

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

ERIC L. RYDER and BOBIE D. RYDER,	:	DOCKET NO. 12-00,389
Plaintiffs,	:	
	:	CIVIL ACTION
vs.	:	
	:	ACTION TO QUIET TITLE
STEPHEN J. CSIK and WALTER J. GAUS,	:	
Defendants.	:	NON-JURY VERDICT

VERDICT

This matter arises over a land dispute over a one-tenth of an acre piece of lake-front property located in the Beaver Lake Subdivision, Penn Township, Muncy Valley, Lycoming County, Pennsylvania. The Court held a non-jury trial on April 19, 2013. The Court hereby enters a verdict in favor of Plaintiffs and against Defendants.

I. Findings of Fact

a. Parties and Disputed Area

1. Plaintiffs are Eric L. Ryder and Bobie D. Ryder, husband and wife. Plaintiffs reside at 68 Myers Road, Muncy Valley, Pennsylvania. This property is located within the Beaver Lake Subdivision of Penn Township. Specifically, Plaintiffs hold record title of Lycoming County Tax Parcels Nos. 44-316-141 and 44-316-144. *See* Lycoming County Record Book 4006, pgs. 150-153; Pls. Ex. 1. Plaintiffs constructed their family residence on Tax Parcel No. 44-316-144. Plaintiffs' home fronts to the east, overlooking Myers Road and a vacant parcel (Nos. 44-316-141) that fronts Beaver Lake.
2. The disputed area is the northern portion of Tax Parcel No. 44-316-141. The disputed area is that 0.108 acre area depicted by the attached retracement survey, performed by Hopkins' Land Surveying and dated August 25, 2011. *See* Pls. Ex. 5. The disputed area lies between Myers Road and Beaver Lake. Plaintiffs hold title ownership of the

disputed area. Throughout the course of this litigation, the County's Tax Assessment Office assigned the disputed area Tax Parcel No. 44-316-141.Z.

3. The pertinent deeds in Plaintiffs' chain of title consist of the following:
 - a. Deed of Donald J. Kulsicavage and Frances D. Kulsicavage to Eric L. Ryder and Bobie D. Ryder, dated November 16, 2001, and recorded in Lycoming County Record Book 4006, pgs. 150-53 (pertaining to Tax Parcel Nos. 44-316-141, 44-316-142, 44-316-143, and 44-316-144). *See* Pls. Ex. 1;
 - b. Deed of David T. Greening and Susan J. Greening to Donald J. Kulsicavage and Frances D. Kulsicavage, dated June 15, 1999, and recorded in Lycoming County Record Book 3323, pgs. 312-315 (pertaining to Tax Parcel Nos. 44-316-141, 44-316-142, 44-316-143, and 44-316-144). *See* Pls. Ex. 2;
 - c. Deed of Fred B. Bieber and Donna E. Bieber to David T. Greening and Susan J. Greening, dated September 2, 1977, and recorded in Lycoming County Record Book 828, pgs. 141-43. *See* Pls. Ex. 3; and
 - d. Deed of Lena P. Seibert, widow, to Fred B. Bieber and Donna E. Bieber, dated August 9, 1974, and recorded in Lycoming County Record Book 698, pgs. 270-73, and reciting a deed of Lillian K. Shaffer to William B. Seibert and Lena P. Seibert, dated August 4, 1950, and recorded in Lycoming County Record Book 372, pg. 367. The 1974 Deed provided that William B. Seibert died on October 21, 1959, vesting title in the property to Lena P. Seibert by right of survivorship. *See* Defs. Ex. 10.

4. The Ryders were substituted as Plaintiffs by stipulation approved on February 28, 2013; prior to the entry of this stipulation, Beaver Lake Wilderness Club, Inc. was the named-Plaintiff in this matter. *See* Order, 2/28/13.
5. Defendants are Stephen J. Csik and Walter J. Gaus. Defendant Stephen J. Csik resides at 106 Clinton Street, Highstown, New Jersey. Defendant Walter J. Gaus resides at 163 Iroquois Trail, Medford Lakes, New Jersey. *See* Defs. Ex. 2. Defendant Csik is the uncle of Defendant Gaus.
6. Beginning in late 1986 or early 1987, Defendant Csik began purchasing properties within the Beaver Lake Subdivision from Beaver Lake Forest, Inc., through an installment sales contract. *See* Defs. Ex. 7.
7. Pertinent to the instant matter, Defendant Csik presently has or previously had an interest in Tax Parcel Nos. 44-316-136 and 44-316-138. *See* Defs. Ex. 21.
 - b. **Northern Boundary of Disputed Area, i.e. Gough Parcel**
8. Between 1987 and 1990, Defendant Csik purchased Tax Parcel No. 44-316-138, by deed from Earl D. Snell and Edith M. Snell, dated November 21, 1989, and recorded November 28, 1989, at Lycoming County Record Book, 1486, pgs. 228-30 (Gough parcel). *See* Defs. Ex. 4.
9. Defendant Csik conveyed the Gough parcel to Brian A. Gough and Rosemary Gough, by deed dated September 13, 2007, and recorded on October 1, 2007, at Lycoming County Record Book 6150, pgs. 169-77. *See* Defs. Ex. 3. Presently, the Goughs hold record title to the Gough parcel.
10. The Gough parcel is immediately north of the disputed area.

c. Procedural History

11. Defendant Csik filed a Statement of Claim of Title Acquired by Adverse Possession with the Lycoming County Register and Recorder's Office; this statement was dated August 10, 2011, and recorded November 14, 2011, at Lycoming County Record Book 7452, pgs. 176-79. In this statement, Defendant Csik purports to own the disputed area under the theory of adverse possession. *See* Defs. Ex. 1.
12. Defendant Csik conveyed his interest in three pieces of property situated in Penn Township, Lycoming County, Pennsylvania, by special warranty deed dated August 15, 2011, and recorded on November 14, 2011, at Lycoming County Record Book 7452, pgs. 180-184. *See* Defs. Ex. 2. Defendant Csik's conveyance included Tax Parcel Nos. 44-316-302, 44-316-305 and 44-316-141.Z (the disputed area).
13. Plaintiffs filed this action to quiet title on February 21, 2011, in response to Defendant Csik's Statement of Claim of Title Acquired by Adverse Possession. *See* Defs. Ex. 1.

d. Adverse Possession Litigation

14. The sole issue before the Court is whether Defendants have established ownership of the disputed area by establishing the requisite elements of adverse possession. *See* Order, 2/28/13, and Stipulation, 3/22/13.
15. In 1986, Defendant Csik began building a home on Tax Parcel No. 44-316-138. During the construction of this home, Defendant Csik did not want to park at this parcel. Defendant Csik got permission from Mr. Snell to park on the Gough parcel. At the time this permission was granted, Mr. Snell was the record title owner of the Gough parcel.

16. Around approximately 1986, Defendant Csik asked Mr. Snell who owned the disputed area. Mr. Snell relayed to Defendant Csik that nobody appeared to own the disputed area.

17. Around the time of Defendant Csik's exchange with Mr. Snell, Defendant Csik made plans to adversely possess the disputed area.

i. Csik's Visits to Beaver Lake

18. Defendant Csik visited the Beaver Lake area on approximately every weekend from 1987 to mid-1989. After mid-1989, Defendant Csik visited the area approximately two times every month. Defendant Csik's visits occurred primarily during the spring-fall months.

19. Between 1988 and 1989, when Defendant Csik travelled to the Beaver Lake area, he would either park his car at his home or on the Gough parcel.

20. In the late 1980s and early 1990s, Defendant Csik served as President of the Beaver Lake Wilderness Club (BLWC) from approximately the second year it was established through the next eight (8) years. Defendant Csik also served as President for a few intermittent years after his eight (8) year stint. The BLWC had monthly meetings that Defendant Csik had to attend. When Defendant Csik served as President of the BLWC, he had contact with the local office of the Department of Environmental Protection, the local Pennsylvania State Police barracks, and the emergency personnel in Penn Township and Lycoming County.

ii. Csik's Purported Uses of the Disputed Area Prior to Construction

21. During the construction of the home (beginning in 1986), Defendant Csik stored an extension ladder on the disputed area. Defendant Csik stored this ladder on the northern side of the disputed area that was nearest to the Gough parcel. Defendant Csik stored this

ladder in the brush so that it would be hidden. Defendant Csik stored the ladder in the brush so that nobody would see the ladder and take it to use as his own.

22. In 1988, Defendant Csik testified that he had a four (4) foot by six (6) foot vegetable garden on the disputed area. Defendant Csik planted tomatoes, peppers, and cucumbers. This garden was close to the ground; Defendant Csik did not stake his tomato plants.
23. Around approximately 1988, Defendant Csik testified that he began mowing the disputed area. Defendant Csik testified that he would mow this area every other week starting in April/May. Defendant Csik testified that he mowed the area until approximately 2000.
24. From 1989 to 1990, Defendant Csik had a four (4) foot by six (6) foot flower garden on the disputed area. Defendant Csik planted tulips, daffodils, hyacinth, forsythia, and honeysuckle.
25. Defendant Csik testified that he stored a canoe on the disputed area for approximately one year (approximately 1990). Defendant Csik tied the canoe to a tree on the disputed area.
26. In 1990, Defendant Csik had a survey done of the disputed area. *See* Pls. Ex. 1; Defs. Ex. 8.
27. In approximately 1991, after his flower garden failed, Defendant Csik testified that he brought a load of stone onto the property; he testified that he used the stone to create a stable foundation on which he could park his car. This load of stone created a foundation for only one car. *See* Defs. Ex. 12.
28. Around approximately 1998, Defendant Csik paid Ms. Gough to mow the disputed area. Defendant Csik also paid Eric and Travis Doebler to mow the area. *See* Defs. Ex. 14. Sometime following this arrangement, Defendant Csik agreed to let Ms. Gough rent the

phone booth (*See* Findings of Fact Sect. iii) from him for the price of her lawn services. After this arrangement was made, the Doebler boys no longer mowed the disputed area. Ms Gough testified that she still mows the disputed area based upon this rental agreement.

29. The only action that Defendant Csik took on the property during the winter months consisted of picking up limbs; one time Defendant Csik used the property to access the lake for ice skating.
30. The Court finds Defendant Csik's testimony to be not credible.

iii. Phone Booth Construction

31. In August 2000, Defendant Csik built a two-story shed on the property (the phone booth). *See* Defs. Ex. 11-12. Defendant Csik built the phone booth so that he would have a place to keep paperwork in his capacity as the President of BLWC. Defendant Csik could not keep this paperwork at his home on Beaver Lake because, also around this time, he began to rent out his home on Beaver Lake. No heavy equipment was used to build the phone booth. No evidence of a building or occupancy permit was offered.
32. Defendant Csik had a phone line installed in the phone booth. *See* Defs. Ex. 13.
33. Defendant Csik placed a sign in the front window of the phone booth. The sign displayed his last name and the telephone number of the phone booth. *See* Pls. Ex. 20.
34. Defendant did not ask anyone's permission to build the phone booth. Nobody questioned Defendant about the phone booth during or after its construction; Defendant Csik testified that the first complaints he received regarding this phone booth was in the late-summer and early-fall of 2011, when this litigation arose.

iv. Csik and Goughs' Purported Use of Property Since Construction

35. After 2000, Defendant Csik gave Ms. Gough permission to have yard sales on the disputed area.
36. Between 2000 and 2005, Defendant Csik visited the Beaver Lake area approximately one (1) time a month. During these visits, Defendant Csik stayed primarily at the Beaver Lake Lodge or somewhere in Eagles Mere because his home was typically being rented. Defendant Csik slept in the phone booth for one (1) night during this time.
37. Between 2005 and 2011, Defendant Csik occasionally visited the Beaver Lake area. Defendant Csik's visits declined during this time because of his macular degeneration.

v. Trial Testimony

38. Ms. Gough testified that when she mowed the disputed area for Defendant Csik she would mow north of the stone wall depicted in Defs. Ex. 9. Ms. Gough testified that the only person that she had seen on the disputed area was Defendant Csik. However, Ms. Gough testified that throughout the past ten (10) years the disputed area has been primarily used by her and her husband.
39. Peter Hunter of the BLWC testified that the disputed area was not maintained by BLWC nor was it used by any club member. Mr. Hunter testified that BLWC has plans to buy the disputed area from Plaintiffs.
40. Plaintiffs are successors in title to Susan J. Greening. *See* Finding of Fact No. 3. Ms. Greening lived on Plaintiffs' property from 1977 to 1999. While she lived on the property, Ms. Greening was employed as a substitute teacher and worked approximately two (2) to three (3) days a week. Ms. Greening had a tree swing on the disputed area. During her tenure, Ms. Greening paid real estate taxes for the disputed area. She testified

that either her husband or her sons mowed the disputed area during her residency; she testified that she occasionally paid the Doebler boys to mow the lawn. She testified that she had never seen anyone clearing brush from the disputed area. Ms. Greening testified that she had never seen a flower or vegetable garden on the disputed area. Ms. Greening testified that she had never seen Defendant Csik on the disputed area. However, Ms. Greening also testified that her family was away from the area for a number of weeks during the summer.

41. The Court finds Ms. Greening's testimony to be credible.

42. Since 1974, Carol Ann Stein has lived at 742 Myers Lane, Muncy Valley, Pennsylvania. Ms. Stein testified that from 1977 to 1999, she had only seen either the Greenings or the Doebler boys mow the disputed area. Ms. Stein testified that she had never seen Defendant Csik or the Goughs cut the lawn of the disputed area. Ms. Stein testified that she did not see either a vegetable or flower garden on the property from 1988 to 1990. Ms. Stein testified that she had seen a car parked on the disputed area on one (1) occasion since the phone booth was built. Ms. Stein testified that she had never seen anyone in the phone booth. Ms. Stein testified that she had never seen Defendant Csik on the disputed area.

43. The Court finds Ms. Stein's testimony to be credible.

44. Plaintiffs purchased their property in November 2001. Mr. Ryder testified that when he purchased his property, he did not receive a key to the phone booth. He testified that he did not ask his relator for a key to the phone booth. He testified that he had never been in the phone booth. He testified that he saw Defendant Csik enter the phone booth from approximately 2001-2002. Mr. Ryder testified that he never spoke to Defendant Csik

about his entrance into the phone booth. Mr. Ryder testified that the only time that he parked on the disputed area was when his family had extra people over at his home for a party; in these instances, his family members would park on the disputed area.

45. Ms. Ryder testified that she has never been inside of the phone booth. Ms. Ryder testified that she paid the real estate taxes for the disputed area since 2001. Ms. Ryder also testified that she cut the grass on the disputed area until 2011; Ms. Ryder testified that her husband began mowing the disputed area at that time because of altercations with the Goughs.

46. The Court finds Ms. Ryder's testimony to be credible.

II. Conclusions of Law

1. In *Rec. Land Corp. v. Hartzfeld*, 947 A.2d 771 (Pa. Super. Ct. 2008), our Superior Court outlined the principles of adverse possession; specifically, that Court provided:

[a]dverse possession is an extraordinary doctrine which permits one to achieve ownership of another's property by operation of law.

Accordingly, the grant of this extraordinary privilege should be based upon clear evidence. *Edmondson v. Dolinich*, 307 Pa. Super. 335, 453 A.2d 611, 614 (Pa. Super. 1982) ("It is a serious matter indeed to take away another's property. That is why the law imposes such strict requirements of proof on one who claims title by adverse possession.")

One who claims title by adverse possession must prove ***actual, continuous, exclusive, visible, notorious, distinct and hostile possession*** of the land ***for twenty-one years***. Each of these elements must exist; otherwise, the possession will not confer title.

Id. at 774 (citing *Flannery v. Stump*, 786 A.2d 255, 258 (Pa. Super. Ct. 2001), *appeal denied*, 803 A.2d 735 (Pa. 2002)) (emphasis added).

- a. **Actual** – Actual possession varies upon the nature of the property. *Piston v. Campbell*, 62 A.3d 440, at *6 (Pa. Super. Ct. 2013); *Shaffer v. O’Toole*, 964 A.2d 420, 424 (Pa. Super. Ct. 2009), *appeal denied*, 981 A.2d 220 (Pa. 2009).
Particularly, the Court should decide if the property at issue is considered to be woodlands; if the property is to be considered woodlands, a stricter evidentiary standard is imposed. *See Shaffer*, 964 A.2d at 424. In this matter, as in *Shaffer*, the disputed area is an extension of a yard and should not be considered to be woodland. *See id.*
- b. **Continuous** – The adverse possessor’s dominion over the parcel must exist for a continuous twenty-one year period. *See Showalter v. Pantaleo*, 9 A.3d 233, 235 (Pa. Super. Ct. 2010), *appeal denied*, 20 A.3d 489 (Pa. 2011) (where adverse possessor’s continuity was breached for seven (7) years when the claimed property was involved in a pending bankruptcy proceeding). A temporary break of possession does not interrupt the continuity of possession; in order to break the continuity of possession, the adverse possessor must abandon the property or someone not connected with the adverse possessor must take possession of the property. *Reed v. Wolyniec*, 741 A.2d 80, 85 (Pa. Super. Ct. 1983).
- c. **Exclusive and Distinct** – Often times, courts analyze the exclusive and distinct prongs of the adverse possession test together. *Brennan v. Manchester Crossings, Inc.*, 708 A.2d 815, 818 (Pa. Super. Ct. 1998), *appeal denied*, 727 A.2d 1115 (Pa. 1998) (citing *Glenn v. Shuey*, 595 A.2d 606, 611 (Pa. Super. Ct. 1991)). These factors require an adverse possessor to hold possession of the land a title owner

would. *Id.* However, pertaining to the element of exclusivity, our Superior Court has provided:

[a]n adverse possessor must intend to hold the land for himself, and that intention must be made manifest by his act He must keep his flag flying and present a hostile front to all adverse pretensions. Broadly speaking, actual possession of land is dominion over the land; it is not equivalent to occupancy.

Flannery, 786 A.2d at 259 (citing *Fred E. Young, Inc. v. Brush Mountain Sportsmen's Ass'n*, 697 A.2d 984, 990 (Pa. Super. Ct. 1997), *appeal denied*, 772 A.2d 1057 (Pa. 1998), *writ of cert. denied*, 525 U.S. 876 (1998)).

- d. **Visible and Notorious** – In order for an adverse possessor to hold another's land in visible and notorious possession, the possessor must hold the land in such a matter to put a reasonable person on notice that the possessor is claiming the title owner's land as his own. *Brennan*, 708 A.2d at 818 (citing *Glenn*, 595 A.2d at 611).
 - e. **Hostile** – In order to prove the element of hostility, a possessor should have the intent to hold the property against the record title holder's interest. *Flannery*, 786 A.2d at 259. When analyzing this factor, the Court should consider the intent with which the land was possessed by the adverse possessor. *Id.* Hostility is a viable element of an adverse possession claim and cannot be implied. *See id.*
2. A claim of adverse possession may be sustained if a piece of land is maintained as a lawn by an adverse possessor in conjunction with a residence. *Reed*, 741 A.2d at 84. *See also Sagan v. Probst*, No. 08-02787 (Lycoming County July 9, 2010) (Anderson, J.).
 3. The burden of proving adverse possession lies with the asserting party; this burden must be proven by the professed adverse possessor through "credible, clear and definitive

proof.” *See Flannery*, 786 A.2d at 258 (citing *Stevenson v. Stein*, 195 A.2d 268, 270 (Pa. 1963)).

4. In this matter, Defendants have the burden of proving all of the requisite elements of adverse possession. Therefore, Defendants must prove that Defendant Csik had actual, continuous, exclusive, visible, notorious, distinct and hostile possession of the disputed area for a period of at least twenty-one (21) years.
5. Defendants have not met their burden of proof of actual, continuous, exclusive, visible, notorious and adverse possession of the disputed area for a period of at least twenty-one (21) years.
6. Specifically, the Court finds that Defendants have not met their burden of possession for the statutory period of twenty-one (21) years based upon Ms. Greening and Ms. Stein’s testimony. Based upon Ms. Greening and Ms. Stein’s testimony, Defendants’ statutory period of adverse possession would not have commenced until Ms. Greening’s sale of the now-Ryder property in 1999. It is clear that the Greenings exercised dominion and control over the disputed area through 1999. Contrary to that point, Defendant Csik’s use of the property through 1999 was not actual, exclusive, distinct, visible, notorious, or hostile. Thus, any adverse possession claim made by Defendant Csik cannot commence until 1999, and the statutorily required twenty-one (21) year period has not been fulfilled.
7. Based upon the above-mentioned conclusions of law, Plaintiffs’ claim to quiet title is GRANTED and Defendants’ counterclaim is DENIED.
8. Defendants have not acquired the disputed area through adverse possession.

9. Defendant Csik's purported conveyance of the disputed area to Defendant Gaus must be stricken as NULL and VOID as it pertains to Parcel 3 (Tax Parcel No. 44-316-141.Z).

See Lycoming County Record Book 7452, pgs. 180-184; Defs. Ex. 2.

III. Discussion

In this matter, the Court's decision hinges upon the credibility of two (2) lay witnesses: Ms. Greening and Ms. Stein. Ms. Greening, a former owner of the Ryder property, testified that she and her family used the disputed area up until they moved in 1999. At the time that Ms. Greening and her family held record-title to the disputed area, Ms. Greening testified that she had a swing on the disputed area; she testified that the swing was tied up between the two (2) trees seen on many of the exhibits. Ms. Greening used the swing regularly and never witnessed Defendant Csik's vegetable or flower garden. Defendant Csik testified that his vegetable turned flower garden was in the middle of the disputed area. Since Ms. Greening's swing was also in the middle of the disputed area, the Court must make a credibility determination. The Court finds Ms. Greening's testimony to be credible. Additionally, Ms. Greening testified that since she was a substitute teacher, she was regularly home during the week. During her tenure on the now-Ryder property, Ms. Greening testified that she had never seen Defendant Csik on the property, let alone mowing and maintaining the property as his own. Ms. Greening testified that either her husband or her sons mowed the property; she also testified that the Doebler boys occasionally mowed the property for her. It was during Ms. Greening's residency on the property that Defendant Csik testified that either he mowed the disputed area or he paid Ms. Gough or the Doebler boys to mow the area. Again, the Court is required to make a credibility determination; again, the Court finds Ms. Greening to be credible.

Defendants might argue that, as a prior owner of the Ryder property, Ms. Greening is an interested party in the matter and her testimony biased and, in turn, that the Court should not base its finding on her testimony alone. Therefore, in addition to finding Ms. Greening's testimony to be credible, the Court also finds Ms. Stein's testimony to be credible. Ms. Stein has lived down the street from the disputed property since 1974. In this tightly-confined community, Ms. Stein had the ability to see the disputed property from her front porch and lawn. Ms. Stein testified that she had seen Defendant Csik at a BLWC meeting before but that she has had no interactions with him. Ms. Stein testified that during Ms. Greening's tenure Ms. Stein had never seen anyone but Ms. Greening's family, and possibly the occasional Doebler boy, mow the disputed area. In addition, Ms. Stein testified that she had never seen Defendant Csik on the disputed area, even after the phone booth was constructed. After the phone booth was constructed, Ms. Stein testified that she might have seen Mr. Ryder mowing the disputed area on one (1) occasion. As a disinterested witness, the Court also finds Ms. Stein's testimony to be credible.

Based upon these findings, Defendant Csik's statutory period for adverse possession would not begin until June 15, 1999, at the earliest. The Court received conflicting testimony as to when altercations concerning the ownership of the disputed area commenced; the testimony ranged from a dispute in early 2000s from Ms. Ryder to mid-2011 from Mr. Hunter and Defendant Csik. Assuming that the underlying dispute did not occur until November 14, 2011 (when Defendant Csik's statement was filed), at the latest, Defendants have not fulfilled the statutory requirement for a claim in adverse possession. Therefore, Defendants' claim fails as a matter of law.

The Court enters the following Order.

ORDER

AND NOW, this 26th day of April, 2013, following a non-jury trial in the above-captioned matter, it is hereby ORDERED and DIRECTED as follows:

1. The relief requested in Plaintiffs' complaint to quiet title is hereby GRANTED;
2. The relief requested in Defendants' counterclaim is hereby DENIED;
3. Defendant Stephen J. Csik has failed to establish each of the requisite elements of adverse possession as to the 0.108 area disputed area, depicted by the attached retracement survey, performed by Hopkins' Land Surveying and dated August 25, 2011, being part of Lycoming County Tax Parcel No. 44-316-141, and specifically being Tax Parcel No. 44-316-141.Z;
4. Record title owners Eric R. Ryder and Bobie D. Ryder are the sole owners of Lycoming County Tax Parcel No. 44-316-141, in its entirety, including the disputed area in question (Tax Parcel No. 44-316-141.Z). This parcel is free from any claims of adverse possession by Defendants Stephen J. Csik and Walter J. Gaus and their agents, successors, or assigns;
5. The Statement of Claim of Title Acquired by Adverse Possession filed by Defendant Stephen J. Csik, and recorded November 14, 2011, at Lycoming County Record Book 7452, pgs. 176-79, is hereby STRICKEN and rendered NULL and VOID;
6. The special warranty deed from Defendant Stephen J. Csik to Defendant Walter J. Gaus, recorded November 14, 2011, at Lycoming County Record Book 7452, pgs. 180-84, is hereby STRICKEN and rendered NULL and VOID as it pertains to Parcel 3 (44-316-141.Z); and

7. The disputed area is that 0.108 acre area depicted by the attached retracement survey, performed by Hopkins' Land Surveying and dated August 25, 2011. This survey shall be used by law enforcement and township officials, as well as the Beaver Lake Wilderness Club and the Lycoming County Tax Assessment Office, when interpreting or enforcing this Order.

BY THE COURT,

Date

Richard A. Gray, J.

attch: Retracement Survey for Beaver Lake Wilderness Club

cc: Daniel K. Mathers, Esq. – Counsel for Plaintiffs
Kristine L. Waltz, Esq. – Counsel for Defendants
Lycoming County Tax Assessment Office
Gary L. Weber, Esq. – Lycoming County Reporter