

COURT OF QUARTER SESSIONS OF  
CAMBRIA COUNTY, PA.

NO. 7 MARCH TERM, 1962 R.D.

IN THE COURT OF COMMON PLEAS  
OF CAMBRIA COUNTY, PENNSYLVANIA

EUGENE SHAFFER, Executor of  
the Last Will and Testament  
of RALPH D. SHAFFER, Deceased  
Plaintiff

v.

COMMONWEALTH OF PENNSYLVANIA.  
DEPARTMENT OF HIGHWAYS,  
Defendant

*No. 813 June Term, 1962  
Common Pleas Number*

APPEAL FROM REPORT OF  
VIEWERS

*Filed - May 16, 1962*

A TRUE AND CORRECT COPY.

ATTEST: *Earl F. Glock*  
Attorney for Plaintiff

EARL F. GLOCK  
Attorney at Law  
U.S. Bank Bldg.,  
Johnstown, Pa.

FILED FOR RECORD  
1962 MAY 16 PM 3:29 DST  
SIGNATURE: Joseph C. Dolan /s/  
Joseph C. Dolan, Prothonotary  
Cambria County Court, Pa.

Edward F. Peduzzi /s/  
Attorney for COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HIGHWAYS, Defendant

NOW THIS 16th DAY OF MAY, 1962, I hereby accept service of the  
within APPEAL and acknowledge receipt of a Copy thereof.

NOW THIS 16TH DAY OF MAY, 1962, AN APPEAL HAVING BEEN FILED, the Clerk  
of Courts of the Court of Quarter Sessions of Cambria County is hereby  
instructed to transfer all papers on file to No. 7 March Term, 1962,  
to the Prothonotary.

BY THE COURT,

/s/ McDonald. J.

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

Eugene Shaffer, Executor of the )  
Last Will and Testament of Ralph )  
D. Shaffer, Deceased, )  
Plaintiff )

No. 813 June Term, 1962

vs. )

COURT OF QUARTER SESSIONS OF )  
CAMBRIA COUNTY, NO. 7 MARCH TERM, 1962 )  
ROAD DOCKET

Commonwealth of Pennsylvania, )  
Department of Highways. Defendant )

APPEAL FROM REPORT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF SAID COURT:

1. Plaintiff, Eugene Shaffer, is the Executor of the Last Will and Testament of Ralph D. Shaffer, deceased, and resides at 514 Frances Street Richland Township, Cambria County, Pennsylvania, Post Office, Johnstown, Pennsylvania. The Defendant is the Commonwealth of Pennsylvania acting through the Secretary of Highways and the Department of Highways.

2. At all times, material to this appeal, Plaintiff has been the owner in fee of the land in Richland Township, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the westerly side of Pennsylvania State Highway Route #56 leading from Johnstown to Windber, which is the corner of a Township Road leading to Eureka Mine #37; thence along said Township Road South 35° 50' West 72.02 feet to a point; thence still along said road South 32° 34' West 100.93 feet to a point on land of Fred R. Pennel; thence along said Pennel land North 44° 58' West 108.60 feet to a point; thence South 64° 13' West 56 feet to a point on Frances Street; thence North 16° 35' West 133.32 feet to a point; thence North 73° 25' East 130 feet to a point; thence North 16° 35' West 50 feet to a point; thence North 73° 25' East 109.65 feet to a point on Pennsylvania State Highway Route #56; thence along the line of the said Highway South 16° 35' East 161.09 feet to a point the place of beginning.

- See Deed Book Volume 705, Page 592
- Volume 702, Page 314
- Volume 710, Page 703
- Volume 587, Page 70
- Volume 560, Page 188
- Volume 567, Page 117
- Volume 551, Page 207

3. In connection with the improvement of Legislative Route #1022, Section 1, in Cambria County, Pennsylvania, the above described property owned by Plaintiff as Executor of the Last Will and Testament of Ralph D. Shaffer, deceased, was condemned by the Commonwealth of Pennsylvania for highway purposes by a plan signed by the Governor of the Commonwealth, on May 18, 1961.

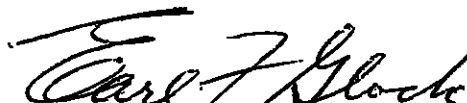
4. By Decree of this Court of Quarter Sessions of Cambria County, Pennsylvania, dated January 29, 1962, Leopold J. Wendekier, Theodore W. Hunt and Telford L. Locher, were appointed as a Board of Viewers to assess the damages and benefits, if any, caused by the condemnation and taking of Plaintiff's property by the Defendant.

5. Following a view of the premises and a hearing thereon, the Board of Viewers filed a Schedule of Award and a Report in the Court of Quarter Sessions which Report was filed with the Prothonotary on April 16, 1962.

6. By the Schedule of Award of the Board of Viewers, the Plaintiff was found to have been damaged by the condemnation and taking including damages for delay in payment in the sum of \$21,750.00.

7. Plaintiff has been aggrieved by the act of the Viewers as his property has been taken, but he has not been allowed reasonable damages to compensate him therefor. The damages allowed are grossly inadequate.

8. Plaintiff hereby appeals from Report of the Viewers filed as aforesaid and asks the Court to direct that the damages caused by such condemnation and taking and the just compensation to which he is entitled, be determined in a trial by jury.



Attorney for Plaintiff

STATE OF PENNSYLVANIA     )  
  )  
COUNTY OF CAMBERIA        )     SS:

Eugene Shaffer, being duly sworn according to law, deposes and says that he is the Executor of the Last Will and Testament of Ralph D. Shaffer, deceased, and that the facts set forth in the above Appeal are true and correct to the best of his knowledge, information and belief, and that this Appeal is not taken for the purpose of delay, but because affiant firmly believes that an injustice has been done.

19 Eugene A. Shaffer

Sworn to and subscribed before  
me this 15<sup>th</sup> day of May, 1962.

(Notary Seal)

Mildred G. Nelson  
Notary Public

Mildred G. Nelson, Notary Public  
Johnstown, Cambria County, Penna  
My Commission Expires July 22, 1964

