonnie E. Nadzon, wife of Joseph G. Nadzon, Jr. So answers, Chester A. Hawkins by Marilyn Wood
	82-41-EQU	
James A. Naddeo	JOSEPH G. NADZON, JR. and BONNIE E. NADZON, his wife	DECEMBER 27, 1982, AMENDED COMPLAINT, filed by Barbara H. Schickling One copy Certified to Attorney. DECEMBER 14, 1982, PRELIMINARY OBJECTIONS, filed by James A. Naddeo One copy Certified to Attorney. JANUARY 10, 1983, ANSWER AND COUNTERCLAIM filed by James A. Naddeo One copy certified to Attorney FEBRUARY 3, 1983, ANSWER TO DEFENDANT'S COUNTER-CLAIM filed by Barbara H. Schickling One copy certified to Attorney MARCH 17, 1983, DEPOSITION OF DUANE H. THOMPSON and GLORIA THOMPSON filed. Filed in Transcript Drawer under "N"
Pro by Atty 30.00 Atty 3.00 Shff by Atty 21.55		SEPTEMBER 13, 1984, CERTIFICATION OF READINESS AND PRAECIPE FOR TRIAL, filed by Barbara H. Schickling, Esq. Plaintiff, by his attorney, hereby certified that the above-captioned matter is at issue and ready for trial Kindly place the above-captioned matter ofn the following trial list: Equity Non-jury. Estimated time One (1) day. /s/ Barbara H. Schickling, Esquire. JULY 9, 1985, ORDER, filed NOW, July 9, 1985, the Parties having advised the Court through Counsel that they are in the process of formalizing settlement already agreed upon, this matter is to be continued until Counsel has advised the Court that it is discontinued, with all costs having been paid. BY THE COURT: John A. Cherry, Senior Judge.

EQUITY DOCKET #13

Bruce E. Cooper

MARCUS KATZEN

82-42-EQU

LEO KAROLESKI, Mayor, and JAMES H. MATTHEWS, DOMINICK SUPLIZIO and ESSIE QUINN, both individually and as members of City Council of the City of DuBois

Pro	by Atty	30.00
Atty	by Atty	3.00
Shff Hawkins		31.95
Pro	by Plff	30.00
Postage		3.59
Processing Fee		26.50

DECEMBER 6, 1982, COMPLAINT IN EQUITY filed by Bruce E. Cooper
Five copies certified to Sheriff

DECEMBER 15, 1982, SHERIFF'S RETURN, filed.
Now,Dec 7, 1982 at 2:40 PM EST served within Complaint on James Matthews, deft at his place of employment, Matthews Book Store.
Now, Dec. 7, 1982 at 2:45 PM EST served within Complaint on Essie Quinn, deft. at her place of employment, DuBois Sport & Trophy, DuBois, Pa. by handir a true copy.
Now, Dec. 7, 1982 at 3:00 PM EST served within Complaint on Dominick Suplizio, deft. at Friendship Fire Co., DuBois, Pa.
Now, Dec. 8, 1982 at 12:30 PM EST served within Complaint on Leo Karoleski, deft at his place of employment. So answers, Chester A. Hawkins, Shff By, /s/ Marilyn Wood

DECEMBER 27, 1982, PRELIMINARY OBJECTIONS, filed by Gleason and Cherry
One Copy Certified to Attorney

JANUARY 4, 1983, ACCEPTANCE OF SERVICE, filed by Bruce E. Cooper, Esquire.

APRIL 19, 1983, MEMORANDUM AND ORDER, filed
WHEREFORE, the Court enters the following Order:

O R D E R

NOW, this 18th day of April, 1983, upon consideration of Defendants' Preliminary Objections filed in the above-captioned matter, it is the ORDER of this Court that the same be and are hereby sustained in part and dismissed in part in accordance with the Court's Memorandum filed herewith.

It is the further ORDER of this Court that the Complaint filed by Plaintiff in this matter be and is hereby dismissed without prejudice and that he be and is hereby granted leave to file an Amended Complaint in accordance with the Court's aforesaid Memorandum within twenty (20) days from date hereof. BY THE COURT /s/ John K. Reilly Jr., President Judge.

MARCH 8, 1983, PLAINTIFF, MARCUS KATZEN, DOES NOT HAVE STANDING TO BRING THE INSTANT SUIT AGAINST THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF DUBOIS filed by Edward V. Cherry
One copy certified to Attorney
MAY 10, 1983 AMENDED COMPLAINT filed by Bruce E. Cooper
No Copies
MAY 31, 1983 PRELIMINARY OBJECTIONS filed by Edward V. Cherry
One copy certified to Attorney
SEPTEMBER 21, 1983, MEMORANDUM AND ORDER, filed
NOW, this 21st day of September, 1983, it is the ORDER of this Court that Preliminary Objections filed on behalf of Defendants above-named be and are hereby sustained in part and dismissed in part consistent with the foregoing Memorandum, and Plaintiff's Complaint dismissed. By the Court, /s/ John K. Reilly, Jr., President Judge.
OCTOBER 6, 1983, NOTICE OF APPEAL filed.
Notice is hereby given that Marcus Katzen, plaintiff above named, hereby appeals to the Commonwealth Court of Pennsylvania from the Order entered in this matter on the 21st day of September, 1983. s/Bruce E. Cooper, Attorney for Appellant, Marcus Katzen
PROOF OF SERVICE
October 12, 1983, Copies of above sent by certified mail along with certified docket entries
OCTOBER 17, 1983, RETURN RECEIPT, filed P 379 412 640
OCTOBER 12, 1983, SENDERS RECEIPT, filed P 379 412 640

OCTOBER 20, 1983, NOTICE OF APPEAL SUPERIOR COURT NO. 2789CD1983, filed

NOVEMBER 15, 1983, MAILED TO COMMONWEALTH COURT , HARRISBURG, PA, BY CERTIFIED MAIL . Sender's Receipt No. P-379-412-648.

NOVEMBER 21, 1983, RETURN RECIPT, filed.

JUNE 26, 1985, ORDER, filed 1 copy made & given to Judge. Reilly, Jr.
AND NOW, March 17, 1985, the order of the Court of Common Please of Clearfield County in the above captioned action, dated September 21, 1983, is reversed and the case is remanded for proceedings consistend with the foregoing opinion. Jurisdiction relinquished. s// Madaline Palladino, Judge.

JUNE 26, 1985,-AMENDED ORDER, filed
AND NOW, April 18, 1985, the Order dated March 17, 1985 for the above captioned is amended to read April 17, 1985. /s/ Madaline Palladino, Judge.

JUNE 20, 1985, MOTION FOR ORDER DIRECTING PLAINTIFF TO FILE COMPLAINT & ORDER, filed 2 cert
AND NOW, this 20th day of June, 1985, in consideration of the Order of the Commonwealth Court Atty dated April 17, 1985, and the Motion of EDWARD V. CHERRY, Soliciotr for the City of DuBois, and it appearing to the Court that more than sixty (60) days has expired from the date of said Order and no Complaint having been filed to date, Plaintiff is hereby directed to file a Complaint in his taxpayers' suit witin ten (10) days from the date hereof or suffer judgment nor pros. BY THE COURT: John K. Reilly, Jr President Judge.

JULY 5, 1985, SECOND AMENDED COMPLAINT, filed by Bruce E. Cooper, Esq.

CONTINUED TO PAGE 188

CONTINUED FROM PAGE 187 82-42-EQU KATZEN vs KAROLESKI

JULY 22,1985, PRELIMINARY OBJECTIONS,filed by Edward Cherry,Esq.
Two copies certified to atty
JULY 23,1985, REQUEST OF PLAINTIFF FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANTS FIRST REQUEST,filed by Bruce Cooper,Esq.
JULY 23,1985, INTERROGATORIES OF PLAINTIFF,MARCUS KATZEN,ADDRESSED TO DEFENDANTS FIRST SET, filed by Bruce Cooper,Esq.
AUGUST 5,1985, PLAINTIFFS ANSWER TO DEFENDANTS PRELIMINARY OBJECTIONS,filed by Bruce E. Cooper,Esq.

AUGUST 21, 1985, MOTION FOR PROTECTIVE ORDER, & RULE, filed 2 copies cert Atty
AND NOW, to wit, this 21st day of August, 1985, upon consideration of the foregoing Motion of Edward V. Cherry, Attorney for the Defendant, a Rule is granted upon the Plaintiff to show cause why the Answers to Interrogatories and the Production of Documents should not be stayed until the Defendant's Pending Preliminary Obligations are decided by this Court and to show cause why any production of documents done thereafter should not be at the premises of the Defedants.
RULE RETURNABLE the 11th day of September, 1985, in the Courtroom of the Clearfield County Courthouse, Clearfield, Pennsylvania, at 2:00 o'clock, P.M. All discovery stayed meanwhile.
BY THE COURT: John K. Reilly, Jr President Judge.

William C. Kriner
Alan F. Kirk

12/10/82
$3000.00
Injunction Bond by Atty Clearfield Trust

Check #4285
Tranferred Regular Account
$3000.00

12/17/82
Check #10702
Kriner and Koerber paid
$3000.00

William U. Smith

ROLA COMPANY, Division of International Jensen, Inc. a Delaware Corporation

82-43-EQU

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, DISTRICT 98; INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS: BEAVER MEADOW LODGE LOCAL NO. 2486; LAWRENCE E. WOOLEY, Individually and as Business Representative of DISTRICT 98 and LOCAL 2486 of the INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS; SARA KUNSELMAN, Individually and as President of BEAVER MEADOW LODGE LOCAL No. 2486 of the INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS; RUTH ANGELETTI, Individually and as Treasurer of th BEAVER MEADOW LODGE LOCAL No. 2486 of the INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS; DORIS SHORT, Individually and as NEGOTIATING COMMITTEE MEMBER of the BEAVER MEADOW LOCAL No. 2486 of the INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS; MAE KEAR; JUNE DUNCAN; RICHARD HAZUDA; CHRISTINE McCUTCHEON; JANICE HAUPT; RUTH MILLIRON; and JENA ALLEGRETTO; acting individually and as representatives of the BEAVER MEADOW LODGE LOCAL No. 2486 of the INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS and all other REPRESENTATIVES and MEMBERS of BEAVER MEADOW LODGE LOCAL No. 2486, acting in concert with the aforementioned

Shff	by Atty	17.75
Pro	by Atty	40.00
Atty		3.00
Shff	By Atty	26.35
Shff	by Atty	20.35
Shff	by Atty	34.35
Shff Wegemer	by Atty	15.00

DECEMBER 10, 1982 COMPLAINT filed by William C. Kriner and and Alan F. Kirk

Five copies certified to Attorney

PRELIMINARY INJUNCTION

AND NOW, this 10th day of December, 1982, the Plaintiff having filed a Complaint duly verified and supported by Affidavits, it is hereby ORDERED, ADJUDGED AND DECREED that a Preliminary Inunction Issue, to be effective upon security being entered in the sum of $3000.00 enjoining and restraining the Defendant Union, individual Defendants and those acting in concert with the named Defendants, individually and collectively, and their agents, officers, representatives, servants, supervisors and employees and all other persons acting under, by, through or in concert with them or otherwise participating in their aid, from doing the following acts or any one of them:

(a) Obstructing, blocking or in any manner interfering with the ways of ingress and egress from Plaintiff's DuBois plant site.

(b) Committing, threatening, suggesting or provoking assault, breach of the peace, or physical violence to person or property of Plaintiff, or any of its employees or agents.

(c) In any way interfering with the Plaintiff, or any of its employees or agents, in the conduct or operation of its business or in any movement to or from Plaintiff's plant site of any goods, materials or supplies or commodities upon the streets or highway.

(d) In any manner interfering with the operation or movement of any truck or any other vehicle owned by the Plaintiff or operated by employees of the Plaintiff, and from following, intimidating, harassing, forcing over to the side of the road or threatening the drivers of said trucks, or other vehicles upon the highways.

(e) Menacing, threatening, inducing, coercing, intimidating, harassing or causing injury or damage to the person or property of any representative, agent, employee, customer, supplier or visitor of the Plaintiff.

(f) Instigating, aiding or inducing anyone in commission of any unlawful acts of conduct herein sought to be restrained.

(g) Committing, threatening, or provoking assault, breaches of peace or physical violence to person or property.

(h) In any way interfering physically or by threats or intimidation with any person seeking to perform any transportation service for or on behalf of plaintiff.

(i) From maintaining more than 5 pickets at any of the entrances to the DuBois plant of the Plaintiff, such pickets not to stand in or block the entrance or exit way nor to hinder, block or interfere with entrance or egress to the plant nor to threaten persons attempting to obtain entrance or egress.

It is further ORDERED AND DECREED that the named Defendants communicate, or cause to be communicated forthwith, to all members of the Defendant Union, by means reasonably calculated to insure receipt thereof, the fact that a Preliminary Injunction has been entered by this Court, effective immediately, and the contents of said Injunction.

This Injunction is on condition that a bond be filed by the Plaintiff in the amount of $3000.00.

This Preliminary Injuction shall remain in full force and effect until further Order of the Court and the motion for its continuance or permanency be heard by this Court on the 14 day of December, at 3:00 o'clock p.m. in the Courtroom of the Clearfield County Courthouse. BY THE COURT: John K. Reilly, P.J.

DECEMBER 15, 1982, ORDER filed.

Ten copy certified to Attorney Alan Kirk

NOW, this 14th day of December, 1982, this being the day and date set for the Hearing in the above-captioned proceedings in Equity, upon agreement of the Parties, it is the ORDER of this Court that Defendants above-named shall be and are hereby enjoined from interfering or prohibiting ingress or egress into the place of business of the Plaintiff located in the City of DuBois, Clearfield County, Pennsylvania, by any person or party having the legal right to enter said premises, and, further, that both the Plaintiff and Defendants, their officers, and employees be and are hereby enjoined from offering any physical abuse to the opposing parties and from committing any act with respect to the opposing parties which is prohibited by law, all of which until further Order of the Court. It is the further ORDER of this Court that bond posted December 10th, 1982, in the amount of Three Thousand ($3,000.00) Dollars, by the Plaintiff, be and is hereby released. BY THE COURT, John K. Reilly, Jr., President Judge

DECEMBER 21, 1982, PETITION filed by Alan F. Kirk and William C. Kriner

Nine copies certified to Attorney

WHEREFORE, the Plaintiff requests that a Rule be issued upon the Defendants to show cause why under the Order dated December 14, 1982, issued by this Honorable Court the number of picketeers should not be limited to two (2), and that this Honorable Court take all necessary steps to insure compliance with this Order of December 14, 1982. s/Alan F. Kirk s/William C. Kriner

CONTINUED TO PAGE 190

CONTINUED FROM PAGE 189 82-43-EQU ROLA COMPANY -vs- INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS

DECEMBER 21, 1982, SHERIFF'S AFFIDAVIT filed.
Nine copies certified to Attorney

I, Chester A. Hawkins, Sheriff of Clearfield County do swear to the following statement made on the 21st day of December, 1982;

At approximately 7:05 A.M. on December 21, 1982, myself and Deputy Janocko arrived at the Rola-Jensen plant in the City of DuBois. I personally observed approximately 50 individuals walking and standing at one of the entrances leading into the plant. I also observed that vehicles entering had to come to a complete stop, because of people walking and impedeing their progress into the plant.

This action happened with all vehicles that I observed entering the plant. The vehicles that were not going into the plant but using the roadway for their own purpose were forced to slow down and at times, stop because of individuals on the roadway and vehicles trying to gain access into the plant.

I at no time observed any vehicles being refused entry nor any damage done to any vehicles. Although, several individuals that had gained access into the plant stated that their vehicles did have their paint scratched. I also talked with Lawrence E. Woolley, Business Representative of the local union and Mrs. Kunselman, President of the local union, concerning the stopping of vehicles entering the premises and they so instructed the individuals on the picket line. I also talked to Mr. Thomas Lane, Manager of Rola-Jensen concerning the vehicles that were allegedly damaged by the picketeers and also about vehicles traveling faster than necessary with the amount of people congregated at the particular gate. So swears, Chester A. Hawkins, Sheriff of Clearfield County

DECEMBER 21, 1982 RULE filed.
Nine copies certified to Attorney

AND NOW, this 21 day of December, 1982, upon consideration of the foregoing Petition, the affidavit of the Clearfield County Sheriff and upon motion of Alan F. Kirk, Esquire, it is ORDERED that a Rule be issued directed to the Defendants above captioned, why the prayer of the foregoing Petition should not be granted.

All Officers of the Defendants' local union and Lawrence E. Wooley, are hereby Ordered to appear at the hearing on this Rule.

THIS RULE RETURNABLE for a hearing on the merits of the above captioned case to be held on December 22, 1982 at 3:00 o'clock p.m. in the main courtroom of the Clearfield County Courthouse, Clearfield, Pennsylvania. BY THE COURT: John K. Reilly, Jr., P.J.

DECEMBER 17, 1982, SHERIFF'S RETURN filed.

Now, December 10, 1982 served within Injunction on Sara Kunselman, Pres.
Now, December 10, 1982 served within Injunction on Mae Kear.
Now, December 10, 1982 served within Injunction on Christing McCutcheon.
Now, December 10, 1982 served within Injunction on Ruth Angeletti, Treas.
Now, December 10, 1982 served within Injunction on Doris Short, Neg. Comm. Member
So answers, Chester A. Hawkins by Marilyn Wood

DECEMBER 22, 1982 PRAECIPE filed by William U. Smith

Please enter my appearance as counsel for the Defendants above. s/W. U. Smith

DECEMBER 22, 1982 ANSWER filed by William U. Smith

DECEMBER 28, 1982 SHERIFF'S RETURN filed.

Now, December 21, 1982 served the within Petition, Rule & Affidavit on Sara Kunselman.
Now, December 21, 1982 served the within Petition, Rule & Affidavit on Doris Short.
Now, December 21, 1982 served the within Petition, Rule & Affidavit on Ruth Angeletti.
Now, December 22, 1982 served the within Petition, Rule & Affidavit on Lawrence Woolley.
Now, December 22, 1982 served the within Petition, Rule & Affidavit on Sherry Spencer, Secretary for Peter Smith, Attorney. So answers, Chester A. Hawkins by Marilyn Wood

DECEMBER 23, 1982, ORDER, filed.

NOW, this 22nd day of December, 1982, Hearing in the above-captioned matter having commenced and questions for continuance entertained, it is the ORDER of this Court that further Hearing be and is hereby continued until a date convenient to all parties pending continued Hearing, it is the ORDER of this Court that Defendant above-named shall be restricted to the plea of seven (7) picketing at each of the three (3) entrances to Plaintiff's plant. BY THE COURT, /s/ John K. Reilly, Jr., President Judge

JANUARY 6, 1983, SHERIFF'S RETURN, filed

NOW, December 15, 1982 at 1:00 PM EST served the within Order on Sara Kunselman, President of Local 98 at her place of residence, 109 N. Stockdale St., DuBois, PA by handing to Sara Kunselman a true and attested copy of the original Order and made known to her the contents thereof.

NOW, December 15, 1982 at 1:30 PM EST served the within Order on Peter Smith, Attorney for Local 98 for Mae Kear, Christine McCutcheon, Ruth Angeletti, Doris Short, Lawrence Woolley and any two other individuals., at Falls Creek Eagles (Meeting Place) by handing to Peter Smith a true and attested copy of the original Order and made known to him the contents thereof.

NOW, December 15, 1982, Albert Wegemer, Sheriff of Blair County was deputized by Sheriff A. Hawkins.

NOW, December 20, 1982 served the within Order on Lawrence E. Woolley, defendant by deputizing the Sheriff of Blair County. The return of Sheriff Wegemer is hereto attached and made a part of this return. /s/ Chester A. Hawkins by Marilyn Wood

JANUARY 13, 1983, PETITION AND RULE, filed by William C. Kriner
4 Copies Cert. to Atty

AND NOW, this 13th day of January, 1983, upon consideration of the foregoing Petition and upon motion of Alan F. Kirk, it is ORDERED that a Rule be issued directed to the Defendants above captioned why the prayer of the foregoing Petition should not be granted.

All officers of the Defendant Local Union and Lawrence E. Wooley are hereby ORDERED to appear at the hearing on this Rule.

Rule returnable for a hearing on the merits of the above captioned case to be held

CONTINUED TO PAGE 190-A

~~393~~

190-A

on the 14th day of January, at 10:30 o'clock a.m. in the Courtroom of the Clearfield County Courthouse, Clearfield, Pennsylvania. BY THE COURT, /s/ John K. Reilly Jr., President Judge

JANUARY 19, 1983, ORDER, filed

NOW, this 14th day of January, 1983, upon agreement of the Parties, it is the ORDER of this Court as follows: First, that Defendants above-named shall be restricted to four pickets at each individual gate to Plaintiff's premises. Second, that Defendant shall be restricted to no more than five persons at the temporary strike headquarters located near Plaintiff's premises. Third, Plaintiff is ORDERED not to transport replacement workers into their premises in DuBois without at least twenty-four hours notice to this Court and the opposing party. BY THE COURT /s/ John K. Reilly Jr., President Judge

JANUARY 27, 1983, AFFIDAVIT OF SERVICE, filed

NOW, January 13, 1983 at 4:35 PM o'clock EST served the within Petition & Order (4 copies) on William Smith, Attorney for defendant at 120 W. Walnut Street Clearfield, Pennsylvania by handing to William U. Smith a true and attested copy of the original Petition & Order and made known to him the contents thereof. /s/ Chester A. Hawkins by Marilyn Wood

EQUITY #13

Belin, Belin& Naddeo	CONSTANCE MARKIEVICH WOOD 82-44-EQU		DECEMBER 13, 1982, COMPLAINT IN EQUITY, filed by Cynthia Soult One copy Certified to Attorney. DECEMBER 23, 1982 SHERIFF'S RETURN filed. Now December 16, 1982 served within Complaint in Equity on Joseph Hilliard, Husband of Patricia Hilliard. So answers, Chester A. Hawkins by Marilyn Wood JANUARY 7, 1983, ANSWER AND COUNTERCLAIM filed by Joseph E. Altomare JANUARY 21, 1983, PRELIMINARY OBJECTIONS, filed by Belin, Belin & Naddeo 1 Copy Cert. To Atty
Joseph H. Altomare	PATRICIA HILLIARD		MARCH 1, 1983, ORDER, filed NOW, this 28th day of February, 1983, following argument into Plaintiff's Preliminary Objections in the nature of Request for More Specific Pleadings, it is the ORDER of this Court that said Objections be and are hereby dismissed and Plaintiff directed to file Responsive Pleadings to Defendant's Counter-claim within twenty (20) days from date hereof. BY THE COURT /s/ John K. Reilly, Jr., President Judge. MARCH 18, 1983, ANSWER TO COUNTERCLAIM filed by Cynthia Soult One copy certified to Attorney
	Pro by Atty	40.00	
	Atty	5.00	
	Shff by Atty	25.95	

Keystone Legal Services, Inc.

GERTRUDE SOMERVILLE

82-45-EQU

NATIONAL BANK OF THE COMMONWEALTH Of Cherry Tree and Indiana, Pennsylvania

Ck #39351

Pro	by Co		40.00
Atty			5.00
Shff Hawkins			12.75
Shff Gondal			No Cost
Pro	by Co		5.00
			62.75

Ck #39824

DECEMBER 16, 1982, PETITION TO PROCEED IN FORMA PAUPERIS, filed by Keystone Legal Services, Inc.
One Copy Certified to Sheriff.

ORDER
AND NOW, this 16 day of December, 1982, after consideration of Plaintiff's Petition to Proceed In Forma Pauperis, IT IS THE ORDER OF THIS COURT THAT Plaintiff is granted leave to proceed in this actio without paying the cost of filing or Sheriff's service.
BY THE COURT, /s/ John K. Reilly, Jr., President Judge

DECEMBER 16, 1982, COMPLAINT IN EQUITY, filed by Keystone Legal Services, Inc.
Two Copies Certified to Sheriff.

JANUARY 6, 1983, SHERIFF'S RETURN, filed
NOW, December 21, 1982, John Gondal, Sheriff of Indiana County was deputized.
NOW, December 23, 1982 served the within Complaint in Equity on National Bank of the Commonwealth of Cherry Tree by deputizing the Sheriff of Indiana County. The return of Sheriff Gondal is hereto attached and made a part of this return stating that he served Robert Fye, Person in charge.
NOW, December 29, 1982 served the within Complaint in Equity on National Bank of the Commonwealth of Indiana, Pa. by deputizing the Sheriff of Indiana County. The return of Sheriff Gondal is hereto attached and made a part of this return stating that he served Johnston Glass, V.P. /s/ Chester A. Hawkins by Marilyn Wood

MARCH 1, 1983 MUTUAL RELEASE AND SETTLEMENT AGREEMENT filed by Keystone Legal Services, Inc.
Two copies certified to Attorney

MARCH 16, 1983, PRAECIPE TO MARK ACTION DISCONTINUED AND SETTLED, filed by Denise Niedzielski
Please makr the above action discontinued and settled, the parties having entered into a mutual release and settlement agreement which has been filed under this number. /s/ Denise Niedzielski

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

CONTINUED FROM PAGE 210 NO. 83-18-EQU TARGET SPORTSWEAR, INC. -vs-THE CLFD. FOUNDATION

DECEMBER 8, 1983, ORDER OF COURT AND CERTIFIED COPY OF DOCKET PAGES MAILED TO SUPERIOR COURT IN PHILADELPHIA, PA. BY CERTIFIED MAIL, Sender's Receipt No. 427923.

DECEMBER 16, 1983, RETURN RECEIPT, filed.

DECEMBER 16, 1983, RETURN RECEIPT, filed.

DECEMBER 8, SENDER'S RECEIPT; filed.

JANUARY 6, 1984, NOTICE OF APPEAL filed by John Sughrue
NOTICE IS HEREBY GIVEN, that Targer Sportswear, Inc., Plaintiff above named, hereby appeals to the Superior Court of Pennsylvania from Order and Judgment entered in this matter on the 8th day of December, 1983. s/John Sughrue
CERTIFICATION OF SERVICE OF NOTICE OF APPEAL filed by John Sughrue
One copy mailed to Superior Court-Pittsburgh

JULY, 30, 1984, ORDER OF THE SUPERIOR COURT OF PENNSYLVANIA, filed.

AND NOW, this 30th day of March, 1984, it is ordered as follows: Order Affirmed. BY THE COURT, Irma T. Gardner, Deputy Prothonotary. All papers in Drawer "B".

AUGUST 1, 1984, ORDER OF THE SUPERIOR COURT OF PENNSYLVANIA, filed.
July 25, 1984 praecipe for discontinuance filed. (Appeal Discontinued) So says Irma, Gardner, D.P

CONTINUED FROM PAGE 211 NO. 83-18-EQU TARGET SPORTSWEAR, INC. -v-s THE CLFD. FOUNDATION

plaintiff at pages F064 through F-66 and thereafter.

12. Denied and dismissed as being in violation of the parol evidence rule and the Statute of Frauds.

13. Denied and dismissed as it is not relevent in the deposition under Pa. R.C.P. 4020(a)(4) and in violation of the parol evidence rule and the Statute of Frauds.

14. This exception appears to be a duplicate of plaintiff's Exception 13 or in the alternative it was ruled upon and admitted at F-117.

15. The admissions of Mr. K. Long, defendant's agent, made at deposition September 8, 1983, offered in the record at page F-118 were admitted at F-119.

16. The admissions of Mr. K. Long, defendant's agent, made at said deposition and offered in the record at page F-120 were admitted at F-121.

17. The admissions of Mr. K. Long, defendant's agent, made at said deposition and offered in the record at page F-122 were ruled upon and disallowed, with accompanying comments by the Court, at F-124. It is admitted as part of plaintiff's theory of "post contract conduct."

18. The admissions of Mr. R. Kane, defendant's agent, made at sworn deposition of September 1 13, 1983, offered in the record at page F-146 are admitted in su0port of plaintiff's theory of "post-contract conduct."

19. Denied and dismissed pursuant to record F-16 through F-18, line 14.

20. through 25. Denied and dismissed as not being applicable to nonsuit of plaintiff's case, as they all relate to defendant's case, Saturday, October 1, 1983, subsequent to defendant' Motion for Nonsuit.

It is important to note that Memorandum Opinion and Order of Court dated October 14, 1983, and the within denial of plaintiff's Motion to Take Off Nonsuit was and is based upon the foregoing disposition of plaintiff's Exceptioned.

We therefore make the following

ORDER:

NOW, November 7, 1983, Plaintiff's Motion To Take Off Nonsuit is denied and dismissed, nad Plaintiff's Exceptions To Memorandum Opinion and Order of Court filed October 17, 1983, are disposed of as hereinabove set forth. BY THE COURT: /s/ Paul B. Greiner, President Judge, 59th Judicial District, Specially Presiding

NOVEMBER 23, 1983, TRANSCRIPT OF PROCEEDINGS, filed

Mailed to Judge B. Greiner, President Judge, 59th Judicial District, Specially Residing, Elk County Courthouse, Ridgeway, PA.

NOVEMBER 23, 1983, TRANSCRIPT OF PROCEEDINGS, filed

Mailed to Judge B. Greiner, Persident Judge, 58th Judicial District, Specially Residing, Elk County Courthouse, Ridgway, PA.

NOVEMBER 18, 1983, NOTICE OF APPEAL, filed by John Sughrue, esquire
CERTIFICATION OF SERVICE OF NOTICE OF APPEAL, filed
ORDER FOR TRANSCRIPT, filed

NOVEMBER 28, 1983, RETURN RECEIPT P379-412-650, filed.

NOVEMBER 28, 1983, CORRESPONDENCE FROM SUPERIOR COURT filed

November 28, 1983, Received telephone call from Superior Court pertaining to above case. Was instructed to get record ready and send to Superior Court immediately. Hearing set on this action December 1, 1983. Secretary gave me Superior Court Number to type on our docket

Their Number 1391 Pittsburgh, 1983. /s/ Lois J. Billotte. Deputy.

DECEMBER 5, 1983, ORDER OF COURT FROM THE SUPERIOR COURT OF PENNSYLVANIA, filed

AND NOW, to-wit: this 1st day of Decmeber, 1983, upon consideration of the Application for Acceleration of Argument, it is ordered that the above-captioned appeal is to be palced on the list of argued cases for December 15, 1983 of this Court sitting in Philadelphia. The Prothonotary of the Court of Common Pleas of Clearfield County is directed to file the record with the Prothonotary of the Superior Court on or before December 7, 1983. The briefs of both parites are to be filed on or before December 12, 1983. PER CURIAM"

IN TESTIMONY WHEREOF, I have hereunot set my hand and the seal of said Court of Pittsburgh, PA., this First Day of December, 1983, /s/ Irma T. Gardner, Deputy Prothonotary.

DECEMBER 5, 1983, LETTER, filed

DECEMBER 5, 1983, ALL PAPERS MAILED TO SUPERIOR COURT IN PHILIDELPHIA, PA, BY CERTIFIED MAIL, No. 427922. Sender's REceipt

Letter-per Jean Billotte enclosed stating Judge Greiner mailing Transcripts #1 and #2 direct to Philadelphia Superior Court.

DECEMBER 6., 1983, NOTICE OF APPEAL DOCKETING FROM SUPERIOR COURT, DOCKET NO. ASIGNED 01391PHG83. filed

DECEMBER 7, 1983, LETTER from Judge Paul B. Greiner, comfirming mailing transcirpts to Superior Court in Philadelphia. filed

DECEMBER 8, 1983, ORDER OF COURT, filed

NOW, December 8, 1983, final decree is hereby entered in favor of defendant, Clearfield Foundation and agianst plaintiff, Target Sportswear, Inc., on COUNT 1 of complaint in the above=captioned action, and rhe Prothonotary is directed to enter judgment in favor of defendant and agianst plaintiff of COUNT 1 of plaintiff's complaint. BY THE COURT: /s/ Paul B. Greiner, President Judge . 59th Judicial District, Specially Presiding.

Judgment is entered in favor of the defendant and against plaintiff by ORDER OF COURT.

JUDGMENT COUNT 1 OF COMPLAINT

Raymond Bitherow

Prothonotary

CONTINUED ON PAGE 209

CONTINUED FROM PAGE 212

Thus, in the instant case not only is it necessary that plaintiff be able to enforce the contrac but defendant also must have been able to secure specific performance if the contract were to have been mutual.

Leaving aside the questions as to the payment of real estate taxes and transfer taxes, defendant could not enforce the private financing of thirty (30) percent of the purchase price. The obliteration of item 3(c) of the letter leaves plaintiff only with the following obligation in the cover letter: "Based upon our discussion wherein you agreed that financing of the non PIDA portion of this purchase can be arranged by us at any financial institution, at competitive rates, acceptable to us" (emphasis added). Plaintiff could not be forced to accept any financing under those circumstances since no term for financing was agreed upon and no interest rate could be forced upon plaintiff. Consequently, the agreement would not be enforceable:

> "We need not here decide whether Pennsylvania should follow the majority or the minority view, or even whether the Pennsylvania Supreme Court in Detwiler v. Capone, supra, reflects that Pennsylvania must be numbered as adhering to the minority approch. Such tasks are here unnecessary since the parties specifically agreed to later contract upon the terms of the mortga and thereby precluded any presumption that the payment was to be made within a reasonable time. Our study of this appeal leads us to share the following conclusions of the learned chancellor:
>
> 'It appears clear the parties to the action considered the mode of payment an important considera tion, not just a minor detail. We know that income tax implications are matters of serious consideration which sometimes take on the aspect of the tail wagging of a dog in contract terms. What might be reasonable in one situation in this highly technical field might be outrageous in another. We hardly feel competent to judicially determine the plaintiffs' circumstances. To perform that task the court whould have to essentially complete the agreement for the parties.'
>
> We are compelled to the conclusion that certain essential terms are not set forth in the agreement and that, therefore, the writing does not satisfy the Statute of Frauds. See Prager v. McAdam, 399 Pa. 405, 161 A.2d 39 (1960), rev'd on procedural grounds, Brown v. Hahn, 419 Pa. 42, 213 A.2d 342 (1965). "Greiber v. Scott, Pa. Super, 461 A.2d 619, 621 (1983).

Finally, the contract price would not be enforceable against plaintiff for any changes in condition of the building in view of the modifications to the rish of loss. The condition of the building, the real estate taxes and the transfer taxes could not be resolved by custom or usage as the Statute Of Frauds is involved:

> " A writing is insufficient as a memorandum unless all of the essential terms and conditions of the contract are stated. Swift & Company v. Meehan, 283 Pa. 429, 129 A. 324. Whether the memorandum relied upon is a single document or consists of several related or connected writings the complete terms of a valid agreement must be ascertainable therefrom with certainty and must also disclose an intention to be bound. Brister & Koester Lumber Corporation v. American Lumber Corporation, 356 Pa. 33, 50 A.2d 672; Fleming v. Strayer, 163 Pa. Super. 607, 63 A.2d 122. A mere indication of the existence of an incomplete agreement is not sufficient. Franklin Sugar Refining Company v. John, 279 Pa. 104, 123 A. 685. A memorandum which omits or incompletely states the essential terms or which merely refers to a contract without stating its terms is insufficient. Setin v. Camden Fibre Mills, Inc., 148 Pa.Super. 348, 25 A.2d 741. Plaintiffs contend that, although various items of the terms and conditions are silent in the written memorandum, these may be proved by usage and custom. While this may be true in contracts involving matters of commerce and usages of trade, usage and custom cannot change a positive rul of law. Restatement, Contracts §249. The Statue of Frauds is not a rule of evidence but a declaration of public policy. Schuster v. Pennsylvania Turnpike Commission, 395 Pa. 441, 149 A.2d 447. It may be said to be a limitation of judicial authority. Gogel v. Balzofsky, 187 Pa. Super. 32, 142 A.2d 313. Such methods of proof cannot be upheld without doing violence to the Statute of Frauds and ultimately defeating the purpose for which it was enacted. Fleming v. Strayer, supra." Willaims v. Stewart, 194 Pa.Super. 601, 168 A.2d 769, 771-2 (1961). (Emphasis added.)

Plaintiff contends that the missing terms can be supplied to breathe life into the contract: Field v. Golden Triangle Broadcasting, Inc., 451 Pa. 410, 305 A.2d 689 (1973). However, Field, supra, did not involve the Statute Of Frauds, and is clearly distinguishable. Rather the parties ha executed a document (unlike here where a counterproposal was involved) and if the document constitu ted a contract, it would pass muster from the Statute Of Frauds as the party to be charged had signed the agreement. Here, plaintiff attempts to supply the missing terms of the counterproposal or to render the written terms of the orignal offer of no real significance so that the counterpro posal can be enforced. Thus they are attempting to change their counterproposal to the contract, i.e., to breathe life into a counterproposal so that it becomes the contract.

No signature of the defendant exists. No writing or oral testimony exists that an agreement had been reached. Plaintiff's evidence fails to establish a contract enforceable under the Statute Of Frauds.

EXCEPTIONS

We shall address plaintiff's Exceptions ad seriatum:

1. through 7. Dismissed in accordance with the foregoing findings and opinion disposing of Motion For Nonsuit.

8. Plaintiff's Exhibits 1 through 3 are admitted solely for the limited purpose for which offered, i.e., background material, with no relationship to the terms of the alleged contract by plaintiff's Exhibits 5 and 6. Plaintiff's Exhibit 4 should have been and is admitted, being a map describing the same premises admitted in defendant's pleadings. Plaintiff's Exhibit 8 was admitted (see F-49)*. Plaintiff's Exhibit 7 is admitted on plaintiff's theory of "post-contract conduct." Plaintiff's Exhibits 9 through 12 are admitted

*"F" represents transcript of proceedings on Friday, September 30, 1983.

solely for the limited purpose of showing "pre-contract conduct." not for the purpose of permitting or altering plaintiff's Exhibits 5 and 6. Plaintiff's Exhibit 13 was admitted (see F-57). Plaintif Exhibit 14 is admitted. Plaintiff's Exhibits 15 through 17 were admitted (see F-60).

9. The testimony of witness Mr. A.W. Lee, offered at page F-75 is admitted.

10. Pursuant to the foregoing disposition of plaintiff's Exeeptions 1 through 9, the Court either at time of hearing or as of now admitted into evidence testimony relative to defendant's admissions and conduct occurring subsequent to December 7, 1982, and we now again admit such evidence in support of plaintiff's theory of "post-contract conduct."

11. Consistent with plaintiff's theory of "post-contract conduct" and the admission into evidence of all relevent matters offered by plaintiff, we admit into evidence testimony or documents relating to settlement negotiations and/or attempted dispute resolution between the parties, occurring subsequent to the "defendant's contractual breach of May 20, 1983," as objected to by

CONTINUED TO PAGE 210

CONTINUED FROM PAGE 248

and deprives himself of the right to have it specifically performed. He pulls down the house on his own head. When he converts the writing into an oral agreement, the statute declares it to 'be void.' He has rectified the written contract, and in its place has established an agreement which in contemplation of law is parol, and therefore, by statutory mandate, absolutely invalid[3] and without force. *** The statute is not a mere rule of evidence by a limitation of judicial authority to afford a remedy." Brown v. Aiken, 329 PA 566, 198 A. 441, 447 (1938) (Footnote omitted.)

A review of the modifications to the letter and additions of the cover letter makes it clear plaintiff did not accept the offer of the defendant but added new terms of its own to the defendant's offer: the risk of loss and maintenance provisions were changed (compare items 2 and 5 of the letter with the fourth paragraph of the cover letter). In addition, the private financing was changed as the term of the private financing was obliterated and no counterproposal was included except "financing...acceptable to Target" (compare item 3(c) of the letter and the third paragraph of the cover letter). With that modification, even had the defendant accepted the counterproposal, the entire understanding was probably rendered unenforceable as a contract: Greiber v. Scott, Pa.Super., 461 A.2d 619 (1983). The insertion of a third party assignee from plaintiff would have created a condition affecting the entire financing provision. Without a suitable lessee for the lease agreement under PIDA financing package, the mortgagees would disapprove the proposed financing. In any event, placing the assignee clause in the cover letter clearly constituted a modification of the defendant's offer: cf Phoff v. Gerner, 452 Pa. 602, 303 A.2d 826 (1973). Finally, the construction plaintiff placed on item 3 of the letter and the third paragraph of the cover letter rendered the financing conditional. This modifies the plain meaning of the letter and together with the other additions or changes is totally inconsistent with any construction that the execution of the letter by plaintiff and the cover letter constituted an acceptance. Rather, the only construction that could be given the letters is that they constituted a counter-offer:

" In our opinion, the foregoing variances constitute a counter-offer. This court has long adhered to the position of 1 Restatement, Contracts, §60 (1932), that 'a reply to an offer, though purporting to accept it which adds qualifications or requires performance of conditions, is not an acceptance but is a counter-offer.' To consititute a contract, the acceptance of the offer must be absolute and identical with the terms of the offer." Hedden v. Lupinsky, 405 Pa. 609, 176 A.2d 406 at 408 (1962). (Emphasis added and citations omitted.)

Under such circumstances, the counter-offer must be accepted in writing to be enforceable:

"The statute of frauds is not satisfied by a written offer or order which is not accepted..or by a written offer and a written acceptance which annexes additional terms, conditions, or other variations which are not in turn accepted in writing by the party making the original offer. Even where oral modifications of a written offer or acceptance are agreed to by the other party, the contracts, being partly parol, is deemed to be an oral contract and insufficient under the statutes." 37 C.J.S., Statute Of Frauds §180(c) P. 664-665. (Emphasis added.)

"Of course the written offer cannot constitute a memorandum of the contract if it is not accepted or is not accepted unconiditonally...Where a written offer is made by a vendor and the vendee, a subsequent oral agreement by the vendor to deal on the basis of the rejected offer cannot bind him, since the written offer, for the purpose of satisfying the statute, is ended by the rejection." 72 AM.JUR.2d Statute Of Frauds §310 P. 830. (Emphasis added.

"The law is that a party to whom an offer is made is at liberty to accept wholly, or to reject wholly, but one of these things he must do. Parsons on Contracts, 477. A proposition to accept on terms varying from those offered is a rejection of the offer and a substitution in its place of the counter proposition. It puts an end to the negotiation so far as the original offer is concerned. The original offer thereby loses its vitality,and is no longer pending between the parties; hence the party who has submitted the counter proposition cannot, at his own option, revive and accept the original offer, which he has once virtually rejected. Fox v. Turner, 1 Ill.App. 153. See also, Lanz v. McLaughlin, 14 Minn. 72 (Gil.55), and cases above cited. In order to give the rejected offer any new vitality, there must be a renewal of it, or renewed assent to it, by the party who made it. Sheffield Canal Co. v. Sheffield & Rotherham Ry. Co., 3 Eng. Ry. & Canal cases, 121, 132. The attempted acceptance of a rejected offer is in effect nothing more than a proposal which must be assented to by the original offerer before any contract arises." Lewis v.Johnson, 143 N.W. 1127 at 1127-1128 (1913).

See also Tractor Supply and Overseas Exchange Company v. Ellard Construction Company, 119 F. Supp. 814 (D.C. Ala. 1954).

Consequently, to create a contract an acceptance by the defendant is necessary and no evidence was entered thatthe counter-offer was accepted in writing in a document signed by the defendant to comply with the requirements of the Statute Of Frauds.

The minutes of the defendant of December 9, 1983, do not supply this deficiency. A review of those minutes indicates that a report was made that the letter was received, but no action was taken to accept the counterproposal of plaintiff.

It is important to note the Court may consider only the relevent evidence received during the presentation of plaintiff's case in chief, which was concluded on the first day of hearing, Friday, September 30, 1983, at which time it reserved ruling on defendant's Motion For Nonsuit, and by agreement of counsel, reconvened Saturday, October 1, 1983, to permit defendant to produce its defense without waiving its Motion For Nonsuit. Thus the posture of the case at that point compels us to find plaintiff's proof fails to establish an acceptance in writing by defendant, requiring the entry of a nonsuit.

Plaintiff's case also fails for the reason that the contract is unenforceable because essential terms are missing and it lacks mutuality of obligation.

To be enforceable, a contract must have a mutuality of obligation:

"Otherwise, the defense of statute of frauds will be available only to the lessor, which result would be totally INCONSISTENT WITH THE REQUIREMENT OF MUTUALITY OF obligation of contracts and with the settled policy that either party may raise the defense of the statute of frauds." Haskell v. Heathcote, 363 Pa. 184, 69 A.2d 71 (1949). Burg v. Betty Gay of Washington, Inc. 423 Pa. 485, 225 A.2d 85, 86 (1966). (Emphasis added.)

CONTINUED TO PAGE 211

#13 EQUITY 1983

James A. Naddeo	THOMAS I. JURY and MILDRED JURY	JANUARY 19, 1983, COMPLAINT IN EQUITY, filed by Belin, Belin and Naddeo. Four copies Certified to Sheriff Two copies Certified to Attorney
	83-1-EQU	JANUARY 27, 1983, SHERIFF'S RETURN, filed NOW, January 21, 1983, at 9:42 AM EST served the within Complaint in Equity on William E. Maines, defendant at his place of employment Avery Coal, Wallaceton, Clearfield County, Pennsyvlania by handing to William E. Maines a true and attested copy of the original Complaint in Equity and made known to him the contents thereof. NOW, January 24, 1983, at 9:56 AM EST served the within Complaint in Equity on Mrs. Leland Maines, Wife of Leland Maines, defendant at her place of residence, 310 Maple Ave., Clearfield Pennsylvania by handing to Mrs. Leland Maines a true and attested copy of the original Complaint in Equity and made known to her the contents thereof. NOW, January 24, 1983, at 2:02 PM EST served the within Complaint in Equity on Helen Maines, Wife of Kenneth G. Maines, defendant at her place of residence, 322 Maple Ave., Clearfield, Pennsylvania by handing to Helen Maines a true and attested copy of the original Complaint in Equity and made known to her the contents thereof. NOW, January 24, 1983, at 2:41 PM EST served the within Complaint in Equity on Keith Maines, defendant at his place of residence, 403 Mt. Joy Road, Clearfield Pennsylvania by handing to Keith Maines 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
Fredric J. Ammerman	RONALD E. MAINES, an individual, and KEITH A. MAINES, an individual, and WILLIAM E. MAINES, an individual, and LYNN H. MAINES, an individual, and LELAND P. MAINES, an individual, and KENNETH G. MAINES, an individual	FEBRUARY 16, 1983 AFFIDAVIT OF SERVICE filed by Cynthia Soult January 24, 1983 service made by certified mail on Ronald E. Maines, return receipt attached. FEBRUARY 16, 1983 AFFIDAVIT OF SERVICE filed by Cynthia Soult' January 25, 1983 service made by certified mail on Lynn H. Maines, return receipt attached. MARCH 2, 1983, PRAECIPE FOR APPEARANCE, filed by Fredric S. Ammerman Please enter my appearance on behalf of RONALD E. MAINES, KEITH A. MAINES, WILLIAM E. MAINES, LYNN H. MAINES, LELAND P. MAINES, and KENNETH G. MAINES, Defendants in the above captioned matter. /s/ Fredric J. Ammerman MARCH 4, 1983, ANSWER AND NEW MATTER, filed by Fredic Ammerman 1 Copy Cert. to Atty.
	Pro by Atty 40.00 Atty 3.00 Shff Hawkins: by Atty 21.75	

APRIL 12, 1983, ANSWER TO NEW MATTER, filed by Cynthia Soult
1 Copy Cert. to Atty

OCTOBER 18, 1983, PRAECIPE, filed.
Please place the above captioned action in equity on the trial list. BELIN, BELIN & NADDEO, By /s/ Cynthia Soult.

JULY 5,1984, ORDER
Now, this 5th day of July,1984, 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 defendants shall pay to Plaintiffs above named the sum of Twelve Hundred Fifty (1,250.00) Dollars in return for which Plaintiffs shall grant to defendants an Easement of pertinent rumming with the land in and to that certain roadway as marked in red on Exhibit 1 to defendants' answer and new matter, and as more specifically described in the survey of Gary B. Thurston dated December 29,1981 attached hereto and made a part hereof. It is the fruther Agreement of the Parties and the Order of this Court that the gate presently existing on said roadway shall remain in position and keys for the lock thereof shall be delivered by the plaintiffs to the defendants. So says, John K. Reilly,Jr.,President Judge.

DECEMBER 3,1984,PETITION FOR ENFORCEMENT OF ORDER OF SETTLEMENT and RULE TO SHOW CAUSE, filed by Frederic Ammerman,Esq.
One certified copy to atty.
AND NOW, this 3rd day of December,1984, upon presentation and consideration of the within' Petition for Enforcement of Court Ordered Settlemen, a Rule is hereby directed to be served upon Thomas I. Jury and Mildred Jury,Plaintiffs above named and Respondents herein, to appear and show cause why the prayer of said Petition should not be granted.
Rule returnable the 26th day of December,1984 at 9:00 am in the main courtroom of the Clearfield County Courthouse,Clearfield,Pennsylvania./s/ John K,Reilly,Jr.,P.J.
DECEMBER 26,1984, ORDER,filed.
NOW, this 26th day of December,1984, this bieng the day and date set for hearing into the above-captioned Rude to Show Cause why this Court should not enforce an agreed upon settlement it is the ORDER of this Court that Plaintiffs above-maned execute and deliver to Defendants above-named within 48 hours from date hereof the deed of easement and that immediately upon receipt thereof defendants deliver to the Plaintiffs the sum of $1,250. in complaince with the Order of this Court dated July 5,1984. In the event that said transfers are not completed within 48 hours, this court shall entertain comtempt proceedings against the party not complying herewith and shall award to the party so petitioning counsel fees and costs for these proceedings.
BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

#13 EQUITY DOCKET 1983

Timothy E. Durant

JANET L. KEITH

83-2-EQU

RUSSELL L. KEITH

Pro by Atty 40.00
Atty 3.00
Shff by Atty 21.55

FEBRUARY 2, 1983, COMPLAINT IN PARTITION, filed by Timothy E. Durant.
One copy Certified to Attorney.

MARCH 14, 1983, AFFIDAVIT OF SERVICE, filed
NOW, February 24, 1983 at 1:49 PM o'clock EST served the within Complaint in Partition on Russell L. Keith, defendant by handing to Russell L. Keith a true and attested copy of the original Complaint in Partition and made known to him the contents thereof. /s/ Chester A. Hawkins by Marilyn Wood

MAY 5, 1983 MOTION FOR APPOINTMENT OF A TRUSTEE filed by Timothy E. Durant

RULE

AND NOW this 13 day of May, 1983, it is the Order of this Court that a Rule be and is hereby issued on the Defendant, Russell L. Keith, to show cause why the requests in the foregoing Motion for Appointment of Trustee should not be granted.

Rule returnable the 21 day of June, 1983, at 9:00 o'clock A.M. in the Main Courtroom. BY THE COURT, John K. Reilly, Jr., P.J.

Two copies certified to Attorney

JUNE 21, 1983,INTERLOCUTORY DECREE APPOINTING TRUSTEE, filed.

AND NOW, this 21st day of June, 1983, upon consideration of the foregoing case and upon hearing held before this Court, it is Ordered, Adjudged and Decreed:

A. That a partitionand division be made of the property described in the Complaint, situate in the Borough of Irvona, County of Clearfield and State of Pennsylvania, mor particularly described in Deed Book 661, at page 080;

B. That FRED AMMERMAN, Esquire, is appointed Trrustee to make public sale of the aforesaid property after first entering security which is double the estimated value of the property;

C. 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 hand bills posted on the property and in other public places, once a week for four consecutive weeks before the day of the sale; and

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

(1) 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

(2) to the deduction, from the share of either party, the amount of any lien entered of record agianst 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. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

One (1) copy Certified to attorney.

SEPTEMBER 2, 1983, PETITION FOR ORDER OF APPRAISAL filed by Fredric J. Ammerman

ORDER

AND NOW, this 2 day of September, 1983, upon consideration of the foregoing Petition, and upon motion of Fredric J. Ammerman, Esquire, Petitioner-Trustee in said action, it is hereby ORDERED and DECREED that Fredric J. Ammerman, Esquire, as Trustee in Partition, shall cause an appraisal to be conducted on the property that is the subject of the above described Action in Partition, and that the Petitioner-Trustee, before public sale of the property in partition, shall post a bond which is twice the amount of the said appraisal. BY THE COURT: John K. Reilly, Jr., P.J.

Two copies certified to Attorney

JANUARY 23, 1984, NOTICE OF INTENTION OF FILING TRUSTEE'S REPORT AND RETURN OF SALE AND DECREE NISI filed by Fredric J. Ammerman

AFFIDAVIT OF SERVICE

JANUARY 31, 1984, RETURN OF SALE AND REPORT OF TRUSTEE, filed by Fredric J. Ammerman, Esquire.

AGREEMENT OF SALE, filed by Fredric J. Ammerman, Esquire.

DECREE NISI, filed

AND NOW, to-wit: This 31st day of Janaury, 1984, the Return of Sale and Report of Trustee, Fredric J. Ammerman, Esquire, 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 Trustee's intention to file said Return and Report was given to the parties in interest on Jamuary 23, 1984, 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 Procedure Nos. 1573 and 1574 in such special Orders of Court as deemed appropriate;

2. That the bid of One ($1.00) Dollar, plus all costs, submitted by Janet L. Keith, is hereby accepted and adopted and said sale is hereby approved and confirmed absolutely;

3. The Trustee shall be and is hereby authorized at such time as this Decree becomes final or sooner as 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. The Trustee shall be and hereby is authorized to receive the proceeds of sale and to distributed pursuant to the porposed Schedule of Distribution as set forth in said Report and Return of Sale;

%. The Trustee shall upon filing an Affidavit of Proof that the proceeds have been distributed pursuant to the Order of this Court be discharged from the duties of his office and shall no longer be liable thereunder. In the event any individual to whom distribution is due shall

Continued to Page 216

CONTINUED FROM PAGE 216

DECREE NISI, continued

fail to negotiate Trustee's draft within twenty (20) days 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 or her 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. The 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. The parties in interest shall have twenty (20) days from the date of this Decree Nisi to file Exceptions to days from the date of this Decree Nisi to file Exceptions to the Return of Sale and Report of rhe 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 parites. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

JANAURY 31, 1984, NOTICE OF FILING OF TRUSTEE'S REPORT AND RETURN OF SALE AND DECREE NISI, filed by Fredric J. Ammerman, Esquire.

AFFIDAVIT OF SERVICE, filed by Fredric J. Ammerman, Esquire.

FEBRUARY 8, 1984, EXCEPTIONS TO PROPOSED RETURN OF SALE AND REPORT OF TRUSTEE, filed by Joseph Colavecchi, Esquire.

MARCH 29, 1984, ORDER, filed

NOW, this 29th day of March, 1984, following argument into Defendant's Exceptions to the Sale of Real Estate of the Trustee in the above-captioned matter, 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

APRIL 16, 1984, AFFIDAVIT OF TRUSTEE WITH RESPECT TO RECEIPTS AND DISBURSEMENTS, filed by Fredric J. Ammerman, Esquire.
One copy certified to Attorney.

APRIL 18, 1984, AMENDED AFFIDAVIT OF TRUSTEE WITH RESPECT TO RECEIPTS AND DISBURSEMENTS, filed by Fredric J. Ammerman, Esquire.
One copy certified to Attorney.

Bell, Silberblatt & Swoope	HARMONY SCHOOL DISTRICT 83-3-EQU HARMONY EDUCATION ASSOCIATION		MARCH 4, 1983, PETITION AND ORDER, filed BY Paul Silberblatt 10 Copies Cert. to Atty. NOW, this 3rd day of March, 1983, upon consideration of the foregoing Petition, a Rule is granted on the Harmony Education Association to show cause why an injunction shall not issue as prayed for. Said Rule returnable on the 7th day of March, 1983, at 1:30 p.m. BY THE COURT /s/ John K. Reilly Jr., President Judge. MARCH 10, 1983, SHERIFF'S RETURN, filed NOW, March 4, 1983 at 10:50 AM EST served the within Petition & Order on James E. Richards, defendant at his place of residence by handing to James E. Richards a true and attested copy of the original Petition & Order and made known to him the contents thereof. NOW, March 4, 1983 at 10:50 AM EST served the within Petition & Order on Linda Richards, defendant at her place of residence, by handing to Linda Richards a true and attested copy of the original Petition & Order and made known to her the contents thereof. NOW, March 4, 1983 at 11:10 AM EST served the within Petition & Order on Eleanor Neff, defendant at her place of residence, by handing to Eleanor Neff a true and attested copy of the original Petition & Order and made known to her the contents thereof. NOW, March 7, 1983, after diligent search in my baliwick I return the attached six copies of the Petition & Order "NOT FOUND", as to Members of the Union on picket line. /s/ Chester A. Hawkins by Marilyn Wood
	Pro by Atty 40.00		

MARCH 11, 1983 ORDER filed.

NOW, this 10 day of March, 1983, this being the day and date set for hearing in the above-captioned Petition filed on behalf of the Harmony School District, upon agreement of the Parties, it is the ORDER of this Court that within 48 hours from date hereof, a fact finder and an arbitrator shall be agreed upon to hear, decide and submit findings of fact and recommendations into the above-captioned controversy. The fact finder will schedule and hold his hearing within one week from this date and will submit his report in person, both orally and in writing, within one week following said hearing. It is the further ORDER of this Court that the issues to be determined by the fact finder shall be the salaries of the members of the applicable bargaining unit and the members of the bargaining unit to be provided with Blue Cross/Blue Shield Major Medical Insurance coverage or its equivalency, and that neither party shall be bound by previous positions taken with regard to these two issues. All other issues between the parties have been agreed upon in final form. Further, within two days of the receipt of the report of the fact finder, the parties shall enter into negotiations based upon said report, commencing at 7 o'clock p.m. and continuing for three days thereafter at the call of the mediator. If, at the end of said three-day period, a mutually acceptable contract has not been reached, on the following day, the matter shall be submitted to an arbitrator or a board of arbitrators for binding arbitration in accordance with 43 Pa.C.S. § 1101.804. At the hearing before the arbitrator or panel of arbitrators, the report of the fact finder, including his findings of fact and recommendations, shall be admissable for consideration. The three-day negotiating session set forth above shall take place at a location other than the Harmony School District to be agreed upon by the parties. It is the further ORDER of this Court that during the period of fact finding, neither party shall discuss the relative positions of those involved with any member of the news media. It is the further ORDER of this Court that upon agreement of the parties, the members of the Harmony Education Association shall return to work upon the appointment of the fact finder and the arbitrator above referred to or within 48 hours of date hereof. In the event it is determined by this Court that the Board of Directors of the Harmony School District has violated any term or condition of this Agreement and Order, the Harmony Education Association shall have a right to commence a strike. This Order is being signed by Fred Harkleroad, President of the Board of Directors of the Harmony School District and James Richards, President of the Harmony Education Association to signify and confirm that this Order is being entered by agreement of the parties. s/Fred Harkleroad, President of the Board of Directors of the Harmony School District s/James Richards, President of the Harmony Education Association BY THE COURT, John K. Reilly, Jr., President Judge

Belin, Belin & Naddeo

ROSE MARIE OKERLUND

83-4-EQU

WILLIAM T. FLANAGAN

Pro	by Atty	40.00
Atty		3.00
Shff	by Atty	11.75
Disc	by atty	5.00
Adv costs		54.75
J. Naddeo		49.75
Pro		5.00
		54.75

Ck#883
11003

MARCH 3, 1983, COMPLAINT, filed by James A. Naddeo
1 Copy Cert. to Atty
MARCH 15, 1983, SHERIFF'S RETURN filed.
Now March 9, 1983 served within Complaint in Equity on William T. Flanagan. So answers, Chester A. Hawkins by Marilyn Wood

MAY 31, 1983 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.

Record costs in the sum of $54.75 have been paid in full, this case marked Settled and Discontinued.

SETTLED X

DISCONTINUED X

Michael P. Yeager	WILBUR A. NEEPER, and EMMA JEAN NEEPER	MARCH 16, 1983, COMPLAINT, filed by Michael P. Yeager 3 Copies Cert. to Shff 1 Copy Cert. to Atty
	83-5-EQU	
John Sughrue	ARTHUR L. NEEPER, RUFUS LUTHER NEEPER ESTATE (JOHN A. THORP, executrix), JOAN A. THORP, and JAY L. NEEPER	APRIL 12, 1983 PRAECIPE FOR ENTRY OF APPEARANCE, filed by John Sughrue. Kindly enter my appearance on behalf of Arthur L. Neeper, Defendant, in the above captioned action. s/John Sughrue, Atty for Arthur L. Neeper.
John Sughrue		
		APRIL 8, 1983, SHERIFF'S RETURN, filed. Now, Mar. 28, 1983 at 11:10 AM EST served within Complaint on Arthur L. Neeper, deft. at his place of residence. Now, Apr 4, 1983 at 10:04 AM EST served within Complaint on Joan A. Thorp, deft. Now, Apr 4, 1983 at 10:04 AM EST served within Complaint on Joan A. Thorp, Extrx of Estate of Rufus Neeper, deft. So answers, Chester A. Hawkins, Shff By, /s/ Marilyn Wood
	Pro by Atty 40.00 by Atty Shff Hawkins 29.15	MARCH 25, 1983, AFFIDAVIT filed by Michael P. Yeager
	Pro by Atty 9.00	APRIL 13, 1983, APPEARANCE, filed. Enter my appearance for Joan A. Thorp, individually and as Executrix of the Rufus Luther Neeper Estate in above case. SUGHRUE & KESNER, By /s/ John Sughrue, Esquire
		OCTOBER 27, 1983, ANSWER, NEW MATTER AND COUNTER CLAIM (OFFSET), & CERTIFICATE OF SERVICE, filed by John Sughrue
		NOVEMBER 16, 1983, REPLY TO NEW MATTER AND COUNTERCLAIM, filed by Michael P. Yeager 1 Copy Cert. to Atty
		APRIL 11, 1984, PRAECIPE FOR DEFAULT JUDGMENT, filed by Michael P. Yeager, Esquire. Please enter default judgment in the above-captioned matter against the dEfendant, Jay L. Neeper, due to this defendant's failure to enter an appearane within the allotted twenty (20) day time limit. Judgment entered in favor of the Plaintiff and against the defendant for failure to enter an appearance within the allotted twenty (20) day time linit. DEFAULT JUDGMENT. Raymond Bathurst Prothonotary

APRIL 29,1985,ORDER DIRECTING PARTITION,filed.

AND NOW, to wit, this 25th day of April,1985, after consideration of the Stipulations filed by the parties of interest in the above captioned matter; and after review of the pleadings, it is

ORDERED, ADJUDGED and DECREED thatpartition be made of a certain 66 acre 9 perch tract of land situate in Pike Township,Clearfield County,Pennsylvania, as referred to in Paragraph 5 of the Plaintiffs'Complaint, and more specifically described in Clearfield County Deeds and Records Volume 737 at page 160. The aforesaid partition shall be made as between the following parties (with their current or anticipated owneship interests listed in parentheses):

To Wilbur A. Neeper & Emma Jean Neeper	Undivided two-thirds interest (derived as set forth in Paragraphs 5,6,7,8,9, & 10 of Plaintiffs Complaint)
To Wilbur A. Neeper & Emma Jean Neeper	Undivided one-sixth interest (Derived as set forth in Paragraph 11 of Plaintiffs,Complaint and by further Decree dated August 10,1984 regarding the Estate of Rufus Luther Neeper at No. 23777 of Clearfield County; and agreement of Sale referred to therein dated May 10,1984.
Total Wilbur A. Neeper & Emma Jean Neeper Interest	Undivided Five-sixths interest
Arthur Neeper	Undivided one-sixth interest (derived as set forth in Paragraphs 6 & 7 of the Plaintiffs Complaint

IT IS FURTHER ORDERED,ADJUDGED and DECREED that the parties hereto shall appear for a Preliminary Conference of shall otherwise stipulate as to possible appointment of a Master for the purpose of holding hearings on all other issues and recommending to theis Court the appropriate method and technique for accomplishing the actual division BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

JULY 30,1985, STIPULATIONS,filed.

JULY 30,1985, STIPULATION ,filed.

CONTINUED TO PAGE 222

CONTINUED FROM PAGE 221 83-5-EQU NEEPER vs NEEPER

JULY 30,1985, ORDER DIRECTING PARTITION,filed.
One copy certified to John Sughrue
AND NOW, to wit, this 30th day of July,1985, after consideration of the Stipulations filed by the parties of interest in the above captioned matter; and after review of th pleadings it is

ORDERED, ADJUDGED AND DECREED That partition be made of a certain 66 acre9 perch tract of land situate in Pike Township,Clearfield County, Pennsylvania as referred to in Paragraph 5 of the Plaintiffs Complaint and more specifically described in Clearfield County Deed s and Records Volume 737 at page 160. The aforesaid partition shall be made as between the following parties (with their current ownership interests listed in parentheses):

To Wilbur A. Neeper & Emma Jean Neeper	UNdivided five-sixths interest (Derived as set forth in Paragraphs 5,6,7,8,9, & 10 of Plaintiffs Complaint); Paragraph 11 of Plaintiffs Complaint by further Decree dated August 10,1984, regarding the Estate of Rufus Luther Neeper at No. 2377 of Clearfield COuny and dded dated November 13, 1984 and recorded in Deed Book 992 at page 81.
Arthur L. Neeper	Undivided one-sixth interest (Derived as set forth in Pagagraphs 6 & 7 of the Plaintiffs Complaint.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties hereto shall appear for a Preliminary Conference of shall otherwise stipulate as to possible appointment of a Master for the purpose of holding hearings on all other issues and recommending to this Court the appropriate method and technique for accomplaihing the actual division. BY THE COURT:/s/ John K. Relly,Jr.,P.J.

AUGUST 22, 1985, ORDER APPOINTING MASTER, filed.
AND NOW, to wit, this 22nd day of Aiugust, 1985, upon consideration of a previous Order Directing Partition and Stipulations of the parties concerning appointment of a Master, it is

ORDERED, ADJUDGED and DECREED that Richard A. Bell, Esquire shall be appointed a Master in the above-captioned action who shall hold appropriate hearings on other issues as to actual partiion and to ultimately recommend to this Court the appropriate method and technique for accomplishing said actual partition in this action. BY THE COURT: /s/ John K. Reilly, Jr., President Judge. CONSENTS: Michael P. Yeager and John Sughrue.

MARCH 18,1986, STIPULATION,filed by John Sughrue,Esq.

JULY 9,1986, FINAL MASTER'S REPORT AND PETITION FOR DISCHARGE,filed by Richard Bell,Esq.
JULY 9,1986, ORDER,filed.
DECREE NISI
AND NOW this 22nd day of July,1986, the Court having examined the final report of the Master and Petition for Discharge, the Court hereby enters the following Order:

1. Payment of an appraisal fee of Two Hundred and Fifty (250.00) Dollars to Harry W. Hand,Realtor is approved.
2. Payment of a Master's Fee of Four Hundred and Fifty (450.00) Dollars to Richard A. Bell,Esquire is approved.
3. Stipulation filed by counsel for the Plaintiffs and Defendants is herey approved and the Prothonotary is directed to mark the above captioned action Settled and Discontinued upon payment of any remaining unpaid docket costs, which shall be split equally between the Plaintiffs and the Defendants.
4. Richard A. Bell,Esquire is hereby discharged from his duties and responsibilities as Master in Partition and is released from all further liabilities thereto.

BY THE COURT:/s/ John K. Reilly,Jr.,P.J.
JULY 9,1986, NOTICE OF FILING MASTER'S REPORT,filed by Richard Bell,Esq.

Thomas F. Morgan R. Denning Gearhart	MARY J. CALDWELL 83-6-EQU HIRAM L. CALDWELL Pro by Atty	40.00	MARCH 24, 1983, COMPLAINT, filed by Thomas F. Morgan 1 Copy Cert. to Atty MARCH 30, 1983, AFFIDAVIT OF SERVICE filed. March 24, 1983 served copy of Complaint on Hiram L. Caldwell. s/J. B. Walker, Constable MAY 6, 1983, PRELIMINARY OBJECTIONS filed by R. Denning Gearhart One copy certified to Attorney JULY 8, 1983, ORDER, filed NOW this 8th day of July, 1983, following argument, it is the ORDER of this Court that Defendant's Preliminary Objections raising the defense of laches be and are hereby dismissed and Defendant directed to raise this issue through Answer and New Matter which he is directed to file within twenty (20) days from date hereof. BY THE COURT /s/ John K. Reilly Jr., President Judge. r JULY 26, 1983, ANSWER AND COUNTERCLAIM, filed by R. Denning Gearhart. One Copy Certified to Attorney. SEPTEMBER 19, 1983, REPLY TO COUNTERCLAIM, filed byThomas F. Morgan SEPTEMBER 24,1984, ORDER,filed. NOW, this 24th day of September,1984, after trial in the above matter, I find in favor of the Plaintiff Mary J. Caldwell and the Defendant,Hiram L. Caldwell is directed to forthwith execute the title of the 1973 Mobile house trailer transferring his interest to the said Mary J. Caldwell. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

George Test	JAMES M. STOTT COAL COMPANY, INC.		
	83-7-EQU		
Thomas F. Morgan	MERRILL W. DOTTS		
	Pro	by Atty	40.00
	Pro	by Atty	21.55
	Pro	by Plff	5.00

MARCH 25, 1983, COMPLAINT, filed by George Test

APRIL 5, 1983, AFFIDAVIT OF SERVICE, filed
NOW, March 28, 1983 at 12:35 PM o'clock EST served the within Complaint in Equity on Merrill W. Dotts.
/s/ Chester A. Hawkins by Marilyn Wood

APRIL 18, 1983, ANSWER AND NEW MATTER filed by Thomas F. Morgan
One copy certified to Attorney

APRIL 25, 1983 ACCEPTANCE OF SERVICE filed by George S. Test, Jr.
The undersigned hereby accepts service of the Answer and New Matter in the above Action matter and acknowledge receipt of a certified copy of the same. s/George S. Test, Jr.

APRIL 29, 1983 ANSWER TO NEW MATTER filed by George S. Test, Jr.

APRIL 29, 1983 AFFIDAVIT OF SERVICE filed by George S. Test, Jr.

MARCH 23, 1984, NOTICE OF DEPOSITION ON ORAL EXAMINATION filed by Baird, Miller & Test, George S. Test, Esq.

MARCH 7, 1986, PRAECIPE, filed
Please mark the record in the above captioned matter, settled, discontinued, and ended, with prejudice.
/s/ James F. Beener, Esq.

SETTLED DISCONTINUED ENDED

S. Paul Mazza

BLAKE L. TUBBS

83-8-EQU

WEST CENTRAL PRODUCTION CREDIT ASSOCIATION

Pro 40.00

Atty By Plff 3.00

Shff Hawkins 5.75

MARCH 31, 1983, COMPLAINT & AFFIDAVIT, filed by S. Paul Mazza
1 Copy Cert. to Atty

MARCH 31, 1983, PRELIMINARY INJUNCTION, filed

AND NOW, this 31 day of March, 1983, upon consideration of Plaintiff's verified Motion for Preliminary Injunction, Plaintiff's verified Complaint in Equity and the Affidavit of Blake L. Tubbs, the Plaintiff, and it appearing to the Court that immediate irreparable harm will be sustained by Plaintiff if the mortgage foreclosure and collection proceedings instituted by the Defendant are not enjoined until Plaintiff can complete the financing arrangements necessary to pay off the claims of Defendant, it is hereby:

ORDERED that the Defendant be and is hereby enjoined and prohibited from proceeding with any legal actions to execute upon, collect from, sell, or otherwise take or hold the property of Plaintiff until Plaintiff has completed his refinancing for the purpose of paying Defendant; and it is further

ORDERED that the Defendant be and is hereby enjoined from further advertising of any proposed sales or execution proceedings or any other legal actions against Plaintiff and Plaintiff's real property and personal property and it is further

ORDERED that pursuant to Pennsylvania Rule of Civil Procedure No. 1531(d) a hearing pertaining to the issuance and continuance of this Preliminary Injunction will be held on the 5th day of April, 1983, at 1:00 P.M. in the Courtroom in Clearfield, Clearfield County, Pennsylvania; and

FURTHER, a Rule is hereby entered by the Defendant to show cause, at the above date and time, why this Preliminary Injunction should not be issued and continued. BY THE COURT /s/ John K. Reilly Jr., President Judge.

MARCH 31, 1983, NOTICE OF HEARING ON PRELIMINARY INJUNCTION, filed by S. Paul Mazza 1 Copy Cert.

MARCH 31, 1983, RULE TO SHOW CAUSE, filed

AND NOW, this 31st day of March, 1983, a Rule is granted upon the Defendant West Central Production Credit Association, to show cause why a Preliminary Injunction should not be issued as prayed for. A hearing on this matter shall be held on the 5th day of April, 1983, at 1:00 P.M. in the Courtroom, Clearfield Clearfield, County Pennsylvania. BY THE COURT /s/ John K. Reilly Jr., President Judge.

MARCH 31, 1983, MOTION FOR PRELIMINARY INJUNCTION, filed by S. Paul Mazza

JUNE 23, 1983, SHERIFF'S RETURN, filed.

Now, Apr 5, 1983, return within Complaint "NOT SERVED" as to Deft. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

Anthony S. Guido

Marjorie J. Scharpf

CHRISTINE WOOL COOPER

83-9-EQU

MARY ANN WOOL; EMMA JOYCE COSSETTE CASEY: and TODD CHRISTOPHER WOOL

Pro	by Atty	40.00
Atty		3.00
Shff	by Atty	13.75

APRIL 18, 1983, COMPLAINT, filed by Anthony S. Guido

2 Copies Cert. to Shff
1 Copy Cert. to Atty

MAY 3, 1983, SHERIFF'S RETURN filed.

Now April 25, 1983 served within Complaint in Equity on Todd Christopher Wool.

Now April 25, 1983 served within Complaint in Equity on Todd Christopher Wool, Son of Mary Ann Wool. So answers, Chester A. Hawkins by Marilyn Wood

MAY 4, 1983 RETURN OF SERVICE OF COMPLAINT filed by Anthony Guido

MAY 16, 1983, PRAECIPE TO ENTER APPEARANCE filed by Marjorie J. Scharpf of Keystone Legal Services, Inc.

Please enter my appearance on behalf of the Defendants in the above captioned matter. s/Marjorie J. Scharpf

Four copies certified to Attorney

MAY 16, 1983, PRELIMINARY OBJECTIONS filed by Marjorie J. Scharpf

Three copies certified to Attorney

MAY 25, 1983, AMENDED COMPLAINT filed by Anthony S. Guido

No copies

JUNE 13, 1983, ANSWER AND NEW MATTER filed by Marjorie J. Scharpf

Two copies certified to Attorney

JUNE 24, 1983, REPLY TO NEW MATTER, filed by Anthony S. Guido

JULY 14, 1983, PRELIMINARY OBJECTIONS, filed by Marjorie J. Scharpf, Keystone Legal Services, Inc.
Two copies Certified to Attorney.

SEPTEMBER 30, 1983, BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS filed by Marjorie J. Scharpf
Two copies certified to Attorney

OCTOBER 28, 1983, ANSWER AND NEW MATTER, filed by Marjorie J. Scharpf (2) copies cert. to Atty.

NOVEMBER 15, 1983, REPLY TO NEW MATTER, filed by Anthony S. Guido

JANUARY 30, 1984, NOTICE OF DEPOSITION, filed by Anthony S. Guido

EQUITY DOCKET #13

Benjamin S. Blakley	AILEEN SPUCK		APRIL 20, 1983, COMPLAINT IN EQUITY filed by Benjamin S. Blakley One copy certified to Attorney
	83-10-EQU		MAY 9, 1983 AFFIDAVIT OF SERVICE, filed. NOW, May 3, 1983, at 12:15 P.M. served the within Complaint in Equity on Joseph Clinton, Defendant at his place of residence, RD#2, DuBois, Clearfield County, PA. So Answers, Chester A. Hawkins, Sheriff by Marilyn Wood.
	JOSEPH CLINTON		JULY 28, 1983, PRAECIPE, filed Please mark the above matter settled, discontinued and ended. /s/ Benjamin S. Blakley, III
	Pro by Atty Atty	40.00 3.00	
	Shff by atty Pro *by atty*	41.51 5.00	S E T T L E D D I S C O N T I N U E D & E N D E D

EQUITY #13 1983

Cynthia Soult	RONALD E. JOHNSON and RUTH A. JOHNSON, husband and wife		APRIL 21, 1983, COMPLAINT IN PARTITION--EQUITY, filed by Cynthia Soult; Belin Belin & Naddeo. One Copy Certified to Attorney. MAY 3, 1983 CERTIFICATE OF SERVICE filed by Cynthia Soult FEBRUARY 10, 1987 PRAECIPE, filed by Cynthia Soult, Atty Plff. Please enter Judgment by default against the Defendant in the above-captioned action for failure to file responsive pleadings to the Complaint served upon her within ten (10) days from the date of the notice, January 21, 1987. s/Cynthia Soult, Atty Plff. Judgment in Partition is entered in favor of the Plaintiff and against the Defendant for failure to file responsive pleadings. JUDGMENT IN PARTITION Raymond Wetherson Prothonotary
	83-11-EQU		
	JANET MARIE HEATH		
	Pro by Atty	40.00	
	Pro by Atty	9.00	
	Pro by Atty	5.00	
			JUNE 17, 1987 PRAECIPE TO SETTLE AND DISCONTINUE filed Please mark the above-captioned action settled and discontinued. s/Cynthia Soult, Esq. SETTLED AND DISCONTINUED

continued from page 238 BRINK VS GOSS 83-12-EQU

WITH Aforementioned Township Road, a distance of 371 feet to a point thence in a Northeast direction to the western side of aforementioned Township Road, the point and place of beginning.

AND BEING a part of those premises that were conveyed to George Goss,Jr., and Emma A. Goss, his wife, by deed dated May 22, 1972, and recorded anongst the records in and for Clearfield County in Deed book 601,page 281.

Parcel # 2:

All that certain piece or parcel of land situste in the Township of Jordan,County of Clearfield and State Of Pennsylvania, bounded and described as follows:

BEGINNING at the center ofPotts Run Creek at the western side of a bridge on Township Road over said creek; thence in a Southeast direction and along the western side of Township Road leading from Fruit Hill to the Village of McCartney, a distance of 743 feet to a point; thence in a southwest direction and at a right angle to the above mentioned Township Road to line of lands of Kitko; thence in a northwest direction in a line parallel with above mentioned Township Road, a distance of 743 feet to a point; thence in a northeast direction to the center of Potts Run Creek at the western side of a bridge on Township Road over said creek, the point and place of beginning.

AND BEING a part of those premises that were conveyed to George Goss,Jr., and Emma Goss, his wife, by deed dated May 22, 1972 and redorded amongst the records in and for Clearfield County in Deed Book 601,page 281.

IT is further ORDERED AND DECREED that the Defendant, George Goss,Jr., shall make, execute and deliver to the Plainfitt a good and sufficient deed, in fee simple, for said real property within ten (10) days from the date of this Decree. The Prothonotary of the Court of Common Pleas of Clearfield County shall notify Defendant, Georg Goss,Jr., of the date of filing of this Court's Adjudication by mailing him notice of such by certified and rregular mail at his last known address of 1124 Jackson Avenue, Bronx,New York,10456. Said mailing shall include a copy of the Adjudication and this Decree. If Defendant George Goss,Jr., shall fail to timely file post trial motions and shall also fail to comply with this Decree, upon Praecipe file by the Plaintiff certifying such, the Prothonotary, upon entry of Final Decree, shall make, execute and deliver to Plaintiff for Defendant, George Goss,Jr., a good and sufficient deed in fee simple, separately or in conjunction with the conveyance of Emma A. Goss's interest to Alvin Brink, to carry out this Decree. BY THE COURT: /s/ John K. Reilly,Jr.,P.J.One copy certified to George Goss by certified mail rr 562 795 511.

AUGUST 7, 1984, SENDERS RECEIPT,filed.

AUGUST 7, 1984, SENDERS RECEIPT,filed.

AUGUST 14, 1984 Copies of Adjudication and Order mailed by regular mail to George Goss, Jr., and Emma A. Goss. s/lb

AUGUST 28, 1984 PRAECIPE, filed by Kim C. Kesner, Atty.

Kindly enter the DECREE NISI as the Final Decree, no timely Post-Trial Motions having been filed. s/Kim C.Kesner, Attorney.

AUGUST 28, 1984 PRAECIPE, filed by Kim C. Kesner, Atty.

Kindly execute a deed from the above-named Defendants to the above-named Plaintiff in accordance with the Final Decree entered against Emma A. Goss on August 7, 1984, and the Decree Nisi entered against George Goss, Jr., on August 7, 1984 both Defendants having failed to comply with said Decree within the periord designated by the Decrees. s/Kim C. Kesner, Attorney.

AUGUST 31, 1984 PETITION FOR ENFORCEMENT OF DECREE IN ACCORDANCE WITH PA. R. CIV. P., RULE 1529, filed by Kim C. Kesner, Atty.

ORDER

AND NOW, this 31st day of August, 1984, upon consideration of Plaintiff's Petition for Enforcement of Decree under Pa R. Civ.P., Rule 1529, the Court having being satisfied that good and proper notice of the Court's Decrees have been given to both Defendants, and the Defendants having failed to comply with said Decrees, it is hereby ORDERED AND DECREED that the Prothonotary, Raymond Witherow, shall make, execute and deliver for Defendants to Plaintiff, Alvin Brink, a good and sufficient Deed, in fee simple, for the real property described in the Court's Decrees forthwith. BY THE COURT, s/John K. Reilly, Jr., President Judge.

SEPTEMBER 6, 1984 DEED EXECUTED BY PROTHONOTARY AND GIVEN TO SECRETARY BONNIE BUZZANCA FOR FILING IN RECORDER OF DEEDS OFFICE.

SEPTEMBER 10,1984 ,CERTIFIED LETTER TO GEORGE GOSS,JR. RETURNED UNCLAIMED.

SEPTEMBER 10,1984, CERTIFIED LETTER TO EMMA GOSS RETURNED UNCLAIMED.

EQUITY DOCKET #13

Kim C. Kesner

ALVIN BRINK

83-12-EQU

GEORGE GOSS, JR., and EMMA A. GOSS, his wife

Pro by Atty 40.00
Atty 3.00
Pro by atty 9.00
RRmail 1.55
RRmail 1.55

MAY 5, 1983, COMPLAINT IN EQUITY filed by Kim C. Kesner
Two copies certified to Attorney
MAY 16, 1983, AFFIDAVIT OF SERVICE filed by Kim C. Kesner
JUNE 15, 1983, ANSWER, filed by Joseph Colavecchi

JULY 14, 1983 PETITION TO WITHDRAW AS ATTORNEY FOR GEORGE GOSS, JR., filed by Joseph Colavecchi, Atty 3 copies cert Atty.
ORDER
AND NOW, this 14 day of July, 1983, upon consideration of the foregoing Petition filed on behalf of Joseph Colavecchi to withdraw as Counsel for George Goss, Jr., it is hereby ORDERED AND DECREED that a Rule is directed and issued to George Goss, Jr., to be served on him by ordinary mail at is last known address at 1124 Jackson Avenue, Bronx, New York, 10456 to show cause why Joseph Colavecchi should not be permitted to withdraw as Counsel for George Goss, Jr.
Rule returnable the 3rd day of August, 1983 at 9:00 a.m. By the Court, s/John K. Reilly, Jr., President Judge.

AUGUST 4, 1983, ORDER AUTHORIZING WITHDRAWAL OF ATTORNEY FOR DEFENDANTS, filed
2 Copies Cert. to Atty Joseph Colavecchi
AND NOW, this third day of August, 1983, a Petition having been presented to withdraw as attorney for George Goss, Jr., by Joseph Colavecchi, Esquire, the Rule having been made returnable for the third day of August, 1983 at 9:00 a.m., and no one appeared on behalf of George Goss, Jr. and/or Emma A. Goss, his wife.
IT is hereby ORDERED AND DECREED, that Joseph Colavecchi, Esquire, is authorized to withdraw as attorney for George Goss, Jr. and/or Emma A. Goss, his wife. BY THE COURT /s/ John K Reilly Jr., P.J.
OCTOBER 6, 1983, MOTION FOR SPECIAL ORDER FOR SERVICE BY PUBLICATION, filed by Kim C. Kesner
OCTOBER 6, 1983, ORDER, filed
AND NOW, this 6 day of October, 1983, upon consideration of Plaintiff's Motion for Special Order of Service by Publication upon Defendant Emma A. Goss, this Court being satisfied that sufficient basis for such exists, it is hereby ORDERED AND DECREED in accordance with Pa.R.Civ.P., Rule 1504(3) that Plaintiff shall serve Defendant Emma A. Goss by publication of the following notice once a week for three consecutive weeks in the Clearfield Progress:

ALVIN BRINK, Plaintiff :
vs : NO. 83-12-EQU
GEORGE GOSS, JR., and EMMA:
A. GOSS, his wife, : IN EQUITY
Defendants

TO: EMMA A. GOSS, Defendant

Take notice that on May 5, 1983, Alvin Brink, Plaintiff in the above-captioned action, filed a Complaint in Equity requesting that George Goss, Jr. and Emma A. Goss be commanded to convey to him those two parcels fo land situate in Jordan Township, Clearfield County, Pennsylania, bounded and described as follows:

Parcel #1:

Beginning at a point on the western side of Township Road leading from Fruit Hill to McCartney, which point is 743 feet in a Southeast direction from the center of Potts Run Creek; thence in a Southeast direction along the west side of said Township Road a distance of 371 feet to a point at lands of Kitko; thence in a Southwest direction along lands of Kitko to a point at other lands of Kitko; thence in a Northwest direction in a line parallel with aforementioned Township Road, a distance of 371 feet to a point; thence in a Northeast direction to the western side of aforementioned Township Road, the point and place of beginning.

Parcel #2:

Beginning at the center of Potts Run Creek at the western side of a bridge on Township Road over said creek; thence in a Southeast direction and along the western side of Township Road leading from Fruit Hill to the Village of McCartney, a distance of 743 feet to a point; thence in a Southwest direction and at a right angle to the above mentioned Township Road to line of lands of Kitko; thence in a Northwest directionin a line parallel with above mentioned Township Road, a distance of 743 feet to a point; thence in a Northeast direction to the center of Potts Run Creek at the western side of a bridge on Township Road over said creek, the point and place of beginning.

CONTINUED TO PAGE 236

CONTINUED FROM PAGE 235 ALVIN BRINK vs GEORGE GOSS, JR., & EMMA A. GOSS, WIFE (83-12-EQU)

The above captioned action is for the purpose of specifically enforcing an agreement for the sale of said parcels by the Defendants to Plaintiff. Should you, Emma A. Goss, fail to plead to Plaintiff's Complaint within twenty days from the last advertisement hereof on October , a judgment shall be entered against you by the Court. 1983.

NOTICE

You have been sued in Court. If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may prceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

RAYMOND WITHEROW, PROTHONOTARY
CLEARFIELD COUNTY COURT HOUSE
CLEARFIELD, PENNSYLVANIA 16830
Phone: (814) 765-9161

Kim C. Kesner, Esquire
SUGHRUE & KESNER
Attorneys for Plaintiff
23 North Second Street
Clearfield, Pa. 16830

BY THE COURT: /s/ John K. Reilly, Jr., President Judge. (1) copy cert. to Atty.

OCTOBER 13, 1983, PRAECIPE FOR REINSTATEMENT OF COMPLAINT, filed

Please reinstate the Complaint in this matter as to Defendant Emma A. Goss. The following facts appear of record:

1. The Defendant Emma A. Goss has not been previously served because her whereabouts have been unknown to the Plaintiff;

2. On October 6, 1983, the Honorable John K. Reilly, Jr., President Judge of the Court of Common Pleas of Clearfield County, entered a Special Order of Service by Publication upon Defendant Emma A. Goss authorizing service upon her by publication once a week for three consecutive weeks in the Clearfield Progress. s/Kim C. Kesner

OCTOBER 13, 1983, COMPLAINT REINSTATED THIS DAY AND DATE

OCTOBER 31, 1983, AFFIDAVIT OF SERVICE, filed by Kim C. Kesner

JANUARY 6, 1984, CERTIFICATION OF READINESS AND PRAECIPE FOR TRIAL filed by Kim C. Kesner

Plaintiff by his attorney, hereby certifies 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 Estimated Time: minimal to 1-1/2 days. s/Kim C. Kesner

FEBRUARY 16, 1984, MOTION filed by Kim C. Kesner

AND NOW, comes Kim C. Kesner, Attorney for Plaintiff and represents to your Honorable Court that the above-captioned matter is at issue and moves this Court to schedule the matter for non-jury trial on the merits, the matter having been certified ready for trial, time is estimated at minimal to one and one-half days. s/Kim C. Kesner

DECREE/ORDER

AND NOW, to-wit: this 15 day of February, 1984, upon consideration of the foregoing Motion, non-jury trial on the merits in the above-captioned matter is scheduled for the 29 day of June, 1984, in the main court room of the Clearfield County Court House, Clearfield, Pennsylvania, at 9:00 o'clock a.m. BY THE COURT: John K. Reilly, Jr., President Judge

One copy certified to Attorney

MARCH 13, 1984, AFFIDAVIT, filed by Kim C. Kesner

APRIL 25, 1984, AFFIDAVIT, filed by Kim C. Kesner, Esquire.

JUNE 29, 1984 PRAECIPE FOR DEFAULT JUDGMENT, filed by Kim C. Kesner, Atty.

Kindly enter judgment in favor of the above-named Plaintiff and against the Defendant, EMMA A. GOSS, for failure to file an Answer in the above-captioned action within twenty (20) days from the date of service of the Complaint, service being made by publication, as will appear of record, in accordance with the Rule 1511 (a) of the Pennsylvania Rules of Civil Procedure. s/Kim C. Kesner, Atty for Plff.

Judgment is entered in favor of the Plaintiff and against the Defendant EMMA A. GOSS, for failure to file an Answer in the above-captioned action.

DEFAULT JUDGMENT IN EQUITY

Raymond Witherow
Prothonotary

CONTINUED PAGE 238

John R. Carfley	ALAN ALBERT		
	83-13-EQU		
Joseph Colavecchi	CLARENCE ALBERT		
	Pro by Atty		40.00
	Atty		3.00
	Shff by Atty		17.15

MAY 6, 1983, PETITION FOR INJUNCTION RELIEF filed by John R. Carfley

MAY 6, 1983, MOTION FOR PRELIMINARY INJUNCTION WITHOUT HEARING filed by John R. Carfley

ORDER OF COURT

AND NOW this 6 day of May, 1983, the Petitioner having filed an affidavit that immediate and irreparable loss and damage will result to him before this 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 without security, and that the said Respondent be enjoined and restrained from further interference with the management of the partnership of C. & A. Albert Excavating and the corporation of Albert Contracting, Inc. and that he be further enjoined from any active involvement with the accounts of said entities presently located at the County National Bank of Clearfield, Philipsburg Branch, and/or any further interference with the management of the said entities until such time as hearing may be held hereon.

THE COURT SETS MAY 10, 1983, at 9:00 o'clock a.m. in the Clearfield County Courthouse, Clearfield, Pennsylvania, as the scheduled time and place of hearing on petitioner's motion to continue the injunction.

BY THE COURT, John K. Reilly, Jr., P.J.

Two copies certified to Attorney

MAY 10, 1983, MOTION TO DISSOLVE PRELIMINARY INJUNCTION filed by Joseph Colavecchi

MAY 10, 1983, STIPULATION AND ORDER filed by Joseph Colavecchi

Four copies certified to Attorney

ORDER OF COURT

AND NOW, this tenth day of May, 1983, upon agreement and stipulation of Counsel for both parties, said stipulation being attached to this Order, it is hereby ORDERED and DECREED that effective immediately, the Twenty-six Thousand ($26,000) Dollars presently held by Clarence Albert shall be placed into a savings account in the name of John R. Carfley, Esquire and Joseph Colavecchi, Esquire and to be considered an asset of C & A Albert Excavating Company, the ownership of which will be resolved as part of a dissolution proceeding, and it is further directed that for all future business conducted by Alan Albert and Clarence Albert, trading and doing business as C & A Albert Excavating Company, no checks shall be drawn on any accounts held by them without the signatures of both Alan Albert and Clarence Albert appearing on all checks drawn on any account.

This Order is effective immediately. BY THE COURT, John K. Reilly, Jr., PRESIDENT JUDGE

JUNE 10, 1983, SHERIFF'S RETURN filed.

Now May 9, 1983 served within Order of Court, Petition for Injunction Relief on Clarence Albert. So answers, Chester A. Hawkins by Marilyn Wood

JANUARY 12, 1984, ORDER filed

AND NOW, this 10th day of January, 1984, it being the day and date set for Hearing in the above-captioned action in Equity upon agreement of the Parties, it is the ORDER of this Court that Plaintiffs shall have the right to select either of two alternatives in order to conclude the matter. The first alternative shall be to accept payment from the Defendants the sum of Twenty-Five Hundred ($2,500.00) Dollars and upon successful transfer of the mining permit in the name of the Plaintiffs to the Defendants or their designee an additional Twenty-Five Hundred ($2,500.00) Dollars. Should the permit fail to be so transferred for any reason other than the fault of the Defendants the payment of this second Twenty-Five Hundred ($2,500.00) Dollars shall be cancelled.

The second option shall be the right of the Plaintiffs to purchase the subject premises from the Defendants for the sum of Eighty Thousand ($80,000.00) Dollars. The Plaintiffs shall notify this Court in writing on or before January 31, 1984 at 4:00 o'clock p.m. as to the alternative method of settlement selected by said Plaintiffs. Failure to so notify within said specified period of time shall result in a dismissal of the motion with no further rights in the Plaintiffs. Any costs of transferring of said permit shall be borne by the Defendants.

Should the Plaintiffs select the option of purchasing the premises as set forth above they shall have Ten (10) business days from the date of notification of such selection within which to complete the purchase. Should they select the alternative method of settlement that is the payment of the Twenty-Five Hundred ($2,500.00) Dollars and other considerations Defendants shall have Ten (10) business days from the date of notification within which to make said payments.

In the event that Plaintiffs elect to purchase the premises the transfer taxes shall be divided equally between the Parties and Defendants shall supply at their expense a special warranty deed. Real estate taxes to be prorated as of the day of closing and title to the property to be transferred free and clear of any lien or encumbrance upon the title. BY THE COURT John K. Reilly, Jr. President Judge

CONTINUED FROM PAGE 236 ALVIN BRINK vs GEORGE GOSS, JR. & EMMA GOSS,wife 83-12-EQU

AUGUST 7, 1984, FINAL DECREE,filed.

A Judgment of Default habing been entered against Defendant, Emma A. Goss by the Prothonotary on June 29, 1984, and in accordance with Pa.R.Civ.P., Rule 1511(b) it is hereby finally ORDERED AND DECREED that the Defendant, Emma A. Goss, shall specifically perform her Agreements of Sale with Plaintiff for the following-described real property:

Parcel # 1:

All that certain piece or parcel of land situate in the Township of Jordan, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the western side of Township Road leading from Fruit Hill to McCartney, which point is 743 feet in a Southeast direction from the center of Potts Run Creek; thence in a southeast direction along the west side of said Township Road a distance of 371 feet to a point a lands of Kitko; thence in a Southwes t direction along lands of Kitko to a point at other of Kitko; thence in a Northwest direction in a line parallel with afore-mentioned Township Road, a distance of 371 feet to a point; thence in a Northeast direction to the western side of aforementioned Township Road, the point and place of beginning.

AND BEING a part of those premises that were conveyed to George Goss,Jr., and Emma A. Goss, his wife by deed dated May 22,1972, and recorded amongst the recors in and for Clearfield County in Deed Book 601,Page 281.

Parcel # 2:

All that certain piece or parcel of land situate in the Township of Jordan, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at the center ofPotts Run Creek at the western side of a bridge on Township Road over asid creek; thence in a southeast direction and along the western side of Township Road leading from Fruit Hill to the Village of McCartney, a distance of 743 feet to a point; thence in a Southwest direction and at a ritht angle to the above mentioned Township Road to line of lands of Kitko; thence in a North west direction ina line parallel with above mentioned Township Road, a distance of 743 feet to a point; thence in a Northeast direction to the center of Potts Run Creed at the western side of a bridge on Township Road over said creek, the point and place of beginning.

AND BEING apart of those premises that were conveyed to George Goss,Jr., and Emma Goss, his wife, by deed dated May 22,1972. and recorded amongst the records in and for Clearfield County in Deed Book 601 page 281.

This Court further ORDERS AND DECREES that the Defendant, Emma Goss, shall make, execute and delivet to the Plaintiff within ten (10) days from the date of this Final Decree a good and sufficient deed, in fee simple, for said real property, according to the true intent and meaning of her agreements with Plaintiff, Upon the Defendant Emma A. Goss's failure to completely comply with this Decree within the period designated, and upon praecipe of the Plaintiff signifyijg such, the Prothonotary of the Court of Common Pleas of Clearfield County is hereby empowered and ORDERED to make, execute and delivet to Plaintiff a good and sufficient deed, in fer simple, for the above-described real property separately or in conjunction with the conveyance of George Goss, Jr., interst to Alvin Brink to carry out this Decree. The Prothonotary shall notify the Defendant, Emma A. Goss, of the date of filing of this Court'sAdjudication in accordance with Pa.R. Civ.P., Rule 1517(b) by mailing such to her by certified and regular mail at her last known address of 1124 Jackson Avenue, Bronx, New York,10456. Said mailing shall include a copy of the Adjudication and this Decree. BY THE COURT/s/ John K. Reilly,Jr., P.J. One copy certified and mailed to Defendant cert rr # 562 795 511.

AUGUST 7, 1984,ADJUDICATION, filed by Kim Kesner,Atty.

AUGUST 7, 1984, DECREE NISI, filed.

AND NOW, this 7th day of August,1984, this Court being satisfied that the facts of this case are sufficient in equity to grant Plaintiff's claims, it is hereby ORDERED AND DECREED that Defendant, George Goss,Jr., shall specifically perform his Agreement of Sale with Plaintiff for the following real property:

PARCEL # 1:

All that certain piece or parcel of land situate in the Town ship of Jordan, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the western side of Township Road leading from Fruit Hill to McCartney, which point is 743 feet in a Southeast direction from the center ofPotts Run Creek; thence in a South east direction along the west side of said Township Road a distance of 371 feet to a point at lands of Kitko; thence in a South west direction along lands of kitko to a point at other landsof Kitko; thence in a northwest direction in a line parallel

CONTINUED 234

EQUITY DOCKET #13

John W. Burge	THOMAS E. SUTTON and ANDREW POLLOCK T/A ASHCROFT COAL CO.	MAY 26, 1983, COMPLAINT IN EQUITY filed by John W. Burge Two copies certified to Sheriff One copy certified to Attorney Please enter my appearance as Attorney for the Plaintiffs in the matter above captioned. s/John W. Burge JUNE 17, 1983, PRAECIPE FOR APPEARANCE filed. Enter my appearance for Donald R. Winters Sr. s/John Sughrue JUNE 20, 1983, SHERIFF'S RETURN filed. Now May 27, 1983 served within Complaint in Equity on Donald R. Winters. Now June 15, 1983 served within Complaint in Equity on Kathy Winters, Daughter of Jean I. Winters. So answers, Chester A. Hawkins by Marilyn Wood JUNE 22, 1983, ANSWER AND NEW MATTER filed by John Sughrue JULY 15, 1983, ANSWER, filed by Baird, Miller & Test JULY 26, 1983, PLAINTIFFS ANSWER TO NEW MATTER OF DEFENDANT JEAN I. WINTERS, filed by John W. Burge One copy Certified to Attorney. JULY 28, 1983, PRAECIPE, filed. Please place the foregoing case on the next available Equity Trial List. /s/ John W. Burge JULY 1, 1983 PLAINTIFFS ANSWER TO NEW MATTER OF DEFENDANT DONALD R. WINTERS, filed by John W. Burge, Atty for Plff. JANUARY 12, 1984, ORDER filed. NOW, this 10th day of January, 1984, this being the day and date set for Hearing in the above-captioned action In Equity, upon agreement of the Parties, it is the ORDER of this Court that Plaintiffs shall have the right to select either of two alternatives in order to conclude the matter. The first alternative shall be to accept payment from the Defendants, the sum of Twenty-Five Hundred ($2,500.00) Dollars, and upon successful transfer of the mining permit in the name of the Plaintiffs to the Defendants or their designee an additional Twenty-Five Hundred ($2,500.00) Dollars. Should the permit fail to be so transferred for any reason other than the fault of the Defendants, the payment of this second Twenty-Five Hundred ($2,500.00) Dollars shall be cancelled. The second option shall be the right of the Plaintiffs to purchase the subject premises from the Defendants for the sum of Eighty Thousand ($80,000.00) Dollars. The Plaintiffs shall notify this Court in writing on or before January 31, 1984, at 4:00 o'clock p.m. as to the alternative method of settlement selected by said Plaintiffs. Failure to so notify within said specified period of time shall result in a dismissal of the action with no further rights in the Plaintiffs. Any costs of transferring of said permit shall be borne by the Defendants. Should the Plaintiffs select the option of purchasing the permises as set forth above they shall have Ten (10) business days from the date of notification of such selection within which to complete the purchase. Should they select the alternative method of settlement, that is, the payment of the Twenty-Five Hundred ($2,500.00) Dollars and other considerations, Defendants shall have Ten (10) Business days from the date of notification within which to make said payments. In the event that Plaintiffs elect to purchase the premises, the transfer taxes shall be divided equally between the Parties, and Defendants shall supply at their expense a special warranty deed. Real estate taxes to be prorated as of the day of closing, and title to the property to be transferred free and clear of any lien or encumberance upon the title. BY THE COURT, John K. Reilly, Jr., President Judge
	83-14-EQU	
John Sughrue George S. Test, Jr.	DONALD R. WINTERS JEAN I. WINTERS	
	Pro by Atty 40.00 Atty 3.00 Shff by Atty 40.35	

EQUITY #13 1983

William U. Smith	E.M. BROWN, INC. EARL M. BROWN & HELEN BROWN		
	83-15-EQU		
Joseph Colavecchi	K & J COAL COMPANY, INC.		
	Pro by Atty		15.00
	Atty		3.00
	Shff by Victory Energy Co.		30.35
W.S.	Pro by Atty		25.00

JUNE 6, 1983, SUMMONS IN EQUITY, filed by William U. Smith.

JUNE 6, 1983, SUMMONS IN EQUITY ISSUED TO SHERIFF FOR SERVICE.

JUNE 20, 1983, PRAECIPE FOR APPEARANCE filed.
Please enter my appearance on behalf of K & J Coal Company, Inc., Defendant in the above-captioned case. s/Joseph Colavecchi

JUNE 22, 1983, SHERIFF'S RETURN filed.
Now June 14, 1983 served within Summons in Equity on Donna Hinch, Secretary for Defendant. So answers, Chester A. Hawkins by Marilyn Wood

OCTOBER 28, 1983, COMPLAINT IN PARTITION, filed by William U. Smith
1 Copy Cert. to Atty

NOVEMBER 23, 1983, CERTIFICATE OF SERVICE, filed by Peter F. Smith
I, Peter F. Smith, member of Smith, Smith, & Smith, counsel for Plaintiffs in the above captioned matter, certify that on October 28, 1983, we served a true and correct copy of the Complaint filed in this action, certified by the Prothonotary of Clearfield County, by First Class mail, postage prepaid, on counsel of record for the Defendant as follows: Joseph Colavecchi, Esq., 2 East Market Street Clearfield, PA 16830 /s/ Peter F. Smith

EQUITY #13 1983

Allan E. MacLeod	LEROY THOMPSON	JUNE 6, 1983, COMPLAINT IN EQUITY, filed by Allan E. MacLeod Two copies Certified to Attorney. JUNE 27, 1983, PRELIMINARY OBJECTIONS, filed by Winifred H. Jones-Wenger JUNE 27, 1983, CERTIFICATE OF SERVICE, filed by Winifred H. Jones-Wenger.
	83-16-EQU	APRIL 11, 1984, MEMORANDUM AND DECREE filed. NOW, April 10, 1984, upon consideration of defendants' motions for protective orders in the above-captioned assumpsit actions, and after hearing thereon, it is ORDERED and DECREED that the same be and are hereby denied, and upon consideration of respondent's preliminary objections to the complaint in the above-captioned action in equity, and after hearing thereon, it is ORDERED and DECREED that the same be and are hereby sustained but that the complaint shall be allowed to stand with regard to petitioner's claim under the Right to Know Law, Act 1957, June 21, P.L. 390, as amended, 65 P.S. S66.1 et seq., in accordance with the attached Memorandum. BY THE COURT: /s/John A. Cherry, Sr. Judge.
Winifred H. Jones-Wenger	WEST BRANCH AREA SCHOOL DISTRICT	MAY 10, 1984, NOTICE OF APPEAL & CERTIFICATE OF SERVICE, filed by Allen E. MacLeod, Esquire MAY 30, 1984, COMMONWEALTH COURT NO.84-1513-CD filed AUGUST 1, 1984 MEMORANDUM OF LAW, filed by Winifred H. Jones-Wenger, Atty for Deft. AUGUST 1, 1984 BRIEF FOR PETITIONER, filed by Allan E. MacLoed, Atty for Plff. AUGUST, 2, 1984, ALL PAPERS SENT TO COMMONWEALTH COURT OF PENNSYLVANIA BY CERT. R.R. AUGUST 13, 1984, RECEIPT FOR CERTIFIED MAIL, filed AUGUST 17,1984, LETTER FROM DEPUTY PROTHONOTARY OF THE SUPREME COURT OF PENNSYLVANIA,INFORMING OF SENDING RECORES TO COMMONWEALTH COURT,filed. MAY 2,1986, ORDER,filed. NOW, February 26,1986, the order of the Court of CXommon Pleas Clearfield County,Docket Nos. 83-762, 83-763 abd 83-16 dated April 10,1984, is hereby affirmed. /s/ Joseph T. Doyle,Judge.
Pro by Atty 40.00 Atty 3.00 Pro by Deft. 30.00		

Dwight L. Koerber, Jr. $50.00 Bond Clfd Trust 6/21/83	PHYLLIS McGONIGAL 83-17-EQU ROBERT E. McGONIGAL Pro by Atty 40.00 Atty 3.00		JUNE 21, 1983, COMPLAINT FOR INJUNCTION filed by Dwight L. Koerber, Jr. ORDER AND NOW, this 21 day of June, 1983, in consideration of the foregoing Complaint for injunctive relief and the supporting Affidavit, it is the ORDER and DECREE of this Court that a preliminary injunction shall be issued against Defendant Robert E. McGonigal, directing that he honor and comply with the terms of the May 4, 1983 Separation Agreement between the parties, and that he cease and desist and abstain and refrain from engaging in any actions which harass and upset the Plaintiff, Phyllis McGonigal. IT IS THE FURTHER ORDER of this Court that the Plaintiff shall post a bond in the amount of $50.00, with the Prothonotary of Clearfield County, PA, in order to cover any allowable damages which the Defendant may have sustained if it is established that this preliminary injunction was granted improperly. IT IS THE FURTHER ORDER of this Court that a copy of this Order shall be served forthwith by the Sheriff of Clearfield County, PA, upon the Defendant. A hearing on this matter shall be held in the Clearfield County Courthouse on the 6th day of July, 1983, at 9:00 o'clock A.M. to determine whether this injunction shall be continued. Pending a final hearing on the merits of this permanent injunction, the preliminary injunction shall remain in effect. BY THE COURT: John K. Reilly, Jr., President Judge Three copies certified to Attorney NOVEMBER 4, 1983, ACCEPTANCE OF SERVICE, filed by John A. Sobel IV

EQUITY DOCKET 13

John Sughrue	TARGET SPORTSWEAR, INC.		
	83-18-EQU		
Carl A. Belin, Jr.	THE CLEARFIELD FOUNDATION		
	Pro	by Atty.	15.00
	Atty.		3.00
	Shff	by Atty	11.75
	Pro	by atty	25.00
	Pro		2.00
	Pro	byC.Soult	30.00
	Proc. Fees		72.50
	Postage		3.89
	Pro	by Atty-JS	30.00

JUNE 24, 1983, PRAECIPE FOR WRIT OF SUMMONS IN EQUITY, filed by John Sughrue, Esquire

Kiindly issue a Writ of Summons in Equity in the above-captioned case directed to the Clearfield Foundation. Certify said Summons to the Sheriff of Clearfield County and direct the Foundation to be served at its office in the Chamber of Commerce Building, South Second Street, Clearfield Borough, Pennsylvania. This action involves real estate described as follows:

Being a parcel of real property situate in Lawrence Township, Clearfield County, Pennsylvania, titled in the name of the Defendant and being a part of the property vested in the Defendant by Deed of Thorns, Inc., dated November 27, 1954, and recorded in Clearfield County, Pennsylvania in Deed Book Volume 439, Page 463, and further, being the property outlined in red on the survey by Les W. Curry dated September 23, 1982, which is attached hereto and incorporated herein by reference.

One (1) copy Certified to Attorney.

JUNE 24, 1983, WRIT OF SUMMONS IN EQUITY ISSUED TO SHERIFF FOR SERVICE.

JUNE 27, 1983, PRAECIPE FOR ENTRY OF APPEARANCE, filed by Carl A. Belin, Jr., Esquire

Please enter oru appearance on behalf of the Defenrlant The Clearfield Foundation, in the above captioned case.

JUNE 27, 1983, PRAECIPE, filed by Carl A. Belin, Jr. Esquire.

Please issue a Rule upon the Plaintiff, Target Sportswear, Inc., to file a Complaint within twenty (20) days after service of the Rule or to suffer a judgment in non pros.

JUNE 27, 1983, 12:00 o'clock P.M., RULE GIVEN TO ATTORNEY CARL A. BELIN, JR., ESQUIRE FOR SERVICE, /s/ L. Billotte

JUNE 27, 1983, AFFIDAVIT OF SERVICE, filed

I, THERESA SKEBO, being duly sworn according to law, depose and say that I served the original Rule to file a Complaint issued by the Prothonotary this 27th day of June, 1983, by delivering the same in person to the offices of John Sughrue, Esquire, Sughrue & Kesner, 23 North Second sTreet, Clearfield, Pennsylvania, Attorney for the Plaitniff in teh above-captioned action, on June 27, 1983. /s/ Theresa Skebo, Secretary for Mr. Carl A. Belin, Jr., Esquire.

JUNE 30, 1983, SHERIFF'S RETURN filed.

Now June 24, 1983 served within Summons in Equity on Garrol G. Mace, Officer Manager for Defendant. So answers, Chester A. Hawkins by Marilyn Wood

JULY 18, 1983 COMPLAINT, filed by John Sughrue, Atty for Plff. No. copies.

AUGUST 5, 1983, ANSWER TO COMPLAINT AND NEW MATTER /s/ Carl A. Belin, Jr.

AUGUST 29, 1983, PLAINTIFF'S PRELIMINARY OBJECTIONS TO NEW MATTER, filed by John Sughrue

AUGUST 29, 1983, REPLY, filed by John Sughrue

SEPTEMBER 8, 1983, ORDER, filed

NOW, this 6th day of September, 1983, upon consideration of Defendant's motion to accelerate case for trial and over objections for Plaintiff, it is the ORDER of this Court that hearing in the above-captioned matter is scheduled for Friday, September 30, 1983, at 9:00 a.m., hearing to proceed into Saturday, October 1, 1983, if Neeessary.

It is the further ORDER of this Court that Plaintiff's preliminary objections shall be argued on Friday, September 9, 1983, at 3:30 p.m. By the Court, /s/ John K. Reilly, Jr., President Judge

SEPTEMBER 6, 1983, MOTION TO ACCELERATE CASE FOR TRIAL filed by Carl A. Belin, Jr.
CERTIFICATE OF SERVICE

SEPTEMBER 14, 1983, FIRST AMENDMENT TO PLAINTIFF'S REPLY filed by John Sughrue

SEPTEMBER 16, 1983, SUBPOENA TO DON HANEY filed.

SEPTEMBER 21, 1983, ORDER, filed

NOW, this 21st day of September, 1983, following argument, it is the ORDER of this Court that Preliminary Objections filed on behalf of Plaintiff above-named be and are hereby dismissed, with the provision that Plaintiff may raise the issues again at trial if they then become relevant. By the Court, /s/ John K. Reilly, Jr., President Judge

SEPTEMBER 28, 1983, PLAINTIFF'S ANSWER TO MOTION TO ACCELERATE CASE FOR TRIAL, filed by John Sughrue

SEPTEMBER 28, 1983, PLAINTIFF'S MOTION FOR CONTINUANCE OF TRIAL OR BIFURCATION OF ISSUES, filed by John Sughrue

SEPTEMBER 28, 1983, ORDER OF COURT, filed

NOW, September 26, 1983, in consideration of plaintiff's Motion For Continuance of Trial or Bifurcation of Issues, pursuant to stipulation of conusel at pretrial hearing this date, IT IS ORDERED AND DECREED that the Issues are bifurcated and trial shall commence at 9:00 a.m., Friday, September 30, 1983, on the issue of specific performance as set forth in FIRST COUNT of plaintiff's Complaint. BY THE COURT: /s/ Paul B. Greiner, President Judge , 59th Judicial District, Specially Presiding.

CONTINUED TO PAGE 248

CONTINUED FROM PAGE 247 NO. 83-18-EQU TARGET SPORTSWEAR, INC. -vs- THE CLFD. FOUNDATON

SEPTEMBER 29, 1983, PLAINTIFF'S SUPPLEMENTAL REPLY, filed by John Sughrue

OCTOBER 17, 1983, MEMORANDUM OPINION AND ORDER OF COURT, filed

NOW, October 14, 1983, in consideration of the pleadings, testimony received at hearings September 30 and October 1, 1983, on the issue of specific performance as set forth in FIRST COUNT of plaintiff's Complaint, written briefs and oral arguments of counsell, the Court having reserved its decision on defendant's Motion For Nonsuit entered at the close of plaintiff's case, we now find that the Statute Of Frauds is applicable and plaintiff has failed to prove a contract entitled to specific performance as set forth in the FIRST COUNT of its Complaint, AND IT IS ORDERED AND DECREED that defendant's Motion For Nonsuit is granted and the specific performance prayed for by plaintiff is denied. BY THE COURT: /s/ Paul B. Greiner President Judge, 59th Judicial District, Specially Presiding

OCTOBER 27, 1983, PLAINTIFF'S EXCEPTIONS TO MEMORANDUM OPINION AND ORDER OF COURT FILED OCTOBER 17, 1983, filed by John Sughrue

OCTOBER 27, 1983, MOTION TO TAKE OFF NONSUIT, filed by John Sughrue

NOVEMBER 14, 1983, OPINION AND ORDER OF COURT, filed.

NONSUIT

For disposition is plaintiff's Motion to Take Off Nonsuit and Exceptions to Memorandum Opinion and Order of Court dated October 14, 1983 (filed October 17, 1983) by which we denied plaintiff's FIRST COUNT for specific performance noting that the Statute Of Frauds was applicable. Oral arguments on the motion and exceptions were heard November 3, 1983. Again reviewing all of the relative evidence, viewed in the light most favorable to plaintiff, together with all favorable inferences which may be reasonably drawn therefrom, and with any conflicts in the evidence resolved in its favor, it does not demonstrate plaintiff's right to specific performance.

The alleged contract arose out of two letters: (1) letter of defendant dated November 8, 1982, as modified by plaintiff pursuant to its "acceptance" December 7, 1982 (P-5); and (2) a cover letter of plaintiff dated December 6, 1982, enclosing the November 8, 1982, letter of defendant as "accepted" by plaintiff (P-6). Following the transmission of the above letters by plaintiff on December 7, 1982, no further written communicatiolns occurred between the parties concerning the proposal contained in the November 8, 1982, letter. In addition, a review of the December 9, 1982, minutes of defendant indicates no action was taken at the meeting other than to report that the letters had been received from plaintiff.

Defendant raised the defense of Statute of Frauds in its Answer and New Matter on two bases: (1) the letters constituted a counter-offer by plaintiff which was never accepted by defendant in writing; and (2) in any event, the letters were incomplete and did not constitute a contract but merely an agreement to agree in the future. In this position we concur.

The Statute of Frauds applies to all contracts for the sale of realty and to be enforceable a memorandum of the contract must be in writing and signed by the party to be charged (here the defendant). Act of 1772, March 21, 1 Sm.L. 389, Section 1, 33 P.S. 1. Brown v. Hahn, 419 Pa. 42, 213 A.2d 342 (1965). As stated in Haskell v. Heathcote, 363 Pa. 184, 69 A.2d 71, at 73 (1949):

> "Our law is very explicit as to the requirements which must be met to take an oral contract for the sale of real estate out of the statute. While a refusal to perform may entitle the vendee to recover in damages, it is well settled that the statute prevents the entry of a decree of specific performance against the vendor under the oral contract, if he elects to invoke it, unless it appears that continuous and exclusive possession was taken under the contracts and improvements were made by the vendee not readily to be compensated in money, or other equitable considerations make it impossible to do justice save by specific performance." (Emphasis added.)

Plaintiff took possession under an oral month-to-month lease at a time when a third party had an enforceable option to purchase the same premises, and it is therefore clear that plaintiff was not in continuous and exclusive possession under the alleged contract, and therefore the exception as to an oral contract is inapplicable. Plaintiff must prove a written memorandum signed by defendant to be granted specific performance.

The requirements for the written memorandum are set forth in Fleming v. Strayer, 163 Pa. Super. 607, 63 A.2d 122, 124 (1949) as:

" The general requisites of a memorandum are listed in Restatement, Contract, § 207, and the rule governing the sufficiency of separate writings to constitute a memorandum is set forth in §208:

> "The memorandum may consist of several writings.
>
> "(a) if each writing is signed by the party to be charged and the writings indicate that they relate to the same transaction, or
>
> "(b) though one writing only is signed if
>
> "(i) the signed writing is physically annexed to the other writing by the party to be charged, or
>
> (ii) the signed writing refers to the unsigned writing. or
>
> "(iii) it appears from examination of all the writings that the signed writing was signed with reference to the unsigned writings." (Emphasis added.)

As the cover letter was attached by plaintiff and no other letters or writings were referred to in the November 8 letter signed by the defendant, the November 8 letter of the defendant would constitute the only memorandum within the definition of the Fleming case, supra.

It is clear that no modification of the memorandum may be supplied by parol:

> " In Save Deposit & Trust Co. v. Diamond Coal & Coke Co., 234 Pa. 100, 83 A.2d 54, 58 L.R.A. 1917A, 596, this court, in an opinion by Justice Mestrezat, said: "It is the doctrine of this court, declared in numerous cases, that, where a written agreement is varied by oral testimony, the whole contract in legal contemplation becomes parol. If there is anything settled in our law that principle is firmly established. When, therefore, a party to an executory agreement in writing for the sale of lands succeeds in reforming it by oral testimony, he reduces the whole agreement to a parol contract,

CONTINUED TO PAGE 212

Kriner and Koerber	JAMES I. COWFER, SR.		JULY 22, 1983, COMPLAINT IN EQUITY, filed by William C. Kriner. Three copies Certified to Attorney AUGUST 15, 1983, SHERIFF'S RETURN, filed Now July 27, 1983 at 1:45 PM DST served the within Complaint in Equity on Janet Ann Jones, defendant at her place of residence, Ramey Highway, Houtzdale, Clearfield County, Pennsylvania by handing to Janet Ann Jones a true and attested copy of the original Complaint and made known to her the contents thereof. Now July 27, 1983 at 1:45 PM DST served the within Complaint in Equity on Stephen P. and Deborah J. Liadis, defendants at their place of residence, Ramey Highway, Houtzdale, Clearfield County, Penna by handing to Stephen P. and Deborah J. Liadis a true and attested copy of the original Complaint and made known to them the contents thereof. So answers, Chester A. Hawkins, Sheriff by Marilyn Wood.
	83-19-EQU		AUGUST 19, 1983, AFFIDAVIT OF SERVICE BY CERTIFIED MAIL, filed by William C. Kriner
	JANET ANN JONES, an individual, GEORGE J. ST. PIERRE and FLORENCE C. ST. PIERRE, husband and wife; and STEPHEN P. LIADIS and DEBORAH J. LIADIS, husband and wife		SEPTEMBER 6, 1983, PRELIMINARY OBJECTIONS filed by Ira P. Smades SEPTEMBER 6, 1983, PRAECIPE filed. Please enter my appearance on behalf of the Defendants Stephen P. Liadis and Deborah J. Liadis, in the above captioned matter. s/Ronald E. Archer One copy certified to Attorney SEPTEMBER 6, 1983, PRELIMINARY OBJECTIONS filed by Ronald E. Archer One copy certified to Attorney JANUARY 20, 1984, ORDER filed. NOW, this 19th day of January, 1984, following argument into Preliminary Objections filed on behalf of the Defendants above-named, the Court being satisfied that an adequate remedy at law exists, it is the ORDER of this Court that said objections be and are hereby sustained, Plaintiff's Complaint in Equity dismissed, and Plaintiff directed to proceed to file an action in Assumpsit. BY THE COURT, John K. Reilly, Jr., President Judge
Ronald E. Archer			JANAURY 27, 1984, ORDER, filed. NOW, this 27th day of Janaury, 1984, it is the ORDER of this Court that the Order of Court dated January 19, 1984, in the above-captioned matter be and is hereby amended it is the ORDER of this Court that Plaintiff's Complaint in Equity be and is hereby certified to the law side of the Court for further proceedings. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.
			JANAURY 27, 1984, ALL PAPERS TRANSFERRED TO 84-123-CD .
Pro	by Atty	40.00	
Shff.	by Atty.	19.75	

EQUITY #13

R. Denning Gearhart

BETTY CASSICK, Atty in fact for William Corrigan

83-20-EQU

Joseph Colavecchi

JOHN J. DUNLAP and JEANE DUNLAP

JULY 25, 1983, ACTION TO SET ASIDE DEED--EQUITY, filed by R. Denning Gearhart.
One copy Certified to Attorney.

AUGUST 5, 1983, PRAECIPE FOR APPEARANCE, filed by Joseph Colavecchi
Please enter my appearance on behalf of John J. Dunlap and Jeane Dunlap, Defendants in the above-captioned action. /s/ Joseph Colavecchi

AUGUST 5, 1983, PRELIMINARY OBJECTIONS, filed by Joseph Colavecchi

OCTOBER 24, 1983, ORDER, filed
NOW, this 24th day of October, 1983, following argument into Defendants' Preliminary Objections, it is the ORDER of this Court that Plaintiffs amed their Complaint within twenty (20) days from date hereof to set forth a cause of actinn and to serve upon Defendants certified copies of documents alleged therein. By the Court, /s/ John K. Reilly, Jr., President Judge.

DECEMBER 6, 1983, PETITION FOR JUDGMENT OF NON PROS filed by Joseph Colavecchi

RULE
AND NOW, this 5 day of December, 1983, upon consideration of the foregoing Petition for judgment of non pros, a Rule is issued and directed to R. Denning Gearhart, attorney for Plaintiffs in the above-captioned action, to show cause why a judgment of non pros should not be entered against Plaintiffs for failure to file an amended Complaint as required in the Order of Court dated October 24, 1983.
Rule returnable the 29 day of December, 1983 at 2:30 p.m. at the Clearfield County Courthouse. BY THE COURT, John K. Reilly, Jr., President Judge
Four copies certified to Attorney

DECEMBER 29, 1983, ORDER FOR NON PROS filed.
AND NOW this 29th day of December, 1983, a Petition having been filed requesting a judgment of non pros due to the failure of the Plaintiff to file an amended Complaint as required in an Order from this Court dated October 24, 1983, and of this 29th day of December, 1983, no amended Complaint having been filed, and notice having been given to the Plaintiff, it is hereby ORDERED AND DECREED that an immediate judgment of non pros shall be entered against the Plaintiff and in favor of the Defendants, John J. Dunlap and Jeane Dunlap, said non pros to be issued with prejudice. BY THE COURT: John K. Reilly, Jr., PRESIDENT JUDGE

Judgment is entered in favor of the Defendants and against the Plaintiff for failure to file an Amended Complaint as per Order of October 24, 1983.

JUDGMENT OF NON PROS

Raymond Witherow

Prothonotary

Pro	by Atty	40.00
Atty		3.00
Pro	by atty	9.00

EQUITY #13 1983

James A. Naddeo	SIDNEY LEE MAPES, JOSEPH MICHAEL CASTAGNOLO and PAUL A. DIETZEL, Co-Partners trading and doing business as SID'S SUPER SUBMARINES , 83-21-EQU	AUGUST 1, 1983, COMPLAINT IN EQUITY, filed by Belin, Belin and Naddeo. Two copies Certified to Attorney. AUGUST 18, 1983, PRAECIPE, filed Please enter my appearance in the above-captioned action on behalf of the Defendants. s/ Allen C. Welch, Esquire Attorney for Defendants. AUGUST 31, 1983, SHERIFF'S RETURN, filed Now August 2, 1983 John Dinger, Sheriff of Jefferson County was Deputized by Chester A. Hawkins, Sheriff of Clearfield County to serve the within Complaint in Equity on Aromond Wazelle, defendant (2 copies). Now August 16, 1983 served the within Complaint in Equity on Armond Wazelle, defendant by deputizing the
Allen C. Welch	RIVERVIEW ENTERPRISES, INC and ARMOND WAZELLE	Sheriff of Jefferson County. The return of Sheriff Dinge is hereto attached and made a part of this return. So answers, Chester A. Hawkins, Sheriff, by Marilyn Wood. SEPTEMBER 8, 1983, DEFENDANT'S ANSWER TO COMPLAINT, NEW MATTER AND COUNTER CLAIM, filed by Allen C. Welch 1 copy cert. to Atty. SEPTEMBER 21, 1983, ANSWER TO NEW MATTER, filed by James A. Naddeo 1 cert. copy to Atty. SEPTEMBER 28, 1983, AFFIDAVIT OF SERVICE, filed by Allen C. Welch NOVEMBER 2, 1983, NOTICE OF TAKING DEPOSITION TO ALLEN C. WELCH, ESQ. filed by James A. Naddeo (1) copy cert. to Atty. NOVEMBER 2, 1983, NOTICE OF TAKING DEPOSITION TO MR. THOMAS FITZSIMMONS, filed by James A. Naddeo (2) copies cert. to Atty. DECEMBER 21, 1983, NOTICE OF TAKING DEPOSITION OF ARMOND WAZELLE filed by James A. Naddeo One copy certified to Attorney JANUARY 4, 1984, MOTION FOR SANCTIONS filed by James A. Naddeo ORDER AND NOW, this 4 day of January, 1984, upon consideration of Plaintiff's attached Motion for Sanctions the Court grants a rule on Armond Wazelle to show cause why Plaintiff's motion should not be granted. Rule returnable on the 23 day of January, 1984 at 9:00 A.M. in the Clearfield County Courthouse. s/John K. Reilly, Jr., P.J. Attorney to serve rule JANUARY 23, 1984 ORDER filed. NOW, this 23rd day of January, 1984, it is the ORDER of this Court that the Defendant Armond Wazelle pay attorney's fees and reporter costs associated with the December 30, 1983, deposition in the above-captioned matter. It is the Further ORDER of this Court that the Defendant Armond Wazelle accept as his own the deposition of Tom Fitzsimmons taken on November 16, 1983. By the Court, John K. Reilly, Jr., President Judge

Pro	by Atty	40.00
Atty		3.00
Shff. Hawkins	by Atty.	12.75
Shff. Dinger	by Atty.	66.05
Pro	by atty	9.00
Pro	by atty	10.00

FEBRUARY 15, 1984, MOTION FOR SUMMARY JUDGMENT AND DISMISSAL OF COUNTERCLAIM filed by James A. Naddeo

ORDER

AND NOW, this 10 day of Feb, 1984, upon consideration of the attached motion, a hearing is set for the 29 day of March, 1984 at 10:00 A.M. to be held at the main courtroom of the Clearfield County Courthouse. s/John K. Reilly, Jr., P.J.

APRIL 18, 1984, DEFENDANT'S BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, filed by Allen C. Welch, Esquire.

One copy certified to Attorney.

APRIL 24, 1984, MEMORANDUM AND ORDER filed.

This matter comes before the Court on Plaintiffs' Motion for Summary Judgment alleging the existence of a contract between the parties and therefore subject to equitable relief. It is clear that summary judgment can be granted only in cases where there is no genuine issue of any material fact. Defendants argue among other things that an issue of fact exists as to whether the agreement was subject to a condition preceding which the Plaintiffs failed to satisfy. Specifically, Defendants argue that before the contract could come into existence Plaintiffs were required to pay an amount of money either to Defendants or into escrow. Apart from the pleadings this Court can only look to the deposition of Thomas S. Fitzsimmons, apparently an agent of Defendant Armond Wazelle, and in examining said deposition this Court is unable to conclude as a matter of established fact that no condition preceding existed in the instant case. This Court is of the opinion that this is a matter properly for submission to the trier of fact and therefore enters the following Order: ORDER

NOW, this 24th day of April, 1984, it is the ORDER of this Court that Plaintiffs' Motion for Summary Judgment be and is hereby dismissed. BY THE COURT, s/John K. Reilly, Jr. Pres. Judge

JUNE 29,1984,BREIF OF DEFENDANT, filed by AllenC. Welch, Esquire.

AUGUST 14,1984,MEMORANDUM AND ORDER,filed.

On August 1,1984, Plaintiffs above-named filed their Complaint in Equity against Defendants alleging an oral contract between the parites under the terms of which Plaintiffs were to purchase a liquor license from the Defendants for the sum of $20,000.00. In furtherace of said agreement, Plaintiffs placed in escrow the sum of $1,000.00 to act as down payment. The necessary documents required by the Pennsylvania Liquor Control Board prior to approval of the transfer were submitted to the Defendants who instead of executing the same, sold the license to a third party for the sum of $30,000. This action seeks to recover damages for the breach of the contract. Defendants defend on the basis that a written contract was necessary prior to the sale and that no satisfactory measure of damages exists. This Court disagrees and does herein grant judgment in favor of the Plaintiffs. The record is quite clear that the parites did not contemplate a

CONTINUED ON PAGE 254

CONTINUED FROM PAGE 253..83-21-EQU. Mapes VS RIVERVIEW ENTERPRISES

written contract prior to completion of the sale nor does the law require one. The pleadings themselves togetherwith the exhibits and the testimony of Thomas S. Fitzsimmons, agent for the Defendans, leave no doubt that the oral agreement was all that the parties intended.

Further, in cases of this nature the measure of damages is compensation for the loss sustained. Certainly it can be difficult to measure said loss but here the appreciation in value of the subject of the contract, specifically the liquor license, can be measured with accuracy because of the subsequent sale. The Plaintiffs, as a result of Defendants' breaching the contract, have lost their right to that appreciation and therevore the Court enters the following:

DECREE NISI

NOW, this 14th day of August,1984, following hearing into the above-captioned action in equity, it is the ORDER of this Court that judgment be and is hereby entered in favor of thePlaintiffs and against the Defendants on the Complaint in Equity in the amount of$5,000. together with interest and costs, and further, that Defendants counterclaim be and is hereby dismissed. This order shallbecome final within ten(10) days from date hereof unless exceptions are filed thereto. BY THE COURT, /s/ john K. Reilly,Jr.,P.J.

SEPTEMBER 6, 1984,PRAECIPE FOR DEFAULT JUDGMENT, filed by James A. Naddeo, Esquire.
Please enter judgment agianst the defendants in the above captioned case in the amount of Five Thousand ($5,000.00) Dollars together with interest and costs in accordance with Decree Nisi entered by the Court on Aguaust 14, 1984.

Judgment is entered in favor of the Plaintiff and against the Defendant in the sum of Five Thousand and 00/100 Dollars, for failure to file Exceptions.

Debt $5,000.00

Judgment Per Court Order

Raymond Rotheiser
Prothonotary

SEPTEMBER 6, 1984, CERTIFICATE OF SERVICE, filed by James A. Naddeo, Esquire.

OCTOBER 4, 1984 PRAECIPE TO CERTIFY JUDGMENT, filed by Cynthia Soult
Please certify judgment entered in the above-captioned action on September 6, 1984, to the Prothonotary of Jefferson County.. s/Cynthia Soult, Atty for Plff.

OCTOBER 9, 1984 CERTIFICATION OF JUDGMENT certified to Prothonotary of Jefferson County by regular mail. s/lb

R. Denning Gearhart	CARMEN R. CUGINI, LEWIS DEMI, JR., GUY GRAHAM, CHARLES RENWICK, HELEN SMITH		
	83-22-EQU		
Michael P. Yeager	CLEARFIELD AREA SCHOOL DISTRICT; GAY HUMMEL; RAY FARGO; BETSY LONG; RICK STEVENS; JOHN RHINE; EARL BROOKS; EDITH HEBEL; PEG MASTERS, individually and collectively		
	-vs-		
James A. Naddeo	DR. DANIEL M. FREEMAN, Intervenor		
	Pro	by Atty	40.00
	Atty		3.00
	Pro	by Atty MPY	40.00
	Pro	by Atty JAN	30.00
	Pro	by Atty	30.00
	Pro		5.00
my.	Pro	My atty	5.00

AUGUST 24, 1983, IN EQUITY, filed by R. Denning Gearhart. Nine Copies Certified to Attorney.

ORDER

AN ORDER, AUGUST 24, 1983, is issued for Defendants to come forth on the 15 day of September, 1983, at 1:00 o'clock P.M. and show cause why Plaintiffs requested relief should not be granted. BY THE COURT: /s/ John K. Reilly, Jr., President Judge

SEPTEMBER 13, 1983, PRELIMINARY OBJECTIONS, filed by Michael P. Yeager 1 copy cert. to Atty.

SEPTEMBER 29, 1983, MEMORANDUM AND ORDER, filed

AND NOW this 28th day of September, 1983, having heard arguments on Defendants' Preliminary Objections to Plaintiffs' Complaint in the above-captioned metter, it is the ORDER of this Court that the same be and are hereby sustained in regard to Carmen R. Cugini as to standing, the eight (8) named individual Defendants, and the Rule to Show Cause. The relevant parts of theComplaint and the Rule to Show Cause are to be stricken accordingly. The Preliminary Objections are otherwise dismissed. BY THE COURT /s/ John K Reilly, Jr., President Judge.

SEPTEMBER 29, 1983, ANSWER TO COMPLAINT, filed by James A. Nadeo

2 Copies Cert. to Atty

OCTOBER 5, 1983 ANSWER TO COMPLAINT AND NEW MATTER, filed by Michael P. Yeager, Atty for Defts. 4 copies certified to Attorney.

OCTOBER 12, 1983, ACCEPTANCE OF SERVICE, filed

I hereby accept service of the Preliminary Objections of the Defendants in the above-captioned matter. /s/ R. Denning Gearhart

OCTOBER 11, 1983, MOTION FOR SUMMARY JUDGMENT, filed by R. Denning Gearhart (2) copies cert. to Atty.

OCTOBER 11, 1983, ORDER, filed

AND NOW, this 11 day of October, 1983, Argument on the Plaintiffs' Motion for Summary Judgment is scheduled for the 21 day of October, 1983, at 3:00 o'clock p.m. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

OCTOBER 11, 1983, PLAINTIFFS' PRELIMINARY OBJECTIONS TO NEW MATTER, filed by R. Denning Gearhart (2) copies cert. to Atty.

OCTOBER 11, 1983, ORDER, filed

AND NOW, this 11 day of October, 1983, a heraring is set on Plaintiffs' Preliminary Objections. Said hearing being scheduled on the 21 day of October, 1983, at 3:00 o'clock p.m. in the Clearfield County Courthouse, Clearfield, Pennsylvania. BY THE COURT, /s/ John K. Reilly, Jr., President Judge.

OCTOBER 24, 1983, ORDER, filed

NOW, this 21st day of October, 1983, upon consideration of Plaintiffs' Preliminary Objections to the New Matter contained in Defendants' Answer, it is the ORDER of this Court that said Objections be and are hereby sustained. By the Court, /s/ John K. Reilly, Jr., President Judge.

NOVEMBER 3, 1983, MEMORANDUM AND DECREE, filed

DECREE NISI

NOW, this 3rd day of November, 1983, following hearin into the above-captioned matter, it is the ORDER of this Court that Plaintiffs' Motion for Summary Judgment in the above-captioned matter be and is hereby granted. The contract entered into by the present Board of School Director of the Clearfield Area School District with Dr. Daniel M. Freeman, District Superintendent, on August 22, 1983, and scheduled to take effect on July 1, 1984, is declared voidable at the option of the Board of School Directors which shall take office as of December 5, 1983; and furthe that said Board shall act on the matter of said contract on or before February 1, 1984, in accordance with the provisions of the public School Code. Exceptions to this Decree shall be filed within ten (10) days from date hereof failing which said Decree shall become final. By the Court, /s/ John K. Reilly, Jr., President Judge.

NOVEMBER 3, 1983, ORDER, filed

NOW, this 3rd day of November, 1983, it is the ORDER of this Court that Defendant's Objections to Exhibits A, B, C and D attached to Plaintiffs' Motion for Summary Judgment be and are hereby dismissed. By the Court, /s/ John K. Reilly, Jr., President Judge.

NOVEMBER 14, 1983, EXCEPTIONS, filed by Michael P. Yeager, Esquire.
Four (4) copies Certified to Attorney.

NOVEMBER 14, 1983, INTERVENOR'S EXCEPTIONS TO MEEMORANDUM OPINION AND DECREE OF NOVEMBER 3, 1983, filed by James A. Naddeo, Esquire
Three (3) copies Certified to Attorney.

SEPTEMBER 15, 1983, PETITION TO INTERVENE, filed by James A. Naddeo, Esquire

ORDER, filed

NOW this 15th day of September, 1983, upon consideration of the application of Dr. Daniel M. Freeman to intervene in the above captioned suit, a Rule is hereby issued forthwith upon the

CONTINUED ON PAGE 256

CONTINUED FROM PAGE 255, 83-22-EQU CARMEN R. CUGINI al -vs- CLFD. AREA SCH.

SEPTEMBER 15, 1983, ORDER, continued
parties to this action to show cause why petitioner's request should not be granted. Said Rule to be returnable and hearing thereon to be held in the Main Court Room of the Clearfeild County Court House on the 15th day of September at 1:00 p.m. with all proceedings to be stayed pending determination. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.
Two (2) copies Certified to Attorney.

OCTOBER 18, 1983, PRELIMINARY OBJECTIONS TO AFFIDAVITS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, filed by Michael P. Yeager
3 Copies Cert. to Atty

OCTOBER 18, 1983, MOTION FOR JUDGMENT ON THE PLEADINGS (MOTION FOR SUMMARY JUDGMENT), filed by Michael P. Yeager
2 Copies Cert. to Atty

OCTOBER 19, 1983, PRELIMINARY OBJECTIONS IN NATURE OF MOTION TO STRIKE PLAINTIFFS' AFFIDAVITS IN SUPPORT OF SUMMARY JUDGMENT, filed by James A. Naddeo
2 Copies cert. to Atty

OCTOBER 19, 1983, MOTION FOR SUMMARY JUDGMENT, filed by James A. Naddeo
2 Copies Cert. to Atty

SEPTEMBER 21, 1983, BRIEF OF DEFENDANTS IN SUPPORT OF PRELIMINARY OBJECTIONS, filed by Michael P. Yeager
1 Copy Cert. to Atty

NOVEMBER 23, 1983, ORDER, filed
NOW, this 22nd day of November, 1983, following argument on the Defendant's and the Intervenor's Exceptions to the Court's Memorandum and Decree of November 3, 1983, in the above-captioned matter, it is the ORDER of this Court that the same be and are hereby dismissed. By the Court, /s/ John K. Reilly, Jr., President Judge.

DECEMBER 1, 1983, NOTICE OF APPEAL, ORDER FOR TRANSCRIPT and CERTIFICATE OF SERVICE filed by Michael P. Yeager
One copy mailed to Commonwealth Court by Regular Mail
Notice is hereby given that the Clearfield Area School District, Defendant above named, hereby appeals to the Commonwealth Court of Pennsylvania from the Memorandum and Decree entered in this matter on November 3, 1983 and the Order of November 22, 1983 denying Exceptions thereto. s/Michael P. Yeager

DECEMBER 2, 1983, NOTICE OF APPEAL, REQUEST FOR TRANSCRIPT and CERTIFICATE OF SERVICE filed by James A. Naddeo
One certified to Commonwealth Court by regular mail
Notice is hereby given that Dr. Daniel M. Freeman, Intervenor above named, hereby appeals to the Commonwealth Court of Pennsylvania from the order denying exceptions entered in this matter on the 22nd day of November, 1983. s/James A. Naddeo

DECEMBER 8, 1983, NOTICE OF APPEAL FROM COMMONWEALTH COURT Their #3405 CD 1983
DECEMBER 8, 1983, NOTICE OF APPEAL FROM COMMONWEALTH COURT Their #3406 CD 1983

OCTOBER 19, 1983, MOTION FOR SUMMARY JUDGMENT filed by James A. Naddeo

JANUARY 3, 1984, PRAECIPE FOR DISCONTINUANCE filed by Michael P. Yeager
Please discontinue the above-captioned matter as the same relates to the Clearfield Area School District. s/Michael P. Yeager

JANUARY 3, 1984, AFFIDAVIT OF SERVICE filed by Michael P. Yeager

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

JANUARY 9, 1984, PRAECIPE FOR DISCONTINUANCE filed by James A. Naddeo
Please discontinue the above captioned matter as the same relates to Dr. Daniel M. Freeman, Intervenor in the Lower Court. s/James A. Naddeo

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

EQUITY #13 1983

Gleason,Cherry & Cherry	GEORGINE L. BENSON	AUGUST 24, 1983, COMPLAINT IN EQUITY, filed by Toni M. Cherry One copy Certified to Attorney. AUGUST 24, 1983, ACCEPTANCE OF SERVICE, filed by Dwight L. Koerber, Jr. AUGUST 30, 1983, PRELIMINARY OBJECTIONS, filed by Dwight L. Koerber, Jr. SEPTEMBER 2, 1983, NOTICE OF FILING OF REQUEST FOR ADMISSIONS, filed by Dwight L. Koerber, Jr. SEPTEMBER 26, 1983, OBJECTIONS TO ADMISSIONS, filed by 2 Copies Cert. to Atty TONI Cherry JANUARY 24, 1984, MEMORANDUM AND ORDER filed. Plaintiff and Defendant above-named were divorced by Order of this Court dated June 7, 1983. Prior thereto the Court had reserved jurisdiction on certain other issues raised in the proceedings and appointed a Master to dispose of said issues. Among them the question of equitable division of marital property arose and as the time and date set for the Master's hearing the parties above-named entered into discussions which Plaintiff alleges resulted in an oral contract among the terms of which required the transfer of jointly owned real estate from the Defendant to the Plaintiff. Defendant has denied the existence of such a contract and Plaintiff has commenced the above action in equity to enforce specific performance. In her Complaint Plaintiff alleges the existance of a written agreement with regards to the above, although said agreement is unsigned by the Defendant. Defendant has filed Preliminary Objections to the Complaint asking that it be dismissed as being contrary to the Statute of Frauds. We agree and do herein grant the Preliminary Objectiosn. The Statute of Frauds as set forth in 33 P.S. 81 et seq states generally that the creation, sale, conveyance, assignment or surrender of estates or interest in land cannot be accomplished by mere parol statements or agreements, at least insofar as the transaction remains executory. In the absence of a showing that possession was taken in pursuance of the oral contract, that the change of possession was notorious, exclusive, and continuous, and that the vendee rendered performance which could not be adequately compensated in damages, an oral agreement for the sale or transfer of land or any interest therein, passes no title, is contrary to the statute of frauds and is unenforceable. See PLE Statute of Frauds §21 et seq. In the instant case although a writing exists, it is executory in nature and Defendant has denied his assent to the provisions thereof. Moreover, Plaintiff did not take possession pursuant to this oral agreement nor did she render performance which could not be adequately compensated in demages. There is nothing herein to remove the agreement from the operation of the Statute of Frauds and therefore, this Court does enter the following Order: O R D E R NOW, this 23rd day of January, 1984, following argument into Preliminary Objections filed to Plaintiff's Complaint, it is the ORDER of this Court that said Objections be and are hereby sustained and said Complaint dismissed. By the Court, John K. Reilly, Jr., President Judge
Dwight L. Koerber, Jr.	CAESAR FRANCIS BENSON	
	83-23-EQU	
	Pro by Atty 40.00	
	Atty 3.00	

EQUITY #36 1983

Joseph Colavecchi	EARL A. KILLION	AUGUST 25, 1983, COMPLAINT IN PARTITION--EQUITY, filed by Joseph Colavecchi Four copies Certified to Attorney SEPTEMBER 8, 1983, AFFIDAVIT OF SERVICE, filed NOW September 2 1983 at 11:12 AM o'clock DST served the within Complaint in Partition on Betty Williams, Mother of Clara J. Williams, defendant at her palce of residence, Box 15, West Decatur, Clearfield County, Penna. by handing to Betty Williams a true and attested copy of the original Complaint in Partition and made known to her the contents thereof. So answers Chester A. Hawkins, Sheriff by Marilyn Wood
	83-24-EQU	JUNE 11, 1986, PRAECIPE, filed 2 cert atty Please mark the above captioned matter settled, discontinued and satisfied. /s/ Alan F. Kirk, Esq.
	CLARA J. WILLIAMS	SETTLED DISCONTINUED SATISFIED

Pro	by Atty	40.00
Atty		3.00
Shff.	by Atty.	17.15
Pro	by atty	5.00

EQUITY #13 1983

David L. Young	L.T. BOCCIA CONSTRUCTION CO., INC., a corporation	AUGUST 26, 1983, PRAECIPE FOR WRITS OF SUMMONS IN EQUITY, filed by Ferraro & Young Please issue Writs of Summons in Equity against the above-named defendants. FERRARO & YOUNG, By /s/ David L. Young, Esq.
	83-25-EQU	AUGUST 26, 1983, SUMMONS ISSUED TO SHERIFF FOR SERVICE. SEPTEMBER 16, 1983, SHERIFF'S RETURN, filed Now August 30, 1983 Raymond Krasinski, Sheriff of Elk County was deputized by Chester A. Hawkins, Sheriff of Clearfield County to serve the within Summons in Equity on Veto Fera Ind & t/d/b/a Fera Const. Co., defendant. Now September 6, 1983 served the within Summons in Equity on Veto Fera Ind & t/d/b/a Fera Const. Co., defendant by deputizing the Sheriff of Eld County. The return of Sheriff Krasinski is hereto attached and made part of this return stating that he served Rose Fera, person in charge. So answers, Chester A. Hawkins, Sheriff by Marilyn Wood.
	VETO FERA, individually, and trading and doing business as FERA CONSTRUCTION COMPANY; and said company	

Pro	by Atty	40.50
Atty		3.00
Shff. Hawkins	by Atty.	12.75
Shff. Krasinski	by Atty.	17.83

Gleason,Cherry& Cherry	RICHARD P. LEDNAK and AMELIA P. LEDNAK 83-25½-EQU JOSEPH O. SWATSWORTH and MARJORIE J. SWATSWORTH, and MARJORIE I. CONTRAD		SEPTEMBER 2, 1983, COMPLAINT IN EQUITY, filed by Toni M. Cherry. Three copies Certified to Sheriff. SEPTEMBER 2, 1983, MOTION FOR PRELIMINARY INJUNCTION WITHOUT HEARING, filed by Toni M. Cherry. Three copies Certified to Sheriff. ORDER AND NOW, September 2, 1983, the Plaintiffs have 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 the injunction affidavits filed therewith, it is Ordered and Decreed that a preliminary injunction issue upon security being entered by the Plaintiff in the sum of Five Thousand Dollars ($5,000.00). Upon the entry of said security, the Defenants, JOSEPH O. SWATSWORTH and MARJORIE J. SWATSWORTH, and MAJORIE I. CONTRAD are enjoined and restrained from a) placing any barricade or obstruction of any kind across, upon, or in said raadway or easement or right of way; and b) blocking the use of said roadway or easement or right of way by Plaintiffs, their invitees and licensees in any way; and c) erecting any "No Trespassing" signs or in any way from harassing Plaintiffs, their invitees and licensee while said roadway or camp is being used by Plaintiffs, their invitees or licensees. September 6, 1983, at 9:00 A.M. in the Courtroom of the 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 SEPTEMBER 5, 1983, BOND, filed. SEPTEMBER 20, 1983, ANSWER, filed by Earle D. Lees, Jr.
Pro	by Atty	40.00	SEPTEMBER 23, 1983, SHERIFF'S RETURN, filed Now September 2, 1983, at 7:30 PM DST served the within Complaint, Motion & Order on Joseph O. Swatsworth, defendant at his place of residence, RD#1 Box 174, Penfield, Clearfield County, Penn. by handing to Joseph O. Swatsworth a true and attested copy of the original Complaint, Motion & Order and nade known to him the contents thereof. Now September 2, 1983 at 7:30 PM DST served the within Complaint, Motion & Order on Marjorie J. Swatsworth, defendant at her place of residence, RD#1 Box 174, Penfield, Clearfield County, Penna. by handing to Marjorie J. Swatsworth a true and attested copy of the original Complaint, Motion & Order and made known to her the contents thereof. Now September 2, 1983 at 7:30 PM DST served the within Complaint, Motion & Order on Marjorie J. Swatsworth, Daughter of Marjorie I. Conrad, defendant at her place of residence, RD#1 Box 174, Penfield Clearfield County, Pennsylvania by handing to Marjorie J. Swatsworth a true and attested copy of the original Complaint, Motion & Order and made known to her the contents thereof. So answers, Chester A. Hawkins, Sheriff by Marilyn Wood.
Atty		3.00	
Shff.	by Atty.	21.15	
Pro		2.00	

JANUARY 30, 1984, ORDER filed.
NOW, this w7th day of January, 1984, this being the day and date set for hearing into Preliminary Injunction issued in the above-captioned matter, upon agreement of the parties, it is the ORDER of this Court that said Preliminary Injunction shall continue upon the same bond posted herein until hearing on the merits of the issue scheduled for Friday, February 17, 1984, at 9:00 a.m. It is the further ORDER of this Court that Defendants shall have the right to claim damages to be paid from said bond for injury done to their premises as well as for any nuisance created by Plaintiffs use of said roadway until disposition on the merits, and further, that Defendants shall be permitted to erect NO TRESPASSING signs as long as they accept Plaintiffs or authoritzed guests. By the Court, John K. Reilly, Jr., President Judge

FEBRUARY 16, 1984 SUBPOENA served on Paul C. Augustine

AUGUST 13,1984, MEMORANDUM AND DECREE,filed.
WHEREFORE, the court enter the following decree:
Now, this 9th day of August,1984, following hearing into the above-captioned Complaint in Equity, it is the ORDER of this Court that judgment be and is hereby entered in favor of the Plaintiffs and against the Defendants and Defendants be and are hereby enjoined from interfering with the rights of the Plaintiffs, their Heirs, successors and assigns in and to the access road leading from Pa. Route 153 across the premises of the Defendants to the camp of thePlaintiffs. Said Decree to become final unless ex ceptions are filed thereto within ten (10) days from date hereof. BY THE COURT,/s/John K.Reilly, Jr.,P.J.

AUGUST 17,1984, EXCEPTIONS TO MEMORANDUM AND DECREE,filed by Earle D. Lees,Jr.,Esq.

NOVEMBER 5,1984, ORDER,filed.
NOW, this 2nd day of November,1984, following argument into exceptions filed on behalf of Defendants above-named, it is the ORDER of this Court that said exceptions be and are hereby dismissed and the Order of this Court dated August 9,1984 affirmed with the following amendment
"The easement granted to the Plaintiffs above-named shall not exceed 8 feet in width."
/s/ John K. Reilly,Jr.,P.J.

Joseph Colavecchi	NORMAN MACAFEE and SARAH MACAFEE, his wife	SEPTEMBER 6, 1983, COMPLAINT IN EQUITY, filed by Joseph Colavecchi 2/16/84--Three Copies Certified to Attorney.
	83-26-EQU	
	UNITED ELECTRICAL COOPERATIVE, INC.	
	Pro by Atty 40.00 Atty 3.00	

Blakley & Jones	PAT E. INC., trading and doing business as PAT McNIGHT REALTY		SEPTEMBER 9, 1983, COMPLAINT IN EQUITY, filed by Scott V. Jones. One Copy Certified to Attorney. SEPTEMBER 29, 1983, AFFIDAVIT OF SERVICE, filed NOW September 12, 1983, at 1:10 PM o'clock DST served the within Complaint in Equity on Judy E. Muscovich, deft. at her place of employment, American Real Estate, Rt. 255 & Exit 17, DuBois, Clearfield County Penna. by handing to Judy E. Muscovich a true and attested copy of the original Complaint in Equity and made known to her the contents thereof. /s/ Chester A. Hawkins by Marilyn Wood
	83-27-EQU		OCTOBER 13, 1983, ANSWER & CERTIFICATE OF SERVICE, filed by Kim Kesner
	JUDY E. MUSCOVICH		OCTOBER 13, 1983, CERTIFICATE OF SERVICE & REQUEST FOR ADMISSIONS, filed by Kim C. Kesner OCTOBER 31, 1983, PLAINTIFF'S ANSWERS TO REQUEST FOR ADMISSIONS, filed by Scott V. Jones
			JANUARY 25, 1984 PRAECIPE TO SETTLE, DISCONTINUE AND END, filed by Scott V. Jones, Atty for Plff. Mark the above-captioned case settled, discontinued and ended, upon payment of record costs only. s/ Scott V. Jones, Atty for Plff. Record costs in the sum of $66.35 have been paid in full by John Sughrue, Attorney, this case marked Settled, Discontinued and Ended.
	Pro by Atty	40.00	
	Atty	3.00	
	Shff. by Atty	18.35	
	Disc by atty	5.00	
Ck#2104 11294	Adv costs	66.35	
	S. Jones	61.35	
	Pro	5.00	
		66.35	

*****SETTLED DISCONTINUED ENDED******

Robert M. Hanak

IN RE: SEVEN SEAS FINANCIAL ASSOCIATES, INC.

83-28-EQU

Pro sup atty 40.00

Atty 3.00

Shff. by Atty. 20.35

SEPTEMBER 26, 1983, PETITION FOR INVOLUNTARY DISSOLUTION OF CORPORATION, filed by Robert M. Hanak. Five Copies Certified to Attorney.

PRELIMINARY ORDER

AND NOW, this 22 day of September 1983, upon Petition duly presented, IT IS HEREBY ORDERED on the Defendant corporation, the directors of said corporation, and any other parties in interest thereto, to show why the prayer of this petition should not be granted. Specifically, it is ordered that the said corporation and all other incidental parties thereto shall show cause why a preliminary receiver pendente lite should not be appointed.

This rule is returnable for hearing on the 10 day of Oct., 1983, in the Court Room of Clearfield County at 9:00 o'clock A.M. This order and rule shall be served upon the corporation, Seven Seas Financial Associates, Inc., all directors, and all known stockholders of said corporation. BY THE COURT: /s/ John K. Reilly, Jr., President Judge

OCTOBER 5, 1983, AFFIDAVIT OF SERVICE BY MAIL, filed by Robert M. Hanak

OCTOBER 7, 1983, SHERIFF'S RETURN, filed

Now September 29, 1983at 1:10 PM DST served the within Petition & Order on Salim Ramji, for Sheration Inn, Defendant, DuBois, Clearfield County, Pennsylvania by handing to Salim Ramji a true and attested copy of the original Petition & Order and made known to him the contents thereof.

Now, September 29, 1983 at 1:10 PM DST served the within Petition & Order on Salim Ramji, defendant at his place of employment, Sheration Inn, DuBois, Clearfield County, Pennsylvania by handing Salim Ramji a true and attested copy of the original Petition & Order and made known to him the contents thereof. So answers, Chester A. Hawkins, Sheriff by Marilyn Wood.

OCTOBER 7, 1983, ORDER, filed

AND NOW, this 7th day of October, 1983, upon oral Motion of the Defendant Corporation made by its local counsel, Kim C. Kesner, Esquire, the Defendant Corporation being unable to submit a written Motion for Continuance, but pledging to file such after the entry of this Order, it is hereby ORDERED and DECREED that the hearing scheduled before this Court on Monday, October 10, 1983, at 9:00 a.m., for the purpose of the return of the rule issued by this Court on September 22, 1983, be and is hereby continued until such other date and time as is hereinafter set by this Court. BY THE COURT: /s/ John K. Reilly, Jr., Presidnet Judge. (1) copy cert. to Atty.

OCTOBER 10, 1983, MOTION FOR CONTINUANCE, filed by Kim C. Kesner, Frank Mast, Peter C. Blasier

OCTOBER 10, 1983, AFFIDAVIT, filed by Peter C. Blasier

OCTOBER 10, 1983, CERTIFICATE OF SERVICE, filed by Peter C. Blasier

DECEMBER 16, 1983, MOTION FOR CONTINUANCE & ORDER, filed. by Sughrue & Kesner. Four copies Certified to Attorney.

WHEREFORE, in consideration of the foregoing, Seven Seas Financial Associates, Inc., moves this Honorable Court for a continuance of the above-referenced hearing now scheduled for Tuesday, December 20, 1983, at 1:30 p.m. Respectfully submitted, /s/ Kim Kesner, Attorney for Seven Seas Financial Associates, Inc.

ORDER

AND NOW, this 16 day of December, 1983, upon consideration of the foregoing Motion for Continuance filed on behalf of Seven Seas Financial Associates, Inc., this Court being satisfied that there is sufficient cause therefor, it is hereby ORDERED and DECREED that the hearing scheduled before this Court on Tuesday, December 20, 1983, at 1:30 p.m., be and is hereby continued until such other date and time as is hereafter set by this Court. BY THE COURT: /s/ John K. Reilly, Jr. President Judge

Michael S. Delaney	ABODE OIL AND GAS CORPORATION,		OCTOBER 26, 1983, COMPLAINT IN ACTION FOR DECLARATORY JUDGMENT, filed by Michael S. Delaney, Esquire. I hereby accept service of copy of Notice and Complaint this 19th of October, 1983, and I acknowledge having also personally given copy to both defendants. /s/ R. L. Pawlowski, Esquire, Co-counsel for the Defendants.
	83-29-EQU		OCTOBER 26, 1983, ANSWER, filed by R. L. Pawpowski, Esquire
R. L. Pawpowski	KENNETH J. HARCHICK and JOYCE A. HARCHICK,		OCTOBER 26, 1983, PRAECIPE, filed AND NOW, October 11th , 1983, it is hereby agreed by and between Michael S. Delaney, Attorney for Plaintiff, and Reginald L. Pawlowski, Attorney for Defendants, that an Action in Equity for Declaratory Judgment be indexed as of teh above court term, and number with like effect as if a Complaint in Equity for the Action for Declaratory Judgment has issued, and been personally served upon the Defendants and a due return of said service made and entered. /s/ MICHAEL S. DELANEY, ESQUIRE and /s/ REGINALD L. PAWLOWSKI, ESQUIRE.
			OCTOBER 26, 1983, PRAECIPE, filed. Please place the above-captioned case on the next available argument list.
Pro	by Atty.	40.00	DECEMBER 27, TRANSCRIPT OF PROCEEDINGS, filed.
			TRANSCRIPT FILED IN "H" DRAWER
			JANUARY 13, 1984, DEFENDANT'S BRIEF filed by R. L. Pawlowski
			FEBRUARY 27, 1984, MEMORANDUM AND DECREE filed. (see original for Memorandum) WHEREFORE, we enter the following: D E C R E E NOW, this 27th day of February, 1984, in accordance with the accompanying Memorandum, it is hereby ORDERED and DECREED that Plaintiff, Adobe Oil & Gas Corporation, is not in violation of any of the terms or provisions of the lease dated February 2, 1981, between C.O.G. Energy Services, Inc., which assigned said lease to the Plaintiff, and Kenneth J. and Joyce A. Harchick, Defendants, by drilling and completing three gas wells on the subject property during the primary term of said lease. Further, the terms of said lease limit Plaintiff to the drilling and operation of a maximum of three wells and the drilling of a fourth well on the property by Plaintiff would constitute a breach of the lease. By the Court, John K. Reilly, Jr., President Judge

EQUITY #9 1973

Allen C. Welch

IN RE:

AUDIT OF THE TOWNSHIP OF SANDY, CLEARFIELD COUNTY, PENNSYLVANIA FOR 1983

83-30-EQU

DECEMBER 7, 1983, PETITION TO APPOINT A CERTIFIED PUBLIC ACCOUNT IN ACCORDANCE WITH SECTION 702, ARTICLE XLV OF THE SECOND CLASS TOWNSHIP CODE OF THE COMMONWEALTH OF PENNSYLVANIA, filed by Allen C. Welch
One Copy Certified to Attorney.

WHEREFORE, the Petitioners request this Honorable Court to appoint a certified public accountant, a firm of certified public accountants or a competent public accountant or a competent firm of public accountants to perform such audit in accordance with Section 702, Article XLV of the Second Class Township Code of the Commonwealth of Pennsylvania. Respectfully submitted, /s/ Allen C. Welch

ORDER

AND NOW, this 22 day of November, 1983, upon consideration of the foregoing Petition, it is the order of this Court that the Petitioners employ any CPA in accordance with the Second Class Township Code of the Commonwealth of Pennsylvania to audit the records of the Township of Sandy. BY THE COURT, /s/ John K. Reilly, Jr. President Judge

Pro	by Atty	40.00
Atty		3.00

EQUITY #13 1983

Carl A. Belin Jr.	PHILIPSBURG AREA AUTHORITY FOR INDUSTRIAL DEVELOPMENT, and CONSOLIDATED INNS, INC.	DECEMBER 23, 1983, PRAECIPE SUMMONS IN EQUITY, filed by Belin, Belin & Naddeo. DECEMBER 27, 1983, SUMMONS ISSUED TO SHERIFF FOR SERVICE. JANUARY 3, 1984, SHERIFF'S RETURN filed. Now, December 28, 1983 served within Summons in Equity on Edmund Zitzelberger. Now, December 29, 1983 served within Summons in Equity on Evelyn J. Zitzelberger. So answers, Chester A Hawkins by Marilyn Wood
	83-31-EQU	FEBRUARY 24, 1987 PRAECIPE TO DISCONTINUE filed by Carl A. Belin, Jr., Esq. Please mark the above-captioned action settled, discontinued and ended. s/Carl A. Belin, Jr., Esq.
	EDMUND J. ZITZELBERGER and EVELYN J. ZITZELBERGER, his wife, Defendants	SETTLED, DISCONTINUED AND ENDED

Pro	by Atty	20.00
Atty		3.00
Shff	by Atty	14.75
Pro	by Atty	5.00

EQUITY #13 1984

James A. Naddeo	PAUL S. HURTACK	JANUARY 10, 1984, COMPLAINT IN EQUITY, filed by Belin, Belin & Naddeo One copy Certified to Sheriff. JANUARY 16, 1984, SHERIFF'S RETURN filed. Now January 12, 1984 served within Complaint in Equity on Mary A. Hurtack. So answers, Chester A. Hawkins by Marilyn Wood
1/10/84 3:05 P.M.	84-1-EQU	MARCH 14, 1984, PRAECIPE FOR ENTRY OF APPEARANCE, filed by Kim C. Kesner Kindly enter my appearance for the Defendant, Mary A. Hurtack, in the above-captioned case. /s/ Kim C. Kesner
Kim C. Kesner	MARY A. HURTACK	

Pro	by Atty	40.00
Atty		3.00
Shff	by Atty	17.95

EQUITY #13 1984

Andrew P. Gates	HAROLD W. BRUBAKER	
1/16/84 2:17 P.M.	84-2-EQU	
Cynthia Soult	CRISTEN S. LaBORDE PATRICIA ANN LaBORDE	

Pro	by Atty	40.00
Atty		3.00
Shff	by Atty	15.95

JANUARY 16, 1984, COMPLAINT IN EQUITY, filed by Gates & Seaman.
One copy Certified to Sheriff

JANUARY 23, 1984, ANSWER TO PETITION, filed by Cynthia Soult
One Copy Certified to Attorney.

JANUARY 23, 1984, ANSWER TO COMPLAINT, filed by Cynthia Soult
One Copy Certified to Attorney.

JANUARY 19, 1984 PETITION & RULE filed by Andrew Gates

RULE

AND NOW, January 19, 1984, upon consideration of the foregoing Petition and on motion of Gates & Seaman, Attorneys for Petitioner, a Rule is hereby granted upon Respondent to show cause why Petitioner's request should not be ordered.

Rule returnable for hearing on the 26 day of January, 1984, at 3:00 o'clock P.M., Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT, John K. Reilly, Jr., P.J.

Verbal from Andrew Gates that attorney for defendant was served.

JANUARY 19, 1984, PRAECIPE filed by Cynthia Soult

Please enter my appearance on behalf of the defendants in the above captioned action. s/Cynthia Soult

JANUARY 20, 1984, SHERIFF'S RETURN filed.

Now January 17, 1984 served within Complaint in Equity on Cristen LaBorde. So answers, Chester A. Hawkins by Marilyn Wood

JANUARY 27, 1984, ORDER filed.

NOW, this 26th day of January, 1984, upon agreement of the parties, it is the ORDER of this Court that Plaintiff above-named shall be granted the right to use the lane which is the subject of this controversy until further Order of Court upon condition that the impediments presently existing thereon be removed at the Plaintiff's expense and in such a manner as to protect and any all piping existing in the area and upon further condition that he post a bond in the amount of Two Hundred Fifty ($250.00) Dollars to insure the ability of the Defendants to return the premises to its present condition should Plaintiff fail on his complaint for injunction. By the Court, John K. Reilly, Jr., President Judge

FEBRUARY 1, 1984, INJUNCTION BOND filed by Gates and Seaman
Surety by The Travelers Indemnity Company in the sum of $250.00

DECEMBER 5, 1986 CONSENT ORDER filed
Three copies certified Attorney

AND NOW, this 8 day of December, 1986, upon agreement of the parties and in accordance with the survey of the property in question, it is the ORDER of this Court that Plaintiff and his successors in title shall have the right to use Pine Alley as it is depicted in the survey done by Lee-Simpson Associates, Inc., dated October 15, 1986, attached hereto and incorporated herein by reference, without interference or obstruction from defendants.

It is the FURTHER ORDER of this Court that Plaintiff shall have the right to use the portion of Pine Alley as it is presently located on Defendants' property from its intersection with Route 322, fifteen (15) feet in a southeasterly direction. Said portion of Pine Alley is denoted on said survey in red.

It is the FURTHER ORDER of this Court that Plaintiff shall not use the portion of Pine Alley as it is presently located on the southeast corner of Defendants' property. Said portion of Pine Alley is denoted on the survey in blue.

It is the FURTHER ORDER of this Court that the bond in the amount of Two Hundred Fifty ($250.00) Dollars required by Order of this Court dated January 26, 1984, which was secured by Plaintiff from Travelers Indemnity Company, be and is hereby excused and released. BY THE COURT, John K. Reilly, Jr., President Judge
s/Andrew P. Gates, Esq. s/Cynthia Soult, Esq.

EQUITY #13 1984

Carl A. Belin, Jr.	CLEARFIELD VOLUNTEER FIRE DEPARTMENT, FAIR & PARK BOARD	JANUARY 19, 1984, COMPLAINT IN EQUITY, filed by Belin, Belin & Naddeo One copy Certified to Attorney. JANUARY 26, 1984, AFFIDAVIT OF SERVICE, filed. NOW, Jan 23, 1984 at 9:20 AM o'clock EST served within Complaint on Robert Homan, Office Mgr for Deft at his place of employment. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood
1/19/84 10:25 a.m.	84-3-EQU	FEBRUARY 6, 1984, PRAECIPE, filed by J. Richard Mattern II, Esquire Please enter my appearance on behalf of the Defendant, Shawville Coal Company, Inc., in regard to the above-captioned action. One (1) copy Certified to Attorney.
J. Richard Mattern	SHAWVILLE COAL COMPANY, INC.	FEBRUARY 6, 1984, ANSWER AND NEW MATTER, filed by J. Richard Mattern, Esqurie Two (2) copies Certified to Attorney. FEBRUARY 13, 1984, REPLY TO NEW MATTER filed by Carl A. Belin Jr. CERTIFICATE OF MAILING

Pro	by Atty	40.00
Atty	by Atty	3.00
Shff Hawkins		13.15

Edward C. Connolly	GERARD GEARHART, EXECUTOR OF THE ESTATE OF ELSIE BELLE DAVIS, DECEASED	JANUARY 24, 1984, COMPLAINT IN EQUITY--PARTITION, filed by Edward C. Connolly Ten Copies Certified to Attorney. JULY 2, 1984, AFFIDAVIT OF SERVICE, filed by EdwardC Connolly One Copy Certified to Attorney.
1/24/84 8:30 a.m.	84-4-EQU	JULY 30, 1984, RETURN RECEIPTS,filed by Edward Connelly, Attorney. (1) Ms. Marjorie Della Croce (2) Mrs. Lillian Gearhart (3) Mr. Harlod Haney (4) Mr. Walter Haney (5) Mr. Bryon Haney (5) Ms. Ferda Mae Richner
	WALTER T. HANEY; LILLIAN H. GEARHART; BYRON S. HANEY; FERDA MAE RICHNER and MARJORIE DELLA CROCE and HAROLD L. HANEY	JULY 30,1984, MOTION FOR JUDGMENT BY DEFAULT, filed by Edward C. Connolly,Esq JULY 30,1984, ORDER DIRECTING PARTITION,filed by Edward C. Connelly,Esq. OCTOBER 19,1984, AFFIDAVIT OF SERVICE,filed. Edward C. Connelly, being duly sworn according to law deposes and says that as Attorney for the Plaintiff he did mail a copy of the Notice, which is attached hereto and marked Exhibit A, to each of the defendants in the case by regular mail at the Warminster Post Office,Warminster,Pennsylvania on the 11th day of October,1984./s/ Edward C. Connolly,Esq OCTOBER 19,1984, ORDER DIRECTING PARTITION,filed. AND NOW,October 19,1984, 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 answered upon motion of Edward C. Connolly,Esquire attorney for the plaintiff it is ORDERED, ADJUDGED AND DECREED that partition be made of the lands mentioned and described in the complaint among the parties therein named in proportion to their respective interests therein, as follows: To Gerald Gearhart,Executor of the Estateof Elsie Belle Davis,deceased, a one fourth share. To Walter T. Haney, a one fourth share. To Lillian H. Gearhart, a one fourth share To Byron S. Haney, a one sixteenth share To Marjorie Della Crade(named in the complaint as Marjorie Della Della Croce), a one sixteenth share To Harlod L. Haney, a one sixteenth share In accordance with the aforsaid Partition. The Court being of the opinion that $13,000.00 is a fair and equitable price, IT IS FURTHER ORDERED AND DECREED that Gerard Gearhart,Executor of the Estate of Elsie Belle Davis be and hereby is authorized to make private sale of the property described in the complaint, to P & P lumber,Inc for the sum of $13,000.00 an on receipt of the purchase money to execute and deliver t o asid purchaser a deed in fee simple for said property. IT IS FURTHER ORDERED AND DECREED that a 6% commission on the sale of the property be paid to West Real Estate Agency, inc. and that attroneys fees on One Thousand($1,000.00) dollars plus costs of Forty ($40.00) Dollars be paid to Edward C. Connolly from the proceeds of the sale. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.
	Pro by Atty 40.00 Atty 3.00	

DECEMBER 24,1984, MOTION and ORDER,filed. by Edward C. Connolly,Esq.
One copy order certifed to atty.

AND NOW, this 24th day of December,1984, the Motion ofEdward C. Connolly,Esquire, attorney for Gerard Gearhart Executor for the Estate Of Elsie Belle Davis, is herewith granted, and he is directed to serve as substitute for Gerard Gearhart in the transfer of the premises which are the subject of the above captioned Partition Action to P & P Lumber Company, and to carry out all the other terms and conditions of the Order of this Court directing Partition which said order was signed on the 19th day of October,1984. BY THE COURT:/s/ John K. Reilly, Jr.,P.J.

DECEMBER 26,1984,PETITION TO CLARIFY THE RECORD and ORDER,filed by Edward C. Connelly,Esq.
One copy certified to atty

AND NOW, to wit, this 7th day of January,1985, within Petition and upon the motion of Edward C. Connelly,Esquire the record is herewith corrected to show that whereas the Complaint in Partition in the above captioned matter,showed that title derived by the defendants solely through Walter W. Haney, the Complaint is therefore herewith amended to show title through both Ida Flegal Haney and Giorge W. Haney, as set forth in the attached Petition. BY THE COURT: /s/ John K. Reilly,Jr.,P.J.

JUNE 21, 1985, PETITION TO CLARIFY THE RECORD, filed by Edward C. Connolly,

Cont'd to Pg. 304

Cont'd fr. Pg. 303 | 84-4-EQ GEARHART vs. HANEY

JUNE 21, 1985, ORDER, filed

AND NOW, to wit, this 21 day of June, 1985, within Petition and upon the motion of Edward C. Connolly, Esquire the record is herewith corrected to show that whereas the Complaint in Partition in the above captioned matter, showed that the title derived by the defendant soley through Walter W. Haney, the Compalint is therefore herewith amended to show title through bouth Ida Flegal Haney and George W. Haney, as set forth in the attached Petition
BY THE COURT: John K. Reilly, Jr President Judge.

EQUITY #13

David P. King	DUBOIS AREA SCHOOL DISTRICT	JANUARY 27, 1984, COMPLAINT IN EQUITY, filed by David P. King One Copy Certified to Sheriff. FEBRUARY 3, 1984, PRELIMINARY OBJECTIONS filed by Anthony Guido FEBRUARY 8, 1984, SHERIFF'S RETURN filed. Now January 30, 1984 served within Complaint in Equity on Frank Mennetti, Ex. Dir. for DuBois Housing Authority. So answers, Chester A. Hawkins by Marilyn Wood
1/27/84 8:30 a.m.	84-5-EQU	
Anthony Guido	DUBOIS HOUSING AUTHORITY	

Pro	by Atty	40.00
Atty		3.00
Shff	by Atty	18.35

Gates & Seaman

NANCY C. LEARISH

84-6-EQU

Kim KESNER

~~EVA NOLDER, AS Executrix of the Estate of DONALD K. LEARISH, aka DON LEARISH~~
KIMBERLY L. PETRONE and KENNETH C. LEARISH, as Administrators D.B.N.C.T.A. of the Estate of Donald K. Learish, a/k/a Don Learish

Pro by Atty 40.00

atty by Atty 3.00

Shff Hawkins 15.55

PRO by atty 5.00

FEBRUARY 8, 1984, COMPLAINT IN EQUITY, filed by Andrew P. Gates.
One Copy Certified to Sheriff.

FEBRUARY 8, 1984, A Complaint in Equity having been filed to the above captioned case requesting a deed be set aside, please list said suit as lis pendens against Defendant in the judgment index. GATES & SEAMAN, By /s/ Andrew P. Gates, Attorney for Plaintiff

FEBRUARY 14, 1984, AFFIDAVIT OF SERVICE, filed.
NOW, Feb. 9, 1984 at 11:00 AM o'clock EST served within Complaint on Eva Nolder, deft. at her place of residence. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

FEBRUARY 21, 1984, RULE filed.
AND NOW, February 21, 1984, upon consideration of th foregoing Complaint and on motion of Gates & Seaman, Attorneys for Plaintiff, a Rule is hereby granted upon Defendant to show cause why Plaintiff's request should not be ordered.
RULE returnable for hearing 2 day of March, 1984 at 1:30 o'clock P.M., Clearfield County Court House, Clearfield, Pennsylvania. BY THE COURT, John K. Reilly, Jr., P.J.
February 29, 1984, Checked with Attorney Gates-he issued the Rule, however hearing is being continued
FEBRUARY 24, 1984, PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT filed by Kim C. Kesner
ORDER
AND NOW, this 24 day of February, 1984, upon consideration of the foregoing Preliminary Objections to Plaintiff's Complaint, hearing on Defendants' Preliminary Objections shall be held on the 2nd day of March, 1984, at 1:30 p.m., in the main courtroom of the Clearfield County Court House, Clearfield, PA.
BY THE COURT: John K. Reilly, Jr., President Judge
One copy certified to Attorney
FEBRUARY 23, 1984, VOLUNTARY SUBSTITUTION OF SUCCESSORS AS PARTY TO ACTION filed by Sughrue & Kesner
FEBRUARY 28, 1984, NOTICE filed by Andrew P. Gates
The named Defendants in the above captioned action having voluntarily substituted themselves as successors to party to the action and a Complaint in Equity having been filed to the above captioned case requested a deed be set aside, please list said suit as lis pendens against Kimberly L. Petrone and Kenneth C. Learish, a/k/a Don Learish and against the Estate of Donald K. Learish, a/k/a Don Learish, in the judgment index.
s/Andrew P. Gates
MARCH 2, 1984, AMENDED COMPLAINT filed by Andrew P. Gates
MARCH 30, 1984, ANSWER TO AMENDED COMPLAINT AND NEW MATTER, filed by Kim C. Kesner, Esq.
APRIL 19, 1984 ANSWER TO NEW MATTER filed by Andrew P. Gates, Esquire.
APRIL 27, 1984, CERTIFICATE OF SERVICE filed by Kim C. Kesner, Esquire

JUNE 4, 1984, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER PA R.C.P. NO. 4007.1, filed by Andrew P. Gates, Esquire.
Deposition of John Sughrue, Esquire.

AUGUST 7, 1984, STIPULATION FOR RELEASE OF REAL PROPERTY FROM EQUITY LIEN, filed.
The parties hereto agree as follows:
(1) That Donald K. LEarish, above named decedent died seized and possessed of certain rea property hereinafter more fully described, situate in Penn Township, Clearfield County, Pennsylvania and the above named administrators of his estate desire to sell the same and have entered into sales agreements, subject to the approval of the Court, for a gross sale price of $65,000.00.
(2) That the above captioned action was commenced seeking, among other things, the ression of a deed dated August 24,1981 From Nancy C. Learish to Donald K. Learfish and recorded in Clearfield County Deed Book 841, page 166, such being the same premises hereinbefore mentioned in Paragraph 1 of this Sttipulstion.
(3) That the above captioned action constitutes an equitable lien against the real property hereinafter described.
(4) That all parties hereto agree that this Stipulation in no way is to be construed as an admission, certification or ratification, on behalf of Plaintiff Nancy C. Learish, as to legality of the deed hereinbefore referred to in Paragraph 2 of this Stipulation.
(5) That all parties hereto agree that said real property should be sold and the net proceeds of sale substitited for real property pending a resolution of this action.
(6) That the parties desire and hereby authorize abd agree to the entry of an order providing that the following described real property shall be released from any and all equity liens or other liens created by this action in a reasonable form, acceptable to the attorney representing the purchaser and further proviking that the net proceeds of sale be distributed to John Sughrue, Trustee for the Estate of Donald K. Learish, said sum to be held by the Trustee and invested in a governmentally insured interest bearing account pending resolution of this matter, and further providing that sums may be paid from said account only upon order of The Court of Common Pleas of Clearfield County, Pennsylvania, Orphan's Court Division or upon agreement of the parties.
(7) The property which is the subject of this Stipulation and which sall

CONTINUED PAGE 308

CONTINUED FROM PAGE 307 Learish vs Petrone,Learish 84-6

BE RELEASED FROM ANY AND ALL SUCH LIENS IS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

All that parcel of land situated in Penn Township,Clearfield County,Pennsylvania bounded and described as follows:

BEGINNING at a corner in public road in common with D. Hatten and W. Pentz N 58 degrees 06 minutes W. 30 perches more or less to line of R. Wachter, thence by said Line N 22½ E 664.6 feet to a stake, thence in an estwardly direction to a corner in public road common to A. Coons and D. Hatten,30 perches more or less, thence southwardly to place of beginning. Containing 8 acres more or less, Excepting and reserving all clays,gasses and oils and all rights necessary for prospection and drilling and removal of same without compensation or liability.

BEING the same premises which were conveyed to Donald and Nancy Learish from Cortes L. Keiser by deed dated April 15, 1972 and recorded in the Clearfield County Recorder's Office in deed book 647,page 298.

(8) That all parites hereto agree, that upon sale of thepremises described in Paragraph 7 above, the sum of Three thousand one hundred forty-four dollars and fifty-nine cents($3,144.59) may be set aside from the net sale proceeds for payment of the Funeral expenses of Donald K. Learish, deceased.

IN WITNESS WHEREOF, the parties hereto, have set their hands and seals this 7th day of August,1984. /s/ Kim C. Kesner,Atty for Defendants /s/ Andrew P. Gates,Atty for the Plaintiff.

NOVEMBER 7,1984, PRAECIPE,filed.

Please mark the above captioned action "settled and discontinued" with the further understanding that the sale proceeds that are currently bing held in trust by John Sughrue, Esquire, for the Estate of Donald K. Learish, as per the August 7,1984 Stipulation, are hereby released from any equitable lien the above captioned action may have created./s/ Andrew P. Gates,Esq.

SETTLED DISCONTINUED

Milgrub & Lhota	JANET MORGAN	FEBRUARY 10, 1984, PETITION IN EQUITY, filed by Richard H. Milgrub One Copy Certified to Attorney. RULE TO SHOW CAUSE AND NOW, this 10 day of February, 1984, a Rule is hereby issued against Michael Morgan to show cause why he should not be ordered to sign the check which Janet Morgan recently received from Allstate Insurance. Rule Returnable this 4 day of April, 1984 at 10:00 o'clock, A.M. BY THE COURT, /s/ John K. Reilly, Jr., President Judge
	84-7-EQU	
	MICHAEL MORGAN	FEBRUARY 23, 1984, RULE TO SHOW CAUSE filed. One copy certified to Sheriff for service AND NOW, this 17 day of Feb, 1984, a Rule is hereby issued against Michael Morgan to show cause why he should not be ordered to sign the check which Janet Morgan recently received from Allstate Insurance. Rule Returnable this 28 day of March, 1984, at 9:00 o'clock A.M. BY THE COURT: John K. Reilly, Jr., President Judge MARCH 2, 1984, AFFIDAVIT OF SERVICE, filed. NOW, Feb 28, 1984 at 8:20 PM o'clock EST served within Petition on deft. at his place of employment. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood
	Pro by Atty 40.00 Atty 3.00 by Atty Shff Hawkins 15.75	

Joseph Colavecchi	MYRNA KLINE	
	84-8-EQU	
Benjamin S. Blakley Benjamin S. Blakley, III	IDABELLE KIRKWOOD; CLIFFORD B. KLINE; ERNEST KLINE; EMERY A. KLINE; EMERSON KLINE; THOMAS KLINE; WILLIAM ASHLEY KLINE; and HILDA SHIVELY	

FEBRUARY 16, 1984, COMPLAINT IN PARTITION, filed by Joseph Colavecchi
Two copies Certified to Attorney.
Eight Copies Certified to Sheriff.

FEBRUARY 29, 1984, PRAECIPE FOR APPEARANCE, filed.
Please enter my appearance on behalf of Defendants, HILDA SHIVELY, EMERY A. KLINE, ERNEST KLINE, and CLIFFORD B. KLINE. BLAKLEY & JONES, By /s/ Benjamin S. Blakley, III
Two Copies Certified to Attorney.

FEBRUARY 29, 1984, PRELIMINARY OBJECTIONS filed by Benjamin S. Blakley

MARCH 9, 1984, PRAECIPE filed.
Please enter my appearance for Defendants, EMERSON KLINE, ISABELLE KIRKWOOD and WILLIAM ASHLEY KLINE, in the above captioned action. s/Benjamin S. Blakley III
One copy certified to attorney

MARCH 19, 1984, SHERIFFS RETURN, filed
NOW, February 17, 1984, at Noon EST served the within Complaint in Partition on Husband of Hilda Shively, defendant
NOW, February 21, 1984, at 12:20 PM EST served the within Complaint in Partition on Ernest Kline, defendant
NOW, February 16, 1984, Oliver C. Nace, Sheriff of York County was deputized by Chester Hawkins, Sheriff of Clearfield County to serve the within Complaint in Partition on Clifford B. Kline, defendant.
NOW, February 22, 1984, served the within Complaint in Partition on Clifford B. Kline, defendant by deputizing the Sheriff of York County. The return of Sheriff Nace is hereto attached and made a part of this return.
NOW, February 16, 1984, L. Eugene Pauling, Sheriff of Lycoming County was deputized by Chester Hawkins, to serve the within Complaint in Partition on Idabelle Kirkwood and Emerson Kline, defendants.
NOW, February 22, 1984, served the within Complaint in Parition on Idabelle Kirkwood, defendant by deputizing the Sheriff of Lycoming County. The return of Sheriff Pauling is herebo attached and made a part of this return stating that he served William Kirkwood, Husband of deft.
NOW, February 25, 1984, served the within Complaint in Partition on Emerson Kline, defendant by deputizing the Sheriff of Lycoming County. The return of Sheriff Pauling is hereto attached and made a part of this return stating that he served Mrs. Emerson Kline, Wife of defendant.
NOW, February 27, 1984, at 6:00 PM EST served the within Complaint in Partition on Emery A. Kline, defendant
NOW, February 24, 1984, Garry Kunes, Sheriff of Centre County was deputized by Chester Hawkins, to serve the within Complaint in Parition on William Ashley Kline, defendant.
NOW, February 28, 1984, served the within Complaing in Partition on William Ashley Kline, defendant by deputizing the Sheriff of Centre County. The return of Sheriff Kunes is hereto attached and made a part of this return.

Pro	by Atty	40.00
Atty		3.00
Shff. Hawkins	by Atty	54.75
Shff. Pauling	by Atty	36.75
Shff. Nace	by Atty	19.45
Shff. Davis	by Atty	16.50
Shff. Kunes	by Atty	26.25
Pro	by atty	5.00

NOW, February 16, 1984, Guy Daivs, Sheriff of Somerset County was deputized by Chester Hawkins to serve the within Complaint in Partition on Thomas Kline.
NOW, February 21, 1984, attempted to serve the within Complaint in Partition on Thomas Kline, defendant by deputizing the Sheriff of Somerset County. The return of Sheriff Davis is hereby attached and made a part of this return marked "NOT FOUND". /s/ Chester A. Hawkins by Marilyn Wood

MARCH 23, 1984, AFFIDAVIT OF SERVICE filed by Joseph Colavecchi, Esq.

MARCH 29, 1984, PRAECIPE FOR APPEARANCE, filed by Benjamin S. Blakley,III,Esq.

SEPTEMBER 5,1984, PRAECIPE TO DISCONTINUE,filed.
Please mark the record in the above-captioned action, discontinued, settled and ended. /s/ Joseph Colavecchi.

DISCONTINUED ..... SETTLED.....ENDED....

J. L. Lehman

ANNA SHORE,
BARRY BERG, &
ALMA BERG

84-9-EQU

JAMES MARSH, his heirs, executors, administrators, successors and assigns

$79.78 Mortgage - Marsh Heirs
159.57 Collins & Clifford Marsh

1/16/87

$ 79.78
159.57 Pd
Atty F.
Ammerman
Clfd Tr.

Pro Atty — by Atty — 40.00, 3.00

FEBRUARY 16, 1984, COMPLAINT IN PARTITION filed by J. L. Lehman

FEBRUARY 16, 1984, PETITION FOR APPOINTMENT OF TRUSTEE AD LITEM filed by J. L. Lehman

ORDER

AND NOW, this 10 day of February, 1984, it is hereby ordered and decreed that David S. Ammerman, is hereby appointed Trustee Ad Litem for the unknown heirs of James Marsh in the foregoing Partition Action.
s/John K. Reilly, Jr., P.J.

MAY 10, 1984, MOTION AND ORDER filed by J. L. Lehman, Esq.

ORDER

You are hereby ordered by this Court to strike the appointment of David S. Ammerman, Esq. as Master on the above captioned matter and correct the appointment as Trustee Ad Litem. BY THE COURT, s/John K. Reilly, Jr., President Judge.

Two (2) copies Certified to Attys.

JULY 24, 1984, PETITION, filed by J.L Lehman and David S. Ammerman.

ORDER OF COURT ,filed
one certified copy to Lehman.

And now this 23rd day of July 1984, 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 heregy directed. (2) The names of all of the tenants and the nature and extent of their interest in the real property which is the subject matter of these proceedings are as follows: Anna Shore,818 N. Camine St.,Pt. ST. Lucie,Fl,33542, ½..James Marsh, deceased,½ (3) The above named co-owners own their respective interest in fee. (4) Exceptions may be filed by andy papty to this Order within twinty (20) days after the entry thereof. By t the Court, John K.Reilly,Jr.,P.J.

OCTOBER 23,1984, ORDER, filed.

NOW, this 18th day of October,1984, this being the day and date set for hearing in the above-captioned action in partition, the Defendants being represented by their Court appointed trustee ad litem, it is the ORDER of this Court that the prayer of said complaint be and is hereby granted and the property directed to be sold to Barry Berg and Arma Berg for the sum of $13,500.00 with the proceeds after deduction for costs to be divided equally between Anna Shore on the one hand and the heirs of James Marsh on the other. BY THE COURT:
/s/ John K. Reilly,Jr.,P.J.

APRIL 24,1985,NOTICE OF INTENTION OF FILING TRUSTEE'S REPORT AND DECREE NISI,filed by David S. Ammerman,Esq.

MAY 3, 1985 REPORT OF TRUSTEE, filed by David S. Ammerman.

MAY 3, 1985 DECREE NISI, filed.

This 3 day of May, 1985, the report of Trustee, David S. Ammerman, Esquire, 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 Trustee's intention to file said report was given to the parties in interest on the 24th day of April, 1985, as will appear of record, and after consideration of said report, it is ordered, adjudged, and decreed as follows:

1. That this report of the Trustee proceed under the Pennsylvania Rules of Civil Procedure as they relate to an action in partition.
2. That the proceeds of the sale of the subject premises be divided among the Marsh heirs pursuant to the schedule of distribution contained in the Trustee's report as Exhibit "I" and that the said funds be distrubuted to the said heirs.
3. If any of the heirs of James Marsh, as set forth in Exhibit "H" of the Trustee's report, cannot be located, that their respective share of the proceeds be deposited in an interest bearing account until such time as they may be found.
4. That upon filing an affidavit of proff that the proceeds have been distributed, or placed in escrow, pursuant to this order of court, the Trustee be discharged from the duties of his office.
5. That purusant tothe Pennsylvania Rules of Civil Procedure, Trustee gave all persons in interest, being the heirs of James Marsh, written notice onthe 24th day of April, 1985, of his intent to filethis Trustee's report and proposed scheduled of distribution on the 3rd day of May, 1985, and included in said notice a true and correct copy of the Trustee's report, together with a copy of this decree.
6. That this Trustee's report, together with a copy of this decree, was filed on the 3rd day of May, 1985, pursuant to the notice duly given in writing to all persons in interest, as will appear of record.
7. That provided there are no exceptions filed within ninety(90) days to this decree, the Trustee shall make distribution to the said Marsh heirs at the expiration of the said ninety (90) days or at such earlier time as the parties shall stipulate.

CONTINUED TO PAGE 314

CONTINUED FROM PAGE 313 No. 84-9-EQU. SHORE -vs- MARSH

8. That attached to the Trustees Report as Exhibit "K" is the Trustees bill for legal services and all costs associated with this proceeding on behalf of the Marsh heirs, and that the Trustees fees and costs be deducted from the distributive share of the Marsh heirs as set forth on the schedule of distribution as attached to the report as Exhibit "I". BY THE COURT, s/John K. Reilly, Jr., President Judge.

MAY 3, 1985 NOTICE OF FILING OF TRUSTEE'S REPORT AND DECREE NISI, filed.

OCTOBER 28,1985, ORDER,filed.

No Copies

AND NOW, this 28th day of October, upon Motion by the Trustee,Frederic J. Ammerman, it is the Order of this Court that the Prothonorary of Clearfield County place the shares of Diana Devereax, whereabouts unknown, and of the three unidentified children of Wilfred Marsh, in an interest bearing account until such time as the same are identified and/or located. BY THE COURT:/s/ John K, Reilly,Jr.,P.J.

APRIL 9,1986,ORDER OF COURT,filed.

AND NOW, this 9th day of April,1986, upon Motion o trustee, FREDERIC J. AMMERMAN, Esquire, it is the Order of this Court that the monies presently being held in trust by the said Trustee for the unknown or unlocated heirs of James Marsh be transferred to the care and custody of the Clearfield County Prothonotary in the Prothonotarys interest bearing escrow account until such time as the said heris of James Marsh or their legal heirs be located. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

JANUARY 16, 1987 Checks#1046=$79.78 and Check#1047=$159.57 placed in escrow account as per Court Order. s/lb

JULY 5, 1990, ORDER, filed

AND NOW, this 5th day of July, 1990, upon Petition of Barry t. Marsh, it appearing from the documents filed with the Petition that Barry T. Marsh and Noreen (Marsh) Bradley are the children and the lawful heirs of Wilfred Marsh, it is the Order of this Court that the Prothonotary distribute the amount of $159.57, plus interest from the time the escrow account was opened on or about January 15, 1987, to Barry T. Marsh of 8020 Casa De Meadows Drive, Englewood, Fl 34224 for equal distribution to himself and Noreen Bradley.

Furthermore, pursuant to teh prayer set forth wihtin said Petition, the Prothonotary is directed to distribute the amount of $79.78, plus interest from on or about January 15, 1987 to Barry T. Marsh, in trust for Diana Devereaux, the unlocated daughter of Ronald Marsh. Barry T. Marsh in hereby ordered to maintain all amounts received on behalf of Diana Devereaux in an interest bearing account until such time as she, or her heirs, can be located. The Prothonotary shall also provide Barry T. Marsh with a certified copy of this order. BY THE COURT: John K. Reilly, Jr., P.J.

AUGUST 20,1990, LETTER TO ALLEN D. BIETZ,PROTHONOTARY FROM BARRY MARSH,filed.
Checks attached to letter of Augsut 20, 1990.

FEBRUARY 15, 1991, LETTER TO ALLEN D. BIETZ, PROTHONOTARY FROM BARRY T. MARSH, filed

MARCH 13, 1991, LETTER TO ALLEN D. BEITZ, PROTHONOTARY FROM MICHAEL J. REITER, ESQ., RE: DISTRIBUTION OF MONIES, filed.

Paid ck 1510 & 1511 on 3/26/91

#13 EQUITY

~~Lee G. Nollau~~

DAVCO COAL GROUP, INC.
JOSEPH COLAVECCHI,
Interpleader

2/16/84
$5,000.00
Pd-Injunction
Bond

84-10-EQU.

Charles J. Weyandt
Joseph Green
John R. Carfley

TERRY D. RADER
RONALD A. WARING
THEODORE KOLBE

7/2/85
$26,833.37 Pd Atty
G. Test, Jr.
Clfd Tr.

LAUREL RUN COAL, INC.
Add'l Defendant

7/17/85	Pro by Plff	40.00
90 day	Atty	3.00
Certificate #	Shff. Hawkins	21.15
M2589--Clfd		
Bank & Trust		
Co-Amt $26,833.37		
Per Court Order		

Aug. 6th, 1987

Trans to reg acct.	Ck#5583	$30358.71
Pro.	323.58	
#12620 Atty J.C.	16958.87	
#12621 J.Colavecch	13076.26	$30358.71

2/28/84	Transfer Reg Acct	5,000.00
Ck#4694		
11339	Davco Coal Group, Inc.	5,000.00

July 22, 1987

$30,358.71
Clfd Bank &
Trust Co.

FEBRUARY 16, 1984 COMPLAINT, filed. 8 cert Atty.

FEBRUARY 16, 1984 MOTION FOR PRELIMINARY INJUNCTION WITHOUT PRIOR HEARING, filed. 8 cert. atty.

FEBRUARY 16, 1984 PLAINTIFF'S VERIFICATION RE: SECURITY FOR PRELIMINARY INJUNCTION, filed. 8 cert atty.

FEBRUARY 16, 1984 ORDER

AND NOW, this 16th day of February, 1984, upon consideration of Plaintiff's Complaint in Equity, and Plaintiff's Motion for Preliminary Injunction without Hearing, it appearing that immediate and irreparable damage will be sustained by Plaintiff before a hearing can be held on Plaintiff's request for injunctive relief: IT IS HEREBY ORDERED AND DECREED that upon posting with the Prothonotary of Security in the amount of $5,000.00 by Plaintiff.

1. Terry D. Rader, Ronald A. Waring and Theodore Kolbe, individually, their agents, servants employees and all persons acting in concert with them or otherwise participating in their aid or on behalf of any of them are enjoined and prohibited from:

a. interfering with the conduct of the business of DAVCO COAL GROUP, INC:

B. INTERFERING WITH THE mining, removal or sale of coal from the premises subject to the contract entitled "Agreement of Lease" between TERRY D. RADER and DAVCO COAL GROUP, INC., by DAVCO COAL GROUP, INC. pursuant to the said Agreement of Lease:

c. denying, restricting or otherwise obstructing access of DAVCO COAL GROUP, INC., to the said premises;

d. forcing or by intimidation or threat attempting to force DAVCO COAL GROUP, INC., and its agents, servants, and employees to discontinue mining removal or sale of coal from the said premises pursuant to the said Agreement of Lease:

e. interfering with the trade and business connections of DAVCO COAL GROUP, INC., with suppliers and customers: and

f. trespassing on the said premises during the pendency of the said Agreement of Lease; and it is further DECREED that TERRY D. RADER shall perform all duties and responsibilities of TERRY D. RADER pursuant to the said Agreement of Lease and shall convey the premises subject thereto to DAVCO COAL GROUP, INC.' subject only to the terms and conditions of the said Agreement of Lease: and it is further:

DECREED that DAVCO COAL GROUP, INC., may mine, remove and sell coal from the said premises pursuant to the said Agreement of Lease without and not subject to any claim of TERRY D. RADER, RONALD A. WARING and THEODORE KOLBE or any of them save for such claims as shall be made against DAVCO COAL GROUP, INC., in an action of law or in equity: and it is further:

ORDERED that purusant to Pennsylvania Rule of Civil Proceudre 1331 a hearing pertaining to the continuance of this Preliminary Injunction will be held on the 21st day of February, 1984, at (9:00) A.M. in the Courtroom of the Clearfield County Courthouse, Clearfield, PA, and

FURTHER, a Rule is hereby entered upon TERRY D. RADER, RONALD A. WARING and THEODORE KOLBE to shaw cause, if any at the above date and time why this injunction should not be continued. BY THE COURT, s/John K. Reilly, Jr., President Judge.

FEBRUARY 17, 1984 ORDER DIRECTING POSTING OF $100.000.00 BOND IMMEDIATELY TO MAINTAIN PRELIMINARY INJUNCTION, filed.

AND NOW, this 17th day of February, 1984, Plaintiff is directed to immediately post a One hundred thousand (100,000.00) Dollar Bond in order to maintain a Preliminary Injunction issued by this Court.

Further, Plaintiff is barred from Defendants' property until the posting of the One hundred thousand Dollar Bond.

No coal removing operations of any kind shall be conducted on Defendant's property until the One hundred thousand dollar Bond is posted. By the Court. s/John K. Reilly, Jr., President Judge.

FEBRUARY 21, 1984 ANSWER of Defendant Theordore Kolbe, filed by John R. Carley, Atty for Theordore Kolbe.

FEBRUARY 28, 1984 SURETY BOND IN THE AMOUNT OF $100,000.00 filed. Surety UTICA MUTUAL INSURANCE COMPANY.

MARCH 5, 1984, PRAECIPE FOR ENTRY OF APPEARANCE, filed.

Please enter my appearance on behalf of TERRY D. RADER, one of the Defendants in the above-captioned action. DUNAWAY, WEYANDT, McCORMICK & Jones, By /s/ Charles J. Weyandt

MARCH 5, 1984, CERTIFICATE OF SERVICE, filed by Charles J. Weyandt, Esq.

FEBRUARY 17, 1984, MOTION UNDER R.C.P. 1531(c) TO DISSOLVE PRELIMINARY INJUNCTION filed by Joseph Colavecchi

MARCH 6, 1984, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER RULE 4007.1 filed by Joseph Colavecchi

MARCH 8, 1984, PRAECIPE TO WITHDRAW APPEARANCE ON BEHALF OF TERRY D. RADER filed.

Please withdraw my appearance on behalf of Terry D. Rader, one of the above Defendants, he now being represented by Charles J. Weyandt. s/Joseph Colavecchi

CONTINUED TO PAGE 316

CONTINUED FROM PAGE 315 NO. 84-10-EQU DAVCO COAL GROUP INC. -vs- TERRY D. RADER al

MARCH 12, 1984, SHERIFFS RETURN, filed
NOW, February 16, 1984 at 8:10 PM EST served the within Notice, Complaint, Order, Plaintiff's Verification & Motion on Terry D. Rader, defendant at his place of residence, RD#1, Philipsburg, Clearfield County, Penna. by handing to Terry D. Rader a true and attested copy of the original Complaint etc. and made known to him the contents thereof.
NOW, February 16, 1984, at 8:35 PM EST served the within Notice, Complaint, Order, Plaintiff's Verification & Motion on Ronald A. Waring, defendant at his place of residence, RD#1, Philipsburg, Clearfield County, Penna. by handing to Ronald A. Waring a true and attested copy of the original Complaint etc. and made known to him the contents thereof.
NOW, March 12, 1984 contacted Attorney Nollau and he stated that he personally served attorney for Theodore Kolbe, defendant. /s/ Chester A. Hawkins by Marilyn Wood

MARCH 14, 1984, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER RULE 4007.1, filed by Joseph Colavecchi
(deposition of ROBERT BRITTEN, President of Davco Coal Group, Inc.)

MARCH 16, 1984, PLAINTIFFS RESPONSE TO REQUEST OF DEFENDANT, TERRY D. RADER, FOR PRODUCTION OF DOCUMENTS AND THINGS, & VERIFICATION OF SERVICE, filed by Lee G. Nollau

MARCH 19, 1984, PRAECIPE TO ADD ADDITIONAL DEFENDANT, filed by Joseph Colavecchi
Please add Laurel Run Coal, Inc., c/o Robert Britten, P.O. Box 146, Osceola Mills, Pennsylvania, 16666 as an additional Defendant in the above-captioned action. /s/ Joseph Colavecchi

APRIL 11, 1984, COMPLAINT BY CROSS-PLAINTIFF, RONALD A. WARING AGAINST DAVCO COAL GROUP, INC., CROSS-DEFENDANT AND AGAINST LAUREL RUN COAL CO., INC., ADDITIONAL DEFENDANT, filed by Joseph Colavecchi, Esquire.
MAY 15, 1984, PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANT THEODORE KOLBE, filed Lee G. Nollau, Esquire.
MAY 15, 1984, PRELIMINARY OBJECTIONS TO COUNTERCLAIM OF DEFT. RONALD A. WARING, filed by Lee G. Nollau, Esquire.

JUNE 7, 1984, FIRST AMENDED ANSWER AND FIRST AMENDED COUNTERCLAIM, filed by Joseph Colavecchi, Esquire.

JULY 3, 1984, PRELIMINARY OBJECTIONS TO FIRST AMENDED COUNTERCLAIM OF DEFENDANT RONALD A. WARING, FIled by James L. Jubelirer and ASSICIATES.

AUGUST 10, 1984, PETITION TO ENCREASE AMOUNT OF BOND TO MAINTAIN PRELIMINARY INJUNCTIONS, filed by Joseph Colavecchi
4 Copies Cert Atty
AUGUST 10, 1984, RULE, filed
AND NOW, this 10 day of August 1984, upon consideration of the foregoing Petition a Rule is issued and directed to the Plaintiff to show cause why they should not be required to increase the bond to maintain their Preliminary Injuction from One Hundred Thousand Dollars ($100,000.00) to Two Hundred Thousand Dollars ($200,000.00).
Said Rule is returnabel the 23 day of August 1984 at 9:30 o'clock a.m. at the Clearfield County Courthouse. BY THE COURT: John K. Reilly , Jr. President Judge.

AUGUST 13,1984,ORDER,filed.
NOW, this 13th day of August,1984, following argument into Plaintiff's Preliminary Objections to the first amended counterclaim of Ronald A. Waring,Defendant above-named,it is the ORDER of this Court that said objections be and are hereby sustained and the first amended counterclaim of Ronald A. Waring Defendant, dismissed It is the further ORDER of this Court that said Defendant shall file within twenty(20) days from date hereof responsive pleadings in the nature of an amended counter claim raising any defenses or counterclaims in equity which he may wish to assert.BY THE COURT,/s/ John K.Reilly,Jr.,P.J.

AUGUST 14,1984, AMENDED ORDER,filed.
THIS fourteenth day of August,1984, following Argument on Plaintiff's Preliminary Objections to the Counterclaim of Ronald A. Waring, Defendant above-named, it is the ORDER of this court that the ORDER of August 13,1984 be amended and clarified as follows:
That said Objections be and are hereby sustained in the First Amended Counterclaim of Ronald A. Waring,dismissed without prejudice.
It is the further ORDER of this court that said defendant shall file within twenty (20) days from date hereof, responsive pleadings in the nature of an Amended Counter-claim raising any defences or counterclaims in wquity which he may wish to assert, and further that should Ronald A. Waring be successful in defending said equitable action above-captioned, he shall not be foreclosed from asserting further legal calims for damages and that the bond which has been posted by order of this court, pursuant to said action in equity, be applicable to any such subsequent legal proceedings.
BY THE COURT,/s/ John K. Reilly,Jr.,P.J. Two copies cert. to atty.

AUGUST 24, 1984, ORDER, filed by Colavecchi & Ryan
AND NOW, this twenty-third day of August, 1984, a Petition having been filed to increase the amount of bond from One Hundred Thousand ($100.000) Dollars to Two Hundred Thousand ($200,000) Dollars, and a Hearing having been held involving Lee Nollau, Counsel for Davco Coal Group, Inc., and Joseph Colavecchi, Attorney for Fonald A. Waring, et ux, and George S. Test, Attorney for the Haupt Heirs, and no attorney having been present on behalf of Terry D. Rader, but Edward Reiter, the Agent collecting the coal royalties, appearing on behalf of Terry D. Rader, and a question having been raised as to whether the coal rights where Davco Coal Group, Inc. has been operating are owned by Terry D. Rader, who has been receiving the full coal royalty, or whether Davco Caol Group, Inc. is operating on property where the coal rights are owned by Waring and Haupt Heirs, and upon consideration thereof, it is hereby ORDERED and DECREED that Davco Coal Group, Inc. shall have until September 4, 1984 in which to produce a survey showing that the property on which they are operating or are presently operating is owned in fee by Terry D. Rader, or said bond shall be increased from One Hundred Thousand ($100,000) Dollars to Two Hundred Thousand ($200,000) Dollars. BY THE COURT,s/ John K. Reilly, Jr., President Judge

Cont to page 318

EQUITY DOCKET #13

Anthony S. Guido	DELBROS CORPORATION, formerly DELANEY BROS., INC. 84-11-EQU JOHN ROSIO, JR.; STEVE ROSIO; GEORGE ROSIO; GENEVIEVE ROSIO; JOSEPH SYCALIK; ANN PARULO; PATSY PARULO; ANN (ROSIO) PARULO, Executrix of the Estate of JOHN ROSIO Pro by Atty 20.00 Atty 3.00	FEBRUARY 22, 1984, PRAECIPE filed by Anthony S. Guido Enter my appearance in the above case for Plaintiff, DELBROS CORPORATION, formerly DELANEY BROS., INC., and issue Summons in Equity against JOHN ROSIO, JR., STEVE ROSIO, GEORGE ROSIO, GENEVIEVE ROSIO, JOSEPH SYCALIK, ANN PARULO, PATSY PARULO, and ANNA (ROSIO) PARULO, Executrix of the Estate of JOHN ROSIO, Defendants. s/Anthony S. Guido HOLDING SUMMONS AS PER INSTRUCTIONS

CONTINUED FROM PAGE 316.....84-10-EQU.....DAVCO COAL vs TERRY D. RADER

SEPTEMBER 10,1984, PETITION TO ENFORCE INJUNCTION and RULE, filed by Joseph Colavecchi,Esq.

Three certified to atty.

AND NOW, this 10th day of September,1984, upon consideration of the foregoing Petition for contempt, a Rule is hereby issued and directed to Davco Coal Group,Inc., to show cause why they should not be found in contempt of the earlier Orders issued by the Court dated September 4,1984 and September 7,1984.

This Rule is Returnable at the Clearfield County Courthouse on the 14th day of September,1984, at 9:00 am.

In the meantime, no further coal operations of any kind are to be conducted by Davco Coa; Group,Inc., on properties in which Terry D. Rader and/or Ronald A.Waring have any ownership interest, unless Davco Coal Group,Inc. posts a bond in the amount of Two Hundred Thousand (200,000) Dollars. BY THE COURT, /s/ John K. Reilly,Jr.,P.J.

SEPTEMBER 10, 1984, CERTIFICATE OF SERVICE, filed by Charles J. Weyandt, Filed in Office by Joseph Colavecchi

PETITION FOR ENFORCEMENT OF ORDER, filed.

ORDER

AND NOW, this 7th day of September, 1984, a Petition having been filed for enforcement of the Order of this Court dated August 23, 1984; and, it appearing to the Court that the Plaintiff has neither filed a survey nor filed bond as required by the said Order, it is hereby ORDERED and DECREED as follows:

1. The Plaintiff is enjoined from further removal of any coal from the subject premises.

This Order shall be and remain in full force and effect until further order of Court. BY THE COURT, /s/ Charles C. Brown, Jr., President Judge, Specially Presiding

SEPTEMBER 12,1984, PETITION TO INCREASE AMOUNT OF BOND TO MAINTAIN PRELIMINARY INJUNCTION and RULE,filed by John Carfley.

AND NOW, this 12th day of September,1984, upon consideration of the foregoing Petition, a Rule is hereby issued and directed to Davco Coal Group,Inc. to appear and show cause why the prayer of said petition should not be granted.

RULE RETURNABLE the 14th day of September,1984, at 9:00 AM at the Clearfield County Courthouse. BY THE COURT/s/ John K. Reilly,Jr.,P.J.

SEPTEMBER 13,1984,AFFIDAVIT OF SERVICE,filed.

Frank Notor,Constable, being duly sworn according to law, deposes and says that on the 10th day of September,1984, at about 4:45 PM he served a Petition to Enforce Injuction in the above-captioned matter on Harrey S. Dixon Dragline operator, by handing to and leaving with said Dravo Coal Group at the striping, pwrsonally at West Decatur,Pa a true and corredt copy of said Petition./s/ Frank Notor,Constable.

SEPTEMBER 14,1984, ORDER,filed.

NOW, this 14th day of September,1984, upon consideration of the foregoing Petition after hearing theron and with the concurrence of counsel, it is hereby ORDERED that the said Plaintiff,Davco Coal Group,Inc., shall seek and accomplish the release of the said defendant, Theodore Kolbe, as a grarantor for any and all bonding secured by the said Davco Coal Group,Inc. and upon which the said Theofore Kolbe, and his spouse, Ethel Kolbe, shall have signed personal imdemnification contracts. Said Order shall be considered satisfied upon receitp of written assurances from Evergreen Insurance Agency that the said Theodore Kolbe and Ethel Kolbe shall have been so released, counsel having reported to the Court that Evergreen has already provided oral assurances of this fact. BY THE COURT,/s/ John K. Reilly,Jr.,P.J.

SEPTEMBER 14,1984, ORDER,filed.

NOW, this 14th day of September,1984, this being the day and date set for Hearing into the above-captioned matter, upon agreement of the parties, it is the ORDER of this Court that Plaintiff above-named be and is hereby enjoined from proceeding with any strip mine operations on real estate the surface of which is owned by Defendant Terry D. Rader and/or Ronald A. Waring, until the surety bond in the amount of One Hundred Thousand Dollars presently posted to the above-captioned action is increased to Two Hundred Thousand Dollars or until further Order of Court. It is the further agreement of the parties that the Plainfitt shall have the right to enter upon the premises of said Defendants for purposes of reclamation of strip mining operations already completed or for purposes of conducting a land survey. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

OCTOBER 17,1984, PETITION FOR CONTEMPT and RULE RETURNABLE,filed by John Carfley,Esq

One copy certified to atty.

AND NOW,this 18th day of October, upon consideration of the within Petition, it is HEREBY ORDERED that the within plaintiff,Davco Coal Group,Inc., appear and show cause why the prayer of said petition should not be granted.

RULE RETURNABLE this 2nd day of November, 1984, at 1:30 p.m. BY THE COURT:/s/ John K. REilly,Jr.,P.J.

OCTOBER 29,1984, PETITION FOR CONTEMPT and RULE RETURNABLE,filed, by Joseph Colavecchi.

Four copies certified toatty.

AND NOS, this 29th day of October,1984, upon consideration of the within Petition it is hereby ORDERED that the within Plaintiff,Davco Coal Group,Inc appear and show cause why they should not be barred from removing any equipment from the Waring propery until the trial of this case has been completed and damages ascertained and also the backfilling responsibilites completed by Davco Coal Group,Inc.

Rule returnable the second day of November,1984 at 1:30 p.m./s/ John K. reilly, Jr.,P.J.

NOVEMBER 5,1984, ORDER,filed.

NOW, this 2nd day of November,1984, this being the day and date set for hearing into the above-captioned Petition for Contempt filed on behalf of Ronald A. Waring, defendant and Theodore Kolbe, defendant, upon agreement of the parties, it is the ORDER of this Court that Plaintiff above-named shall take no steps to remove any equipment from the subject premises for a period of two weeks from date hereof in order that the parties may pursue settlement negotiations. At the end of said period either party may apply to this Court for hearing shold such be necessary. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

Cont 319

EQUITY #13 1984

Fredric J. Ammerman	ROBERT N. SHEPARD and MARILYN D. SHEPARD, Husband and Wife	MARCH 1, 1984, COMPLAINT IN EQUITY, filed by Fredric J. Ammerman, Esquire Two copies Certified to Attorney. MARCH 5, 1984, AFFIDAVIT OF SERVICE filed. Complaint served on Richard M. Lenhart and Mona M. Lenhart on March 2, 1984. s/Jack B. Walker, Constable
	84-12-EQU	MARCH 21, 1984, ANSWER AND COUNTERCLAIM, filed by James A. Naddeo One Copy Cert. to Atty MARCH 29, 1984, REPLY TO COUNTERCLAIM filed by Fredric J. Ammerman, Esq.
James A. Naddeo	RICHARD M. LENHART and MONA M. LENHART, Adult Individuals	JULY 10, 1984 PRAECIPE, filed by Fredric J. Ammerman, Atty for Plff. Please list the above-captioned Action in Equity on the Trial List. s/Fredric J. Ammerman, Atty for Plff. AUGUST 24, 1984 PRAECIPE, filed by Fredric J. Ammerman, Atty for Plff/Robert N. Shepard and Marilyn D. Shepart and Marilyn D. Shepard, Plffs. Please mark the above case as Satisfied and Discontinued upon payment of costs by the Defendants. s/Fredric J. Ammerman, Atty for Plff. Record costs in the sum of $48,00 have been paid in full by Attorney James A. Naddeo, check#5256, this case marked Satisfied and Discontinued.

	Pro	by Atty	40.00
	Atty		3.00
	Disc	by atty	5.00
Ck#5256	Adv costs		48.00
11522	F. Ammerman		43.00
	Pro		5.00
			48.00

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

****

CONTINUED FROM PAGE 318 84-10-EQU DAVCO COAL vs TERRY RADER

NOVEMBER 13,1984, ANSWER OF TERRY RADER and CERTIFICATE OF SERVICE. filed.
I hereby certify that a true and correct copy of the within Answer,New Matter and Counterclaim of Terry D. Radar was hereby served by depositing same within the custody of the United States Postal Service,First Class, postage prepaid,addressed to the following: Lee Nollau,Esq, Joseph Colavecchi,Esq., George S. Test,Jr., Esq., John R. Carfley,Esq. /s/ Charles J. Weyandt,Esq.
NOVEMBER 16,1984, Petition and ORDER OF COURT,fild by John Carfley,Esq.
AND NOW,this 16th day of November,1984, upon consideration of the foregoing Petition, IT IS THE ORDER OF THIS COURT, that hearing on Defendant's Petition for Contempt shall be held on the 13th day of December,1984, at 10:30 am IT IS THEFURTHER ORDER OF THIS COURT that this Court's Order of November 2,1984, shall and will remain in effect until time of hearing. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.
DECEMBER 20,1984, STIPULATIONS,filed by Lee Nolleau,Esq. for Davco Coal Group, Charles J. Weyandt,Atty for Terry Rader, Joseph Colavecchi Atty for Ronald Waring And Barbara Waring, John R. Carfley,Atty for Theodore Kolbe and Ethel Kolbe, George Test,Jr. atty for The heirs.
No Copies
FEBRUARY 12,1985, PRAECIPE TO FILE PETITION TO WITHDRAW AS COUNSEL FOR RONALD A. WARING AND BARBARA WARING,filed by Joseph Colavecchi,Esq.
Please file the attached "Petition to Withdraw as Counsel for Ronald A. Waring and Barbara Waring".
When the Court issues a Rule Returnable, it will be filed separately to be part of this Petition./s/ Joseph Colavecchi,Esq.
FEBRUARY 12,1985, PETITION TO WITHDRAW AS COUNSEL FOR RONALD A. WARING AND BARBARA WARING, filed by Joseph Colavecchi,Esq.
FEBRUARY 27,1985,RULE, filed.
ATTY WILL SERVE RULE!!
AND NOW, this 27th day of February,1985, upon consideration of the foregoing Petition, a Rule is issued and directed to Ronald A. Waring and Barbara Waring to show Cause why Joseph Colavecchi should not be permitted to withdraw as legal Counsel for them in the above -captioned case.
This Rule is returnable the 13th day of March,1985, at 9:00 am at the Clearfield County Courthouse. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

MARCH 14,1985, ORDER,filed.
AND NOW, this thirteenth day of March,1985, aPetition habing been presented to the Court by Joseph Colavecchi requesting leave to withdraw as Counsel for Ronald A. Waring and Barbara Waring a Rule was then issued and directed to Ronald A. Waring and Barbara Waring to show cause why Joseph Colavecchi shoud not be permitted to withdraw as legal counsel on their behalf in the above-captioned case.This Rule was made returnable for the Thirteenth day of March,1985 at 9:00 am.No objections having been raised, it is herebyORDERED AND DECREED that Joseph Colavecchi may withdraw as legal Counsel for Fonald A. Waring and Barbara Waring. BY THE COURT;/s/ John K. Reilly,Jr.,P.J.

CONTINUED TO PAGE 320

CONTINUED FROM PAGE 319 84-10-EQU DAVCO vs RADER

MARCH 21,1985, PRAECIPE,filed.
Please enter our appearance on behalf of the defendant,RONALD A. WARING,in the above captioned matter./s/ Joseph P. Green/s/ John R. Carfley

MAY 8,1985, ANSWER TO PETITION OF RONALD AND BARBARA WARING, filed by Jospeh Colavecchi,Esq.

JUNE 27, 1985 ORDER, filed. 1 cert. Attorney George E. Test.
AND NOW, this 27th day of June, 1985, following hearing, it is hereby ORDERED that the stipulation filed in the above-captioned action on December 20, 1984, is confirmed and approved as the final settlement agreement of the parties and the Prothonotary is directed to discontinue the action, marking the record settled and discontinued for all purposes and as to all parties, provided further that $49,000.00 of the bond of $100,000.00 posted by Plaintiff with the Prothonotary shall remain posted, in favor of Defendant Theodore Kolbe, until the earlier of 90 days from the date of this Order or release of Defendant Theodore Kolbe and Ethel Kolbe from indemnifications posted for in bonds for or in favor of Plaintiff, the remaining $50,400.00 of the said Plaintiff's bond to be released to Plaintiff immediately.

The Court being apprised that the Mid-State Bank and Trust Co., Trustee for the Heirs of G. Edward Haupt and Ronald A. Waring, Barbara J. Waring, his wife, have agreed and settled their respective claims to the $42,000.00 to be paid under paragraph three of the stipulation, $26,833.37 thereof to be paid on account of Ronald A. Waring and Barbara J. Waring: and in further appearing that a dispute has arisen with respect to the payment of the $26,833.37, the same being held by George S. Test, Attorney for Northern County Coals Co., Inc., George S. Test is hereby directed to pay to the Clerk of Courts of Clearfield County the sum of $26,833.37, the same to be deposited in an interest bearing account by the Clerk. Said payment to be made in an action of interpleader be filed on behalf of Northern County's Coal Co., Inc. The remainding parties to be joined therein, being Ronald A. Waring and Barbara J. Waring, his wife, and Joseph Colavecchi, Esquire. BY THE COURT, s/John K. Reilly, Jr., President Judge.

JULY 19,1985, PETITION FOR INTERPLEADER and ORDER OF COURT,filed.
AND NOW, this 22nd day of July,1985 upon consideration of the foregoing Petition the petition is granted and Joseph Colavecchi,Esquire an individual not a party to this action is added to the record as a party plaintiff and is enjoined from commencing any action in any court against your petitioner to enforce in whole or in part any claims as against the said Ronald Waring except as a party to the above entitled action.
NOW, THEREFORE, we command you,The Sheriff of Clearfield County to direct the claimant,Joseph Colavecchi,Esquire to file in the above entitled action a complaint in the office of the Prothonotary of Clearfield County within twenty days after being served with copies of the Petition for Interpleader and this order and all pleadings heretofore filed in the above entitled action BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

JULY 22,1985, SERVICE ACCEPTED AND COPY RECEIVED BY JOHN R. RYAN,/s/ John R.Ryan,ESQ
JULY 26,1985, ANSWER TO PETITION FOR INTERPLEADER,filed by Joseph Colavecchi,Esq.
AUGUST 13,1985, LETTER FROM JOHN CARLFEY,ESQ,filed.

SEPTEMBER 4,1985, ANSWER TO PETITION FOR INTERPLEADER,filed by Joseph Green,Esq
SEPTEMBER 9,1985, REPLY TO ADDITIONAL MATTER OF RONALD A. WARING,filed by Joseph Colavecchi,Esq.

JANUARY 27,1986, LETTER FILED FROM JOHN R. CARFLEY,ESQ.

MARCH 3,1986,LETTER FROM GEORGE TEST,filed.
Dear Ray:
At the request of Evergreen Insurance Associates,Inc. I am writing to you to advise you taht on behalf of the clients I represented in the above litigation,I have no objection to the release of the $100,000.00 bond posted in said action. Sincerely,George Test,Esq.

MARCH 17, 1986 LETTER, filed from Joseph P. Green, Atty.
We have been contacted by David M. Champe of Evergreen Insurance Associates regarding the bond issued by Utica Mutual Insurance Company. We have no objections to the release of the aformentioned bond. s/Joseph P. Green, Atty.

APRIL 18, 1986 ORDER, filed. 1 cert David Champe
NOW, this 18th day of April, 1986, it is the ORDER of this Court that bond posted in the above-captioned matter on behalf of Davco Coal Group, Inc., be and is hereby released effective February 27, 1986. By the Court, s/John K. Reilly, Jr., President Judge.

APRIL 21, 1986 SURETY BOND MAILED TO MR. DAVID CHAMPE BY REGULAR MAIL. s/lb

APRIL 17, 1986, MOTION FOR LEAVE TO WITHDRAW & RULE, filed by Lee G. Nollau 1 certified Atty.
AND NOW, this 5th day of May, 1986, upon consideration of the within Motion for Leavt to Withdraw, a Rule is granted on the parties named above to show cause if any there by, why JAMES L. JUBELIRER & ASSOCIATES and LEE G. NOLLAU should not be granted leave to withdraw their appearance as attorneys of record for DAVCO COAL GROUP, INC.
Rule returnable on the 20th dayof May, 1986, at 11:00 A.M. in the Courtroom of the Clearfield County Courthouse, Clearfield, Pennsylvania.
BY THE COURT: Joseph S. Ammerman, Judge.

Cont'd to Pg. 320/a

Cont'd fr. Pg. 320 84-10-EQU DAVCO vs. RADER

MAY 20, 1986, ORDER, filed

AND NOW, this 20th day of May, 1986, upon consideration of the within Motion for Leave to Withdraw and following hearing, there being good and sufficient cause shown for JAMES L. JUBELIRER & ASSOCIATES and LEE G. NOLLAU to withdraw as attorneys fo record for DAVCO COAL GROUP, INC., in the above captioned action,

It is hereby ORDERED and DECREED that leave is granted to JAMES L. JUBELIRER & ASSOCIATES and LEE G. NOLLAU to withdraw as attorneys of record for DAVCO COAL GROUP, INC. in the above captioned action.

BY THE COURT: Joseph S. Ammerman, Judge.

JUNE 29, 1987 LETTER REGARDING CERTIFICATE OF DEPOSIT filed by John Sughrue, Esq.

JULY 22, 1987 AT THE DIRECTION OF THE ATTORNEYS IN THE ABOVE-CAPTIONED CASE, WE RECEIVED FROM CLEARFIELD BANK & TRUST CO., IN TREASURER CHECK#68815 in amount of $30,358.71. This date the Prothonotary has deposited in our Escrow Account of Clearfield Bank & Trust Co.

s/Raymond Witherow, Prothonotary.

AUGUST 4, 1987, ORDER OF COURT, filed

AND NOW, This 31st day of July, 1987, it being represented to the Court by the parties and their counsel that they have entered into an agreement providing for the disposition of the cases filed to the above terms and numbers and this Court being satisfied that that the agreement represents a fair and reasonable settlement of the dispute and a settlement negotiated in the best interests of the parties hereto, it is the ORDER of this Court that the settlement is hereby approved and the Prothonotary is hereby directed to release to the parties and/or their respective counsel those certain proceeds previously deposited with the Prothonotary pursuant to an Order entered by this Court. Said proceedings shall be distriubuted pursuant to the following schedule:

Total Funds available for distribution			$30,358.71
To: Joseph Colavecchi	Pro Ck# 12621	$13,076.26	
To: Ronald Waring	Pro Ck# 12620	16,958.87	
To: Clearfield County	(administrative fees)	323.58	
Total amount for Distribution		$30,358.71	

BY THE COURT: John K. Reilly, Jr President Judge.

84-13-Eqn

EQUITY #13

Richard H. Milgrub	SANDY TOWNSHIP, 84-14-EQU DUBOIS HOUSING AUTHORITY	MARCH 14, 1984, COMPLAINT IN EQUITY, filed by Richard H. Milgrub, Esquire. One (1) copy Certified to Sheriff, APRIL 25, 1984, SHERIFF'S RETURN filed. Now March 16, 1984 at 11:40 AM EST served the within Compalint in Equity on Jackqulin Hoffman, Clerk for DuBois Housing Authority, deft. So answers, Chester A. Hawkins by Marilyn Wood. OCTOBER 16, 1985, ANSWER AND NEW MATTER, filed by Anthony S. Guido, Esq. DECEMBER 2, 1985, RESPONSE TO NEW MATTER, filed by R. Edward Ferraro, Esq. 1 cert atty

Pro	by Atty.	40.00
Atty.		3.00
Shff	by Atty	18.35

EQUITY #13

Winifred H. Jones-Wenger	EDITH SAGGESE,		MARCH 27, 1984, COMPLAINT IN EQUITY, filed by Winifred H. Jones-Wenger, Esquire.
			MARCH 27, 1984, PRAECIPE, filed by Winifred H. Jones-Wenger, Esquire Please file the above-captioned action in Equity as a lis pendens against the following described premises owned by John J. Saggese, Sr.: ALL that certain piece, parcel or tract of land situate along the Munson-Allport Road in Morris Township, Clearfield County, Pennsylvania, bounded and described as follows: BEGINNING in the Northern line of the Munson-Allport Road at the Southwest corner of lot conveyed by Pasquale Saggese and others to Andrew G. Moslak and Veronica Moslak, July 7, 1960; thence along the Munson-Allport Road in a Westerly direction 120 feet to the Southwest corner of the parcel hereby conveyed, which point is the Southeast corner of the lot of Benjamin Saggese; then by the Eastern line of property of Benjamin Saggese north 150 feet to the line of a public alley; thence by said public alley in an easterly direction 120 feet to the Northwestern corner of lot of Andrew G. Moslak and Veronica Moslak; thence by the Western line of the Moslak lot in a Southerly direction 150 feet to the line of the Munson-Allport Road and the place of beginning.
	84-15-EQU		
Paul S. Silberblatt	JOHN J. SAGGESE, SR.,		APRIL 2, 1984, SHERIFF'S RETURN, filed by Chester A. Hawkins by Marilyn Wood
	Pro by Atty.	40.00	OCTOBER 19, 1984 PRAECIPE, filed by Winifred H. Jones-Wenger, Atty for Plff. Please mark the above-captioned case settled and discontinued. s/Winifred H. Jones-Wenger, Atty for Plff.
	Atty.	3.00	
	Shff by Atty.	11.75	
	Disc by atty	5.00	
Ck#4751	Adv costs	59.75	Record costs in the sum of $59.75 have been paid
11561	W. Jones-Wenger	54.75	in full by Paul Silberblatt, Attorney Check#4751
	Pro	5.00	
		59.75	this case marked Settled and Discontinued.
	*****SETTLED		DISCONTINUED*****

James A. Naddeo	THOMAS J. LEONARD	APRIL 11, 1984, COMPLAINT IN EQUITY--PARTITION, filed by Belin, Belin & Naddeo One Copy Certified to Attorney. APRIL 25, 1984, SHERIFF'S RETURN filed. Now April 19, 1984 at 9:30 AM EST served the within Complaint in Partition on John J. Leonard, deft. So answers, Chester A. Hawkins by Marilyn Wood. JUNE 15, 1984, MOTION TO DIRECT PARTITION, filed by James A. Naddeo, Esquire. ORDER filed. NOW THIS 18th day of June, 1984, upon consideration of the Motion of James A. Naddeo, Esquire, attorney for the Plaintiff, it si hereby ORDERED and DIRECTED that the premises subject to this action be and is hereby partitioned and that those parties having an interest in said premises and the extent of those interesta are as follows: Thomas J. Leonard - Undivided 5/6ths interest John J. Leonard - Undivided 1/6th interest It is the further Order of Court that the parties or their attorneys appear for preliminary conference to consider the following: 1. Whether the parties can agree upon a plan of partition or sale: 2. The simplification of the issues: 3. Whether any issues or matters relating to the carrying out of the order of partition shall be referred to a master; and 4. Such other matters as may aid in the disposition of the action. Said conference to be held in the Main Court Room of the Clearfield County Court House on the 9th day of August 1984, at 2:00 p.m. BY THE COURT, s/John K. Reilly, Jr., President Judge. One (1) Copy Certified to Attorney.
	84-16-EQU	
	JOHN J. LEONARD	

Pro	by Atty	40.00
Atty		3.00
Shff	by Atty	13.15
Shff Surchg	by Atty	2.00
PRO	by Atty	5.00

AUGUST 13,1984, ORDER,filed.

NOW,this 9th day of August,1984, this being the day and date set for Hearing into the Preliminary conferance in the above-captioned action and petition, upon agreement of the parties, it is the ORDER of this court that the subject premises shall be partitioned as follows:

That portion commencing at a twelve inch spike in the center of Township Road T-461, thence north 44°20' west 585.40 to an iron pipe, thence south 47°40'41" west, 337.19' to a point on the northern edge of Township Road T-461, thence south 47°36' east,34.35' to a half incg bolt in the center of Township Road T461, thence along the cebter line of said Toenship Road south 74°50' east,163.13' to a spike in the center of said Township Road south 72°04'30" east,123.05' to a spike and place of behinning, containing 2.3515 acres as outlined in red on the survey attached hereto and shall be and is hereby Ordered the property of John J. Leonard,Defendant above-named.

The rest,residue, and remainder of said subject tract of land shall be and is hereby ordered the property of Thomas J. Leonard,Plaintiff above-named. BY THE COURT,/s/ John KReilly,JR.PJ.

SEPTEMBER 13,1984, PRAECIPE,filed.

Please mark the above captioned case settled and discontinued upon payment of costs./s/ James A. Naddeo,Esq.

SETTLED DISCONTINUED

CIVIL ACTION | APRIL 1984 | EQUITY DOCKET 13

R. Denning Gearhart	CATHERINE EVANOCHKO	APRIL 27, 1984, COMPLAINT IN EQUITY-PARTITION, filed by R. Denning Gearhart MAY 4, 1984, PRAECIPE FOR ENTRY OF APPEARANCE filed. Kindly enter my appearance on behalf of Defendant, Michael Evanochko, in the above-captioned action. All further papers may be served at the law offices of Kriner and Koerber, 110 N. Second St., P.O. Box 1320, Clearfield, Penna. 16830 s/Alan F. Kirk, Esquire. CERTIFICATE OF SERVICE filed.
	84-17-EQU	OCTOBER 15, 1984, PRAECIPE TO DISCONTINUE, filed by R. Denning Gearhart, Esquire. Please discontinue the above matter without prejudice to either party, Costs to be accessed to the Plaintiff.
Alan F. Kirk	MICHAEL EVANOCHKO	

Pro	by Atty	40.00
Atty		3.00
Pro		5.00

EQUITY #13

~~John R. Ryan~~
John Sughrue

LEMOYNE O. SMEAL

84-18-EQU

SUMMIT HOMES, INC.
OF OSCEOLA MILLS
VS

Gregory S.
Olsavick

DEROSE INDUSTRIES, INC

Additional Defendant

Pro	by Atty	40.00
Atty	by Atty	3.00
Shff Hawkins	by Atty	18.75
Surcharge	by Atty	2.00
Shff Hawkins	by Atty	10.75
Shff Surcharge	by Atty	2.00
Shff Hussack		13.75
Pro	by Atty	5.00

MAY 14, 1984, COMPLAINT IN EQUITY, filed by Colavecchi & Ryan
Four copies Certified to Attorney.

MAY 18, 1984, AFFIDAVIT OF SERVICE, filed.
NOW, May 15, 1984, at 1:48 PM o'clock DST served within Complaint on John Blake, Manager for deft. at his place of employment. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

JUNE 12, 1984, PRAECIPE TO AMEND CAPTION, filed by Joseph Colavecchi, Esquire.
Sir: Please amend the above caption to read as follows: LEMOYNE O. SMEAL, Plaintiff vs. SUMMIT HOMES OF OSCEOLA MILLS, Defendant s/John Ryan, Esq.
Two (2) Copies Certified to Attorney.

JULY 10, 1984, ANSWER, filed by George S. Test,Atty.

JULY 10,1984,COMPLAINT AGAINST ADDITIONAL DEFENDANT, filed by Braid,Milder and Test, Attys. One certified copy to sheriff.

SEPTEMBER 17, 1984, SHERIFF'S RETURN, filed.
Now, July 11, 1984 Raymond Hussack, Shff of Franklin Co. was deputized to serve Complaint against addl Deft.
Now, July 16, 1984, served within Complaint against Addl Deft. on DeRose Industries Inc., addl deft.. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

OCTOBER 19,1984, ANSWER TO COMPLAINT AGAINST ADDITIONAL DEFENDANT,filed by D. Brooks Smith,Esq.

DECEMBER 4,1984, NOTICE OF TAKING DEPOSITION ON" ORAL EXAMINATION UNDER RULE 4007.1,filed by George Test,Jr.,Esq.

DECEMBER 20,1984, REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE 4009,filed by John R. Ryan,Esq.
Three copies certified

DECEMBER 20,1984,REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE 4009,filed by John R. Ryan,Esq
Three copies certified.

FEBRUARY 27,1985, RESPONSE OF ADDITIONAL DEFENDANT DEROSE INDUSTRIES, INC, TO REQUEST FOR PRODUCTION OF DOCUMENTS BY PLAINTIFF, and AFFIDAVIT OF SERVICE, filed by Gregory S. Olsavick,Esq.
NOW,this 25th day of February,1985, I hereby certify that a true and correct copy of this Response to Request for Production of Documents has been served upon counsel of record and/or opposing party by sending a copy of U.S. Mail to the address indicated on Prior Pleadings./s/ Gregory S. Olsavick,Esq

MARCH 8,1985, DEPOSITION OF LEMOYNE O. SMEAL,filed by Sara Ann Sargent

MAY 7,1985, PETITION FOR LEAVE TO WITHDRAW AS COUNSEL and RULE, filed by Joseph Colavecchi,Esq.
Atty to serve Rule
AND NOW,this 6th day of May,1985, upon consideration of the foregoing Petition, a Rule is issued and directed to Lemoyne O. Smeal to show cause why Joseph Colavecchi should not be permitted to withdraw as legal counsel on behalf of Lemoyne O. Smeal,plaintiff in this case.
This Rule es returnable the 20th day of May,1985, at 9:00 am at the Clearfield County Courthouse. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

MAY 20,1985, ORDER,filed.
AND NOW, this twentieth day of May,1985, upon consideration of the foregoing Petition by Joseph Colavecchi, requesting leave of Court to withdraw as Attorney for Lemoyne O. Smeal, and no objections having been file by Lemoyne O. Smeal; it is hereby ORDERED and DECREED that Joseph Colavecchi is granted leave to withdraw as legal Counsel for Lemoyne O. Smeal. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

MAY 5, 1986, PRAECIPE TO SETTLE AND DISCONTINUE, filed
Kindly mark the above captioned matter settled and discontinued. Plaintiff to pay record costs. /s/ John Sughrue, Esq.

SETTLED DISCONTINUED

MAY 5, 1986, PRAECIPE FOR ENTY OF APPEARANCE, filed
Kindly enter the appearance of the undersigned as attorney for Plaintiff, Lemoyne O. Smeal, in the above captioned matter. /s/ John Sughrue, Esq

#13 EQUITY 1984

~~Cynthia Soult~~
Chris A. Pentz

GEORGE A. MARTZ

84-19-EQU

Laurance B. Seaman
Glenn E. Thomson

CARL F. DUTRA
Clear Haven Nursing Home
Room 224
Clearfield, PA 16830
GLENN E. THOMSON and CLEARFIELD BANK & TRUST COMPANY, CO-EXECUTORS of the estate of CARL F. DUTRA deceased.

Pro	by Atty	20.00
Atty		3.00
Atty		11.75
	by Atty	
Shff	Surcharge	2.00
Pro	by atty	20.00
Pro	by atty (L.S.)	5.00

JUNE 8, 1984, SUMMONS IN EQUITY, filed by Belin, Belin & Naddeo By Cynthia Soult.

Please issue a Summons in Equity against the above-named defendant, and direct the Sheriff of Clearfield County to make service of said Summons on the defendant at his last known address of: Clear Haven Nursing Home, Room 224, Clearfield, Pennsylvania 16830. BELIN, BELIN & SOULT, By /s/ Cynthia Soult

JUNE 8, 1984, SUMMONS ISSUED TO SHERIFF FOR SERVICE.

JUNE 12, 1984, ENTRY FOR APPEARANCE filed.

Sir: Enter our appearances for CARL F. DUTRA, Deft. in above case. s/ Laurance B. Seaman, Esquire
s/Glenn E. Thomson, Esquire

JUNE 28, 1984, AFFIDAVIT OF SERVICE, filed

NOW, June, 26, 1984 at 10:40 AM o'clock DST served the within Summons in Equity on Laurance Seaman, Attorney for Carl F. Dutra, Defendant at his place of employment, Marino Bldg,. Clearfield, Clearfield County, Penna. By handing to Laurance Seaman a true and attested copy of the original Summons in Equity and made known to him the contents thereof. So Answers Chester Hawkins, /s/ Marilyn Wood.

SEPTEMBER 28,1984, AFFIDAVIT,filed.

AND NOW, the 28th day of September,1984, it is suggested of record that CARL F. DUTRA,Defendant in the above entitled case, died on July 26,1984 and Letters Testamentary upon his Estate were granted to Glenn E. Thomson and Clearfield Bank and Trust Co., co-executors, by the Register of Wills of clearfield County, and that Glenn E. Thomson and Clearfield Bank and Trust Company, said Co-Executors should be and hereby are substituted as Defendants for the said Carl F. Dutra,Deceased. /s/ Gates and Seaman,Esqs.

SEPTEMBER 28,1984,PRAECIPE FOR RULE,filed.

Enter Rule on the Plaintiff in the above captioned matter to file a Complaint within twenty(20) days, or non pros sec. reg./s/ Gates and Seaman,Esquires.

OCTOBER 1,1984, RULE ISSUED ON CYNTHIA SOULT, ATTORNEY FOR PLAINTIFF BY REGULAR MAIL.

OCTOBER 3,1984, COMPLAINT IN EQUITY,filed by Cynthia Soult,Esq.

One copy certified to atty.

OCTOBER 11,1984, ACCEPTANCE OF SERVICE,filed.

I hereby accept service of the complaint filed in the above-captioned action on October 3,1984. Service accepted this 5th day of October,1984. /s/ Laurance B. Seaman,Esq.

One copy certified to atty

OCTOBER 25,1984, ANSWER AND NEW MATTER,filed by Laurance Seaman,Esq.

NOVEMBER 30,1984,ANSWER TO NEW MATTER,filed by Cybthia Soult,Esq.

One copy certified to atty.

FEBRUARY 6,1986,PRAECIPE,filed. One copy certified to atty

Please place the above captioned action on the list for trial./s/ Cynthia Soult,Esq.

FEBRUARY 4, 1988, PETITION TO WITHDRAW AS COUNEL AND RULE RETURNABLE, filed. 2/5/88 2 Cert./Atty.

AND NOW, this 5th day of February, 1988, upon consideration of the attached Petition to Withdraw as Counsel, a Rule is hereby issued to show cause why said Petition should not be granted.

RULE RETURNABLE with hearing thereon the 1st day of March, 1988, at 10:30 am in Court Room Number ____of the Clearfield County Courthouse, Clfd., PA. BY THE COURT: Joseph S. Ammerman, Judge.

FEBRUARY 17, 1988 ACCEPTANCE OF SERVICE, filed

I, Laurance B. Seaman, Esq do hereby accept service on the Petition to Withdraw as Counsel on behalf of Defendant in the above captioned matter /s/ Laurance B. Seaman, Esq.

FEBRUARY 29, 1988, AFFIDAVIT OF SERVICE, filed.

I, CHRIS A. PENTZ, Esquire, do hereby certify that a certified copy of the Petition to Withdraw as Counsel was served upon George A. Martz, Plaintiff in the above captioned action, by certified mail, restricted delivery, return receipt requested, on February 16, 1988. A copy of said certified mail receipt is attached hereto and made a part hereof. /s/ Chris A. Pentz, Esq.

MARCH 2, 1988, ORDER, filed 2 cert Judge A.

NOW, this 2nd day of March, 1988, upon consideration of a Petition to Withdraw as Counsel filed by counsel for Plaintiff and the Plaintiff having failed to appear before the Court on March 1, 1988, in response to a Rule Returnable issued on February 5, 1988, it is the ORDER of the Court that the prayer of the Petition be and is hereby granted.
BY THE COURT: Joseph S. Ammerman, Judge

Cont'd to Pg. 334

Cont'd from Pg. 333 84-19-EQU MARTZ vs THOMSON

MARCH 2, 1988, ORDER, filed 2 cert Judge A.
NOW, this 2nd day of March, 1988, following hearing on a Petition to Withdraw as Counsel filed by counsel for Plaintiff, Plaintiff having failed to appear or be represented at said hearing, and Plaintiff having indicated in his letter to Attorney Pentz, (Exhibit "A" to Petition to Withdraw as Counsel) that "I can see no reaason to pursue this matter any further", this action in Equity shall be dismissed with prejudice unless Plaintiff himself or by an attorney notifies this Court in writing within forty-five (45) days of the date hereof that Plaintiff intends to pursue this matter. Absent such notice, the Prothonotary is directed, upon the filing of a Praecipe by Counsel for Defendants indicating no such notice, to mark this action dismissed with prejudice in accordance with this Order.
Service of this Order shall be made upon Plaintiff by counsel for Defendants by certified mail, return receipt requested, and an Affidavit thereto shall be filed. BY THE COURT: Joseph S. Ammerman, Judge.

MARCH 4, 1988, PRAECIPE TO WITHDRAW AS COUNSEL, filed. 1 cert/Atty.
Withdraw our appearance for George A. Martz, Plaintiff herein, per Order of Court dated March 2, 1988. /s/ Chris A. Pentz, Esq.

APRIL 19, 1988, AFFIDAVIT OF SERVICE, filed
I, LAURANCE B. SEAMAN, ESQUIRE, hereby certify that I made service on the 9th day of March, 1988, to George A. Martz, Plaintiff in the above captioned action, by mailing certified copies of two Orders, borht dated March 2, 1988, by certified mail, return receipt requested No. P-552-405-546, said signed card is attached hereto as Exhibit "A"/s/Laurance B. Seaman, Esq.

APRIL 21, 1988, PRE-TRIAL MEMORANDUM OF DEFENDANTS, filed by Laurance B. Seaman, Esq.

APRIL 21, 1988, PRETRIAL MEMORANDUM, filed by Chris A. Pentz, Esq

APRIL 21,1988, PRAECIPE, filed.
Please mark the abvoe captioned case DISMISSED WITH PREJUDICE, Plaintiff having failed to notify the Court of his intent to pursue the same in accordance with Order dated March 2, 1988. /S/ Laurance B. Seaman, Esq.

DISMISSED WITH PREJUDICE

EQUITY #13 1984

Toni M. Cherry	EVARD C. LUKENS	JUNE 8, 1984, COMPLAINT IN EQUITY, filed by Toni M. Cherry, Gleason, Cherry and Cherry One copy Certified to Attorney. AUGUST 13,1984, AFFIDAVIT OF SERVICE,filed. NOW, June 18,1984, at 1:10PM DST served the within Complaint in Eguity on Sally Dunsworth, Sister of Defendant at her place of residence, RD Van Tassel Rd. Dubois,clearfield County,Penna. by handing to Sally Dunsworth a true and attested copy of the original Complaint in Equity and made known to her the contents thereof./s/ Chester A. Hawkins by Marilyn Wood.
	84-20-EQU	AUGUST 28,1984, PRAECIPE,filed. ENTER a judgment by Default againest the Defendant,HARRIET E. LUKENS, now married and known as HARRIET E. SMITH, for failure to plead to the Complaint filed in this action within twenty (20) days after service thereof and continued failure to plead after the (10) additional days allowed from the Notice of Default sent to the Defendant on July 27,1984, and after further Notice to answer the Complaint sent to the Defendant by counsel for the Plaintiff on August 17,1984. A copy of said Notice of Default and a copy of the letter giving additional Notice to Defendant are attached hereto and made a part hereof. /s/ Toni Cherry,Esq.
	HARRIET E. LUKENS now HARRIET E. SMITH	Judgment is intered in favor of the Plaintiff and againest the Defendant in the above entitled action for failure to plead to the Complaint.
Pro by Atty 40.00 Atty 3.00 Shff by atty 18.35 Shff Sur by atty 2.00 Pro by atty 9.00		JUDGMENT IN EQUITY Raymond Bathesone Prothonotary

OCTOBER 17,1985, MOTION FOR ORDER DIRECTING PARTITION,filed by Toni Cherry,Esq.
OCTOBER 17,1985, ORDER,filed.
Three copies certified to atty
AND NOW, this 17th day of October,1985, it appearing that the Complaint in the above captioned matter was duly served upon the Defendant and that the time for pleading thereto has long since expired and that no answer has been filed although Defendant received the ten day warning notice as required by law and judgment by default has been duly entered upon motion of TONI M. CHERRY,Attorney for the Posintiff, it is

ORDERED, ADJUDGEND AND DECREED that partition be made of the property situate at 508 Wood Street in the City of DuBois,Clearfield County, Pennsylvania between the Plaintiff and the Defendant and that Plaintiff be reimbursed for one-half of all the expenses incurred by him for maintenance of the premises from the date of the divorce of the parties until the date of the sale of said premises including the mortgage,maintenance and upkeep, utilities and all other expenses for the premises.

The parties or their attorneys are directed to appear for a preliminary conference on October 29,1985 at 9:00 am in the Courtroom of the Clearfield County Courthouse,Clearfield,Pennsylvania to consider the following matters as raised in Pa. R.C.P. 1558:

(a) whether the parties can agree upon a plan of partition or sale;
(b) the simplification of theissues;
(c) whether any issues or matters relating to the carrying out of this Order of Partition shall be reffered to a Master;and
(d) such other matters as may aid in the disposition of this action.

BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

Carl A. Belin, Jr.

THOMAS L. TATE

84-21-EQU

ALICE F. TATE

Pro	by Atty	40.00
Atty		3.00
Shff cost by atty		19.95
Shff. sur. by atty		2.00

JUNE 8, 1984, COMPLAINT IN PARTITION--EQUITY, filed by Belin, Belin & Naddeo Carl A. Belin, Jr.
One Copy Certified to Attorney.

JULY 13, 1984, AFFIDABIT OF SERVICE, filed.

Now July 3, 1984, at 7:48 PM DST served the within Complaint in Partition on Carol Myers, Roommate of defendant at her place of residence, Karthaus, Clearfield County, Penna. by handing to Carol Myers a true and attested copy of the original Complaint In Partition and made known to her the contents thereof. So answers, Chester A. hawkins,Shff. by Marilyn Wood.

JULY, 31, 1984,AFFIDAVIT,filed by Belin,Belin & Naddeo.

AUGUST 27,1984,AFFIDAVIT OF SERVICE,filed by Carl Belin, Jr.,

SEPTEMBER 4, 1984, MOTION FOR INTERLOCUTORY DECREE APPOINTING TRUSTEE,filed by Carl A. Belin, Jr., Esquire.
INTERLOCUTORY DECREE APPOINTING TRUSTEE,filed.
AND NOW, this 11th day of September, 1984, upon consideration of the foregoing Motion of Plaintiff, it is ORDERED, ADJUDGED AND DECREED:

1. That a partition and division be made of the property of the parties, situate in the Village of Karthaus, Clearfield County, Pennsylvania, more particularly bounded and described as follows:

ALL that certain lot of ground situate in the Village of Karthaus, Clearfield County, Pennsylvania, known and designated as Lot No. 5, Block "A" in the plot of said Village, being sixty (60) feet front on Main Street by one hundred eighty (180) feet deep on an alley, being the same lot conveyed by Harxthal and C. W. Smith, Trustees, to John S. Briel by deed dated August 10, 1884, and recorded in Clearfield County in Deed Book Vol. 35 page 307, being the same premises the title to which became vested in teh former Grantor, Lucy H. Briel, by Will of John S. Briel dated October 7, 1918 and recorded at Clearfield in Will B ook "K", page 454, reference thereto being had will more fully and at large appear.

and the following personal property of the parties as follows:

Furniture and house hold items situate in premises located in the Village of Karthaus, Clearfield County, Pennsylvania.
1977 Ford LTD.

2. That JOHN SOBEL, 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 the day of the sale.

4. That the proceeds of said sale, after the payment of 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.

BY THE COURT: /s/ John K. Reilly, Jr., President Judge.
Two (2) copies Certified to Attorney.

MAY 23,1985,REPORT OF THE TRUSTEE and DECREE NISI,filed by John Sobel,Esq. 2 copies cert to att
NOW,this 23rd day of May,1985, it is hereby Ordered,Adjudged, and Decreed Nisi by this Court that the report of the Trustee is hereby accepted and that the Trustee appointed in the above matter,John A. Sobel IV,Esquire, is permitted to place the property subject to the above action in partition on the private real estate market with a reastor in the Clearfield County area of his choice.

It is further Ordered,Adjudged and Decreed Nisi that the Trustee be permitted to contact various salvage dealers in Clearfield County in order to dispose of the automoble subject to the above partition action.

This Order shall become final ten (10) days from this date unless exceptions are filed to the same within that time. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

EQUITY #13 1984

Joseph Colavecchi	SOL E. NOVEY, t/d/b/a NOVEY'S IRON & STEEL	JUNE 14, 1984, COMPLAINT FOR SPECIFIC PERFORMANCE-EQUITY, filed by Joseph Colavecchi Four copies Certified to Attorney. JULY 2, 1984, SHERIFF'S RETURN, filed Now, June 18, 1984 at 1:50 PM DST served the within Complaint in Equity on Mable Holes, defendant at her place of residence, Box 128 Hyde, Clearfield County, Penna. by handing to Mable Holes a true and attested copy of the original Complaint in Equity and made known to her the contents thereof. Now, June 28, 1984, at 9:40 AM DST served the witnin Complaint in Equity on Ralph A Ogden, defendant at his place of residence, RD#1 Box 363, Morrisdale, Clearfield County, Penna. by handing to Ralph A. Ogden a true and attested copy of the original Complaint in Equity and made known to him the contents thereof. So answers Chester Hawkins /s/ Marilyn Wood.
	84-22-EQU	JULY 5, 1984, PRELIMINARY OBJECTIONS, filed by Michael P. Yeager. Two copies Certified to Attorney.
Michael P. Yeager	RALPH A. OGDEN and MABEL HOLES Executors under the Will of BELLMAN OGDEN, Deceased	JULY 5, 1984, ANSWER TO COMPLAINT FOR SPECIFIC PERFORMANCE AND NEW MATTER, filed by Michael P. Yeager. Two copies Certified to Attorney. JULY 16, 1984, REPLY, filed by Joseph Colivecchi, ESQ. AUGUST 25, 1986, PRAECIPE TO DISCONTINUE, filed Please mark the above captioned case discontinued, settled and ended. /s/ Joseh Colavecchi, Esq.
		DISCONTINUED SETTLED ENDED

Pro	by Atty	40.00
Atty	by Atty	3.00
Shff Hawkins	by Atty	18.95
Shff Surcharge		4.00
Pro	by atty	5.00

EQUITY #13 1984

Anthony S. Guido

JAMES I. ANDERSON

84-23-EQU

TOWNSHIP OF SANDY

JULY 2, 1984, PRAECIPE, filed by Anthony S. Guido.
Enter my appearance for JAMES I. ANDERSON, Plaintiff in the above case, and issue Summons in Equity against the Defendant, TOWNSHIP OF SANDY, showe address is Municipal Building, R.D.#3, DuBois, Pennsylvania 15801.
/s/ Anthony S. Guido, Attorney for Plaintiff

JULY 2, 1984, SUMMONS ISSUED TO SHERIFF FOR SERVICE.

JULY 12, 1984, AFFIDAVIT OF SERVICE, filed.

Now July 9, 1984, at 10:50 AM DST served the within summons in Equity on Lorna Marsh, Supervisor for Township of Sandy, defendant at her place of employment United Electric, Dubois, Clearfield County, Pa. by handing to Lorna Marsh a true and attested copy of the original Dummons in Equity and made known to her the contents thereof. So answers, Chester A. Hawkins,Shff by Marilyn Wood.

AUGUST 31,1984, COMPLAINT,filed by Anthony Guido, Esquire. No copies

APRIL 11, 1985, ANSWER TO COMPLAINT, filed by R. Edward Ferraro.
Two Copies Certified to Attorney.

APRIL 3, 1987 PRAECIPE, filed by Anthony S. Guido, Atty Plff.
Mark the above case settled and discontinued upon payment of costs. s/Anthony S. Guido, Atty Plff.

	Pro by Atty	20.00
	Atty by	3.00
	Shff. costs atty	18.35
	shff costs by atty	2.00
	Pro by atty	20.00
	Disc by deft	5.00
Ck#003080	Adv costs	68.35
12508	A. Guido	63.35
	Pro	5.00
		68.35

Record costs in the sum of $68.35 have been paid in full by Township of Sandy, Check#003080, this case marked Settled and Discontinued.

*****SETTLED

DISCONTINUED******

EQUITY # 15 1984

Carl A. Belin, Jr.	HERBERT J. BACHARACH (Deceased) JEAN H. BACHARACH, and COUNTY NATIONAL BANK, Co-executors and Substitute Plaintiffs 84-24-EQU	JULY 5, 1984, COMPLAINT IN EQUITY, filed by Belin, Belin & Naddeo One Copy Certified to Attorney JULY 5, 1984, MOTION FOR PRELIMINARY INJUNCTION, filed by Carl A. Belin, Jr. JULY 5, 1984, ORDER, filed. Two Copies Certified to Attorney. NOW, this 5th day of July, 1984, upon reading and considering the Motion for Preliminary Injunction, it is the ORDER of this Court that Richard S. Buchanan is hereby directed to deliver the patient records in his possession to the Offices of Belin, Belin & Naddeo before 4:30 pm, E.D.S.T. on July 5, 1984. Defendant shall have the right to copy said records available to the Defendant for copying at the convenience of both parties thereafter. Hearing to be held on the matter on July 6, 1984, at 1:00 p.m. By the Court, /s/ John K. Reilly, Jr., Presiden Judge
Peter F. Smith	RICHARD S. BUCHANAN	JULY 5, 1984, PRAECIPE, filed. One Copy Certified to Attorney. Please enter my appearance as Attorney of record for the Defendant in the above captioned matter. Respectfully submitted, /s/ Peter F. Smith JULY 13, 1984, AFFIDAVIT OF SERVICE, filed Now July 5, 1984 at 1:56 PM DST served the within Complaint, Order & Motion on Peter Smith, Attorney for defendant at Market Street, Clearfield County PA. (courthouse) by handing to Peter Smith a true and attested copy of the original Complaint, Order and Motion and made known to him the contents thereof. So answers, Chester A. Hawkins, Shff. by Marilyn Wood. JULY 25, 1984, ANSWER, filed by Peter Smith, Atty two copies certifeid to atty. CERTIFICATE OF SERVICE, filed by Peter Smith, Atty SEPTEMBER 25, 1984, PRELIMINARY OBJECTIONS, filed by Carl A. Belin, Jr., Esq.

Pro by Atty	40.00
Atty	3.00
Shff. costs by atty	11.75
Shff sur. by atty	2.00
Shff by deft.	23.60
Pro by atty	30.00

OCTOBER 10, 1984, ANSWER TO PLAINTIFF'S PRELIMIMARY OBJECTIONS, filed by Peter Smith, Esq.
OCTOBER 10, 1984, CERTIFICATE OF SERVICE, filed.
I, Peter F. Smith, counsel for the Defendant above, certify that I served by First Class Mail, postage prepaid, Answer to Plaintiff's Preliminary Objections on the attorney for the Plaintiff as follows;

Carl Belin, Jr., Esquire
Belin, Belin, & Naddeo
15 North Front Street
Clearfield, Pa, 16830/s/ Peter Smith, Esq.

OCTOBER 26, 1984, NOTICE OF DEPOSITION OF HERBERT BACHARACH, filed by Peter Smith, Esq.

NOVEMBER 19, 1984, NOTICE OF RICHARD S. BUCHANAN, filed by Carl A. Belin, Jr., Esq.
DECEMBER 10, 1984, AMENDED ANSWER TO PLAINTIFFS PRELIMINARY OBJECTIONS, filed by Peter Smith, Esq.
DECEMBER 12, 1984, PRAECIPE, filed by Peter Smith.
Accompanying this Praecipe please find theoriginal Deposition of Herbert J. Bacharach, Plaintiff in the above captioned matter, taken by the Defendant before Jana G. Turner, Notary Public. Attached thereto is Ms. Turners affidavit of Oath and Accuracy as well as Plaintiffs Exhibit Number 1 which consists of a one page, unsigned agreement, /s/ Peter Smith
DECEMBER 12, 1984, DEPOSTION OF HERBERT J. BACHARACH, filed by Peter Smith.
DECEMBER 20, 1984, DEFENDANT'S BRIEF OPPOSING PLAINTIFF'S PRELIMINARY OBJECTIONS, filed by Peter Smith, Esq.
DECEMBER 20, 1984, ORDER, filed.
NOW, this 19th day of December, 1984, following argument, this Court being of the opinion that the issue would better be raised through Motion for Summary Judgment, it is the ORDER of this COurt that Defendant's Preliminary Objections be and are hereby dismissed. BY THE COURT: /s/John K. Reilly, Jr., P.J.
DECEMBER 26, 1984, ORDER, filed
NOW, this 24th day of December, 1984, it is the ORDER of this COurt that the Order of Court dated December 19, 1984 be and is hereby amended to frflect the dismissal of Plaintiffs Preliminary Objections. BY THE COURT: /s/John K. Reilly, Jr., P.J.
JANUARY 4, 1985, ANSWER TO COUNTERCLAIMS SET FORTH IN ANSWER OF DEFENDANT, filed by Carl A. Belin, Jr., Esq.
JANUARY 9, 1985, DEPOSITION OF RECHARD S. BUCHANAN, filed by Sara Ann Sargent.

FEBRUARY 15, 1985, SUGGESTION OF DEATH AND SUBSTITUTION OF PERSONAL REPRESENTATIVE, filed by Carl A. Belin, Jr., Esq.

FEBRUARY 27, 1985, MOTION FOR SUMMARY JUDGMENT, filed by Carl A. Belin, Esq.

MAY 15, 1985, NOTICE OF DEPOSITION OF DENNIS MARTELLA, filed by Peter F. Smith, Esq.

MAY 24, 1985, INTERROGATORIES DIRECTED TO JEAN H. BACHARACH AND THE COUNTY NATIONAL BANK CO EXECUTORS OF THEESTATE OF HERBERT J. BACHARACH BY DEFENDANT., filed by Peter Smith, Esq.

CONTINUED TO PAGE 344

CONTINUED FROM PAGE 343 84-24-EQU BACHARACH vs BUCHANAN

MAY 24,1985, CERTIFICATE OFSERVICE,filed.
I, Peter F. Smith,Attorney for the Defendant in the above captioned matter,certify that on this 24th day of May,1985, I hand delivered four true and correct copies of Interrogatories Directed to Jean H. Bacharach and the County Nationl Bank,Co-Executors of the Estate of Herbert J. Bacharach by Defendant one true and correct copy of th e Request For Production of Documents to the same parties, and one true and correct copy of this Certificate of Service on the Plaintiffs Attorney at the following address: Carl A. Belin.,Jr.,Esq.,Attorney for the Plaintiffs,Belin,Belin, and Naddeo, 15 North Front Street,Clearfield,Pa., 16830./s/ Peter Smith,Esq.
MAY 24,1985, REQUEST FOR PRODUCTION OF DOCUMENTS,filed by Peter Smith,Esq.

JUNE 3,1985,NOTICE OF TAKING DEPOSITION OF DENNIS MARTELLA,filed by Peter Smith,Esq.
JUNE 3,1985, AFFIDAVIT OF SERVICE,filed.
Now May 21,1985 at 11:20 AM DST served the within Subpoena on Dennis C. Martella, defendant at his place of employment, Young,Oaks, Brown & Co., 126 W. Long Ave,DuBois, Clearfield County,Penna. by handing to Dennis C. Martella a true and attested copy of the original Subpoena and made known to him the contents thereof./a/ Chester A. Hawkins Sheriff by Marilyn Wood.

JULY 10, 1985, DEPOSITION OF DENNIS CHARLES MARTELLA, CPA, filed in trans drawer "B".

JULY 17,1985,ANSWERS TO INTERROGATORIES DIRECTED TO JEAN H. BACHARACH AND THE COUNTY NATIONAL BANK, CO-EXECUTORS OF THE ESTATE OF HERBERT J. BACHARACH BY DEFENDANT, filed by Carl A. Beiln,Jr.,Esq.

JULY 24, 1985, PRAECIPE, filed by Peter F. Smith, Esq.
You will find with this Praecipe the original deposition of Dennis Charles Martella, CPA, together with Defendant's Deposition Exhibits A through G and deponent Martella's correction page. Please include these in the docket for the above-cpationed matter. /s/ Peter F. Smith, Esq.

JULY 24, 1985, DEPOSITION OF DENNIS CHARLES MARTELLA, CPA., filed in transcript drawer "B"

SEPTEMBER 16, 1985, REQUEST FOR ADMISSION, filed by Peter F. Smith, Esq.

SEPTEMBER 16, 1985, SECOND REQUEST FOR ADMISSION, filed by Peter F. Smith, Esq.

NOVEMBER 15, 1985, MEMORANDUM & ORDER, filed
NOW, this 15th day of November, 1985, it is the Order of this Court that Plaintiffs' Motion for Summary Judgment be and is hereby granted.
BY THE COURT: John K. Reilly, Jr President Judge.
DECEMBER 4,1985,NOTICE OF APPEAL,filed.
One mailed to Superior Court
One copy certified to Court Administrator
DECEMBER 30,1985, SUPERIOR COURT OF PENNSYLVANIA OFFICIAL DOCKET NO.01623PGH85, filed.

***** ALL PAPERS SENT TO SUPERIOR COURT 1/7/86 CERTIFIED MAIL RECEIPT NO. P- 740 427 147. ****

JANUARY 10, 1986, RETURN RECEIPT, filed

APRIL 30, 1986, PRAECIPE FOR DISCONTINUANCE, filed
Appeal Discontinued /s/ Eleanor R. Valecko, Deputy Prothonotary.
** filed in legal drawer "G"**

EQUITY # 15 1984

Girard Kasubick

Ramey Borough

84-25-EQU

John E. Wargo

Filed in CV48

Pro	by Atty	40.00
Shff.	by atty	19.15
shff sur.	by atty	2.00
Subpoena 9	@2.00	18.00
Subpoena 7	@2.00	14.00
Pro		9.00
Pro	by atty	30.00

JULY 11, 1984, COMPLAINT IN EQUITY, filed by Lehman & Kasubick 1 Cert. Shff.

AUGUST 1, 1984, AFFIDAVIT OF SERVICE, filed.
NOW Jyly 26, 1984 at 1:27 PM DST served the within Complaint in Equity on John E. Wargo, the defendant at his place of business, Warga"s Garage, Ramey, Clearfield C unty, Pennsylvania by handing to Joh n E. Wargo a true and attested copy of the original Complaint in Equity and made known to him the contents thereof. So answers Chester A. Hawkins, Shff by Marilyn Wood.

AUGUST 20,1984,ANSWER,filed by Joseph Colavecchi.Three certified to Atty,

SEPTEMBER 27,1984, ANSWERS TO INTERROGATORIES, filed by Joseph Colavecchi,Esq
Two copies certified to atty.

OCTOBER12,1984, WRITTEN INTERROGATORIES TO ADVERSE PARTY,filed by Girard Kasubick,Esq.

OCTOBER 22,1984, ANSWERS TO WRITTEN INTERROGATORIES TO ADVERSE PARTY,filed by Joseph Colavecchi,Esq.

DECEMBER 11,1984, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER RULE 4007.1 OF CHESTER J. SKONIER,filed by Joseph Colavecchi,Esq.

DECEMBER 11,1984, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER RULE 4007.1 OF ARNOLD GLASS,filed by Joseph Colavecchi,Esq.

DECEMBER 11,1984,NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER RULE 4007.1 OF DELBERT BALL,filed by Joseph Colavecchi,Esq.

DECEMBER 11,1984, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER RULE 4007.1 OF STEVE ZOLYAK,filed by Joseph Colavecchi,Esq.

DECEMBER 11,1984, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION UNDER RULE 4007.1 OF DELORES BYERS,filed by Joseph Colavecchi,Esq.

DECEMBER 18,1984, MOTION FOR PROTECTIVE ORDER UNDER PA. R.C.P. 4012.filed by Girard Kasubick,Esq.
One copy certified to atty.

ORDER,filed.
AND NOW THIS 18th day of December,1984, upon consideration of the Motion for Protective Order of Witnesses for Plaintiff, it is hereby ORDERED AND DECREED that the depositions of the five witnesses for December 26,1984 are hereby stayed pending hearing and arguments on the issues set forth in Motion.
Rule returnable on the 24th day of December,1984 at 11:00 a.m. at the Clearfield COunty Courthouse.
BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

DECEMBER 26,1984, ORDER,filed.
NOW, this 24th day of December,1984, following argument into Plaintiff's Motion for Protective Order, it is the ORDER of this Court that said Motion be and is hereby granted to the extent that all depositions scheduled for December 26,1984 are stayed, It is the further ORDER of this Court that the parties shall reschedule such depositions at times and dates convenient to all concerned. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

JANUARY 7,1985, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION OFDELORES BYERS UNDER RULE 4007.1, filed by Joseph Colavecchi,Esq.

JANUARY 7,1985,NOTICE OF TAKING DEPOSTION ON ORAL EXAMINATION OF STEVE ZOLYAK UNDER RULE 4007.1, filed by Joseph Colavecchi,Esq.

JANUARY 7,1985, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION OF DELBERT BALL UNDER RULE 4007.1, filed by Joseph Colavecchi,Esq.

JANUARY 7,1985, NOTICE OF TAKING DEPOSITION ON ORAL EXAMINATION OF ARNOLD GLASS UNDER RULE 4007.1, filed by Joseph Colavecchi,Esq.

APRIL 8,1985, DEPOSITION OFCHESTER SKONIER,filed by Sara Ann Sargent

OCTOBER 2,1985, SUBPOENA TO NICHOLAS SHIROKEY,filed by Joseph Colavecchi,Esq.
One copy certified to atty
OCTOBER 2,1985, SUBPOENA TO JOHN W. FUDROW, filed by Joseph Colavecchi,Esq.
One copy certified to atty
OCTOBER 2,1985, SUBPOENA TO RICHARD A. JONES,filed by Joseph Colavecchi,Esq.
One copy certified to atty
OCTOBER 2,1985, SUBPOENA TO JOSEPH P. EVCIC,filed by Joseph Colavecchi,Esq.
OCTOBER 2,1985, SUBPOENA TO JOSEPH M. SABOL,filed by Joseph Colavecchi,Esq.
One copy certified to atty
OCTOBER 2,1985, SUBPOENA TO LAWRENCE L. KOKOSKIE,filed by Joseph Colavecchi,Esq.
One copy certified to atty
OCTOBER 2,1985, SUBPOENA TO PAULINE (KUTZER) RAYBOLD,filed by Joseph Colavecchi,Esq.
One copy certified to atty
OCTOBER 2,1985, SUBPOENA TO JOSEPHINE F. PETERSON,filed by Joseph Colavecchi,Esq.
One copy certified to atty
OCTOBER 2,1985, SUBPOENA TO CALVIN R. PETERSON,filed by Joseph Colavecchi,Esq.
One copy certified to atty

JANUARY 2,1986, BRIEF ON BEHALF OF PLAINTIFF,RAMEY BOROUGH,filed by Girard Kasubick,Esq.

JANUARY 22,1986, DEFENDANTS BRIEF,filed by Joseph Colavecchi,Esq.
One copy certified to atty

84-25-EQU RAMEY BOROUGH vs. JOHN E. WARGO.

DECEMBER 5, 1985, SUBPOENA TO JOHN W. FUDROW, filed by Joseph Colavecchi, Esq. 1 copy cert atty.

DECEMBER 5, 1985, SUBPOENA TO NICHOLAS SHIROKEY, filed by Joseph Colavecchi, Esq. 1 copy cert atty

DECEMBER 5, 1985, SUBPOENA TO JOSEPH M. SABOL, filed by Joseph Colavecchi, Esq 1 copy cert atty

DECEMBER 5, 1985, SUBPOENA TO LAWRENCE L. KOKOSKIE, filed by Joseph Colavecchi, Esq. 1 copy cert Atty

DECEMBER 5, 1985, SUBPOENA TO PAULINE (KUTZER) REYBOLD, filed by Joseph Colavecchi, Esq. 1 cert atty

DECEMBER 5, 1985 SUBPOENA TO JOSEPHINE F. PETERSON, filed by Joseph Colavecchi, Esq. 1 copy cert atty

DECEMBER 5, 1985, SUBPOENA TO CALVIN R. PETERSON, filef by Joseph Colavecchi, Esq 1 cert atty

DECEMBER 10, 1985, AFFIDAVIT OF SERVICE ON CALVIN R. PETERSON, filed by Joseph Colavecchi, Esq.

DECEMBER 10, 1985, AFFIDAVIT OF SERVICE ON JOSEPHINE F. PETERSON, filed by Joseph Colavecchi, Esq.

DECEMBER 10, 1985, AFFIDAVIT OF SERVICE ON JOSEPH M. SABOL, filed by Joseph Colavecchi, Esq.

DECEMBER 10, 1985, AFFIDAVIT OF SERVICE ON PAULINE (KUTZER) RAYBOLD, filed by Joseph Colavecchi, Esq.

DECEMBER 10, 1985, AFFIDAVIT OF SERVICE ON JOHN W. FUDROW, filed by Joseph Colavecchi, Esq.

DECEMBER 10, 1985, AFFIDAVIT OF SERVICE ON RICHARD A. JONES, filed by Joseph Colavecchi, Esq.

DECEMBER 10, 1985, AFFIDAVIT OF SERVICE ON LAWRENCE L. KOKOSKIE, filed by Josephn Colavecchi, Esq.

DECEMBER 11, 1985, AFFIDAVIT OF SERVICE ON NICHOLAS SHIROKEY, filed by Joseph Colavecchi, Esq.

APRIL 1, 1986, MEMORANDUM & DECREE, filed
Wherefore, The Court enters the following:
NOW, this 31st day of March, 1986, following hearing it is the ORDER of this Court that Zolyak Street located in the Borough of Ramey, Clearfield County, Pennsylvania, be and is hereby declared a borough street in accordance with the foregoing Memorandum and the Defendant, John E. Wargo, directed to remove any and all obstructions on Zolyak Street between Market and Durbin Streets forthwith and Further, said Defendant is enjoined from placing any further obstructions on said Zolyak Street hereafter. Said Decree Nisi to become final within ten (10) days from date hereof unless exceptions hereto are filed.
BY THE COURT: John K. Reilly, Jr President Judge.

APRIL 4,1986, DEFENDANTS EXCEPTIONS,filed by Joseph Colavecchi,Esq.

MAY 12, 1986, PLAINTIFF"S BRIEF ON DEFENDANTS EXCEPTIONS, filed by Girard Kasubick, Esq

MAY 14, 1986, ORDER, filed
NOW, this 13th day of May, 1986, following argument, it is the ORDER of this Court that Exceptions filed in the above captioned matter be and are hereby dismissed and the Order of Court dated March 31, 1986, be and is hereby reaffirmed with a finding that the disputed portion of Zolyak Street is located in accordance with the actual or established lines presently on the ground designating Zolyak Street. BY THE COURT: John K. Reilly, Jr President Judge

MAY 20,1986, PRAECIPE TO ENTER JUDGMENT,filed.
Two copies certified to atty
Kindly enter judgment in the above-captioned matter as per the Court's Order of May 13,1986./s/ Joseph Colavecchi,Esq.

JUDGMENT is entered in favor of the Plaintiff and against the Defendant as Per Order of Court dated May 13,1986.

JUDGMENT PER COURT ORDER

Raymond Bathcuna
Prothonotary

MAY 30, 1986, NOTICE OF APPEAL, filed by Joseph Colavecchi, Esq.
1 cert Superior Court.

JUNE 11, 1986, SUPERIOR COURT OFFICIAL DOCKET NO. 00783PGH86, filed

JULY 23,1986, ALL PAPERS MAILED TO SUPERIOR COURT RECEIPT NO P 278 107 090 ,filed

JULY 24, 1986, RETURN RECEIPT, filed

FEBRUARY 25, 1986 COMPROMISE AND SETTLEMENT and ORDER filed
3/2/87 Three copies certified Attorney
ORDER
AND NOW, this 27 day of February, 1987, upon receipt and inspection of the attached Compromise and Settlement, approved by both parties, by and through their attorneys, it is hereby ORDERED AND DECREED that the terms and conditions set forth in the Compromise and Settlement are approved and accepted by the Court and made a part of this Order by incorporating the terms and conditions set forth therein as though set forth in full herein. BY THE COURT: John K. Reilly, Jr., P.J.

PAPERS FILED IN LEGAL DRAWER "V" 84-25-EQU

EQUITY # 13 1984

Kim C. Kesner	NORMAN G. BLOOM, JR. Petitioner	JULY 19, 1984, PETITION FOR PARTITION OF PERSONAL PROPERTY--IN EQUITY, filed by Sughrue & Kesner. No Copies. AUGUST 28,1984, AFFIDAVIT OF SERVICE,filed by John Walker,Constable. AUGUST 28,1984, AFFIDAVIT OF SERVICE,filed by John Walker,Constable. AUGUST 28,1984,AFFIDAVIT OF SERVICE,filed by John Walker,Constable.
	84-26-EQU	SEPTEMBER 6,1984, PRAECIPE,filed. Please enter my appearance as Attorney of record for all three named Defendants in the above captioned matter./s/ Peter F. Smith,Esq.
Peter F. Smith	WILLIAM MOYER, JOHN FUDROW and NICK CIMINO, Respondents	SEPTEMBER 6,1984, PRAECIPE,filed. Pursuant to Pa.R.C.P.D.J. 1006 I request that you strike the above captioned matter which is an appeal from a decision issued by District Justice Robert Vogle on May 18,1984, in Claim No. TA 1984-48 for the following reasons: (1) Plaintiff failed to comply with Pa.R.C.P.D.J. 1004.A. in that he filed his Notice of Appeal on June 18,1984, but failed to file a Complaint within twenty days thereafter; and, (2) Plaintiff failed to make service upon the Defendants and file Proof of Service within five days after filing the Notice of Appeal as required by PA.R.C.P.D.J. 1005 B./s/ Peter F. Smith,Esq.
		SEPTEMBER 6,1984, CERTIFICATE OF SERVICE,filed by Peter F. Smith,Esq. SEPTEMBER 6,1984, LETTER FROM PETER F. SMITH TO RAYMOND WITHEROW,filed.
Pro by Atty 40.00 Pro by atty 5.00		OCTOBER 9,1984,ORDER,filed. One copy certified to atty. AND NOW,this 5th day of October,1984 upon consideration of the Petition for Partition of Personal Property filed by Petitioner in the above matter a Rule is hereby issued directed against each of the above Respondents to appear and show cause, if any they have, why the Court shall not appoint a Trustee for said personal property and order the partition of such in accordance with 60 P.S. 111. Rule returnable on the 18th day of October,1984, at 10:30 a.m. in the main courtroom of the Clearfield County Court House,Clearfield,Pennsylvania. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.
		DECEMBER 14,1984, PRELIMINARY OBJECTIONS,filed by Peter F. Smith,Esq. DECEMBER 14,1984,CERTIFICATE OF SERVICE,filed. I,Peter F. Smith,Attorney for the Defendants in the above captioned matter,certify that I served a true and correct copy of the preliminary Objections of Defendants, by first class mail,postage prepaid, on counsel for the Plaintiff as follows: Kim Kesner,Esquire 23 North Second St. Clearfield,Pa. 16830

MARCH 1,1985, PRAECIPE TO SETTLE AND DISCONTINUE, filed.
Kindly mark the above-captioned case settled, discontinued, and satisfied in full, Plaintiff to pay costs./s/ Kim Kesner,Esq.

SETTLED DISCONTINUED SATISFIED

EQUITY #13 1984

Ervin Fennell

DONALD A. WIDDER and
ESTHER A. WIDDER

84-27-EQU

JULY 31, 1984, COMPLAINT IN EQUITY, filed by Maine and Fennell
One Copy Certified to Sheriff.

AUGUST 16, 1984, AFFIDAVIT OF SERVICE, filed.
NOW, Aug 10, 1984 at 1:00 P.M. o'clock DST served within Complaint on Dan Allen, Son of Richard Allen, deft. at his place of residence/employment. So answers, Chester A. Hawkins, Shff By /s/ Marilyn Wood

AUGUST 28,1984, ANSWER,filed BY Cynthia Soult,Esq.
One certified to atty.

SEPTEMBER 12, 1984, PRAECIPE, filed by Ervin Fennell, Jr., Esquire.
Sir: Place the above on the trial list. This will be a non-jury trial.

Cnythia Soult

RICHARD R. ALLEN, t/d/b/a
ALLEN POOL SALES AND
SERVICE

JANUARY 16, 1985, PRAECIPE, filed by Ervin Fennell, Jr., Esquire.
Please place the above captioned action on the next trial list. The above is a non-jury equity trial.

MARCH 26,1985, MEMORANDUM and DECREE,filed.
NOW, this 26th day of March,1985, following hearing into the above-captioned matter, it is the ORDER of this Court that defendant be and is hereby directed to remove the hot tub in question from the premises of the Plaintiffs and refund to them the purchase price in the amount of $3,067.52. It is the further ORDER of this Court that defendant has no responsibility for the losses claimed by the Plaintiffs for their carpet, the installation thereof, the dehumidifier or the shop vacuum. This decree shall be final within ten (10) days from date hereof in the event neither party files exceptions thereto. Opinion to be filed in the event of an appeal. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

Pro	by Atty	40.00
Shff Hawkins	by Atty	18.35
Shff Surcharge	by Atty	2.00
Disc	by atty	5.00

MAY 13, 1985 PRAECIPE, filed by Ervin S. Fennell, Atty for Plff.
Please mark the above captioned case settled and satisfied upon payment of costs by defendant. s/ Ervin S. Fennell, Atty for Plff.

Ck#6539	Adv costs	65.35
11756	E. Fennell	60.35
	Pro	5.00
		65.35

Record costs in the sum of $65.35 have been paid in full by Carl A. Belin, Jr., Check#6539, this case marked Settled and Satisfied.

****SETTLED SATISFIED*****

EQUITY #13 1984

Querino R. Torretti

DAVID B. SNYDER

84-28-EQU

AUGUST 22, 1984, COMPLAINT FOR INJUNCTIVE RELIEF-EQUITY, filed by Querino R. Torretti
Two Copies Certified to Attorney.

OCTOBER 4, 1984 SHERIFF'S RETURN, filed.

Now, September 21, 1984 after diligent search in my baliwick I return the within Complaint for Injunctive Relief "NOT FOUND" as to Mark L. and Debra M. Fairman, defendants. On vacation til 9/23/84 So answers, Chester A. Hawkins, Sheriff by Marilyn Wood.

OCTOBER 4, 1984 PRAECIPE TO REINSTATE COMPLAINT, filed by Querino R. Torretti, Atty for Plff.

Would you kindly reinstate the Complaint in the above-captioned matter. s/Querino R. Torretti, Atty for Plff.

Toni M. Cherry

MARK L. FAIRMAN and DEBRA M. FAIRMAN

OCTOBER 4, 1984 COMPLAINT RE-INSTATED AND RE-ISSUED TO SHERIFF FOR SERVICE.

OCTOBER 11,1984, SHERIFF'S RETURN,filed.

Now, October 5,1984 at 12:54 P.M. DST served the within Complaint for Injunctive Relief on Toni M. Cherry attorney for defendants Mark L. and Debra M. Fairman at her place of employment,109 N. Brady Street,Dubois Clearfield County Penna by handing to Toni M. Cherry two true and attested copies of the original Complaint and made known to her the contents thereof./s/ Chester A. Hawkins,Shff. by Marilyn Wood.

OCTOBER 26,1984, ANSWER ,filed by Toni Cherry,Esq
One copy certified to atty.

JANUARY 4,1985, REPLY TO NEW MATTER AND COUNTER-CLAIM,filed by Querino Terretti,Esq.
One copy certified to atty

JANUARY 4,1985, PRAECIPE,filed.

Would you kindly place the above-indicated matter on the non-jury trial list.

JANUARY 14,1985, AFFIDAVIT OF SERVICE,filed.

I, Querino R. Torretti,Esquire, attorney for the Plaintiff hereby aver and attest that I served Plaintiffs Reply to New Matter and Counterclaim on the Defendants by mailing a True and Correct copy of the same on the 11th day of January,1985 to attorney Toni M. Cherry,attorney for the Defendants at her place of business located at 109 North Brady Street,DuBois,Pennsylvania,15801./s/ Querino Torretti,Esq

Pro	by Atty	40.00
Shff	by atty	42.90
Shff Surchg	by atty	4.00
Shff	by atty	20.60
Disc	by atty	5.00

SEPT 9, 1986 PRAECIPE, filed by Querino R. Torretti, Atty Plff.

Please mark the above-captioned case Settled and Discontinued. s/Querino R. Torretti, Atty Plff. SEPT 9, 1986 MUTUAL RELEASE, filed.

Record costs in the sum of $112.50 have been paid in full, this case marked Settled and Discontinued.

****SETTLED DISCONTINUED****

xxxx

Benjamin S. Blakley, III	MONTY E. KUNES and TENA KUNES, husband and wife	SEPTEMBER 14, 1984, PRAECIPE, filed by Blakley & Jones. Please issue a Writ of Summons in Equity in the above captioned matter against the Defendants CALVIN WALKER and KATHY WALKER. Blakley & Jones, By /s/ Benjamin S. Blakley, III SEPTEMBER 14, 1984, SUMMONS ISSUED TO SHERIFF FOR SERVICE.
	84-29-EQU	OCTOBER 9,1984, SHERIFF'S RETURN,filed. NOW September 24,1984, Harry Dunkle,Sheriff of Jefferson County was deputized by Chester Hawkins, Sheriff of Clearfield County to serve the within Summons in Equity on Calvin Walker and Kathy Walker, defendants. Now, October 1,1984 served the within Summons in Equity on Calvin Walker, defendant by deputizing the Sheriff of Jefferson County. The return of Sheriff Dunkle is hereto attached and made a part of this return stating that he served Kathy Walker, Wife of Defendant. Now, October 1,1984 served the within Summons in Equity on Kathy Walker,defendant by deputizing the Sheriff of Jefferson County. The return of Sheriff Dunkle is hereto attached and made a part of this return./a/ Chester A. HAwkins,Shff. by Marilyn Wood.
	CALVIN WALKER and KATHY WALKER, husband and wife	

Pro	by Atty	20.00
Shff	by atty	25.00
Shff surg	by atty	4.00
Shff Dunkle	by atty	31.20

EQUITY #13

	Girard Kasubick	HELEN SMOLKO	OCTOBER 12, 1984, COMPLAINT IN EQUITY, filed by Lehman & Kasubick Two Copies Certified to Sheriff OCTOBER 30,1984, SHERIFF'S RETURN,filed. NOW, October 17,1984 at 1:42 p.m. DST served the within Complaint in Equity on Gregory A. Dixon,defendant at his place of residence Box 55,RD#2, Philipsburg, Clearfield,County,Penna. by handing to Gregory A. Dixon a true and attested copy of the original Complaint in Equity and made known to him the contents thereof.
		84-30-EQU	
	Ron Collins	GREGORY A. DIXON and LORI L. DIXON, his wife	Now,October 17,1984 at 1:42 P.M. DST served the within Complaint in Equity on Gregory A. Dixon, husband of Lori L. Dixon,defendant at his place of residence Box 55,RD#2 Philipsburg, Clearfield County Penna by handing to Grregory A. Dixon a true and attested copy of the original Complaint and made known to him the contents thereof./a/ Chester A. Hawkins,Shff. by Marilyn Wood. NOVEMBER 27,1984,PRELIMINARY OBJECTIONS, FILED by Ronald Collins,Esq. Two copies certified to atty.
			APRIL 30,1985, MEMORANDUM AND ORDER,filed. NOW, this 30th day of April,1985, following argument into the above captioned preliminary objections, it is the ORDER of this Court that said objections be and are hereby sustained and that count of Plaintiffs complaint alleging the effect of a previous Court Order is dismissed. It is the further Order of this Court that Plaintiff shall amend its complaint with regards to its claim for a prescriptive use in accordance with the preliminary objections filed herein.Said amendment to be made within twenty (20) days from date hereof. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.
Pro	by Atty	40.00	MAY 17,1985, AMENDED COMPLAINT,filed by Girard Kasubick,Esq.
Shff	by atty	26.40	MAY 17,1985, CERTIFICATE OF SERVICE,filed. I, Girard Kasubick,Esquire,Attorney for Plaintiff Helen Smolko,hereby certify that on the 17th day of May 1985, I mailed a true and correct copy of Plaintiffs Amended Complaint to Ronald Collins,Esquire,120 East Pine Street,P O Box 1204,Clearfield,Pennsylvania 16830 Attorney for Gregory A. Dixon and Lori L. Dixon, his wife,Defendants.
Shff Surg	by atty	4.00	JUNE 17, 1985, ANSWER TO NEW MATTER AND COUNTER-CLAIM, filed by Ronald L. Collins, Esq, 2 cert Atty
			JUNE 19, 1985, PRELIMINARY OBJECTIONS TO COUNTER-CLAIM, filed by Girard Kasubick, Esq. 1 cert Atty
			NOVEMBER 25, 1985, ORDER, filed NOW, this 22nd day of November, 1985, following argument, it is the ORDER of this Court that Plaintiff's Preliminary Objections in the nature of a demeurrer to Defendants' counter-claim be and are hereby dismissed. BY THE COURT: John K. Reilly, Jr P.J.
			DECEMBER 23, 1985, REPLY TO NEW MATTER & ANSWER TO COUNTERCLAIM, filed by Girard Kasibick, Esq. 1 cert atty
			AUGUST 25, 1986, MOTION FOR SUMMARY JUDGMENT, filed 3 cert atty

SEPTEMBER 29, 1986 ORDER filed

NOW, this 29th day of September, 1986, following argument into Defendants' Motion for Summary Judgment based upon Plaintiff's allegations of personal use of the subject premises by Plaintiff's husband prior to his death, and by the predecessor in chain of title to the Plaintiff, it is the ORDER of this Court that said Motion be and is hereby dismissed. By the Court, John K. Reilly, Jr., President Judge

Vasil Fisanick	WILLIAM L. KNARR 84-31-EQU JOHN LAWSON, RAYMOND LAWSON and BETTY LAWSON, his wife; GEORGE LAWSON and KATHY LAWSON, his wife, EDWARD LAWSON, NANCY LAWSON, GARY LAWSON and DARREN LAWSON Pro by Atty 40.00	OCTOBER 26, 1984, COMPLAINT IN EQUITY, filed by Fisanick & Solomon Nine Copies Certified to Attorney. NOVEMBER 19,1984, AFFIDAVIT OF SERVICE,filed by Vasil Fisanick,Esq. Vasil Fisanick,Esq., being duly sworn according to law deposes and says that on October 29,1984 he duly served upon the above named defendants certified, individual copies of the Complaints in Equity endorsed with notice to defend within Twenty (20) days, by United States mail,certifed, return receipt requested.This being done pursuant to the Pennsylvania Long Arm Statute,42 Pa. C.S. 5323 and Pa. R.C.P. 2079. Proof of service under Pa. R.C.P. 2080 is made by signed receipts accepting service for the above named defendants as received by this Affiant at his principal place of business located at 1111 Philadelphia Avenue,Barnesboro,Cambria County,Pennsylvania.True and correct copies of said receipts are attached and made a part of the Affidavit./s/ Vasil Fisanick,Esq NOVEMBER 26,1984, ANSWER AND NEW MATTER, filed by David C. Serene,Esq. One copy certified to atty. DECEMBER 13, 1984, REPLY TO NEW MATTER CERTIFICATE OF SERVICE, filed by Vasil Fisanick, Esquire.

EQUITY #13 1984

Richard A. Bell	AMERICAN TANNING COMPANY, INC.		NOVEMBER 21, 1984, COMPLAINT IN EQUITY, filed by Bell, Silberblatt & Swoope Five Copies Certified to Sheriff. DECEMBER 5,1984, PRELIMINARY OBJECTIONS,filed by Cynthia Soult,Esq. One certified to atty.
	84-32-EQU		DECEMBER 10,1984, SHERIFFS RETURN, filed. NOW,november 28,1984 at 9:46 am EST served the within Complaint on Frances McDermott, Head of Clearfield County Tax Claim, deft at his place of employment,Clearfield County Court House, Market St. Clearfield,Clearfield County,Penna. by handing to Frances McDermott a true and attested copy of the original Complaint and made known to him the contents thereof. Now, November 28,1984, at 9:50 Am EST served the within Complaint on Harry Fred Bigler,Chairman of the Board of Commissioners for Clearfield County, defendant at his place of employment,Clearfield County Court house Market St.,Clearfield Clearfield County Penna by handing to Harry Fred Bigler a true and attested copy of the original Complaint and made known to him the contents thereof. Now, December 4,1984 at 9:47 am EST served the within Complaint on Mr. Smrek,School Administrator for Harmony Area School District,defendant at his place of employment,Westover,Clearfield County,Penna. by handing to Mr. Smrek a true and attested copy of the orignal complaint and made known to him the contents thereof. Now, December 4,1984 at 10:13 am EST served the within Complaint on Carlo Cence,Secretary for Westover Clearfield County,Penna at her place of residence, McEwen St.,Westover,Clearfield County,Penna by handing to Carlo Cence a true and attested copy of the orignia Complaint and made dnown to her the contents thereof. Now,December 4,1984 at 11:40 am EST served the within Complaint on Leroy Brink,Township Supervisor fo Chest Township,defendant at his place of residence RD#1,Box 11, Irvona,Clearfield County Penna. by handing to Leroy Brink a true and attested copy of the original Complaint and made known to him the Contents thereof.s/ Chester A. Hawkins,Shff. By Marilyn Wood.
John w. Burge	CLEARFIELD COUNTY TAX CLAIM BUREAU, CLEARFIELD COUNTY, WESTOVER BOROUGH, CHEST TOWNSHIP, and HARMONY AREA SCHOOL DISTRICT	Pro by Atty 40.00 Shff by atty 57.00 Surg. by atty 10.00	DECEMBER 17,1984,PRAECIPE,filed. Please enter my appearance forDefendant,Harmony Area School District, in the above captioned matter. /s/ John W. Burge,Esq. DECEMBER 24,1984, PRELIMINARY OBJECTIONS OF CHEST TOWNSHIP TO THE COMPLAINT,filed by Andrew Gates,Esq. One copy certified to atty. DECEMBER 24,1984, PRELIMINARY OBJECTIONS, FILED by John Burge,Esq.

MARCH 15,1985, AMENDMENT TO COMPLAINT, filed by Richard A. Bell,Esq.

MARCH 25,1985,REPLY MEMORANDUM OF DEFENDANT,CHEST TOWNSHIP IN SUPPORT OF THEIR PRELIMINARY OBJECTIONS,filed by Andrew Gates,Esq.

MARCH 27,1985,PRELIMINARY OBJECTIONS TO THE PLAINTIFFS AMENDED COMPLAINT,filed by John W. Burge,Esq.

MARCH 28,1985,PRELIMINARY OBJECTIONS,filed by Cynthia Soutl,Esq.
One copy certified to atty.

APRIL 2,1985, PRELIMINARY OBJECTIONS OF CHEST TOWNSHIP TO PLAINTIFFS AMENDED COMPLAINT,filed by Andrew Gates,Esq.

JULY 11,1985, ORDER,filed.
NOW, this 10th day of July,1985, following argument into defendants Preliminary objections to Plaintiffs Amended Complaint, it is the Order of this Court that said Objections be and are hereby dismissed. BY THE COURT:/s/ John K. Reilly,Jr.,P.J.

OCTOBER 31,1985, MEMORANDUM AND ORDER,filed.
NOW, October 30,1985, Preliminary Objections are overruled,. Costs abide the event. /s/ John A. Cherry, Senior Judge.

NOVEMBER 1,1985, MEMORANDUM OF PLAINTIFFS IN OPPOSITION TO PRELIMINARY OBJECTIONS FILED,filed by Richard A. Bell,Esq.

NOVEMBER 1,1985, MEMORANDUM OF LAW IN SUPPORT OF PRELIMINARY OBJECTIONS,filed by Cynthia Soult,Esq.

JULY 9, 1986, ANSWER, filed by Cynthia Soult, Esq. 4 cert atty

JULY 9, 1986 ANSWER TO AMENDMENT TO COMPLAINT, filed by Cynthia Soult, Esq. 4 cert atty

EQUITY #13 1984

David P. King

SAMUEL A. MARRARA and PATRICIA J. MARRARA, Co-Executros of the Estate of SAMUEL MARRARA, SR.

84-33-EQU

JUDITH MOSLAK, Personal Representative of the Estate of MICHAEL MOSLAK

Pro 40.00
Pro by Atty. 9.00

NOVEMBER 28, 1984, COMPLAINT IN EQUITY, filed by David P. King
One Copy Certified to Attorney.

FEBRUARY 22,1985, AMENDED COMPLAINT,filed by David P. King,Esq.
No copies

AUGUST 19,1985, PRAECIPE,filed.
Please reinstate the amended complaint of the above term and number./s/ David King,Esq.

AUGUST 19,1985, AMENDED COMPLAINT REINSTATED AND REISSUED TO ATTORNEY FOR SERVICE.

DECEMBER 16,1985, PRAECIPE,filed.
Reinstate the amended Complaint of the above number anf term and reissue too. /s/ David King.Esq.
DECEMBER 16,1985, COMPLAINT REINSTATED AND REISSUED TO ATTY FOR SERVICE.

JANUARY 24, 1986, PRELIMINARY OBJECTIONS, filed by James A. Naddeo, Esq. 1 cert atty

APRIL 16, 1986, MEMORANDUM AND ORDER, filed.
Michael Moslak had served as conservator of the Estate of Samuel Marrara, Sr., until March 1981, when the conservatorship terminated. Mr. Moslak died September 13 , 1983, and on November 28, 1984, Plaintiffs filed a compliant in equity seekign an accounting for monies received by Michael Moslak as conservator set forth above. The complaint was amended on February 14, 1985. and Defendant filed preliminary objecitons to the complaint raising laches and the Statute of Limitations asking that the complaint be dismissed. This Court does herein grant Defendant's Motion. The applicable Statute of Limitations here is 2 years and although it does not truly apply to matters matters in equity, it certianly is an element to be considered. It must be borne in mind that the conservatorship terminated in March of 1981 and that Michael Moslak died in September of 1983. To permit this action in equity to proceed at this late date sould be extremely prejudicial to the Defendant in that for all intents and purposes the only witness to the matter would be Michael Moslak, now deceased.
For these reasons, the Court enters the following:

ORDER, filed.
NOW, this 15th dya of April, 1986, following argument it is the ORDER of this Court that the above action is barred by the doctrine of laches in that an unreasonable delay in filing the proceeding has resulted in prejudice to the Defendant and therefore, the complaint is dismissed. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

APRIL 22, 1986, PRAECIPE, filed
Please enter judgment in favor of the defendant in the above captioned case upon Order entered by the Court on April 15, 1986. /s/ James A. Naddeo, Attorney for the Defendant.

Judgment is entered in favor of the Defendant and against the Plaintiff as per Order of the Court.

JUDGMENT PER COURT ORDER.

Raymond J. Mathewson
Prothonotary

EQUITY # 13

David P. King

GEORGE MACZACZYJ

84-34-EQU

Anthony S. Guido

MARY LOU WINGARD

DECEMBER 5, 1984, COMPLAINT IN EQUITY, filed by David P. King.
One Copy Certified to Sheriff.

JANUARY 24,1985,SHERIFF'S RETURN,filed.
Now, December 21,1984 Harry Dunkle,Sheriff of Jefferson County was deputized by Chester Hawkins, Sheriff of Clearfield County to serve the within Complaint on Mary Lou Wingard,Defendant.
Now, January 4,1985 served the within Complaint on Mary Low Wingard,defendant by deputizing the Sheriff of Jefferson Cournt. The return of Sheriff Dunkle is hereto attached and made a part of this return.
/s/ Chester A. HAwkins,Shff by Marilyn Wood.

NOVEMBER 20, 1987, PRAECIPE, filed
Place the above-captioned matter on the Current Trial List.
/s/ David P. King, Atty.
CERTIFICATION, filed.

JANUARY 29, 1988, ANSWER TO COMPLAINT FOR SPECIFIC PERFORMANCE, filed by Anthony S. Guido, Esq.

APRIL 4, 1988, ORDER, filed
NOW, this 4th day of April, 1988, it is the ORDER of this Court that the above-captioned case be removed from the Non-Jury Trial List until either counsel files a Certificate of Readiness and Praecipe for Non-Jury Trial. BY THE COURT: John K. Reilly, Jr., P.J.

NOVEMBER 18, 1988, PRAECIPE, filed
Place the above-captioned matter on the Current Trial List. /s/ David P. King, Esq.
CERTIFICATE OF READINESS, filed
In compliance with Local Rule 212.2 and in conjunction with the Praecipe filed herewith, it is certified as follows:
No Motions are outstanding and Discovery has been compleded, and the case is ready for Trial.
This case is to be heard non-jury.
Notice of filing the Praecipe has been given to the Attorney representing the Defendant. /s/ David P. King, Esq.

NOVEMBER 22, 1988, PRAECIPE, filed
Place the above-captioned matter on the Current Trial List. /s/ David P. King, Esq.
CERTIFICATE OF READINESS, filed
In compliance with Local Rule 212.2, and in conjunction with the Praecipe filed herewith, it is certified as follows:
No Motions are outstanding and Discovery has been completed, and the case is ready for Trial.
This case is to be heard non-jury.
Notice of filing the Praecipe has been given to the Attorney representing the Defendant. /s/ David P. King, Esq.

Pro	by Atty	40.00
Shff	by atty	21.00
Surg. Shff.	by atty	2.00
Dunkle	by atty	23.30

JULY 17, 1989, ORDER, filed 2 cert/Atty King 2 cert/Atty Guido
NOW, this 14th day of july, 1989, this being the day and date set for hearing in the above captioned matter, upon agreement of the parties, it is the Order of this Court that judgment be and is hereby awarded in favor of the plaintiff and against the defendant in the sum of One Thousand Two Hundred ($1,200) Dollars, to be paid within Sixty (60) days from date hereof.
It is the Further Order of this Court that these proceedings shall forever conclude any furthur disagreemetns arrising out of the divorce filed to 80-2502-CD with the exception of any future questions regarding child custody, visitation or support. BY THE COURT: John K. Reilly, Jr., P.J.

EQUITY #13 1984

Joseph Colavecchi	ROBERT W. SMELTZER and ANGELINA M. SMELTZER, his wife, Plaintiffs 84-35-EQU C. RICHARD KISTLER, t/d/b/a SUMMIT HOMES OF OSCEOLA MILLS and BURLINGTON HOMES INC., Defendants	DECEMBER 12, 1984, COMPLAINT IN EQUITY, filed by Colavecchi & Ryan. Three Copies Certified to Attorney. Two copies Certified to Sheriff. JANUARY 4,1985, SHERIFF'S RETURN,filed. NOW, December 14,1984, at 10:35 am EST served the within Complaint in Equity on C. Richard Kistler, defendant at his place of employment,Summit Homes, Osceola Mills, Clearfield COunty,Penna. by handing to C. Richard Kistler a true and attested copy of the original Complaint in Equity and made known to him the contents thereof. Now, December 12,1984,Daniel G. Grow,Sheriff of Schuylkill Coonty was deputized by Chester Hawkins Shefirr of Clearfield County to serve the within Complaint in Equity on Burlington Homes Inc.,Deft Now December 20,1984 served the within Complaint in Equity on Burlington Homes Inc., defendant by deputizing the sheriff of Schulykill County. The return of Sheriff Grow is hereto attached and made a part of this return stating that he served Sherry Kull,Recpt./a/ Chester A. Hawkins,Shff by Marilyn Wood. JANUARY 21,1985, ANSWER AND NEW MATTER,filed by George Test,JR.,Esq. JANUARY 29,1985,REPLY TO NEW MATTER,filed by Joseph Colavecchi,Esq.

Pro	by Atty	40.00
Shff	by atty	33.00
Surg	by atty	4.00
Shff		
Grow	by atty	17.50

EQUITY #13

Robert M. Hanak	W. JOHN SIAR	DECEMBER 17, 1984, COMPLAINT FOR INJUNCTIVE RELIEF, filed by Robert M. Hanak Two Copies Certified to Attorney.
	84-36-EQU	
	T & S HOME OXYGEN SUPPLY COMPANY, INC., a business corporation, and JOHN TARTAL, an individual, and LARRY STOTT, an individual	
	Pro Mp Atty 40.00	

EQUITY #13 1984

James A. Naddeo	NICK J. SADOTI, t/d/b/a NICK J. SADOTI COAL COMPANY 84-37-EQU	DECEMBER 27, 1984, COMPLAINT IN EQUITY, filed by Belin, Belin & Naddeo One Copy Certified to Sheriff. JANUARY 11,1985, AFFIDAVIT OF SERVICE,filed. NOW January 4,1985, at 1:04 PM EST served the within Complaint on Jaye Wavasky,Secretary for deft at his place of employment,Mustang Coal & Contr. Corp. Houtzdale, clearfield County, Penna. by handing to Jaye Wavasky a true and attested copy of the original Complaint and made known to him the contents thereof./a/ Chester A. Hawkins, Shff. by Marilyn Wood. JANUARY 28,1985, ANSWER,filed byWilliam C. Kriner,Esq AUGUST 2,1985,ANSWER,filed. One copy certified to atty
William C. Kriner	MUSTANG COAL AND CONTRACTING CORPORATION	FEBRUARY 20, 1986, PRAECIPE, filed Please place the above captioned case on the list for trial. /s/ James A. Naddeo, Esq. FEBRUARY 26, 1987 ORDER filed NOW, this 25th day of February, 1987, after hearing in the above-captioned matter the parties hereto agree that the following ORDER shall be entered in this matter; 1. That Defendant Mustang be and is hereby directed and Ordered to correct areas of erosion depicted on Plaintiff's Exhibits 1 and 2; and Further, that Defendant Mustant be directed and Ordered to conduct three soil tests in areas marked with circled numberals 1, 2 and 3, on Plaintiff's Exhibits 1 and 2; and finally, Defendant Mustang be directed and Ordered to top-dress with lime and fertilizer the areas delineated in red on Plaintiff's Exhibits 1 and 2 in amounts determined from the soil analyses referred to herein. Said work to be completed on or before May 30, 1987. 2. It is directed and Ordered that when the work described in Paragraph 1 of this Order is completed by Defendant Mustang, Stage Two Bonds posted by Plaintiff Sadoti incident to Mine Drainage Permit Number 45A76SM11 and amendments thereto shall be released by the Departmen of Environmental Resources.

Pro by Atty	40.00
Shff by atty	23.20
surg by atty	2.00

3. It is Ordered that when the work in Paragraph 1 of this Order is satisfactorily completed by Defendant Mustang, Mustang is released from any and all responsibility or liability to Plaintiff Sadoti under Surface Mining Permit 45A76SM11 plus amendments, and Plaintiff Sadoti is released from any and all liability or responsibility for any and all work conducted by Defendant Mustang on Surface Mining Permit Number 45A76SM11 plus amendments. BY THE COURT, John K. Reilly, Jr., Presiden Judge

Copies sent to J. Naddeo, Esq.; W. Kriner, Esq. by Cathy Warrick, Official Court Reporter