

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH  
JUDICIAL DISTRICT, PENNSYLVANIA

COUNTY OF ELK,  
Plaintiff

vs.

WILLIAM DICKEY, MATTHEW W. DICKEY,  
WILLIAM JEROME DICKEY, CLARENCE CLAIRE  
DICKEY, MARY EDNA DICKEY, MARTHA  
PAULINE DICKEY, MATTHEW W. DICKEY, JR.,  
JOSEPHINE DICKEY, WILLIAM D. LONG, JAMES  
LONG, PAUL B. DICKEY, MARY EDNA DICKEY  
FAWCETT, MYRTLE H. LONG, CARLTON CLAIRE  
DICKEY, ADA DICKEY MEANS, WILLIAM  
WARREN DICKEY, LULU MAY BROWN, their  
heirs, assigns, devisees, and personal  
representatives, and SAMUEL MOORE, EARL  
MOORE, JOHN W. ELLIOTT, RICHARD E. ELLIOTT,  
JR., JOHN OSCAR MOORE, ALSO KNOWN AS  
OSCAR JOHN MOORE, SARAH MOORE,  
S. EVAN MOORE, MARY T. MOORE, and their  
heirs, assigns, devisees, and personal  
representatives, and AARON REITZ,  
JESSIE E. THOMPSON, JEAN BARRETT  
BENNINGER, WAYNE H. BARRETT,  
REBECCA BORDEN, their heirs, assigns, devisees,  
and personal representatives, and WILLIAM  
KELSO, DAVID GEALEY and MAUREEN GEALEY,  
his wife, PETER GEALEY and MARY GEALEY, his wife,  
SCOTT CHRISTOPHERSON and EILEEN  
CHRISTOPHERSON, his wife, KAREN  
CHRISTOPHERSON FITZPATRICK, and  
BRIAN FITZPATRICK, her husband, CAROL ANN  
CHRISTOPHERSON STOUT and ROBERT STOUT, her  
husband, DEBORAH D. MORTON, LINDA LAUER, LONI  
CHRISTOPHERSON and their heirs, assigns, devisees,  
and personal representatives; SANDRA GODFREY,

COUNTY BRANCH - ELK  
CIVIL DIVISION

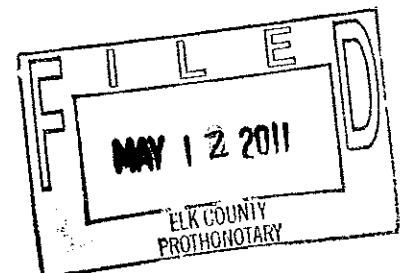
No. 2011-140

**PLAINTIFF'S MOTION FOR SPECIAL  
ORDER DIRECTING SERVICE BY  
PUBLICATION**

Filed on behalf of Plaintiff,  
County of Elk

Counsel of Record for  
this party:

Lisa C. McManus, Esq.  
Pa. I.D. 59661  
616 Sherry Road  
Saint Marys, PA 15857  
Office: 814.781.1319  
Cell: 814.594.7690  
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Email: [lisamcmanus616@gmail.com](mailto:lisamcmanus616@gmail.com)



personal representative for the Estate of A. HOWARD  
MARLIN, her successors and or assigns; and  
MICHAEL A. KUBICO, JR. and STEPHEN B. KUBICO,  
as personal representatives for the Estate of  
HELEN SMITH KUBICO,

Defendants

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH  
JUDICIAL DISTRICT, PENNSYLVANIA

COUNTY OF ELK,  
Plaintiff

vs.

WILLIAM DICKEY, et al.  
Defendants

: COUNTY BRANCH - ELK  
: CIVIL DIVISION  
:  
: No. 2011-140  
:

**PLAINTIFF'S MOTION FOR SPECIAL ORDER  
DIRECTING SERVICE BY PUBLICATION**

Plaintiff, by its undersigned attorney and pursuant to Pennsylvania Rule of Civil Procedure 430(a), moves this Court for a special order directing service of the Complaint in this Action to Quiet Title by publication. In support of this motion, plaintiff avers the following:

1. The instant action concerns legal title to the oil and natural gas rights underlying real property located in Millstone Township, Elk County, Pennsylvania.
2. Defendant group "one" is William Dickey and his last known heirs, assigns, devisees, and personal representatives, who may claim an interest in the property that is the subject of this suit, being as follows:
  - a. William Dickey, his heirs and/or assigns, whose last and current addresses are unknown.
  - b. William Jerome Dickey, his heirs and/or assigns, whose last and current addresses are unknown.
  - c. Carlton Claire Dickey, his heirs and/or assigns, whose last and current addresses are unknown.
  - d. Clarence Claire Dickey, his heirs and/or assigns, whose last and current addresses are unknown.
  - e. Mary Edna Dickey, her heirs and/or assigns, whose last and current addresses are unknown.
  - f. Martha Pauline Dickey, her heirs and/or assigns, whose last and current

addresses are unknown.

- g. Matthew W. Dickey, Jr., his heirs and/or assigns, whose last and current addresses are unknown.
  - h. Ada Dickey Means, her heirs and/or assigns, whose last and current addresses are unknown.
  - i. William Warren Dickey, his heirs and/or assigns, whose last and current addresses are unknown.
  - j. Lulu May Brown, her heirs and/or assigns, whose last and current addresses are unknown.
  - k. Georgia Josephine Dickey, her heirs and/or assigns, whose last and current addresses are unknown.
  - l. William D. Long, his heirs and/or assigns, whose last known address is believed to have been Los Angeles, California, and whose current address is unknown.
  - m. James Elliott Long, his heirs and/or assigns, whose last known address is believed to have been Los Angeles, California, and whose current address is unknown.
  - n. Paul B. Long, his heirs and/or assigns, whose last known address is believed to have been Pittsburgh, Pennsylvania, and whose current address is unknown.
  - o. Myrtle H. Long, her heirs and/or assigns, whose last known address is believed to have been Los Angeles County, California, but whose current address is unknown.
  - p. Mary Edna Maxwell, also known as Edna Dickey Maxwell, her heirs and/or assigns, whose last known address is believed to have been Pittsburgh, Pennsylvania, but whose current address is unknown.
  - q. Mary Edna Dickey Fawcett, her heirs and/or assigns, whose last known address is believed to have been Los Angeles County, California, but whose current address is unknown.
3. Defendant group "two" is Samuel M. Moore, and his last known heirs, assigns, devisees, and personal representatives, who may claim an interest in the property that is the subject of this suit, being as follows:
- a. Samuel M. Moore, his heirs and assigns, whose last known address is

unknown;

- b. John Oscar Moore, also known as Oscar John Moore, and Sarah, his wife, whose last known address was Kane, McKean County, Pennsylvania, in 1913, but whose current address is unknown.
  - c. S. Evan Moore and Mary T. Moore, his wife, whose last known address was Brookville, Jefferson County, Pennsylvania, in 1912, but whose current address is unknown.
  - d. Earl Moore, his heirs and/or assigns, whose last known address was Chama, New Mexico, but whose current address is unknown.
  - e. Richard E. Elliott, Jr., his heirs and/or assigns, whose last known address is unknown.
4. Defendant group "three" is Aaron Reitz and his last known heirs, assigns, devisees, and personal representatives that may claim an interest in the property that is the subject of this suit, being as follows:
- a. Jessie E. Thompson, her heirs and/or assigns, whose last known address was 953 Jackman Avenue, Avalon, Pennsylvania, but whose current address is unknown.
  - b. Jean Barrett Benninger, her heirs and/or assigns, whose last known address was Madison, New Jersey, but whose current address is unknown.
  - c. Wayne H. Barrett, his heirs and/or assigns, whose last known address was 121 Ridgwood Drive, Youngstown, Ohio, but whose current address is unknown.
  - d. Rebecca Borden, her heirs and/or assigns, whose last known address was 109-16 112<sup>th</sup> Street, Ozone Park, New York, but whose current address is unknown.
5. Defendant group "four" is William H. Kelso and his last known heirs, assigns, devisees, and personal representatives that may claim an interest in the property that is the subject of this suit, being as follows:
- a. William Kelso, his heirs and assigns, whose last known address is unknown;
  - b. David Gealey and Maureen Gealey, his wife, adult individuals who reside at 26571 North Highway 1, Fort Bragg, California 95437-9586;
  - c. Peter Gealey and Mary Gealey, his wife, adult individuals who reside at 30161 Simpson Lane, Fort Bragg, California 95437-9586;

- d. Scott Christopherson and Eileen Christopherson, his wife, adult individuals who reside at 326 Camaritas Avenue, South San Francisco, California 94080;
  - e. Karen Christopherson Patrick and Brian Fitzpatrick, her husband, 3706 Redwood Circle, Palo Alto, California 94306;
  - f. Carol Ann Christopherson Stout and Robert Stout, her husband, adult individuals who reside at 4095 Millagra Drive, Fallbrook, California 92028-8674;
  - g. Deborah D. Morton, an adult individual who resides in Santa Cruz, California, and maintains a mailing address at P.O. Box 2966, Santa Cruz, California 95063;
  - h. Linda Lauer, an adult individual who resides at 2411 Carrelton Drive, Champaign, IL 61821-4763;
  - i. Sandra Godfrey, as personal representative for the estate of A. Howard Marlin, his successors and assigns, an adult individual who resides at 1188 Huntingdon Road, Winston-Salem, NC 27104;
  - j. Loni Christopherson of 326 Camaritas Avenue, South San Francisco, California 94080;
  - k. Michael A. Kubico, Jr. and Stephen B. Kubico, as joint power of attorney for Helen Smith Kubico, c/o Michael A. Kubico, Jr., of 17264 Bay Street, Jupiter, Florida 33477.
- 
- 6. The whereabouts of the defendants in Defendant Group Four have been located, and counsel for those defendants will be accepting service on their behalf.
  - 7. Attempts have been made to locate the defendants in Defendant Groups One through Three in order to serve the Complaint in this action under the regular procedures set forth in the Pennsylvania Rules of Civil Procedure.
  - 8. The attempts made by Plaintiff's agents are set forth in the affidavits attached hereto as Exhibit A and are incorporated herein as though set forth in full.
  - 9. Plaintiff has made a good-faith effort to locate and serve Defendant Groups One through Three, but the effort has been unsuccessful.
  - 10. Unless the Court permits service on Defendant Groups One through Three by way of publication, Plaintiff will be unable to maintain this action and injustice will result.

WHEREFORE, Plaintiff requests the Court enter a special order directing service of the Complaint on Defendant Groups One through Three by publication in the Saint Marys Daily Press and the Ridgway Record.

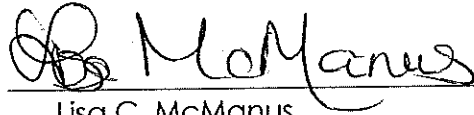
By:   
Attorney for Plaintiff

Dated: 5/6/11

**AFFIDAVIT**

Lisa C. McManus hereby states that she is the attorney for plaintiff in this action and that the statements of fact made in the foregoing Motion for Special Order Directing Service by Publication are true and correct upon personal knowledge. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904 relating to unsworn falsification to authorities.

Date: 5/10/11

  
\_\_\_\_\_  
Lisa C. McManus  
Attorney for Plaintiff



Sat LCM  
fcs-M&D Gealey  
P&M Gealey  
S&I Christopherson  
K&B Fitzpatrick  
Loni Christopherson  
Sandra Godfrey  
D. Morton  
Linda Lauer  
M Kubico  
5-19-11

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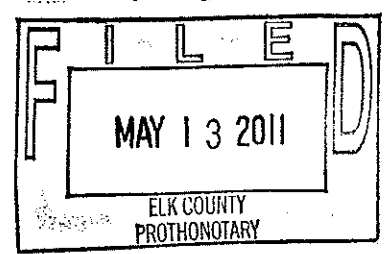
COUNTY OF ELK,  
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WILLIAM JEROME DICKEY, CLARENCE CLAIRE  
DICKEY, MARY EDNA DICKEY, MARTHA  
PAULINE DICKEY, MATTHEW W. DICKEY, JR.,  
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MOORE, JOHN W. ELLIOTT, RICHARD E. ELLIOTT,  
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KELSO, DAVID GEALEY and MAUREEN GEALEY,  
his wife, PETER GEALEY and MARY GEALEY, his wife,  
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CHRISTOPHERSON FITZPATRICK, and  
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husband, DEBORAH D. MORTON, LINDA LAUER, LONI  
CHRISTOPHERSON and their heirs, assigns, devisees,  
and personal representatives; SANDRA GODFREY,  
personal representative for the Estate of A. HOWARD  
MARLIN, her successors and or assigns; and  
MICHAEL A. KUBICO, JR. and STEPHEN B. KUBICO,  
as personal representatives for the Estate of  
HELEN SMITH KUBICO,

Defendants



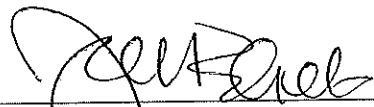
2011-140

ORDER

AND NOW, this 13 day of May, 2011, upon consideration of the Plaintiff's Motion for Special Order Directing Service by Publication, pursuant to Pa.R.C.P. 430(a), and it appearing to the Court that Plaintiffs have made a good faith effort to locate and serve Defendant Groups One through Three in the regular course, it is hereby ORDERED that said motion is granted, and service upon the following defendants is to be made by publication in accordance with Pa.R.C.P. 410(c)(1) and 430(b)(1) in the Saint Marys Daily Press and the Ridgway Record:

- a. William Dickey, his heirs and/or assigns.
- b. William Jerome Dickey, his heirs and/or assigns.
- c. Carlton Claire Dickey, his heirs and/or assigns.
- d. Clarence Claire Dickey, his heirs and/or assigns.
- e. Mary Edna Dickey, her heirs and/or assigns.
- f. Martha Pauline Dickey, her heirs and/or assigns.
- g. Matthew W. Dickey, Jr., his heirs and/or assigns.
- h. Ada Dickey Means, her heirs and/or assigns.
- i. William Warren Dickey, his heirs and/or assigns.
- j. Lulu May Brown, her heirs and/or assigns.
- k. Georgia Josephine Dickey, her heirs and/or assigns.
- l. William D. Long, his heirs and/or assigns.
- m. James Elliott Long, his heirs and/or assigns.
- n. Paul B. Long, <sup>Dickey</sup> his heirs and/or assigns.
- o. Myrtle H. Long, her heirs and/or assigns.
- p. Mary Edna Maxwell, also known as Edna Dickey Maxwell, her heirs and/or assigns.
- q. Mary Edna Dickey Fawcett, her heirs and/or assigns.
- r. Samuel M. Moore, his heirs and assigns.
- s. Richard Elliott Jr., his heirs and assigns.

- t. John Oscar Moore, also known as Oscar John Moore, and Sarah, his wife, their heirs and assigns.
- u. S. Evan Moore and Mary T. Moore, his wife, their heirs and assigns.
- v. Earl Moore, his heirs and/or assigns.
- w. Jessie E. Thompson, her heirs and/or assigns.
- x. Jean Barrett Benninger, her heirs and/or assigns.
- y. Wayne H. Barrett, his heirs and/or assigns.
- z. Rebecca Borden, her heirs and/or assigns.

A handwritten signature in black ink, appearing to read "J. A. [unclear]", written over a horizontal line.

Senior Judge  
Specially Presiding

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MOORE, BERTHA R. ELLIOTT, JOHN W. ELLIOTT,  
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his wife, PETER GEALEY and MARY GEALEY, his wife,  
SCOTT CHRISTOPHERSON and IRENE CHRISTOPHERSON,  
his wife, KAREN CHRISTOPHERSON PATRICK, and  
BRIAN FITZPATRICK, her husband, CAROL ANN  
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CHRISTOPHERSON and their heirs, assigns, devisees,  
and personal representatives; SANDRA GODFREY, personal  
representative for the Estate of A. HOWARD  
MARLIN, her successors and or assigns; and  
MICHAEL A. KUBICO, JR. and STEPHEN B. KUBICO,  
as power of attorney for HELEN SMITH KUBICO,  
Defendants

COUNTY BRANCH - ELK  
CIVIL DIVISION

No. 2011 - 140

AFFIDAVIT IN SUPPORT OF  
SERVICE BY PUBLICATION

## **AFFIDAVIT IN SUPPORT OF PLAINTIFF'S MOTION FOR SPECIAL ORDER**

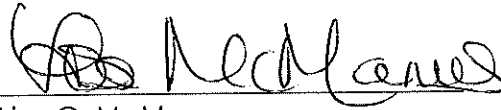
Lisa C. McManus, being duly sworn according to law, deposes and says the following:

1. I am the plaintiff's attorney in the above action.
2. I personally investigated the whereabouts of defendants in this action.
3. In order to appropriately identify the heirs of all defendants, I reviewed the original Elk County abstract of title regarding the subject property and all of the deeds in the abstract to attempt to locate last known addresses or counties of residence for each individual that might have an interest in the subject property.
4. I requested abstractors to research the county records in the Commonwealth of Pennsylvania for each individual who appeared to have lived in a county other than Elk County.
5. The search of Jefferson County records revealed the existence of a quitclaim deed that led to the identification of the current whereabouts of the defendants in Defendant Group Four.
6. I interviewed Thomas G. Reitz, Michael Kubico, James Lauer, and Linda Lauer to obtain information as to the whereabouts of the Reitz or Kelso defendants, their heirs or assigns.
7. Thomas Reitz was able to provide information as to the last known location of a number of heirs as of forty years ago, through which I focused search efforts on those locations.
8. I researched the names of all heirs that were identified through the discussions with the heirs that were located and through a search of the records at the Elk, Jefferson, Warren, or McKean County courthouses on PeopleFinders.com, Bing, and Google.
9. With regard to any addresses that I located that could potentially lead me to the current whereabouts of defendants in groups One through Three, I sent letters to those individuals at the available addresses by United States Postal Service, certified

mail, return receipt requested. The letters were returned with notations that they could not be forwarded or no such address existed.

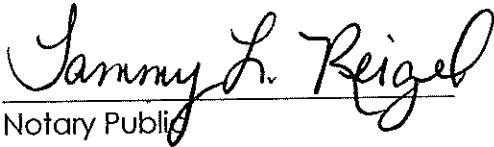
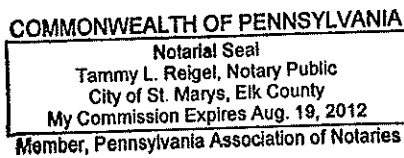
10. I researched defendants in groups One through Three in the social security death records; however, no relevant records were found.
11. I reviewed deeds involving the named Defendants for a grantee address, but found none that were current.
12. A search of the Jefferson County courthouse records revealed that an action was filed against Defendant Group One at Civil Docket No. 456-1998 on June 8, 1998, in which Plaintiffs filed an Affidavit Re: Whereabouts of Defendants indicating that good faith efforts had been made to locate the whereabouts of the defendants but were unsuccessful. Information from this complaint was used to further research Defendant Group One.
13. A search of the Elk County courthouse records revealed that a quiet title action was filed against William Kelso, William Kelso and S.M. Moore at Civil Docket No. 80-364, in which plaintiffs alleged that those defendants were dead and that the identity and whereabouts of their heirs and assigns was unknown. Judge Greiner entered a default judgment against those defendants.
14. I did not review the local telephone directory because to do so would have been fruitless because either 1) the heirs identified have been long dead, based on the dates in the documents to which they were parties, or 2) the heirs' last known addresses were not local.
15. I have been unable to locate any information on Defendant Groups One through Three that has led to finding their present whereabouts.
16. I requested Deborah Carapella, an independent contractor providing services to Penn-York Abstract Corp., to research the records at the Warren County public offices, including the Recorder of Deeds' Office, Prothonotary's Office, and Tax and Assessment Records Office for information relative to Bertha Elliott and John W. Elliott, who were defendants in Defendant Group Two in the original complaint. Based on the information that she provided, I was able to locate and obtain quitclaim deeds from all Bertha Elliott and John W. Elliott heirs except for Richard Elliott, Jr., who cannot be located but is believed to be deceased based on my conversations with his distant cousins.

17. No efforts to serve Defendant Groups One through Three have been made as no address can be located.
18. The allegations in the foregoing Motion for Special Order and the attached Exhibits are true and correct to the best of my personal knowledge, information and belief.



Lisa C. McManus  
Attorney for Plaintiff

Sworn and subscribed to before me, Tammy L. Reigel, this 10<sup>th</sup> day of May, 2011.

  
Notary Public

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CIVIL DIVISION

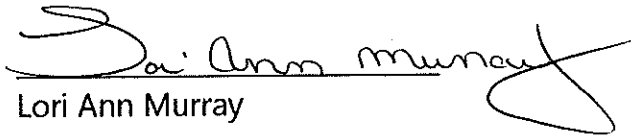
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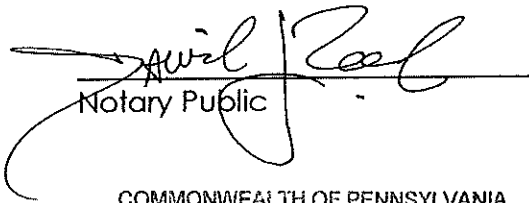
Defendants



9. The matters set forth in this affidavit are true and correct to the best of my personal knowledge, information and belief.

  
Lori Ann Murray

Sworn and subscribed to before me this 26<sup>th</sup> day of January, 2011.

  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
David J. Reed, Notary Public  
Emporium Boro, Cameron County  
My Commission Expires July 27, 2012  
Member, Pennsylvania Association of Notaries

## AFFIDAVIT IN SUPPORT OF PLAINTIFF'S MOTION FOR SPECIAL ORDER

Lynn McBride, being duly sworn according to law, deposes and says the following:

1. I am an independent contractor providing services to Penn-York Abstract Corp.
2. I researched the records at the McKean County public offices, including the Recorder of Deeds' Office, Prothonotary's Office, and Tax and Assessment Records Office for information relative to Oscar J. (O.J.) Moore a/k/a John Oscar, and Sarah Moore, defendants in Defendant Group Two, based on information that said defendants had lived in McKean County.
3. I found no information that would lead to the present whereabouts of Oscar J. (O.J.) Moore a/k/a John Oscar, and Sarah Moore.
4. I found no estate information that would indicate that the interest of Oscar J. (O.J.) Moore a/k/a John Oscar, and Sarah Moore was divested.
5. The matters set forth in this affidavit are true and correct to the best of my personal knowledge, information and belief.

Lynn McBride  
Lynn McBride

Sworn and subscribed to before me this 3rd day of ~~January~~<sup>February</sup>, 2011.

Judy A. Ordway  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
JUDY A. ORDWAY, Notary Public  
Smethport Boro, McKean County  
My Commission Expires Jan. 31, 2013