

PHILADELPHIA COURT OF COMMON PLEAS
PETITION/MOTION COVER SHEET

CONTROL NUMBER: 16040733 (RESPONDING PARTIES MUST INCLUDE THIS NUMBER ON ALL FILINGS)

FOR COURT USE ONLY	
ASSIGNED TO JUDGE:	ANSWER/RESPONSE DATE:
Do not send Judge courtesy copy of Petition/Motion/Answer/Response. Status may be obtained online at http://courts.phila.gov	

March Term, 2016
 Month Year
 No. 01647

CENTRO INCORPORATED VS MAYRONE, LLC ETAL

Name of Filing Party:
CENTRO INCORPORATED-PLF

INDICATE NATURE OF DOCUMENT FILED:
 Petition (*Attach Rule to Show Cause*) Motion
 Answer to Petition Response to Motion

Has another petition/motion been decided in this case? Yes No
 Is another petition/motion pending? Yes No
 If the answer to either question is yes, you must identify the judge(s):
JUDGE NINA WRIGHT PADILLA

TYPE OF PETITION/MOTION (<i>see list on reverse side</i>) MOTION TO STAY PROCEEDINGS	PETITION/MOTION CODE (<i>see list on reverse side</i>) MTSPR
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ANSWER / RESPONSE FILED TO (Please insert the title of the corresponding petition/motion to which you are responding):

<p>I. CASE PROGRAM</p> <p>OTHER PROGRAM</p> <p>Court Type: <u>MAJOR NON JURY EXPEDITED</u> Case Type: <u>QUIET TITLE</u></p>	<p>II. PARTIES (<i>required for proof of service</i>) (Name, address and telephone number of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.)</p> <p>GEORGE E RAHN SAUL EWING LLP CENTRE SQUARE WEST 1500 MARKET ST. 38TH FLOOR , PHILADELPHIA PA 19102</p> <p>MAYRONE, LLC 2144 MOUNT CARMEL AVENUE , GLENSIDE PA 19038</p> <p>PYRAMID TIRE & RUBBER CO. 1333-35 NORTH 5TH STREET , PHILADELPHIA PA 19122</p> <p>ELLIOT FIELDS 3944 W. GRENSHAW ST. , CHICAGO IL 60624</p> <p>ARLENE ZITIN 21 E. HURON STREET APT. 2303 , CHICAGO IL 60611</p>
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III. OTHER

By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.

April 5, 2016 GEORGE E. RAHN
 (Attorney Signature/Unrepresented Party) (Date) (Print Name) (Attorney I.D. No.)

The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date.
 No extension of the Answer/Response Date will be granted even if the parties so stipulate.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

CENTRO INCORPORATED, d/b/a
PHILADELPHIA CATHOLIC WORKER,

Plaintiff,

v.

MAYRONE, LLC, et al.,

Defendants.

:
: PHILADELPHIA COUNTY
: COURT OF COMMON PLEAS
: CIVIL TRIAL DIVISION
:
: MARCH TERM, 2016
: NO. 001647
: Control No. 16034352
:
:
:

ORDER

AND NOW, this _____ day of April, 2016, upon consideration of Plaintiff's Emergency Application for Injunction Pending Appeal Pursuant to Pa. R. App. P. 1732(a), it is hereby ORDERED that the Application is GRANTED.

BY THE COURT:

J.

FILED

05 APR 2016 02:12 pm

Civil Administration

C. FORTE

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Philadelphia Catholic Worker

THE PUBLIC INTEREST LAW CENTER

By: Amy Laura Cahn

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CENTRO INCORPORATED, d/b/a
PHILADELPHIA CATHOLIC WORKER,

Plaintiff,

v.

MAYRONE, LLC, et al.,

Defendants.

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

MARCH TERM, 2016

NO. 001647

Control No. 16034352

EMERGENCY APPLICATION FOR INJUNCTION PENDING APPEAL

Petitioner, Centro Incorporated, a Pennsylvania nonprofit corporation doing business as Philadelphia Catholic Worker ("Catholic Worker") files this application for an injunction

Case ID: 160301647
Control No.: 16040733

pending appeal from the Court's March 31, 2016 Order denying plaintiff's emergency motion for a preliminary injunction in Case No. 01647, Control No. 16034352.

I. Factual Background.

1. Plaintiff Catholic Worker is a community-based organization that provides social services to the Kensington community. These services include providing an after school program for children, operating a food and clothing distribution program, conducting a summer youth program, and creating a community garden that has, for 28 years, grown fresh vegetables for the benefit of the local community.

2. The facts relating to this motion are set forth fully in the verified complaint (Exhibit A), a letter from plaintiff's counsel to defendant Mayrone, LLC dated March 28, 2016 (Exhibit B), and the motion for a preliminary injunction and supporting memorandum of law (Exhibit C).

3. Catholic Worker established a garden on the Property in 1988 and has been using the Property for that purpose continuously ever since. The garden produces vegetables that are used for distribution through Catholic Worker's food pantry and are sold to the local community at a market on site. The Catholic Worker's possession of the Property since 1988 has been open, visible, hostile, and notorious.

4. In February 2016, Mayrone purported to take ownership of the Property from defendant Pyramid Tire & Rubber Co. or its successors ("Pyramid"). Pyramid was the prior record owner of the property, had abandoned the Property years before and had not operated since the 1950s. Because title rests with Catholic Worker as a result of its adverse possession, the purported transfer is null and void.

5. On March 18, 2016, Catholic Worker filed a complaint to quiet title naming Mayrone, LCC, Pyramid, and others as defendants.

6. On Saturday, March 26, 2016, representatives of Mayrone appeared at the Property. The representatives stated that they, on behalf of Mayrone, intended to “clear” the Property and bring in equipment for this purpose. On March 28, 2016, counsel for Catholic Worker wrote to Mayrone summarizing the situation and requesting that it refrain from further action. The letter requested that Mayrone agree that it would not take action adverse to Catholic Worker’s possession until resolution of the lawsuit. (Exhibit B). Mayrone has refused to make any such representation.

7. On March 30, 2016, Catholic Worker filed a motion for a preliminary injunction seeking to prevent Mayrone from destroying the Property that Catholic Worker has rightfully acquired via adverse possession (Exhibit C.)

8. On March 31, 2016, The Honorable Nina Wright Padilla issued an Order denying Catholic Worker’s Motion for Preliminary Injunction (Exhibit D). Judge Wright Padilla did not give any reasons for her denial of the motion or meet with the parties.

9. The denial of the motion for a preliminary injunction leaves this matter in a precarious and potentially volatile condition. The gardeners are in possession of the Property and have planted the garden for 2016. Mayrone, however, could attempt to use heavy machinery to level the Property, which would escalate tensions and potentially lead to a confrontation—a confrontation involving not just Catholic Worker, but an extended community of all ages, which relies on and actively participates in the garden. Catholic Worker respectfully requests that the Court enter an injunction pending appeal to maintain the status quo and prevent Mayrone from

taking any action with respect to the Property, including causing any harm or damage to the garden.

II. Jurisdiction.

10. Pa. R.A.P. 1732(a) states that application for an injunction pending appeal must ordinarily be made in the first instance to the lower court. *See Graziani v. Dunn*, No. 1460 WDA 2014, 2015 WL 6129303, at *3 (Pa. Super. Ct. July 27, 2015).

11. Pa. R.A.P. 1732(b) provides that where application to the lower court is shown to be not practicable, or where the lower court has denied the application or failed to grant the requested relief, application for a stay may then be made to the appellate court. Accordingly, Catholic Worker's application for an injunction pending appeal is being made first to this Court and, if necessary, will then be made to the Superior Court of Pennsylvania.

12. Catholic Worker is filing a notice of an appeal simultaneously with the filing of this motion, a copy of which is attached as Exhibit E. The Pennsylvania Superior Court has jurisdiction over the appeal pursuant to Rule 311 of the Pennsylvania Rules of Appellate Procedure (relating to Interlocutory Appeals as of Right). *See* Pa. R.A.P. 311(a)(4); *Chipman v. Avon Grove Sch. Dist.*, 841 A.2d 1098, 1101 (Pa. Commw. Ct 2004) ("Pa. R.A.P. 311(a)(4) permits an appeal as of right from an order regarding a preliminary injunction.").

III. Catholic Worker Meets the Requirements for an Injunction Pending Appeal.

13. The law regarding an application for an injunction pending appeal under Pa. R.A.P. 1732 is set forth in the accompanying memorandum of law. In order to be granted an injunction, appellants must demonstrate the established criteria for injunctive relief: a strong likelihood of eventual success on the merits of the dispute; that immediate and irreparable harm will result in the absence of such a grant; that appellant will suffer greater injury by the denial of the application than

the injury appellee will suffer by the grant thereof; and that granting the injunction will not harm the public interest. *See Concerned Citizens Taxpayers Ass'n of Shamokin-Coal Twp. v. Shamokin-Coal Twp. Joint Sewer Auth.*, 9 Pa. D. & C. 3d 724, 726-728 (Pa. Ct. Com. Pl. 1979); *see also Pennsylvania PUC v. Process Gas Consumers*, 467 A. 2d 805, 808-809 (Pa. 1983) (explaining the same criteria apply for relief via a stay under Pa. R.A.P. 1732).

14. As set forth in the complaint, Catholic Worker has a clear right to the relief sought, having maintained possession of and operated a garden on the property for approximately 28 years. *See Ex. A at ¶¶ 23-24.*

15. Catholic Worker's possession has been actual, continuous, exclusive, visible, notorious, distinct and hostile to the exclusion of others. Catholic Worker cleared and fenced the abandoned and trash-strewn lot so that the Property could be used as a garden. The Property now has many garden beds, an onsite tool shed, a patio, a locked chain link fence surrounding the premises, and a waterline installed by the Philadelphia Water Department. There has been a garden on the Property every year since 1988. Catholic Worker has never had any direct contact with Mayrone or its predecessor Pyramid, nor has Mayrone or Pyramid given plaintiff permission to continue working and operating a garden on the Property.

16. Mayrone apparently purports to take title from the predecessor owner Pyramid or its successors. Pyramid, however, lost the right to claim title by failing to take any action to assert ownership against Catholic Worker for over 21 years. Ownership of the Property, therefore, was not Pyramid's to convey, and likewise the time has passed for Mayrone to claim ownership. *See Ex. A at ¶ 5; Tioga Coal Co. v. Supermarkets Gen. Corp.*, 546 A.2d 1 (Pa. 1988).

17. Because title rests with Catholic Worker as a result of its adverse possession, which has been hostile to all others who might claim title, the purported transfer to Mayrone is null and

void. *See* Ex. A at ¶¶ 5, 9, 10, 27 & Ex. B to Compl. An injunction is necessary to maintain the status quo and prevent Mayrone from exercising self-help pending resolution of the appeal.

18. Catholic Worker will suffer immediate and irreparable harm if an order enjoining Mayrone from taking action with respect to the Property pending appeal is not granted. A bulldozer or other heavy equipment would destroy the garden and the vegetables planted for 2016. This would deprive the community of much needed healthy food, and deprive Catholic Worker of the food for its distribution and kitchen. Allowing Mayrone to clear the property would destroy the work shed on the premises, a patio, the dedicated water line that supplies the garden, and decades of in-kind investment and work performed by Catholic Worker and volunteers. The introduction of heavy machinery and clearing of the property would irreparably damage the garden's productive soil, which Catholic Worker has amended and cultivated over decades. Finally, the destruction of the garden takes from the neighborhood a space that has fostered relationships and brought community together over a period of almost three decades—such spaces are few and far between. These are not compensable damages.

19. Mayrone and the other parties will not be harmed whatsoever. While Mayrone may have plans to develop the property at some time in the future, Catholic Worker knows of no applications by Mayrone to - or approvals by - the applicable agencies that might make development possible. Granting the stay would result in a mere preservation of the status quo while the appeal proceeds. The benefits to Catholic Worker and the general public outweigh any detriment to Mayrone.

20. The public interest would be served by a stay and injunction. Mayrone has maintained its threat to pursue forms of self-help and unilaterally destroy the garden. The Court should not sanction the prospect of such vigilante justice.

21. An injunction provides the opportunity for the future of this critical asset to be resolved without resorting to a potentially volatile situation. Catholic Worker and the many gardeners who work the community garden are currently in possession of the property. Destruction of the Property means no food production for 2016, which deprives long-standing gardeners of the produce from their plots and deprives neighborhood residents of access to free produce via Catholic Worker's food pantry and affordable produce at the weekly market. Moreover, efforts by Mayrone to clear the land will result in the unnecessary destruction of a long-held, long relied-upon, and invaluable community resource before the court has an opportunity to hear from both parties about the underlying case. It is in the public interest to resolve disputes such as this in an orderly fashion through the court system – not through conflict on the street in Kensington.

WHEREFORE, Plaintiff Centro Incorporated, d/b/a Philadelphia Catholic Worker respectfully requests that this Court grant its Application for an Injunction Pending Appeal and enter an order enjoining Mayrone and its representatives from trespassing on the Property or taking any action that would cause harm or damage to the Property until the appeal is resolved.

Respectfully submitted,

/s/ George E. Rahn, Jr.
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Attorneys for Plaintiff
Centro Incorporated, d/b/a
Philadelphia Catholic Worker

Dated: April 5, 2016

EXHIBIT A

Court of Common Pleas of Philadelphia County
 Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
MARCH 2016	001647
E-Filing Number: 1603046669	
PLAINTIFF'S NAME CENTRO INCORPORATED, ALIAS: D/B/A PHILADELPHIA CATHOLIC WORKER	DEFENDANT'S NAME MAYRONE, LLC
PLAINTIFF'S ADDRESS 430 JEFFERSON STREET PHILADELPHIA PA 19122	DEFENDANT'S ADDRESS 2144 MOUNT CARMEL AVENUE GLENSIDE PA 19038
PLAINTIFF'S NAME	DEFENDANT'S NAME PYRAMID TIRE & RUBBER CO.
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 1333-35 NORTH 5TH STREET PHILADELPHIA PA
PLAINTIFF'S NAME	DEFENDANT'S NAME ELLIOT FIELDS
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 3944 W. GRENSHAW ST. CHICAGO IL 60624
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 4
COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____
CASE TYPE AND CODE Q1 - QUIET TITLE	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	IS CASE SUBJECT TO COORDINATION ORDER? YES NO
FILED PRO PROTHY MAR 18 2016 C. MALVESTUTO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>CENTRO INCORPORATED</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY GEORGE E. RAHN	ADDRESS SAUL EWING LLP CENTRE SQUARE WEST 1500 MARKET ST. 38TH FLOOR PHILADELPHIA PA 19102
PHONE NUMBER (215) 972-7165	FAX NUMBER (215) 972-1855
SUPREME COURT IDENTIFICATION NO. 19566	E-MAIL ADDRESS nrahn@saul.com
SIGNATURE OF FILING ATTORNEY OR PARTY GEORGE RAHN	DATE SUBMITTED Friday, March 18, 2016, 10:44 am

FINAL COPY (Approved by the Prothonotary Clerk)

Case ID: 160301647
 Control No.: 16040733

COMPLETE LIST OF DEFENDANTS:

1. MAYRONE, LLC
2144 MOUNT CARMEL AVENUE
GLENSIDE PA 19038
2. PYRAMID TIRE & RUBBER CO.
1333-35 NORTH 5TH STREET
PHILADELPHIA PA
3. ELLIOT FIELDS
3944 W. GRENSHAW ST.
CHICAGO IL 60624
4. ARLENE ZITIN
21 E. HURON STREET APT. 2303
CHICAGO IL 60611

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Email: acahn@pubintlaw.org

CENTRO INCORPORATED, d/b/a
PHILADELPHIA CATHOLIC WORKER
430 Jefferson Street
Philadelphia, PA 19122,

Plaintiff,

v.

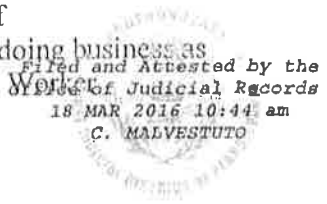
MAYRONE, LLC,
2144 Mount Carmel Avenue
Glenside, PA 19038,

PYRAMID TIRE & RUBBER CO.
1333-35 North 5th Street
Philadelphia, PA,

ARLENE ZITIN
21 E. Huron Street, Apt. 2303
Chicago, IL 60611-3878

and

Attorneys for plaintiff
Centro Incorporated, doing business as
Philadelphia Catholic Worker



PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

MARCH TERM, 2016

NO.

ELLIOT FIELDS
3944 W. Grenshaw Street
Chicago, IL 60624-4217,

Defendants.

COMPLAINT
(CIVIL ACTION-QUIET TITLE)

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER 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.

Philadelphia Bar Association
Lawyer Referral and Information Service
1101 Market Street, 11th Floor
Philadelphia, Pennsylvania 19107-2911
Telephone: (215) 238-6333

AVISO

Lo(a) han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTEMENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Asociación de Licenciados de Filadelfia
Servicio de Referencia E Información Legal
1101 Market Street, 11th Floor
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Teléfono: (215) 238-6333

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Philadelphia Catholic Worker

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Email: acahn@pubintlaw.org

CENTRO INCORPORATED, d/b/a
PHILADELPHIA CATHOLIC WORKER
430 Jefferson Street
Philadelphia, PA 19122,

Plaintiff,

v.

MAYRONE, LLC,
2144 Mount Carmel Avenue
Glenside, PA 19038,

PYRAMID TIRE & RUBBER CO.
1333-35 North 5th Street
Philadelphia, PA,

ARLENE ZITIN
21 E. Huron Street, Apt. 2303
Chicago, IL 60611-3878

and

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

MARCH TERM, 2016

NO.

ELLIOT FIELDS
3944 W. Grenshaw Street
Chicago, IL 60624-4217,

Defendants.

COMPLAINT

CIVIL ACTION-QUIET TITLE

1. This is an action to quiet title to that certain piece of real property in the City and County of Philadelphia denominated as 428-438 West Master Street, Philadelphia, Pennsylvania, 19122 (the "Property"). The Property consists of four parcels. The legal description of the four parcels is set forth as Exhibit "A," which is incorporated as though set forth more fully herein.

2. Plaintiff Centro Incorporated, is a Pennsylvania business corporation located at 430 Jefferson Street, Philadelphia, Pennsylvania, 19122. Centro Incorporated, does business as Philadelphia Catholic Worker (collectively "Philadelphia Catholic Worker").

3. Philadelphia Catholic Worker is an independent organization dedicated to serving the citizens in its North Philadelphia community. Among other activities, Philadelphia Catholic Worker provides an after school program for children in the community, operates a food and clothing distribution program, and conducts a summer youth program.

4. Defendant Mayrone, LLC is a Pennsylvania limited liability corporation with an address of 2144 Mount Carmel Avenue, Glenside, Pennsylvania. On information and belief, Mayrone is in the business of developing real estate.

5. Defendant Pyramid Tire & Rubber Co. is a corporation incorporated under the laws of the Commonwealth of Pennsylvania. On information and belief, Pyramid Tire & Rubber Co. has been inactive since 1956.

6. On information and belief, defendant Arlene Zitin is a co-executor of the estate of Emma Fields, the last surviving beneficial owner of Pyramid Tire & Rubber Co.

7. Also on information and belief, defendant Elliott Fields is a co-executor of the estate of Emma Fields, the last surviving beneficial owner of Pyramid Tire & Rubber Co.

8. Venue lies in this Court, because this action stems from occurrences that took place in Philadelphia County and concerns real property located in Philadelphia County pursuant to Pa. R.C.P. 1063.

9. According to the last recorded deed to the Property, dated January 5, 2016, and recorded on February 10, 2016, in Philadelphia County, as Document No. 53021731, Mayrone is the last owner of record of the Property. A copy of the deed is attached as Exhibit "B" and is incorporated as though set forth more fully herein.

10. Before January 5, 2016, the owner of the four parcels that make up the Property was listed as Pyramid Tire & Rubber Co. Pyramid Tire & Rubber Co. took title to the four parcels that make up the Property in 1952 and 1958. Pyramid was record owner of the Property until January of 2016.

11. In and before 1987, Philadelphia Catholic Worker maintained a home that served the Kensington neighborhood at 430 Jefferson Street in Philadelphia, Pennsylvania, one block from the Property. In 1987, Philadelphia Catholic Worker decided to establish a garden on the Property, which was by then a vacant lot. Philadelphia Catholic Worker decided to use the Property to establish a community garden to grow vegetables and other produce for sale and use in the neighborhood, which would further the community's needs and remove the negative impact of the Property.

12. As of 1987, there was no activity on the Property. The Property had long been used as an unauthorized dumping site and contained bricks, concrete and other construction debris, as well as trash from the surrounding neighborhood. There was also evidence that there had been a fire on the Property, but there had never been an attempt to clear or clean the space. From all appearances, the Property had been abandoned.

13. Before it could begin gardening, Philadelphia Catholic Worker had to clean the Property and dispose of the waste and debris. To complete this process, Philadelphia Catholic Worker enlisted assistance from neighbors and volunteers from Saint Joseph's University. In addition, Philadelphia Catholic Worker hired a construction company, which brought heavy equipment, including a backhoe and a large dumpster.

14. In 1988, Philadelphia Catholic Worker planted the first garden. In order to operate the garden, Philadelphia Catholic Worker had to obtain a source for water and proper soil. Plaintiff was granted permission through permits to use a local fire hydrant to water the garden. Representatives of Fairmount Park brought top-soil to the property so that the soil would sustain the plants in the garden. In addition, Philadelphia Catholic Worker built a white wooden fence around the garden to alert others of the existence of the garden and to keep out unwanted trespassers.

15. Philadelphia Catholic Worker has had a garden on the Property every year since 1988. Periodically until 2012, representatives of Fairmount Park brought needed soil or compost to the Property. Now, the garden is supplied with compost produced at the garden.

16. In or around 1992, Philadelphia Green made a grant to Philadelphia Catholic Worker to build a metal fence for the Property. This fence currently surrounds the property.

17. During the course of the operation of the garden, Philadelphia Catholic Worker has divided the Property into lots for use by volunteers and has granted permission to neighbors and others to work and plant portions of the garden.

18. In 2012, various neighborhood representatives formed an organization called La Finquita, which was intended to enhance participation at the garden and step up food production by creating a small market farm and farm stand. Philadelphia Catholic Worker has permitted La Finquita to operate on the Property.

19. In or around 1997, Philadelphia Catholic Worker built a shed on the Property to store gardening tools. In 2010, Philadelphia Catholic Worker allowed La Finquita to build a brick patio on the property. These improvements remain on the Property.

20. Until 2013, Philadelphia Catholic Worker used local fire hydrants to water the garden and obtained permits from the City of Philadelphia Water Department. In 2013, with the permission of Philadelphia Catholic Worker, the La Finquita gardeners obtained a grant from an organization called Gardens for Good to install a water line at the Property so that there would be an independent source of water.

21. Philadelphia Catholic Worker divided the Property into approximately 20 lots. There are now approximately 40 people who volunteer and work in Philadelphia Catholic Worker's garden. There is a waitlist for lots in the garden.

22. During the time that Philadelphia Catholic Worker has been in possession of the Property, the garden has produced a large array of vegetables and other produce, including corn, tomatoes, cucumbers, squash, peas, turnips, broccoli, lettuce, a variety of herbs, and a host of other vegetables. The vegetables are currently used to supply food for a soup kitchen operated

by Philadelphia Catholic Worker at its place of business. In addition, La Finquita operates a Sunday market, which offers affordable and nutritious food to the community.

23. Philadelphia Catholic Worker claims title to the Property by virtue of its continuous, open, and notorious possession of the Property exclusively and adverse to all other persons having any claim or interest therein, including defendant Mayrone.

24. Plaintiff's claim for title to the Property by adverse possession is more than 21 years old, which is the period for title by adverse possession under Pennsylvania law, according to the statute of limitations recited in 42 Pa. Cons. Stat. Ann. § 5530(a)(1) that limits a claim for possession of real property to 21 years.

25. Philadelphia Catholic Worker has never had any direct contact with Mayrone. And at no time did defendant Mayrone or its predecessor owner of record Pyramid Tire & Rubber Co. give Philadelphia Catholic Worker permission to continue working and operating a garden on the Property.

26. Philadelphia Catholic Worker has, over many years, placed locks on the entrance to the Property to protect the garden and prevent potential vandalism. In January of 2016, an unknown third party cut the locks on the garden and replaced them with new locks, for which Philadelphia Catholic Worker did not have keys. In addition, an unknown third party has recently placed a "no trespassing" sign on the fence. These acts constitute a trespass on Philadelphia Catholic Worker's property.

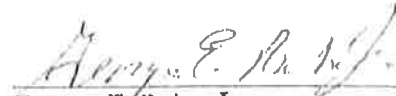
27. On or about March 2, 2016, Philadelphia Catholic Worker discovered that a deed had been filed with the Philadelphia Recorder of Deeds relating to the Property. The deed, which is dated January 5, 2016, purports to convey the Property from what are referred to as the beneficial owners of Pyramid Tire Rubber Co. to defendant Mayrone, LLC. The deed was

signed by defendants Arlene Zitin (by her agent Elliott Fields) and Elliott Fields, who are described as co-executors of the Estate of Emma Fields, the last surviving beneficial owner of Pyramid Tire & Rubber Co. This deed is a nullity and without legal effect as a result of Philadelphia Catholic Worker's ownership of the property by virtue of adverse possession.

WHEREFORE, plaintiff Centro Incorporated, doing business as Philadelphia Catholic Worker, prays as follows:

1. For a decree of this Court determining all adverse claims of defendant Mayrone, LLC and all persons claiming under it.
2. For said decree to declare and adjudge that Centro Incorporated, owns absolutely and is entitled to the quiet and peaceful possession of the Property and that defendant Mayrone, LLC and all persons claiming under it have no estate, right, title, lien, or interest in or to said premises, and that title to the Property be to Centro Incorporated, against all claims of defendant Mayrone, LLC and all persons claiming under it.
3. That Pyramid Tire & Rubber Co., Arlene Zitin and Elliott Fields had no estate right, title or interest in the Property as of January 5, 2016 and any purported transfer or conveyance of the Property to Mayrone, LLC is null and void and of no legal effect.
4. For said decree to direct the Recorder of Deeds of Philadelphia County to execute the deed attached as Exhibit "C" on behalf of Mayrone, LLC so that the deed can be recorded to properly reflect Centro Incorporated, sole's ownership of the Property.
5. For an order barring defendant Mayrone, LLC from trespassing on the property or interfering in any way with plaintiff's ownership and enjoyment of the Property.

6. For the costs of this action and for such other and further relief that the Court may deem necessary and proper.



George E. Rahn, Jr.
Attorney I.D. No. 19566
Saul Ewing LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186
Telephone: 215-972-7165
Facsimile: 215-972-1855
Email: grahn@saul.com

Amy Laura Cahn
Attorney I.D. No. 306762
The Public Interest Law Center
1709 Ben Franklin Parkway, Second Floor
Philadelphia, PA 19103
Telephone: 267-546-1306
Facsimile: 215-627-3183
Email: acahn@pubintlaw.org

Attorneys for plaintiff
Centro Incorporated, d/b/a
Philadelphia Catholic Worker

Dated: March 18, 2016

EXHIBIT A

PREMISES A

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master St., in the 17th Ward, City of Philadelphia, Southwest corner of Lawrence St.

CONTAINING in front 21'6" x 47 feet on Lawrence Street.

BEING 428 West Master Street.

PREMISES B

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master Street 21'6" West of Lawrence Street in the 17th Ward, of the City of Philadelphia.

CONTAINING in front 18'6" x 47 feet.

BEING 430 Master Street.

PREMISES C

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master St. 40' West of Lawrence Street, 17th Ward City of Philadelphia.

CONTAINING in front on Master Street, 20' x 47 feet.

BEING 432 Master Street.

PREMISES D

ALL THOSE TWO CERTAIN lots or pieces of ground with the buildings and improvements thereon erected.

SITUATE in the Seventeenth Ward of the City of Philadelphia; ONE THEREOF, on the South side of Master Street at the distance of Sixty feet Westward from the West side of Lawrence Street;

CONTAINING in front or breadth on said Master Street Twenty-five feet and extending of that width in length or depth Southward between lines parallel with the said Lawrence Street, Sixty-seven feet; BOUNDED Eastward by ground now or late of Mathias Royser Southward by ground now or late of the Estate of Turner Camac, deceased, Westward by ground now or late of Elizabeth Lecamion and Northward by Master Street aforesaid; AND THE REMAINING OTHER THEREOF, on the Southside of Master Street at the distance of One Hundred feet Eastward from the East side of Fifth Street; CONTAINING in front or breadth on the said Master Street Twenty-two feet and extending of that width in length or depth Southward between parallel lines at right angles to the said Master Street Sixty-seven feet; BOUNDED Northward by the said Master Street, Southward by ground now or late of Turner Camac, Eastward by ground now or late of Edward W. Wilson, and Westward by ground now or late of John Schickling.

ALL TOGETHER, BEING known as 434, 436 and 438 Master Street.

AND Premises situate on the West side of Lawrence St. 17 feet South of Master Street in the 17th Ward. Containing in front 20 feet x 60 feet.

Being No. 1342 Lawrence St.

EXHIBIT B

Case ID: 160301647

Case ID: 160301647

Control No.: 16040733

Prepared by and Return to:
Mobile Settlement Services, Inc.
1005 Pontiac Dr.
PMB 302
Drexel Hill, Pa 19026
610-789-3636
File No. MSS-2365
BRT # 182316710

This Indenture, made the 5th day of January, 2016

Between

ARLENE ZITIN (BY HER AGENT ELLIOT FIELDS by Power of Attorney dated 12/29/15 and intending to be recorded herewith) AND ELLIOT FIELDS CO-EXECUTORS OF THE ESTATE OF EMMA FIELDS LAST SURVIVING BENEFICIAL OWNER OF PYRAMID TIRE & RUBBER CO., (A PENNSYLVANIA CORPORATION)

(hereinafter called the Grantor), of the one part, and

MAYRONE, LLC

(hereinafter called the Grantee), of the other part,

Witnesseth that in consideration of the sum off **Thirty Thousand And 00/100 Dollars (\$30,000.00)**, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, its successors and assigns,

Street Address: **428-438 Master St., Philadelphia, PA 19122**

PREMISES A

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master St., in the 17th Ward, City of Philadelphia, Southwest corner of Lawrence St.

CONTAINING in front 21' 6" x 47 feet on Lawrence Street.

BEING 428 West Master Street.

PREMISES B

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

Case ID: 160301647

Case ID: 160301647

Control No.: 16040733

On the South side of Master Street 21' 6" West of Lawrence Street in the 17th Ward, of the City of Philadelphia.

CONTAINING in front 18'6" x 47 feet.

BEING 430 Master Street.

PREMISES C

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master St. 40' West of Lawrence Street, 17th Ward City of Philadelphia.

CONTAINING in front on Master Street, 20'x47 feet

BEING 432 Master Street.

PREMISES D

ALL THOSE TWO CERTAIN lots or pieces of ground with the buildings and improvements thereon erected.

SITUATE in the Seventeenth Ward of the City of Philadelphia; **ONE THEREOF**, on the South side of Master Street at the distance of Sixty feet Westward from the West side of Lawrence Street;

CONTAINING in front or breadth on said Master Street Twenty-five feet and extending of that width in length or depth Southward between lines parallel with the said Lawrence Street, Sixty-seven feet; **BOUNDED** Eastward by ground now or late of Mathias Royser Southward by ground now or late of the Estate of Turner Camac, deceased, Westward by ground now or late of Elizabeth Lecamion and Northward by Master Street aforesaid; **AND THE REMAINING OTHER THEREOF**, on the Southside of Master Street at the distance of One Hundred feet Eastward from the East side of Fifth Street; **CONTAINING** in front or breadth on the said Master Street Twenty-two feet and extending of that width in length or depth Southward between parallel lines at right angles to the said Master Street Sixty-seven feet; **BOUNDED** Northward by the said Master Street, Southward by ground now or late of Turner Camac, Eastward by ground now or late of Edward W. Wilson, and Westward by ground now or late of John Schickling.

ALL TOGETHER, BEING known as 434, 436 and 438 Master Street.

AND Premises situate on the West side of Lawrence St. 17 feet South of Master Street in the 17th Ward. Containing in front 20 feet x 60 feet.

Being No. 1342 N. Lawrence St.

PREMISES A

BEING the same premises which William M. Lennox, sheriff, by Sheriff's Deed dated July 28, 1952, and recorded August 6, 1952, in the Office of the Recorder of Deeds in and for the County of Philadelphia, Pennsylvania, in Book MLS 172, Page 213, granted and conveyed unto Pyramid Tire & Rubber Co., in fee.

PREMISES B

BEING the same premises which William M. Lennox, sheriff, by Sheriff's Deed dated July 2, 1952, and recorded July 2, 1952, in the Office of the Recorder of Deeds in and for the County of Philadelphia, Pennsylvania, in Book MLS 145, Page 7, granted and conveyed unto Pyramid Tire & Rubber Co., in fee.

PREMISES C

BEING the same premises which William M. Lennox, sheriff, by Sheriff's Deed dated July 28, 1952, and recorded August 5, 1952, in the Office of the Recorder of Deeds in and for the County of Philadelphia, Pennsylvania, in Book MLS 172, Page 329, granted and conveyed unto Pyramid Tire & Rubber Co., in fee.

PREMISES D

BEING the same premises which Irving Wasserman and Bessie Wasserman, his wife, by deed dated February 7, 1956, and recorded February 8, 1956, in the Office of the Recorder of Deeds in and for the County of Philadelphia, Pennsylvania, in Book CAB 223, Page 76, granted and conveyed unto Pyramid Tire & Rubber Co., (a Pa Corp.) in fee.

AND also being the same premises which Secretary of Banking receiver in possession of Stanley Milton Building and Loan Association granted and conveyed to Pyramid Tire & Rubber Co. on 6/23/1958 in 217 Sub of 73-74

And the Said Pyramid Tire & Rubber Co., became inactive in 1956 whereby there were 2 beneficial owners, Frank Fields and Emma Fields.

Whereas Frank Fields departed this life 10/2/1990 whereby leaving Emma Fields as last surviving beneficial owner.

Whereas Emma Fields departed this life 10/6/1992 leaving a last will and testament, which was filed in Chicago Illinois, W#92w88887 naming Elliot Fields and Arleen Zitkin, co-executors of her estate on 10-12-1992. Exemplified copy of the will recorded in the Register of Wills, Philadelphia County on N/13 in # N/13

Taken subject to the taxes due @ \$60,000. to be paid by February 28, 2016.

Together with all and singular the buildings, improvements, ways, waters, water-courses, driveways, rights, liberties, hereditaments and appurtenances, whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor, in law, equity, or otherwise howsoever, of, in, and to the same and every part thereof.


To have and to hold the said buildings with the hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

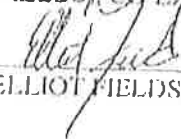
And the said, Executor of the aforesaid covenants, promises and agrees to and with said Grantee, its heirs and assigns, that he/she, the said Executor of the aforementioned, has not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged or encumbered, in title, charge, estate, or otherwise howsoever.

In Witness Whereof, the said Grantor caused these presents to be duly executed the day and year first above written.

**Sealed and Delivered
in the Presence of Us:**

ARLENE ZITIN (BY HER AGENT ELLIOT
FIELDS) AND ELLIOT FIELDS CO-EXECUTORS
OF THE ESTATE OF EMMA FIELDS LAST
SURVIVING BENEFICIAL OWNER OF
PYRAMID TIRE & RUBBER CO., (A
PENNSYLVANIA CORPORATION)


By:  (SEAL)
ARLENE ZITIN (BY HER AGENT ELLIOT
FIELDS) CO-EXECUTRIX

By:  (SEAL)
ELLIOT FIELDS, CO-EXECUTOR

Commonwealth of Pennsylvania } ss
County of Philadelphia

On this, the 5th day of January, 2016, before me, the undersigned Officer, a Notary Public in and for the jurisdiction aforesaid, personally appeared Elliot Fields, executor and as agent for Arlene Zitin co-executrix known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

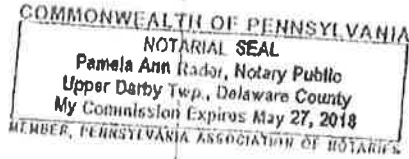
I hereunto set my hand and official seal.



Notary Public
My commission expires _____

The precise residence and the complete post office address of the above-named Grantee is:

P.O. Box 281
Lansdale PA 19038



On behalf of the Grantee

Deed

BRT # 182316710

Arlene Zitin (by her agent Elliot Fields) and
Elliot Fields co-Executors of the Estate of
Emma Fields last surviving beneficial owner
of Pyramid Tire & Rubber Co., (a
Pennsylvania Corporation)

TO

Mayrone, LLC

Mobile Settlement Services, Inc.

1005 Pontiac Dr.

PMB 302

Drexel Hill, Pa 19026

Telephone: 610-789-3636 Fax: 610-957-5331

Case ID: 160301647

Case ID: 160301647

Control No.: 16040733



pennsylvania
DEPARTMENT OF REVENUE
Bureau of Individual Taxes
PO BOX 280603
Harrisburg, PA 17128-0603

63024731 Page 7 of 8
REALTY TRANSFER TAX STATEMENT OF VALUE

See reverse for instructions.

State Tax Paid
Book Number
Page Number
Date Forwarded

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

A. CORRESPONDENT - All inquiries may be directed to the following person:

Name: **Mobile Settlement Services, Inc.** Telephone Number: **(610) 789-3636**
Mailing Address: **1005 Pontiac Dr., PMB 302** City: **Drexel Hill** State: **PA** ZIP Code: **19026**

B. TRANSFER DATA

Date of Acceptance of Document: **01 / 05 / 2016**
Grantor(s)/Lessor(s): **Pyramid Tire & Rubber Co.** Telephone Number: _____
Mailing Address: **428-438 Master St.** City: **Philadelphia** State: **PA** ZIP Code: **19122**
Grantee(s)/Lessee(s): **Mayrone, LLC** Telephone Number: _____
Mailing Address: **PO Box 281** City: **Lansdale** State: **PA** ZIP Code: **19038**

C. REAL ESTATE LOCATION

Street Address: **428-438 Master St.** City, Township, Borough: **Philadelphia City**
County: **Philadelphia** School District: **Philadelphia** Tax Parcel Number: **182316710**

D. VALUATION DATA

Was transaction part of an assignment or relocation? Y N
1. Actual Cash Consideration: **30,000.00**
2. Other Consideration: **+ 60000.00**
3. Total Consideration: **= 90,000.00**
4. County Assessed Value: **69,000.00**
5. Common Level Ratio Factor: **X 1.01**
6. Fair Market Value: **= 69,690.00**

E. EXEMPTION DATA - Refer to instructions for exemption status.

1a. Amount of Exemption Claimed: **\$ 0**
1b. Percentage of Grantor's Interest in Real Estate: **100 %**
1c. Percentage of Grantor's Interest Conveyed: **100 %**

2. Check Appropriate Box Below for Exemption Claimed.

- Will or intestate succession.
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer from a trust. Date of transfer into the trust: _____
If trust was amended attach a copy of original and amended trust.
- Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed.)

Under penalties of law, I declare that I have examined this statement, including accompanying information, and the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party: **Mobile Settlement Services, Inc., By:** Date: **January 5, 2016**

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

Case ID: 160301647

Case ID: 160301647

Control No.: 16040733

BOOK NO. PAGE NO.

PHILADELPHIA REAL ESTATE TRANSFER TAX CERTIFICATION

DATE RECORDED
CITY TAX PAID

Complete each section and file in duplicate with Recorder of Deeds when (1) the full consideration/value is/are not set forth in the deed, (2) when the deed is with consideration, or by gift, or (3) a tax exemption is claimed. If more space is needed, attach additional sheet(s).

A. CORRESPONDENT — All inquiries may be directed to the following person:

NAME: **Mobile Settlement Services, Inc.** TELEPHONE NUMBER: _____
 STREET ADDRESS: **1005 Pontiac Dr., PMB 302** CITY: **Drexel Hill** AREA CODE (G10): **789-3636**
 STATE: **PA** ZIP CODE: **19026**

B. TRANSFER DATA

GRANTOR(S) (SELLER(S)) Pyramid Tire & Rubber Co., (a Pennsylvania Corporation)	DATE OF ACCEPTANCE OF DOCUMENT: January 5, 2016
STREET ADDRESS: 428-438 Master St.	GRANTEE(S) (LESSEE(S)): Mayrone, LLC
CITY: Philadelphia STATE: PA ZIP CODE: 19122	STREET ADDRESS: PO Box 281
	CITY: Lansdale STATE: PA ZIP CODE: 19038

C. PROPERTY LOCATION

STREET ADDRESS: **428-438 Master St.** CITY, TOWNSHIP, BOROUGH: **Philadelphia City**
 COUNTY: **Philadelphia** SCHOOL DISTRICT: **Philadelphia** TAX PARCEL NUMBER: **182316710**

D. VALUATION DATA

1. ACTUAL CASH CONSIDERATION 30,000.00	2. OTHER CONSIDERATION + 60,000.00	3. TOTAL CONSIDERATION = 90,000.00
4. COUNTY ASSESSED VALUE 69,000.00	5. COMMON LEVEL RATIO FACTOR X 1.01	6. FAIR MARKET VALUE = 69,690.00

E. EXEMPTION DATA

1A. AMOUNT OF EXEMPTION: **0** 1B. PERCENTAGE OF INTEREST CONVEYED: **100**

2. Check Appropriate Box Below for Exemption Claimed

- Will or Intestate succession _____ (NAME OF DECEDENT) _____ (ESTATE FILE NUMBER)
- Transfer to Industrial Development Agency.
- Transfer to agent or straw party. (Attach copy of agency/straw party agreement).
- Transfer between principal and agent. (Attach copy of agency/straw trust agreement). Tax paid prior deed \$ _____
- Transfers to the Commonwealth, the United States, and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (Attach copy of resolution).
- Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____
Mortgagee (grantor) sold property to Mortgagor (grantee) (Attach copy of prior deed).
- Corrective deed (Attach copy of the prior deed).
- Other (Please explain exemption claimed, if other than listed above.) _____

Under penalties of law or ordinance, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

SIGNATURE OF CORRESPONDENT OR RESPONSIBLE PARTY

Mobile Settlement Services, Inc., By: _____

DATE

January 5, 2016

EXHIBIT C

Prepared By:
Saul Ewing LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102

When recorded, return to:
Saul Ewing LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102

OPA# 18-2316710

SPECIAL WARRANTY DEED

THIS DEED is made the _____ day of _____, 2016 between **Mayrone, LLC**, a Pennsylvania limited liability company (hereinafter called the Grantor), of the one part, and **Centro Incorporated, d/b/a Philadelphia Catholic Worker**, a Pennsylvania non-profit corporation (hereinafter called the Grantee), of the other part.

WITNESSETH, that the Grantor, for and in consideration of the sum of **One Dollar (\$1.00)** lawful money of the United States of America, unto it well and truly paid by the Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the Grantee, its successors and assigns,

PREMISES A

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master St., in the 17th Ward, City of Philadelphia, Southwest corner of Lawrence St.

CONTAINING in front 21'6" x 47 feet on Lawrence Street.

BEING 428 West Master Street.

PREMISES B

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master Street 21'6" West of Lawrence Street in the 17th Ward, of the City of Philadelphia.

CONTAINING in front 18'6" x 47 feet.

BEING 430 Master Street.

PREMISES C

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master St. 40' West of Lawrence Street, 17th Ward City of Philadelphia.

CONTAINING in front on Master Street, 20' x 47 feet.

BEING 432 Master Street.

PREMISES D

ALL THOSE TWO CERTAIN lots or pieces of ground with the buildings and improvements thereon erected.

SITUATE in the Seventeenth Ward of the City of Philadelphia; ONE THEREOF, on the South side of Master Street at the distance of Sixty feet Westward from the West side of Lawrence Street;

CONTAINING in front or breadth on said Master Street Twenty-five feet and extending of that width in length or depth Southward between lines parallel with the said Lawrence Street, Sixty-seven feet; BOUNDED Eastward by ground now or late of Mathias Royser Southward by ground now or late of the Estate of Turner Camac, deceased, Westward by ground now or late of Elizabeth Lecamion and Northward by Master Street aforesaid; AND THE REMAINING OTHER THEREOF, on the Southside of Master Street at the distance of One Hundred feet Eastward from the East side of Fifth Street; CONTAINING in front or breadth on the said Master Street Twenty-two feet and extending of that width in length or depth Southward between parallel lines at right angles to the said Master Street Sixty-seven feet; BOUNDED Northward by the said Master Street, Southward by ground now or late of Turner Camac, Eastward by ground now or late of Edward W. Wilson, and Westward by ground now or late of John Schickling.

ALL TOGETHER, BEING known as 434, 436 and 438 Master Street.

AND premises situate on the West side of Lawrence Street 47 feet (erroneously described as 17 feet in previously recorded deed) South of Master Street in the 17th Ward.

Containing in front 20 feet x 60 feet.

Being No. 1342 Lawrence St.

BEING the same premises which Arlene Zitin (by her agent Elliot Fields by Power of Attorney dated 12/29/15) and Elliott Fields, Co-executors of the Estate of Emma Fields last surviving beneficial owner of Pyramid Tire & Rubber Co., a Pennsylvania corporation, by Deed dated January 5, 2016 and recorded in the Philadelphia Department of Records on February 10, 2016 as Document No. 53021731, granted and conveyed unto Mayrone, LLC, a Pennsylvania limited liability company, in fee.

UNDER AND SUBJECT to all covenants, conditions, restrictions, easements, rights of way and reservations of record, to the extent valid, subsisting and enforceable.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of it, the Grantor, in law, equity, or otherwise howsoever, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said lot or piece of ground above described with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the Grantee, its successors and assigns, to and for the only proper use and behoof of the Grantee, its successors and assigns forever.

UNDER AND SUBJECT, as aforesaid.

AND the Grantor, for itself and its successors and assigns, does covenant, promise and agree, to and with the Grantee, its successors and assigns, by these presents, that it, the Grantor, and its successors and assigns, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the Grantee, its successors and assigns, against the Grantor and its successors and assigns, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them, shall and will, subject as aforesaid, **WARRANT** and forever **DEFEND**.

Certification of Address

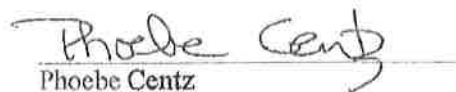
I hereby certify that the mailing address of the within-named Grantee is:

430 Jefferson Street
Philadelphia, PA 19122

On behalf of the Grantee

VERIFICATION

Phoebe Centz, being duly sworn according to law, deposes and says that she is the president of Centro Incorporated, that she is authorized to execute this verification on its behalf, that the facts set forth in the foregoing complaint are true and correct to the best of her knowledge, information, and belief, and she understands that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.


Phoebe Centz

Dated: March 17, 2016

EXHIBIT B



George E. Rahn, Jr.
Phone: (215) 972-7165
Fax: (215) 972-1855
nrahn@saul.com
www.saul.com

March 28, 2016

Via Hand Delivery and U.S. Mail

Mayrone, LLC
2144 Mount Carmel Avenue
Glenside, PA 19038

Via Hand Delivery and U.S. Mail

Mr. Gerard M. Regan
Mayrone, LLC
2144 Mount Carmel Avenue
Glenside, PA 19038

Via Hand Delivery and U.S. Mail

Mr. Errol McAlinden
Mayrone, LLC
2144 Mount Carmel Avenue
Glenside, PA 19038

Via Hand Delivery and U.S. Mail

Mr. Errol James McFadden
Mayrone, LLC
2144 Mount Carmel Avenue
Glenside, PA 19038

Re: Centro Incorporated v. Mayrone, LLC, Pyramid Tire & Rubber Co,
Arlene Zitin, and Elliot Fields
(CCP, Philadelphia County, March Term, No. 001647)

Dear Sirs:

I am co-counsel for Centro Incorporated, trading as Philadelphia Catholic Worker. Philadelphia Catholic Worker has filed a complaint against Mayrone, LLC in the Philadelphia Court of Common Pleas regarding the property at 428-38 Master Street. I understand that you are the members of Mayrone. (The copy of the mortgage document that I have lists Errol James McFadden as a member of Mayrone, LLC, but other references in newspapers refer to Errol McAlinden as a builder with Mr. Regan.) As set forth in the complaint, Philadelphia Catholic Worker contends that it is the legal owner of the property and requests that the court declare that it is entitled to quiet enjoyment of the property to the exclusion of others. The complaint also requests that the court preclude others from trespassing on the property.

Philadelphia Catholic Worker has used the property as a garden for over 28 years. I understand that you were at the property on Saturday, March 26, 2016. At that time you told those who were on site and working in the garden that you intended to "clear" the garden and bring in equipment to do so as early as today.

Centre Square West • 1500 Market Street, 38th Floor • Philadelphia, PA 19102-2186
Phone: (215) 972-7777 • Fax: (215) 972-7725

1848126.1 03/28/2016

DELAWARE MARYLAND MASSACHUSETTS NEW JERSEY NEW YORK PENNSYLVANIA WASHINGTON, DC

A DELAWARE LIMITED LIABILITY PARTNERSHIP

Case ID: 160301647
Control No.: 16040733

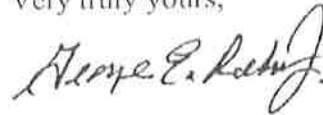
Mayrone, LLC
Mr. Gerard M. Regan
Mr. Errol McAlinden
Mr. Errol James McFadden
March 28, 2016
Page 2

I do not intend to argue the legal merits of the case. That being said, Philadelphia Catholic Worker has a legal right to possession of the property, and any action by you or Mayrone would be a trespass. Unless you or your attorney tells me that you and Mayrone will not take action until the lawsuit is resolved, Philadelphia Catholic Worker intends to ask the court for emergency relief to prevent Mayrone and you from entering the property and taking any action adverse to Philadelphia Catholic Worker's ownership.

I urge you to forward this letter to your attorney and have the attorney contact me. I spoke with Mr. McAlinden on Thursday March 24 to ask for the address of Mayrone so that Philadelphia Catholic Worker can serve the complaint. During that conversation I asked Mr. McAlinden to have Mayrone's attorney contact me. Mr. McAlinden told me that he intended to have the Sheriff at the site on Saturday, which did not occur.

Your threats of self-help are not appropriate, and Philadelphia Catholic Worker will hold Mayrone and you responsible for any damages. Philadelphia Catholic Worker intends to pursue legal recourse through the courts. In the meantime, Philadelphia Catholic Worker intends to continue to garden on the site and produce healthy food for the community.

Very truly yours,



George E. Rahn, Jr.

GER/cpr
cc: Amy Laura Cahn, Esquire

EXHIBIT C

**PHILADELPHIA COURT OF COMMON PLEAS
PETITION/MOTION COVER SHEET**

FOR COURT USE ONLY	
ASSIGNED TO JUDGE:	ANSWER/RESPONSE DATE:
Do not send Judge courtesy copy of Petition/Motion/Answer/Response. Status may be obtained online at http://courts.phila.gov	

CONTROL NUMBER: 16034352 <i>(RESPONDING PARTIES MUST INCLUDE THIS NUMBER ON ALL FILINGS)</i>
--

March Term, 2016
Month Year
No. 01647

CENTRO INCORPORATED VS MAYRONE, LLC ETAL

Name of Filing Party:
CENTRO INCORPORATED-PLF

INDICATE NATURE OF DOCUMENT FILED:

- Petition (Attach Rule to Show Cause)
 Motion
 Answer to Petition
 Response to Motion

Has another petition/motion been decided in this case? Yes No
 Is another petition/motion pending? Yes No
 If the answer to either question is yes, you must identify the judge(s):

TYPE OF PETITION/MOTION (see list on reverse side) PRELIMINARY INJUNCTION	PETITION/MOTION CODE (see list on reverse side) PRINJ
ANSWER / RESPONSE FILED TO (Please insert the title of the corresponding petition/motion to which you are responding):	
I. CASE PROGRAM OTHER PROGRAM Court Type: <u>MAJOR NON JURY EXPEDITED</u> Case Type: <u>QUIET TITLE</u>	II. PARTIES (required for proof of service) (Name, address and telephone number of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.) GEORGE E RAHN SAUL EWING LLP CENTRE SQUARE WEST 1500 MARKET ST. 38TH FLOOR , PHILADELPHIA PA 19102 MAYRONE, LLC 2144 MOUNT CARMEL AVENUE , GLENSIDE PA 19038 PYRAMID TIRE & RUBBER CO. 1333-35 NORTH 5TH STREET , PHILADELPHIA PA 19122 ELLIOT FIELDS 3944 W. GRENSHAW ST. , CHICAGO IL 60624 ARLENE ZITIN 21 E. HURON STREET APT. 2303 , CHICAGO IL 60611
III. OTHER	

By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (sec PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.

(Attorney Signature/Unrepresented Party) March 30, 2016 GEORGE E. RAHN (Attorney I.D. No.)
 (Date) (Print Name)

The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date. No extension of the Answer/Response Date will be granted even if the parties so stipulate.

FILED

30 MAR 2016 03:29 pm

Civil Administration

E. MASCUIILLI

CENTRO INCORPORATED, d/b/a
PHILADELPHIA CATHOLIC WORKER,

Plaintiff,

v.

MAYRONE, LLC, et al.

Defendants.

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

MARCH TERM, 2016
NO. 001647

ORDER

AND NOW, this _____ day of March, 2016, upon consideration of the motion of plaintiff Centro Incorporated, doing business as Philadelphia Catholic Worker, for a preliminary injunction and the supporting papers, it is hereby ORDERED that the motion is GRANTED, and defendant Mayrone, LLC and all representatives or persons acting on its behalf, including but not limited to Errol McAlinden and Gerard Regan, are enjoined and prohibited from trespassing on the property located at 428-38 Master Street, Philadelphia or taking any action to interfere with or damage the property.

J

Case ID: 160301647
Control No.: 16034352
Case ID: 160301647
Control No.: 16040733

FILED

30 MAR 2016 03:29 pm

Civil Administration

E. MASCUIILLI

SAUL EWING LLP
By: George E. Rahn, Jr.
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Attorneys for plaintiff
Centro Incorporated, doing business as
Philadelphia Catholic Worker

THE PUBLIC INTEREST LAW CENTER
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Email: acahn@pubintlaw.org

CENTRO INCORPORATED, d/b/a
PHILADELPHIA CATHOLIC WORKER,

Plaintiff,

v.

MAYRONE, LLC, et al.,

Defendants.

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

MARCH TERM, 2016
NO. 001647

PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

I. Plaintiff Centro Incorporated is a Pennsylvania nonprofit corporation that does business as Philadelphia Catholic Worker. On March 18, 2016, Philadelphia Catholic Worker filed a complaint to quiet title naming Mayrone, LCC, and others as defendants. The facts relating to this lawsuit are set forth in the verified complaint, a copy of which is attached as Exhibit A.

Case ID: 160301647
Control No.: 16034352
Case ID: 160301647
Control No.: 16040733

2. The complaint is based on Philadelphia Catholic Worker's continuous, open and notorious possession of the property located at 428-38 Master Street ("Property") for more than 21 years. (Ex. A at ¶¶ 1, 15, 23 & 24). The complaint seeks an order declaring Philadelphia Catholic Worker as the absolute owner of the Property, that Philadelphia Catholic Worker is entitled to quiet and peaceful possession, and that Mayrone has no right or title to the Property. (Ex. A p. 7).

3. Philadelphia Catholic Worker is an independent organization dedicated to serving the citizens in its North Philadelphia community. Among other activities, Philadelphia Catholic Worker maintains a home in the Kensington neighborhood, provides an after school program for children in the community, operates a food and clothing distribution program, and conducts a summer youth program. (Ex. A at ¶ 3). Philadelphia Catholic Worker has been in possession of the Property since 1988, which has, since that time, been a community garden that grows vegetables for the benefit of the local community and now also supports two soup kitchens, including the Catholic Worker's own soup kitchen, and a Sunday farmer's market. (Ex. A at ¶¶ 11, 15).

4. In order to establish the garden, Philadelphia Catholic Worker expended significant resources and labor to clear the abandoned and trash-strewn lot, haul out trash and rubble, bring in top-soil, fence the premises, and arrange for a water source. (Ex. A at ¶¶ 13, 14). In addition to many garden beds and the presence of many gardeners, the Property has onsite a tool shed, a patio, a locked chain link fence surrounding the premises, and a waterline installed by the Philadelphia Water Department. This infrastructure represents substantial financial and in-kind investment into the Property. Philadelphia Catholic Worker's possession has been

continuous, open, notorious, exclusive and hostile to any other parties since 1988. (Ex. A at ¶¶ 23 & 24).

5. Like all real property, the Property is unique and has been developed by Philadelphia Catholic Worker as a garden. The gardeners have planted the garden for 2016, and Philadelphia Catholic Worker and the community have relied on having the garden as a source of food.

6. In January 2016, an unknown third party cut locks placed on the entrance to the Property and replaced them with new locks, for which Philadelphia Catholic Worker did not have keys. Philadelphia Catholic Worker has for many years placed locks on the entrance to the Property. Similarly, some third party recently placed a “no trespassing” sign on the fence (Ex. A at ¶ 26).

7. On or about February 10, 2016, Mayrone recorded a deed purporting to transfer the Property to it from Pyramid Tire & Rubber Co., a long defunct corporation. The purported transfer took place several years after the statutory 21-year period during which Philadelphia Catholic Worker has been in possession and during which Pyramid Tire & Rubber Co. could have brought an action in ejectment. Based on Philadelphia Catholic Worker’s ownership of the property by adverse possession, the deed is null and void and of no legal effect. (Ex. A at ¶¶ 5, 9, 10, 27 & Ex. B to Compl.). Philadelphia Catholic Worker learned of the deed on March 2, 2016.

8. On Saturday, March 26, 2016, two representatives of Mayrone, which on information and belief is a property developer, appeared at the property. These individuals are believed to be Errol McAlinden and Gerard Regan, the members and owners of Mayrone.

9. The Mayrone representatives told gardeners at the property that they intended to “clear” the property and would bring in equipment to accomplish that goal. The Mayrone representatives said that they would take this action as early as Monday morning, March 28, 2016. (Verification of Zachary Prazak, Exhibit B at ¶ 4). The gardeners told the representatives that they had permission to be on the Property and that they had a copy of the complaint filed by Philadelphia Catholic Worker, which they offered to make available to the representatives if they wanted to see it. (Ex. B at 3).

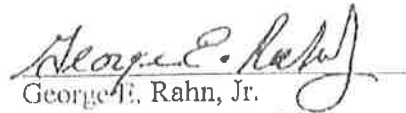
10. Mayrone has knowledge of Philadelphia Catholic Worker’s lawsuit. During a conversation on Thursday, March 24, 2016, counsel for Philadelphia Catholic Worker told Errol McAlinden of the lawsuit, asked him to have Mayrone’s attorney call, and asked for Mayrone’s address for service of process. During that conversation, McAlinden said that he (Mayrone) intended to have the Sheriff at the Property on Saturday, March 26, 2016. To Philadelphia Catholic Worker’s knowledge, the Sheriff did not appear.

11. On Monday, March 28, 2016, counsel for Philadelphia Catholic Worker delivered a letter to Mayrone, McAlinden and Regan summarizing the situation and requesting that they refrain from further action. The letter requested that Mayrone tell Philadelphia Catholic Worker that they would not take any action adverse to Philadelphia Catholic Worker’s possession until resolution of the lawsuit or Philadelphia Catholic Worker would seek preliminary relief from the Court. Mayrone has not responded. A copy of the letter is attached as Exhibit C.

12. As set forth in the complaint, Philadelphia Catholic Worker has a clear right to the relief sought, having operated a garden on the property for approximately 28 years. (Ex. A at ¶¶ 23-24). Philadelphia Catholic Worker will suffer immediate irreparable harm from Mayrone’s destruction of the property. Moreover, the issuance of an injunction will preserve the status quo,

which is and has been possession of the Property by Philadelphia Catholic Worker. By contrast, the injunction will cause no harm to Mayrone, and far greater harm will result from denial of the injunction. Finally, the public interest is served by maintaining the status quo until the dispute is resolved through the judicial system.

WHEREFORE, plaintiff Philadelphia Catholic Worker respectfully requests that the Court enter preliminary relief prohibiting Mayrone, LLC or its principals or representatives from trespassing on the property or taking any action that might damage the property or harm the existing garden,



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Email: acahn@pubintlaw.org

Attorneys for plaintiff
Centro Incorporated, d/b/a
Philadelphia Catholic Worker

Dated: March 30, 2016

FILED

30 MAR 2016 03:29 pm

Civil Administration

E. MASCUIILLI

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CENTRO INCORPORATED, d/b/a
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Plaintiff,

v.

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Defendants.

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

MARCH TERM, 2016
NO. 001647

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff, Philadelphia Catholic Worker, respectfully submits this memorandum of law in support of its motion for preliminary injunction.

I. Matter Before the Court.

The complaint seeks a declaration that Philadelphia Catholic Worker is entitled to quiet enjoyment of property located at 428-38 Master Street. The motion for a preliminary injunction

Case ID: 160301647
Control No.: 16034352
Case ID: 160301647
Control No.: 16040733

seeks an order preventing defendant Mayrone LLC and its representatives from trespassing or interfering with Philadelphia Catholic Worker's possession of the Property until the case is resolved.

II. Statement of Question Involved.

Should the Court enter a preliminary injunction preventing Mayrone and those representing Mayrone, including Errol McAlinden and Gerard Regan, from interfering with the Property when plaintiff Philadelphia Catholic Worker has a clear right to relief, will suffer irreparable harm if Mayrone clears the Property, the harm to Philadelphia Catholic Worker would be greater if the injunction is denied than if it is granted, and the injunction will maintain the status quo?

Suggested Answer: Yes.

III. Factual Background.

Plaintiff, Centro Incorporated, doing business as Philadelphia Catholic Worker is a community based organization that provides social services to the Kensington community. These services include providing an after school program for children in the community, operating a food and clothing distribution program, conducting a summer youth program, and creating a community garden that has, for 28 years, grown fresh vegetables for the benefit of the local community.

The facts relating to this motion are set forth in the motion for a preliminary injunction, the complaint (Exhibit A), the Verification of Zachary Prazak (Exhibit B) and the letter from plaintiff's counsel to Mayrone dated March 28, 2016 (Exhibit C).

Briefly, in 1988, Philadelphia Catholic Worker established a garden on the Property and has been using the Property for that purpose continuously ever since. The garden produces

vegetables that are used for Philadelphia Catholic Worker's food distribution and are sold to the local community at a market at the site. The Philadelphia Catholic Worker's possession since 1988 has been open, visible and notorious.

On or about February 10, 2016, defendant Mayrone recorded a deed pursuant to which it purported to take title to the property from a defendant corporation called Pyramid Tire & Rubber Co. Pyramid Tire & Rubber abandoned the site years ago and left it as a dumping area. Pyramid Tire & Rubber has never challenged Philadelphia Catholic Worker's possession of the Property. Because title rests with Philadelphia Catholic Worker as a result of its adverse possession, which has been hostile to all others who might claim title, the purported transfer is null and void.

On Saturday, March 26, 2016, representatives of Mayrone appeared at the Property. The representatives stated that they and Mayrone intended to "clear" the Property and bring in equipment for this purpose. In addition, from time to time over a period of approximately three months an unknown third party has cut Philadelphia Catholic Worker's locks on the gate surrounding the Property and replaced them with locks for which Philadelphia Catholic Worker does not have keys. The gardeners have planted the garden for 2016 and are in the process of growing vegetables for the community and to supply two soup kitchens and the garden's weekly farm stand. This threatened action would cause irreparable harm.

IV. Argument.

Rule 1531(a) of the Pennsylvania Rules of Civil Procedure provides that a court may issue a preliminary or special injunction after written notice and a hearing, unless it appears that immediate and irreparable injury will be sustained before notice and a hearing. In that case, the

court may issue an injunction without notice or a hearing. The court may consider the complaint, affidavits or other proof that the court may require.

Issuance of an injunction in this case is proper because Philadelphia Catholic Worker has demonstrated (i) a clear right to the relief being sought, (ii) the likelihood of immediate and irreparable harm which cannot be compensated by damages, (iii) that greater injury would result from denial of the injunction than from its being granted, and (iv) that granting injunctive relief is in the public interest. See *John G. Bryant Co. v. Sling Testing & Repair*, 471 Pa. 1, 369 A.2d 1164 (1977); *Felmlee v. Lockett*, 466 Pa. 1, 351 A.2d 273 (1976); *S.I. Handling Systems, Inc. v. Heisley*, 753 F.2d 1244, 1254 (3d Cir. 1985). Stated otherwise, issuance of an injunction is proper because it will preserve the status quo. See *Valley Forge Historical Soc'y v. Washington Mem'l Chapel*, 493 Pa. 491, 500, 426 A.2d 1123, 1128 (1981). Philadelphia Catholic Worker respectfully submits that the circumstances warrant issuance of a preliminary injunction without notice and a hearing.

A. Philadelphia Catholic Worker has a Clear Right to the Relief Sought in the Complaint.

Philadelphia Catholic Worker's right to injunctive relief is rooted in its adverse possession of the property at 428-38 Master Street for a period of 28 years, which vests title in Philadelphia Catholic Worker. In Pennsylvania, "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." *Conneaut Lake Park, Inc. v. Klingensmith*, 362 Pa. 592, 66 A.2d 828, 829 (1949). If the true owner has not ejected the interloper within the 21-year period (the time allotted for an action in ejectment), the possessor takes title and the former owner has no further rights. *Tioga Coal Co. v. Supermarkets Gen. Corp.*, 519 Pa. 66, 75, 546 A.2d 1 (1988). This, of course, would include any right to attempt to transfer the title.

Philadelphia Catholic Worker meets all of the requirements for a declaration of quiet title by adverse possession. It has maintained an open, visible and obvious garden on the Property for 28 years – well over the 21-year threshold. Philadelphia Catholic Worker’s possession has been actual, continuous, exclusive, visible, notorious, distinct and hostile to the exclusion of others. *Reed v. Wolyniec*, 323 Pa. Super. 550, 471 A.2d 80, 84 (1983).

In contrast, Mayrone has no rights in the property. At best, Mayrone purports to take title from Pyramid Tire & Rubber Co. or its successors (“Pyramid”). Pyramid, however, lost the right to claim title by failing to take any action to assert ownership against Philadelphia Catholic Worker for over 21 years. Ownership of the Property, therefore, was not Pyramid’s to convey, and likewise the time has passed for Mayrone to claim ownership. *See* 42 Pa. Cons. Stat. § 5530. Philadelphia Catholic Worker has a clear right to a quiet title decree and an order barring Mayrone from the property.

B. The Injunction is Necessary to Prevent Immediate and Irreparable Harm.

This case involves the title and right to possession of real property, which by its nature is unique. Mayrone’s threatened conduct would be a trespass, which would impinge on Philadelphia Catholic Worker’s right to the Property and lead to irreparable harm.

Mayrone and its representatives have threatened to clear the property with heavy equipment. A bulldozer or other heavy equipment would destroy the garden, including the many hundreds of dollars-worth of vegetables that have already been planted, a work shed on the premises, a patio, and the dedicated water line that supplies the garden. This trespass would negate decades of in-kind investment and work performed by Philadelphia Catholic Worker and the volunteers and deprive the community of the needed healthy food.

Destruction of the garden, its infrastructure, and its vegetables would constitute irreparable harm and could not be compensated by damages. The community would be deprived of the benefits of the garden and the gardeners would be deprived of the results of their hard work and planning. In addition, the premature destruction of a space that is meaningful to long term community members before the Court's resolution of the quiet title action is precisely the type of potential harm that lends itself to injunctive relief.

C. The Balance of Hardships Favors Philadelphia Catholic Worker and the Public Interest.

The benefits of an injunction to Philadelphia Catholic Worker and the general public from injunctive relief outweigh any detriment to Mayrone or other defendants and serves the public interest. If an injunction is not issued, Philadelphia Catholic Worker is at risk for threatened destructive action by Mayrone. On the other hand, while Mayrone may have plans to develop the property at some time in the future, Philadelphia Catholic Worker knows of no applications by Mayrone to - or approvals by - the applicable agencies that might make development possible. Mayrone, therefore, will suffer no harm by allowing the judicial process to proceed while the merits of the case are resolved.

The public interest would also be served by an injunction. It is in the public interest to resolve disputes in an orderly fashion through the court system. Mayrone should not be rewarded by any self-help extra judicial steps it might take in an attempt to seize the property. Mayrone has a forum in the courts where it can assert any rights it may contend it has. That is where the issues should be resolved. The balance of hardships therefore, overwhelmingly favors compelling defendants to cease any action to trespass on the property or cause damage.

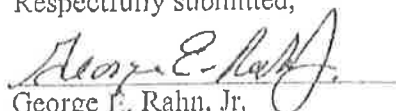
D. A Special Injunction will Preserve the Status Quo.

The issuance of a special injunction will maintain the status quo until a judicial determination of the parties' rights to the Property can be made. Philadelphia Catholic Worker has been in possession for 28 years. Unless this Court issues an injunction, this longstanding state of affairs may change. Given the passage of time, the disposition of the Property can wait for a final determination by the Court.

V. Relief.

For the reasons set forth in Philadelphia Catholic Worker's motion, its Verified Complaint and in the supporting Verification, Philadelphia Catholic Worker respectfully requests the Court to grant plaintiff's motion for a preliminary injunction. This should include an order that Mayrone and its representatives not trespass on the Property or take any action to take possession or damage the Property. In addition, Philadelphia Catholic Worker respectfully submits that under these circumstances an injunction without notice and a hearing is appropriate.

Respectfully submitted,



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Attorneys for plaintiff
Centro Incorporated, d/b/a
Philadelphia Catholic Worker

Dated: March 30, 2016

FILED

30 MAR 2016 03:29 pm

Civil Administration

E. MASCULLI

EXHIBIT A

Case ID: 160301647

Control No.: 16034352

Case ID: 160301647

Control No.: 16040733

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

MARCH 2016

001647

E-Filing Number: 1603046669

PLAINTIFF'S NAME
CENTRO INCORPORATED, ALIAS: D/B/A PHILADELPHIA
CATHOLIC WORKER

DEFENDANT'S NAME
MAYRONE, LLC

PLAINTIFF'S ADDRESS
430 JEFFERSON STREET
PHILADELPHIA PA 19122

DEFENDANT'S ADDRESS
2144 MOUNT CARMEL AVENUE
GLENSIDE PA 19038

PLAINTIFF'S NAME

DEFENDANT'S NAME
PYRAMID TIRE & RUBBER CO.

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS
1333-35 NORTH 5TH STREET
PHILADELPHIA PA

PLAINTIFF'S NAME

DEFENDANT'S NAME
ELLIOT FIELDS

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS
3944 W. GRENSHAW ST.
CHICAGO IL 60624

TOTAL NUMBER OF PLAINTIFFS

1

TOTAL NUMBER OF DEFENDANTS

4

COMMENCEMENT OF ACTION

- Complaint Petition Action Notice of Appeal
 Writ of Summons Transfer Front Other Jurisdictions

AMOUNT IN CONTROVERSY

- \$50,000.00 or less
 More than \$50,000.00

COURT PROGRAMS

- Arbitration Mass Tort Commerce Settlement
 Jury Savings Action Minor Court Appeal Minors
 Non-Jury Petition Statutory Appeals W/D/Survival
 Other:

CASE TYPE AND CODE

Q1 - QUIET TITLE

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED
PROTHONOTARY**

MAR 18 2016

C. MALVESTUTO

IS CASE SUBJECT TO
COORDINATION ORDER?
YES NO

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: CENTRO INCORPORATED

Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY

GEORGE E. RAHN

ADDRESS

SAUL EWING LLP
CENTRE SQUARE WEST
1500 MARKET ST. 38TH FLOOR
PHILADELPHIA PA 19102

PHONE NUMBER

(215) 972-7165

FAX NUMBER

(215) 972-1855

SUPREME COURT IDENTIFICATION NO.

19566

E-MAIL ADDRESS

nrahn@saull.com

SIGNATURE OF FILING ATTORNEY OR PARTY

GEORGE RAHN

DATE SUBMITTED

Friday, March 18, 2016, 10:44 am

FINAL COPY (Approved by the Prothonotary Clerk)

Case ID: 160301647

Control No.: 16034352

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COMPLETE LIST OF DEFENDANTS:

1. MAYRONE, LLC
2144 MOUNT CARMEL AVENUE
GLENSIDE PA 19038
2. PYRAMID TIRE & RUBBER CO,
1333-35 NORTH 5TH STREET
PHILADELPHIA PA
3. ELLIOT FIELDS
3944 W. GRENSHAW ST.
CHICAGO IL 60624
4. ARLENE ZITIN
21 E. HURON STREET APT. 2303
CHICAGO IL 60611

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CENTRO INCORPORATED, d/b/a
PHILADELPHIA CATHOLIC WORKER
430 Jefferson Street
Philadelphia, PA 19122,

Plaintiff,

v.

MAYRONE, LLC,
2144 Mount Carmel Avenue
Glenside, PA 19038,

PYRAMID TIRE & RUBBER CO.
1333-35 North 5th Street
Philadelphia, PA,

ARLENE ZITIN
21 E. Huron Street, Apt. 2303
Chicago, IL 60611-3878

and

Attorneys for plaintiff
Centro Incorporated, doing business as
Philadelphia Catholic Worker

Filed and Accepted by the
Office of Judicial Records
18 MAR 2016 10:44 am
C. BALVESTUTO

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

MARCH TERM, 2016

NO.

ELLIOT FIELDS
3944 W. Grenshaw Street
Chicago, IL 60624-4217,

Defendants.

COMPLAINT

(CIVIL ACTION-QUIET TITLE)

Case ID: 160301647
Case ID: 160301647
Control No.: 16034352
Case ID: 160301647
Control No.: 16040733

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER 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.

Philadelphia Bar Association
Lawyer Referral and Information Service
1101 Market Street, 11th Floor
Philadelphia, Pennsylvania 19107-2911
Telephone: (215) 238-6333

AVISO

Lo(a) han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTEMENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Asociación de Licenciados de Filadelfia
Servicio de Referencia E Información Legal
1101 Market Street, 11th Floor
Philadelphia, Pennsylvania 19107-2911
Teléfono: (215) 238-6333

SAUL EWING LLP
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Attorneys for plaintiff
Centro Incorporated, doing business as
Philadelphia Catholic Worker

THE PUBLIC INTEREST LAW CENTER
By: Amy Laura Cahn
Attorney I.D. No. 306762
1709 Ben Franklin Parkway, Second Floor
Philadelphia, PA 19103
Telephone: 267-546-1306
Facsimile: 215-627-3183
Email: acahn@pubintlaw.org

CENTRO INCORPORATED, d/b/a
PHILADELPHIA CATHOLIC WORKER
430 Jefferson Street
Philadelphia, PA 19122,

Plaintiff,

v.

MAYRONE, LLC,
2144 Mount Carmel Avenue
Glenside, PA 19038,

PYRAMID TIRE & RUBBER CO.
1333-35 North 5th Street
Philadelphia, PA,

ARLENE ZITIN
21 E. Huron Street, Apt. 2303
Chicago, IL 60611-3878

and

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

MARCH TERM, 2016

NO.

ELLIOT FIELDS
3944 W. Grenshaw Street
Chicago, IL 60624-4217,

Defendants.

COMPLAINT
CIVIL ACTION-QUIET TITLE

1. This is an action to quiet title to that certain piece of real property in the City and County of Philadelphia denominated as 428-438 West Master Street, Philadelphia, Pennsylvania, 19122 (the "Property"). The Property consists of four parcels. The legal description of the four parcels is set forth as Exhibit "A," which is incorporated as though set forth more fully herein.

2. Plaintiff Centro Incorporated, is a Pennsylvania business corporation located at 430 Jefferson Street, Philadelphia, Pennsylvania, 19122. Centro Incorporated, does business as Philadelphia Catholic Worker (collectively "Philadelphia Catholic Worker").

3. Philadelphia Catholic Worker is an independent organization dedicated to serving the citizens in its North Philadelphia community. Among other activities, Philadelphia Catholic Worker provides an after school program for children in the community, operates a food and clothing distribution program, and conducts a summer youth program.

4. Defendant Mayrone, LLC is a Pennsylvania limited liability corporation with an address of 2144 Mount Carmel Avenue, Glenside, Pennsylvania. On information and belief, Mayrone is in the business of developing real estate.

5. Defendant Pyramid Tire & Rubber Co. is a corporation incorporated under the laws of the Commonwealth of Pennsylvania. On information and belief, Pyramid Tire & Rubber Co. has been inactive since 1956.

6. On information and belief, defendant Arlene Zitin is a co-executor of the estate of Emma Fields, the last surviving beneficial owner of Pyramid Tire & Rubber Co.

7. Also on information and belief, defendant Elliott Fields is a co-executor of the estate of Emma Fields, the last surviving beneficial owner of Pyramid Tire & Rubber Co.

8. Venue lies in this Court, because this action stems from occurrences that took place in Philadelphia County and concerns real property located in Philadelphia County pursuant to Pa. R.C.P. 1063.

9. According to the last recorded deed to the Property, dated January 5, 2016, and recorded on February 10, 2016, in Philadelphia County, as Document No. 53021731, Mayrone is the last owner of record of the Property. A copy of the deed is attached as Exhibit "B" and is incorporated as though set forth more fully herein.

10. Before January 5, 2016, the owner of the four parcels that make up the Property was listed as Pyramid Tire & Rubber Co. Pyramid Tire & Rubber Co. took title to the four parcels that make up the Property in 1952 and 1958. Pyramid was record owner of the Property until January of 2016.

11. In and before 1987, Philadelphia Catholic Worker maintained a home that served the Kensington neighborhood at 430 Jefferson Street in Philadelphia, Pennsylvania, one block from the Property. In 1987, Philadelphia Catholic Worker decided to establish a garden on the Property, which was by then a vacant lot. Philadelphia Catholic Worker decided to use the Property to establish a community garden to grow vegetables and other produce for sale and use in the neighborhood, which would further the community's needs and remove the negative impact of the Property.

12. As of 1987, there was no activity on the Property. The Property had long been used as an unauthorized dumping site and contained bricks, concrete and other construction debris, as well as trash from the surrounding neighborhood. There was also evidence that there had been a fire on the Property, but there had never been an attempt to clear or clean the space. From all appearances, the Property had been abandoned.

13. Before it could begin gardening, Philadelphia Catholic Worker had to clean the Property and dispose of the waste and debris. To complete this process, Philadelphia Catholic Worker enlisted assistance from neighbors and volunteers from Saint Joseph's University. In addition, Philadelphia Catholic Worker hired a construction company, which brought heavy equipment, including a backhoe and a large dumpster.

14. In 1988, Philadelphia Catholic Worker planted the first garden. In order to operate the garden, Philadelphia Catholic Worker had to obtain a source for water and proper soil. Plaintiff was granted permission through permits to use a local fire hydrant to water the garden. Representatives of Fairmount Park brought top-soil to the property so that the soil would sustain the plants in the garden. In addition, Philadelphia Catholic Worker built a white wooden fence around the garden to alert others of the existence of the garden and to keep out unwanted trespassers.

15. Philadelphia Catholic Worker has had a garden on the Property every year since 1988. Periodically until 2012, representatives of Fairmount Park brought needed soil or compost to the Property. Now, the garden is supplied with compost produced at the garden.

16. In or around 1992, Philadelphia Green made a grant to Philadelphia Catholic Worker to build a metal fence for the Property. This fence currently surrounds the property.

17. During the course of the operation of the garden, Philadelphia Catholic Worker has divided the Property into lots for use by volunteers and has granted permission to neighbors and others to work and plant portions of the garden.

18. In 2012, various neighborhood representatives formed an organization called La Finquita, which was intended to enhance participation at the garden and step up food production by creating a small market farm and farm stand. Philadelphia Catholic Worker has permitted La Finquita to operate on the Property.

19. In or around 1997, Philadelphia Catholic Worker built a shed on the Property to store gardening tools. In 2010, Philadelphia Catholic Worker allowed La Finquita to build a brick patio on the property. These improvements remain on the Property.

20. Until 2013, Philadelphia Catholic Worker used local fire hydrants to water the garden and obtained permits from the City of Philadelphia Water Department. In 2013, with the permission of Philadelphia Catholic Worker, the La Finquita gardeners obtained a grant from an organization called Gardens for Good to install a water line at the Property so that there would be an independent source of water.

21. Philadelphia Catholic Worker divided the Property into approximately 20 lots. There are now approximately 40 people who volunteer and work in Philadelphia Catholic Worker's garden. There is a waitlist for lots in the garden.

22. During the time that Philadelphia Catholic Worker has been in possession of the Property, the garden has produced a large array of vegetables and other produce, including corn, tomatoes, cucumbers, squash, peas, turnips, broccoli, lettuce, a variety of herbs, and a host of other vegetables. The vegetables are currently used to supply food for a soup kitchen operated

by Philadelphia Catholic Worker at its place of business. In addition, La Finquita operates a Sunday market, which offers affordable and nutritious food to the community.

23. Philadelphia Catholic Worker claims title to the Property by virtue of its continuous, open, and notorious possession of the Property exclusively and adverse to all other persons having any claim or interest therein, including defendant Mayrone.

24. Plaintiff's claim for title to the Property by adverse possession is more than 21 years old, which is the period for title by adverse possession under Pennsylvania law, according to the statute of limitations recited in 42 Pa. Cons. Stat. Ann. § 5530(a)(1) that limits a claim for possession of real property to 21 years.

25. Philadelphia Catholic Worker has never had any direct contact with Mayrone. And at no time did defendant Mayrone or its predecessor owner of record Pyramid Tire & Rubber Co. give Philadelphia Catholic Worker permission to continue working and operating a garden on the Property.

26. Philadelphia Catholic Worker has, over many years, placed locks on the entrance to the Property to protect the garden and prevent potential vandalism. In January of 2016, an unknown third party cut the locks on the garden and replaced them with new locks, for which Philadelphia Catholic Worker did not have keys. In addition, an unknown third party has recently placed a "no trespassing" sign on the fence. These acts constitute a trespass on Philadelphia Catholic Worker's property.

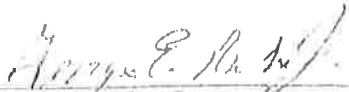
27. On or about March 2, 2016, Philadelphia Catholic Worker discovered that a deed had been filed with the Philadelphia Recorder of Deeds relating to the Property. The deed, which is dated January 5, 2016, purports to convey the Property from what are referred to as the beneficial owners of Pyramid Tire Rubber Co. to defendant Mayrone, LLC. The deed was

signed by defendants Arlene Zitin (by her agent Elliott Fields) and Elliott Fields, who are described as co-executors of the Estate of Emma Fields, the last surviving beneficial owner of Pyramid Tire & Rubber Co. This deed is a nullity and without legal effect as a result of Philadelphia Catholic Worker's ownership of the property by virtue of adverse possession.

WHEREFORE, plaintiff Centro Incorporated, doing business as Philadelphia Catholic Worker, prays as follows:

1. For a decree of this Court determining all adverse claims of defendant Mayrone, LLC and all persons claiming under it.
2. For said decree to declare and adjudge that Centro Incorporated, owns absolutely and is entitled to the quiet and peaceful possession of the Property and that defendant Mayrone, LLC and all persons claiming under it have no estate, right, title, lien, or interest in or to said premises, and that title to the Property be to Centro Incorporated, against all claims of defendant Mayrone, LLC and all persons claiming under it.
3. That Pyramid Tire & Rubber Co., Arlene Zitin and Elliott Fields had no estate right, title or interest in the Property as of January 5, 2016 and any purported transfer or conveyance of the Property to Mayrone, LLC is null and void and of no legal effect.
4. For said decree to direct the Recorder of Deeds of Philadelphia County to execute the deed attached as Exhibit "C" on behalf of Mayrone, LLC so that the deed can be recorded to properly reflect Centro Incorporated, sole's ownership of the Property.
5. For an order barring defendant Mayrone, LLC from trespassing on the property or interfering in any way with plaintiff's ownership and enjoyment of the Property.

6. For the costs of this action and for such other and further relief that the Court may deem necessary and proper.


George E. Rahn, Jr.
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Saul Ewing LLP
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1500 Market Street, 38th Floor
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Email: acahn@pubinlaw.org

Attorneys for plaintiff
Centro Incorporated, d/b/a
Philadelphia Catholic Worker

Dated: March 18, 2016

EXHIBIT A

15/02/2016 10:00:00

Case ID: 160301647

Case ID: 160301647

Control No.: 16034352

Case ID: 160301647

Control No.: 16040733

PREMISES A

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master St., in the 17th Ward, City of Philadelphia, Southwest corner of Lawrence St.

CONTAINING in front 21'6" x 47 feet on Lawrence Street.

BEING 428 West Master Street.

PREMISES B

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master Street 21'6" West of Lawrence Street in the 17th Ward, of the City of Philadelphia.

CONTAINING in front 18'6" x 47 feet.

BEING 430 Master Street.

PREMISES C

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master St. 40' West of Lawrence Street, 17th Ward City of Philadelphia.

CONTAINING in front on Master Street, 20' x 47 feet.

BEING 432 Master Street.

PREMISES D

ALL THOSE TWO CERTAIN lots or pieces of ground with the buildings and improvements thereon erected.

SITUATE in the Seventeenth Ward of the City of Philadelphia; ONE THEREOF, on the South side of Master Street at the distance of Sixty feet Westward from the West side of Lawrence Street;

CONTAINING in front or breadth on said Master Street Twenty-five feet and extending of that width in length or depth Southward between lines parallel with the said Lawrence Street, Sixty-seven feet; BOUNDED Eastward by ground now or late of Mathias Royser Southward by ground now or late of the Estate of Turner Camac, deceased, Westward by ground now or late of Elizabeth Lecamion and Northward by Master Street aforesaid; AND THE REMAINING OTHER THEREOF, on the Southside of Master Street at the distance of One Hundred feet Eastward from the East side of Fifth Street; CONTAINING in front or breadth on the said Master Street Twenty-two feet and extending of that width in length or depth Southward between parallel lines at right angles to the said Master Street Sixty-seven feet; BOUNDED Northward by the said Master Street, Southward by ground now or late of Turner Camac, Eastward by ground now or late of Edward W. Wilson, and Westward by ground now or late of John Schickling.

ALL TOGETHER, BEING known as 434, 436 and 438 Master Street.

AND Premises situate on the West side of Lawrence St. 17 feet South of Master Street in the 17th Ward. Containing in front 20 feet x 60 feet.

Being No. 1342 Lawrence St.

EXHIBIT B

Case ID: 160301647

Case ID: 160301647

Control No.: 16034352

Case ID: 160301647

Control No.: 16040733

Prepared by and Return to:

Mobile Settlement Services, Inc.
1005 Pontiac Dr.
PMB 302
Drexel Hill, Pa 19026
610-789-3636

File No. MSS-2365

BRT # 182316710

This Indenture, made the 5th day of January, 2016

Between

ARLENE ZITIN (BY HER AGENT ELLIOT FIELDS by Power of Attorney dated 12/29/15 and intending to be recorded herewith) AND ELLIOT FIELDS CO-EXECUTORS OF THE ESTATE OF EMMA FIELDS LAST SURVIVING BENEFICIAL OWNER OF PYRAMID TIRE & RUBBER CO., (A PENNSYLVANIA CORPORATION)

(hereinafter called the Grantor), of the one part, and

MAYRONE, LLC

(hereinafter called the Grantee), of the other part,

Witnesseth that in consideration of the sum off **Thirty Thousand And 00/100 Dollars (\$30,000.00)**, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, its successors and assigns,

Street Address: **428-438 Master St., Philadelphia, PA 19122**

PREMISES A

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master St., in the 17th Ward, City of Philadelphia, Southwest corner of Lawrence St.

CONTAINING in front 21' 6" x 47 feet on Lawrence Street.

BEING 428 West Master Street.

PREMISES B

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

Case ID: 160301647

Case ID: 160301647

Control No.: 16034352

Case ID: 160301647

Control No.: 16040733

On the South side of Master Street 21' 6" West of Lawrence Street in the 17th Ward, of the City of Philadelphia.

CONTAINING in front 18'6" x 47 feet.

BEING 430 Master Street.

PREMISES C

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master St. 40' West of Lawrence Street, 17th Ward City of Philadelphia.

CONTAINING in front on Master Street, 20'x47 feet

BEING 432 Master Street.

PREMISES D

ALL THOSE TWO CERTAIN lots or pieces of ground with the buildings and improvements thereon erected.

SITUATE in the Seventeenth Ward of the City of Philadelphia; **ONE THEREOF**, on the South side of Master Street at the distance of Sixty feet Westward from the West side of Lawrence Street;

CONTAINING in front or breadth on said Master Street Twenty-five feet and extending of that width in length or depth Southward between lines parallel with the said Lawrence Street, Sixty-seven feet; **BOUNDED** Eastward by ground now or late of Mathias Royser Southward by ground now or late of the Estate of Turner Camac, deceased, Westward by ground now or late of Elizabeth Lecamion and Northward by Master Street aforesaid; **AND THE REMAINING OTHER THEREOF**, on the Southside of Master Street at the distance of One Hundred feet Eastward from the East side of Fifth Street; CONTAINING in front or breadth on the said Master Street Twenty-two feet and extending of that width in length or depth Southward between parallel lines at right angles to the said Master Street Sixty-seven feet; **BOUNDED** Northward by the said Master Street, Southward by ground now or late of Turner Camac, Eastward by ground now or late of Edward W. Wilson, and Westward by ground now or late of John Schickling.

ALL TOGETHER, BEING known as 434, 436 and 438 Master Street.

AND Premises situate on the West side of Lawrence St. 17 feet South of Master Street in the 17th Ward. Containing in front 20 feet x 60 feet.

Being No. 1342 N. Lawrence St.

PREMISES A

BEING the same premises which William M. Lennox, sheriff, by Sheriff's Deed dated July 28, 1952, and recorded August 6, 1952, in the Office of the Recorder of Deeds in and for the County of Philadelphia, Pennsylvania, in Book MLS 172, Page 213, granted and conveyed unto Pyramid Tire & Rubber Co., in fee.

PREMISES B

BEING the same premises which William M. Lennox, sheriff, by Sheriff's Deed dated July 2, 1952, and recorded July 2, 1952, in the Office of the Recorder of Deeds in and for the County of Philadelphia, Pennsylvania, in Book MLS 145, Page 7, granted and conveyed unto Pyramid Tire & Rubber Co., in fee.

PREMISES C

BEING the same premises which William M. Lennox, sheriff, by Sheriff's Deed dated July 28, 1952, and recorded August 5, 1952, in the Office of the Recorder of Deeds in and for the County of Philadelphia, Pennsylvania, in Book MLS 172, Page 329, granted and conveyed unto Pyramid Tire & Rubber Co., in fee.

PREMISES D

BEING the same premises which Irving Wasserman and Bessie Wasserman, his wife, by deed dated February 7, 1956, and recorded February 8, 1956, in the Office of the Recorder of Deeds in and for the County of Philadelphia, Pennsylvania, in Book CAB 223, Page 76, granted and conveyed unto Pyramid Tire & Rubber Co., (a Pa Corp.) in fee.

AND also being the same premises which Secretary of Banking receiver in possession of Stanley Milton Building and Loan Association granted and conveyed to Pyramid Tire & Rubber Co. on 6/23/1958 in 217 Sub of 73-74

And the Said Pyramid Tire & Rubber Co., became inactive in 1956 whereby there were 2 beneficial owners, Frank Fields and Emma Fields.

Whereas Frank Fields departed this life 10/2/1990 whereby leaving Emma Fields as last surviving beneficial owner.

Whereas Emma Fields departed this life 10/6/1992 leaving a last will and testament, which was filed in Chicago Illinois, W#92w88887 naming Elliot Fields and Arleen Zitkin, co-executors of her estate on 10-12-1992. Exemplified copy of the will recorded in the Register of Wills, Philadelphia County on

N/A in # *N/A*

Taken subject to the taxes due @ \$60,000. to be paid by February 28, 2016.

Case ID: 160301647
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Together with all and singular the buildings, improvements, ways, waters, water-courses, driveways, rights, liberties, hereditaments and appurtenances, whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor, in law, equity, or otherwise howsoever, of, in, and to the same and every part thereof

To have and to hold the said buildings with the hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

And the said, Executor of the aforesaid covenants, promises and agrees to and with said Grantee, its heirs and assigns, that he/she, the said Executor of the aforementioned, has not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the premises hereby granted, or any part thereof is, are, shall or may be impeached, charged or encumbered, in title, charge, estate, or otherwise howsoever.

In Witness Whereof, the said Grantor caused these presents to be duly executed the day and year first above written.

**Sealed and Delivered
in the Presence of Us:**

ARLENE ZITIN (BY HER AGENT ELLIOT
FIELDS) AND ELLIOT FIELDS CO-EXECUTORS
OF THE ESTATE OF EMMA FIELDS LAST
SURVIVING BENEFICIAL OWNER OF
PYRAMID TIRE & RUBBER CO., (A
PENNSYLVANIA CORPORATION)


By: *Arlene Zitin* (SEAL)
ARLENE ZITIN (BY HER AGENT ELLIOT
FIELDS) CO-EXECUTOR

By: *Elliot Fields* (SEAL)
ELLIOT FIELDS, CO-EXECUTOR

Commonwealth of Pennsylvania }
County of Philadelphia } ss

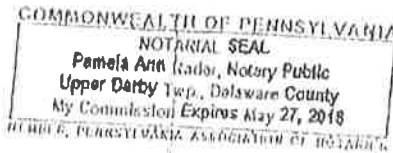
On this, the 5th day of January, 2016, before me, the undersigned Officer, a Notary Public in and for the jurisdiction aforesaid, personally appeared Elliot Fields, executor and as agent for Arlene Zitin co-executrix known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

I hereunto set my hand and official seal.


Notary Public
My commission expires _____

The precise residence and the complete post office address of the above-named Grantee is:

*P.O. Box 281
Lansdale PA 19038*



[Signature]
On behalf of the Grantee

Case ID: 160301647
Case ID: 160301647
Control No.: 16034352
Case ID: 160301647
Control No.: 16040733

Deed

BRT # 182316710

Arlene Zitin (by her agent Elliot Fields) and
Elliot Fields co-Executors of the Estate of
Emma Fields last surviving beneficial owner
of Pyramid Tire & Rubber Co., (a
Pennsylvania Corporation)

TO

Mayrone, LLC

Mobile Settlement Services, Inc.
1005 Pontiac Dr.
PMB 302

Drexel Hill, Pa 19026
Telephone: 610-789-3636 Fax: 610-957-5331

Case ID: 160301647

Case ID: 160301647

Control No.: 16034352

Case ID: 160301647

Control No.: 16040733

REALTY TRANSFER TAX STATEMENT OF VALUE

53024731 Page 7 of 8
 State of Pa. Book Number Page Number Date Recorded

See reverse for instructions.

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

A. CORRESPONDENT - All inquiries may be directed to the following person:

Name: **Mobile Settlement Services, Inc.** Telephone Number: **(610) 789-3636**
 Mailing Address: **1005 Pontiac Dr., PMB 302** City: **Drexel Hill** State: **PA** ZIP Code: **19026**

B. TRANSFER DATA

Date of Acceptance of Document: **01/05/2016**
 Grantor(s)/Lessor(s): **Pyramid Tire & Rubber Co.** Telephone Number: _____
 Mailing Address: **428-438 Master St.** City: **Philadelphia** State: **PA** ZIP Code: **19122**
 Grantee(s)/Lessee(s): **Mayrone, LLC** Telephone Number: _____
 Mailing Address: **PO Box 281** City: **Lansdale** State: **PA** ZIP Code: **19038**

C. REAL ESTATE LOCATION

Street Address: **428-438 Master St.** City, Township, Borough: **Philadelphia City**
 County: **Philadelphia** School District: **Philadelphia** Tax Parcel Number: **182316710**

D. VALUATION DATA

Was transaction part of an assignment or relocation? Y N

1. Actual Cash Consideration 30,000.00	2. Other Consideration + 60000.00	3. Total Consideration = 90,000.00
4. County Assessed Value 69,000.00	5. Common Level Ratio Factor X 1.01	6. Fair Market Value = 69,690.00

E. EXEMPTION DATA - Refer to instructions for exemption status.

1a. Amount of Exemption Claimed: **\$ 0**
 1b. Percentage of Grantor's Interest in Real Estate: **100 %**
 1c. Percentage of Grantor's Interest Conveyed: **100 %**

2. Check Appropriate Box Below for Exemption Claimed.

- Will or intestate succession.
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer from a trust. Date of transfer into the trust: _____
 If trust was amended attach a copy of original and amended trust.
- Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed.)

For penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party

Date

Mobile Settlement Services, Inc., By:

January 5, 2016

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

Case ID: 160301647

Case ID: 160301647

Control No.: 16034352

Case ID: 160301647

Control No.: 16040733

PHILADELPHIA REAL ESTATE TRANSFER TAX CERTIFICATION

DATE OF DOCUMENT
CITY TAX PAID

Complete each section and file in duplicate with Recorder of Deeds when (1) the full consideration/valuation is not set forth in the deed, (2) when the deed is with consideration, or by gift, or (3) a tax exemption is claimed. If more space is needed, attach additional sheet(s).

A. CORRESPONDENT — All inquiries may be directed to the following person:

NAME: **Mobile Settlement Services, Inc.** TELEPHONE NUMBER:
STREET ADDRESS: **1005 Pontiac Dr., PMB 302** CITY: **Drexel Hill** AREA CODE: **(610) 789-3636** STATE: **PA** ZIP CODE: **19026**

B. TRANSFER DATA

GRANTOR(S) (SALESOR(S)) Pyramid Tire & Rubber Co., (a Pennsylvania Corporation)	DATE OF ACCEPTANCE OF DOCUMENT: January 5, 2016
GRANTEE(S) (BUYER(S)) Mayrone, LLC	
STREET ADDRESS: 428-438 Master St.	STREET ADDRESS: PO Box 281
CITY: Philadelphia STATE: PA ZIP CODE: 19122	CITY: Lansdale STATE: PA ZIP CODE: 19038

C. PROPERTY LOCATION

STREET ADDRESS: **428-438 Master St.** CITY, TOWNSHIP, BOROUGH: **Philadelphia City**
COUNTY: **Philadelphia** SCHOOL DISTRICT: **Philadelphia** TAX PARCEL NUMBER: **182316710**

D. VALUATION DATA

1. ACTUAL CASH CONSIDERATION 30,000.00	2. OTHER CONSIDERATION + 60,000.00	3. TOTAL CONSIDERATION = 90,000.00
4. COUNTY ASSESSED VALUE 69,000.00	5. COUNTY LEVEL RATIO FACTOR X 1.01	6. FAIR MARKET VALUE = 69,690.00

E. EXEMPTION DATA

1A. AMOUNT OF EXEMPTION: **0** 1B. PERCENTAGE OF INTEREST CONVEYED: **100**

2. Check Appropriate Box Below for Exemption Claimed

- Will or intestate succession (NAME OF DECEDENT) (ESTATE FILE NUMBER)
- Transfer to Industrial Development Agency.
- Transfer to agent or straw party. (Attach copy of agency/straw party agreement).
- Transfer between principal and agent. (Attach copy of agency/straw trust agreement). Tax paid prior deed \$ _____
- Transfers to the Commonwealth, the United States, and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (Attach copy of resolution).
- Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____ Mortgagee (grantor) sold property to Mortgagor (grantee) (Attach copy of prior deed).
- Corrective deed (Attach copy of the prior deed).
- Other (Please explain exemption claimed, if other than listed above.) _____

Under penalties of law or ordinance, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

SIGNATURE OF COMMISSIONER OR RESPONSIBLE PARTY
Mobile Settlement Services, Inc., By:

DATE
January 5, 2016

EXHIBIT C

EXHIBIT C

Case ID: 160301647
Case ID: 160301647
Control No.: 16034352
Case ID: 160301647
Control No.: 16040733

Prepared By:
Saul Ewing LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102

When recorded, return to:
Saul Ewing LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102

OPA# 18-2316710

SPECIAL WARRANTY DEED

THIS DEED is made the _____ day of _____, 2016 between **Mayrone, LLC**, a Pennsylvania limited liability company (hereinafter called the Grantor), of the one part, and **Centro Incorporated, d/b/a Philadelphia Catholic Worker**, a Pennsylvania non-profit corporation (hereinafter called the Grantee), of the other part.

WITNESSETH, that the Grantor, for and in consideration of the sum of **One Dollar (\$1.00)** lawful money of the United States of America, unto it well and truly paid by the Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the Grantee, its successors and assigns,

PREMISES A

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected,

On the South side of Master St., in the 17th Ward, City of Philadelphia, Southwest corner of Lawrence St.

CONTAINING in front 21'6" x 47 feet on Lawrence Street.

BEING 428 West Master Street.

PREMISES B

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master Street 21'6" West of Lawrence Street in the 17th Ward, of the City of Philadelphia.

CONTAINING in front 18'6" x 47 feet.

BEING 430 Master Street.

PREMISES C

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

On the South side of Master St. 40' West of Lawrence Street, 17th Ward City of Philadelphia.

CONTAINING in front on Master Street, 20' x 47 feet.

BEING 432 Master Street.

PREMISES D

ALL THOSE TWO CERTAIN lots or pieces of ground with the buildings and improvements thereon erected.

SITUATE in the Seventeenth Ward of the City of Philadelphia; ONE THEREOF, on the South side of Master Street at the distance of Sixty feet Westward from the West side of Lawrence Street;

CONTAINING in front or breadth on said Master Street Twenty-five feet and extending of that width in length or depth Southward between lines parallel with the said Lawrence Street, Sixty-seven feet; BOUNDED Eastward by ground now or late of Mathias Royser Southward by ground now or late of the Estate of Turner Camac, deceased, Westward by ground now or late of Elizabeth Lecamion and Northward by Master Street aforesaid; AND THE REMAINING OTHER THEREOF, on the Southside of Master Street at the distance of One Hundred feet Eastward from the East side of Fifth Street; CONTAINING in front or breadth on the said Master Street Twenty-two feet and extending of that width in length or depth Southward between parallel lines at right angles to the said Master Street Sixty-seven feet; BOUNDED Northward by the said Master Street, Southward by ground now or late of Turner Camac, Eastward by ground now or late of Edward W. Wilson, and Westward by ground now or late of John Schickling.

ALL TOGETHER, BEING known as 434, 436 and 438 Master Street.

AND premises situate on the West side of Lawrence Street 47 feet (erroneously described as 17 feet in previously recorded deed) South of Master Street in the 17th Ward.

Containing in front 20 feet x 60 feet.

Being No. 1342 Lawrence St.

BEING the same premises which Arlene Zitin (by her agent Elliot Fields by Power of Attorney dated 12/29/15) and Elliott Fields, Co-executors of the Estate of Emma Fields last surviving beneficial owner of Pyramid Tire & Rubber Co., a Pennsylvania corporation, by Deed dated January 5, 2016 and recorded in the Philadelphia Department of Records on February 10, 2016 as Document No. 53021731, granted and conveyed unto Mayrone, LLC, a Pennsylvania limited liability company, in fee.

UNDER AND SUBJECT to all covenants, conditions, restrictions, easements, rights of way and reservations of record, to the extent valid, subsisting and enforceable.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of it, the Grantor, in law, equity, or otherwise howsoever, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said lot or piece of ground above described with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the Grantee, its successors and assigns, to and for the only proper use and behoof of the Grantee, its successors and assigns forever.

UNDER AND SUBJECT, as aforesaid.

AND the Grantor, for itself and its successors and assigns, does covenant, promise and agree, to and with the Grantee, its successors and assigns, by these presents, that it, the Grantor, and its successors and assigns, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the Grantee, its successors and assigns, against the Grantor and its successors and assigns, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them, shall and will, subject as aforesaid, WARRANT and forever DEFEND.

IN WITNESS WHEREOF, the Grantor has hereunto executed this Deed. Dated the day and year first above written.

MAYRONE, LLC, a Pennsylvania limited liability company

By: _____
Name: Errol James McFadden
Title: Member

By: _____
Name: Gerard M. Regan
Title: Member

COMMONWEALTH OF PENNSYLVANIA : SS
 :
COUNTY OF PHILADELPHIA :

On this _____ day of _____, 2016, before me a Notary Public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared **Errol James McFadden** and **Gerard M. Regan**, who acknowledged themselves to be members of **Mayrone, LLC**, a Pennsylvania limited liability company, and that they as members of **Mayrone, LLC**, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company by themselves as members of **Mayrone, LLC**.

In Witness Whereof, I hereunto set my hand and official seal.

Notary Public
My Commission Expires: _____

Certification of Address

I hereby certify that the mailing address of the within-named Grantee is:

430 Jefferson Street
Philadelphia, PA 19122

On behalf of the Grantee

VERIFICATION

Phoebe Centz, being duly sworn according to law, deposes and says that she is the president of Centro Incorporated, that she is authorized to execute this verification on its behalf, that the facts set forth in the foregoing complaint are true and correct to the best of her knowledge, information, and belief, and she understands that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.


Phoebe Centz

Dated: March 17, 2016

FILED

30 MAR 2016 03:29 pm

Civil Administration

E. MASCUILLI

EXHIBIT B

Case ID: 160301647

Control No.: 16034352

Case ID: 160301647

Control No.: 16040733

VERIFICATION

I, Zachary Prazak being duly sworn according to law, deposes and states as follows.

1. I am a resident of Philadelphia, and I live at 2217 N. Hancock.
2. I participate as a gardener at the property located at 428-38 Master Street, Philadelphia. I work on the property with the permission of Philadelphia Catholic Worker. In my section of the garden, I grow various vegetables for use in the community.
3. On Saturday, March 26, 2016, I was working at the property, along with several other gardeners. On that date, two individuals, who I believe were Errol McAlinden and Gerard Regan, representatives of a developer Mayrone LLC, appeared at the property. I told the individuals that the Catholic Worker owns the property and that the people who were working there had permission to be on the property. I also stated that I had a copy of the complaint in the case captioned *Centro Incorporated v Mayrone, LLC*, should they wish to see it.
4. The two individuals told me that if I and the others continued to work on the property that day, they intended to clear the property on the following Monday morning and would bring in equipment to do so. If the property were cleared with equipment, it would destroy the planted vegetables, a work shed and brick patio on the property, at least part of the fence that surrounds the property, and presumably the water lines installed on the property.

I am making this statement to the best of my knowledge, information and belief, and I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities



Zachary Prazak

Dated: March 28, 2016

Case ID: 160301647
Control No.: 16034352
Case ID: 160301647
Control No.: 16040733

FILED

30 MAR 2016 03:29 pm

Civil Administration

E. MASCUILLI

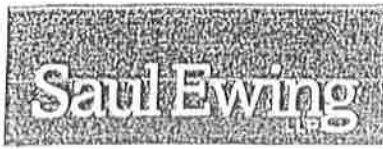
EXHIBIT C

Case ID: 160301647

Control No.: 16034352

Case ID: 160301647

Control No.: 16040733



George E. Rahn, Jr.
Phone: (215) 972-7165
Fax: (215) 972-1855
nrahn@saul.com
www.saul.com

March 28, 2016

Via Hand Delivery and U.S. Mail

Mayrone, LLC
2144 Mount Carmel Avenue
Glenside, PA 19038

Via Hand Delivery and U.S. Mail

Mr. Gerard M. Regan
Mayrone, LLC
2144 Mount Carmel Avenue
Glenside, PA 19038

Via Hand Delivery and U.S. Mail

Mr. Errol McAlinden
Mayrone, LLC
2144 Mount Carmel Avenue
Glenside, PA 19038

Via Hand Delivery and U.S. Mail

Mr. Errol James McFadden
Mayrone, LLC
2144 Mount Carmel Avenue
Glenside, PA 19038

Re: Centro Incorporated v. Mayrone, LLC, Pyramid Tire & Rubber Co,
Arlene Zitin, and Elliot Fields
(CCP, Philadelphia County, March Term, No. 001647)

Dear Sirs:

I am co-counsel for Centro Incorporated, trading as Philadelphia Catholic Worker. Philadelphia Catholic Worker has filed a complaint against Mayrone, LLC in the Philadelphia Court of Common Pleas regarding the property at 428-38 Master Street. I understand that you are the members of Mayrone. (The copy of the mortgage document that I have lists Errol James McFadden as a member of Mayrone, LLC, but other references in newspapers refer to Errol McAlinden as a builder with Mr. Regan.) As set forth in the complaint, Philadelphia Catholic Worker contends that it is the legal owner of the property and requests that the court declare that it is entitled to quiet enjoyment of the property and requests that the court declare that it is entitled to quiet enjoyment of the property and requests that the court declare that it is entitled to quiet enjoyment of the property and requests that the court declare that it is entitled to quiet enjoyment of the property. The complaint also requests that the court preclude others from trespassing on the property.

Philadelphia Catholic Worker has used the property as a garden for over 28 years. I understand that you were at the property on Saturday, March 26, 2016. At that time you told those who were on site and working in the garden that you intended to "clear" the garden and bring in equipment to do so as early as today.

Centre Square West • 1500 Market Street, 38th Floor • Philadelphia, PA 19102-2186
Phone: (215) 972-7777 • Fax: (215) 972-7725

1848176 1 03/28/2016 DELAWARE MARYLAND MASSACHUSETTS NEW JERSEY NEW YORK PENNSYLVANIA WASHINGTON, DC
A DELAWARE LIMITED LIABILITY PARTNERSHIP

Case ID: 160301647
Control No.: 16034352
Case ID: 160301647
Control No.: 16040733

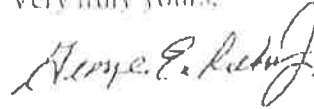
Mayrone, LLC
Mr. Gerard M. Regan
Mr. Errol McAlinden
Mr. Errol James McFadden
March 28, 2016
Page 2

I do not intend to argue the legal merits of the case. That being said, Philadelphia Catholic Worker has a legal right to possession of the property, and any action by you or Mayrone would be a trespass. Unless you or your attorney tells me that you and Mayrone will not take action until the lawsuit is resolved, Philadelphia Catholic Worker intends to ask the court for emergency relief to prevent Mayrone and you from entering the property and taking any action adverse to Philadelphia Catholic Worker's ownership.

I urge you to forward this letter to your attorney and have the attorney contact me. I spoke with Mr. McAlinden on Thursday March 24 to ask for the address of Mayrone so that Philadelphia Catholic Worker can serve the complaint. During that conversation I asked Mr. McAlinden to have Mayrone's attorney contact me. Mr. McAlinden told me that he intended to have the Sheriff at the site on Saturday, which did not occur.

Your threats of self-help are not appropriate, and Philadelphia Catholic Worker will hold Mayrone and you responsible for any damages. Philadelphia Catholic Worker intends to pursue legal recourse through the courts. In the meantime, Philadelphia Catholic Worker intends to continue to garden on the site and produce healthy food for the community.

Very truly yours,



George E. Rahn, Jr.

GER/cpr

cc: Amy Laura Cahn, Esquire

FILED
30 MAR 2016 03:29 pm
Civil Administration
E. MASCULLI
CERTIFICATE OF SERVICE

I, George E. Rahn, Jr., Esquire, hereby certify that a true and correct copy of the foregoing Motion for Preliminary Injunction along with the accompanying Memorandum of Law in Support and proposed Order has been served on defendants by hand delivery and Federal Express as follows:

Mayrone, LLC
2144 Mount Carmel Avenue
Glenside, PA 19038
(via Hand Delivery)

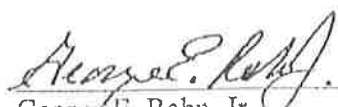
Gerard M. Regan
Mayrone, LLC
2144 Mount Carmel Avenue
Glenside, PA 19038
(via Hand Delivery)

Errol McAlinden
Mayrone, LLC
2144 Mount Carmel Avenue
Glenside, PA 19038
(via Hand Delivery)

Arlene Zitin
21 E. Huron Street, Apt. 2303
Chicago, IL 60611-3878
(via Federal Express)

Elliot Fields
Pyramid Tire & Rubber Co.
3944 W. Greshaw Street
Chicago, IL 60624-4217
(via Federal Express)

Elliot Fields
3944 W. Greshaw Street
Chicago, IL 60624-4217
(via Federal Express)


George E. Rahn, Jr.

Dated: March 30, 2016

EXHIBIT D

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

CENTRO INCORPORATED, d/b/a	:	MARCH TERM, 2016
PHILADELPHIA CATHOLIC	:	
WORKER	:	NO. 01647
	:	
v.	:	Control No. 16034352
	:	
MAYRONE, LLC, <i>et al.</i>	:	

ORDER

AND NOW, this 31st day of March, 2016,
upon consideration of Plaintiff's Emergency Motion for a Preliminary Injunction filed
under Control Number 16034352, it is hereby **ORDERED** and **DECREED** that said
Motion is **DENIED**.

BY THE COURT:


J. _____

Centro Incorporated Vs -ORDER



16030164700008

Case ID: 160301647
Control No.: 16040733

EXHIBIT E

COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

CENTRO INCORPORATED, d/b/a	:	
PHILADELPHIA CATHOLIC WORKER,	:	PHILADELPHIA COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	CIVIL TRIAL DIVISION
	:	
v.	:	MARCH TERM, 2016
	:	NO. 001647
	:	Control No. 16034352
MAYRONE, LLC, et al.,	:	
	:	
Defendants.	:	

NOTICE OF APPEAL

Notice is hereby given that Centro Incorporated, doing business as Philadelphia Catholic Worker, plaintiff above named, hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on the 31st day of March 2016. This order has been entered in the docket as evidenced by the attached copy of the docket entry.

There is no transcript as there was no hearing before the Philadelphia County Court of Common Pleas on March 31, 2016.

/s/ George E. Rahn, Jr.
SAUL EWING LLP
By: George E. Rahn, Jr.
Attorney I.D. No. 19566
Telephone: 215-972-7165
Facsimile: 215-972-1855
Email: nrahn@saul.com
By: Mary Elizabeth Schluckebier
Attorney I.D. No. 320782
Telephone: 215-972-1992
Facsimile: 215-972-4161
Email: mschluckebier@saul.com
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186

Case ID: 160301647
Control No.: 16040733

THE PUBLIC INTEREST LAW CENTER

By: Amy Laura Cahn

Attorney I.D. No. 306762

1709 Ben Franklin Parkway, Second Floor

Philadelphia, PA 19103

Telephone: 267-546-1306

Facsimile: 215-627-3183

Email: acahn@pubintl.org

Attorneys for Plaintiff

Centro Incorporated, d/b/a

Philadelphia Catholic Worker

Dated: April 5, 2016



Civil Docket Report

A \$5 Convenience fee will be added to the transaction at checkout.

Case Description

Case ID: 160301647
Case Caption: CENTRO INCORPORATED VS MAYRONE, LLC ETAL
Filing Date: Friday , March 18th, 2016
Court: MAJOR NON JURY EXPEDITED
Location: City Hall
Jury: NON JURY
Case Type: QUIET TITLE
Status: WAITING TO LIST CASE MGMT CONF

Related Cases

No related cases were found.

Case Event Schedule

No case events were found.

Case motions

No case motions were found.

Case Parties


Seq #	Assoc	Expn Date	Type	Name
1			ATTORNEY FOR PLAINTIFF	RAHN JR., GEORGE E
Address:	SAUL EWING LLP CENTRE SQUARE WEST 1500 MARKET ST. 38TH FLOOR PHILADELPHIA PA 19102 (215)972-7165	Aliases:	none	
2	1		PLAINTIFF	CENTRO INCORPORATED

Address:	430 JEFFERSON STREET PHILADELPHIA PA 19122	Aliases:	D/B/A PHILADELPHIA CATHOLIC WORKER	
3			DEFENDANT	MAYRONE, LLC
Address:	2144 MOUNT CARMEL AVENUE GLENSIDE PA 19038	Aliases:	none	
4			DEFENDANT	PYRAMID TIRE & RUBBER CO.
Address:	1333-35 NORTH 5TH STREET PHILADELPHIA PA 19122	Aliases:	none	
5			DEFENDANT	FIELDS, ELLIOT
Address:	3944 W. GRENSHAW ST. CHICAGO IL 60624	Aliases:	none	
6			DEFENDANT	ZITIN, ARLENE
Address:	21 E. HURON STREET APT. 2303 CHICAGO IL 60611	Aliases:	none	
7			TEAM LEADER	FOX, IDEE C
Address:	656 City Hall PHILADELPHIA PA 19107 (215)686-4222	Aliases:	none	

Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
------------------	-------------	--------------	--------------------	---------------------

18-MAR-2016 10:44 AM	ACTIVE CASE			18-MAR-2016 12:09 PM
Docket Entry:	E-Filing Number: 1603046669			
18-MAR-2016 10:44 AM	COMMENCEMENT OF CIVIL ACTION	RAHN JR., GEORGE E		18-MAR-2016 12:09 PM
Documents:	Click link(s) to preview/purchase the documents Final Cover		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	<i>none.</i>			
18-MAR-2016 10:44 AM	COMPLAINT FILED NOTICE GIVEN	RAHN JR., GEORGE E		18-MAR-2016 12:09 PM
Documents:	Click link(s) to preview/purchase the documents Philadelphia Catholic Worker Complaint.PDF		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED.			
18-MAR-2016 10:44 AM	SHERIFF'S SURCHARGE 4 DEFTS	RAHN JR., GEORGE E		18-MAR-2016 12:09 PM
Docket Entry:	<i>none.</i>			
18-MAR-2016 10:44 AM	WAITING TO LIST CASE MGMT CONF	RAHN JR., GEORGE E		18-MAR-2016 12:09 PM
Docket Entry:	<i>none.</i>			
18-MAR-2016 12:10 PM	LIS PENDENS FILED			18-MAR-2016 12:00 AM
Docket Entry:	CERTIFICATION THAT THIS ACTION INVOLVES TITLE TO REAL ESTATE. PRAECIPE TO INDEX LIS PENDENS AS TO PREMISES 428-438 W MASTER, PHILADELPHIA.			

30-MAR-2016 03:29 PM	PRELIMINARY INJUNCTION	RAHN JR., GEORGE E		30-MAR-2016 03:36 PM
Documents:	Click link(s) to preview/purchase the documents PCW Motion for Preliminary Injunction.PDF PCW MOL in support of Preliminary Injunction.PDF PCW Exhibit A.PDF PCW Exhibit B.PDF PCW Exhibit C.PDF PCW Cert of Service.PDF PCW Proposed Order.PDF Motion CoverSheet Form		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	52-16034352 EMERGENCY PRELIMINARY INJUNCTION (FILED ON BEHALF OF CENTRO INCORPORATED)			
31-MAR-2016 12:32 PM	ORDER ENTERED/236 NOTICE GIVEN	WRIGHT PADILLA, NINA		31-MAR-2016 12:32 PM
Documents:	Click link(s) to preview/purchase the documents ORDER 8.pdf		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	52-16034352 AND NOW, THIS 31ST DAY OF MARCH 2016, UPON CONSIDERATION OF PLAINTIFF'S EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION FILED UNDER CONTROL #16034352, IT IS HEREBY ORDERED AND DECREED THAT SAID MOTION IS DENIED. ...BY THE COURT: WRIGHT PADILLA, J.			
31-MAR-2016 12:32 PM	NOTICE GIVEN UNDER RULE 236			31-MAR-2016 01:23 PM
Docket Entry:	NOTICE GIVEN ON 31-MAR-2016 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 31-MAR-2016.			

[▶ Case Description](#)
 [▶ Related Cases](#)
 [▶ Event Schedule](#)
 [▶ Case Parties](#)
 [▶ Docket Entries](#)

[Search Home](#)

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

CENTRO INCORPORATED, d/b/a	:	MARCH TERM, 2016
PHILADELPHIA CATHOLIC	:	
WORKER	:	NO. 01647
	:	
v.	:	Control No. 16034352
	:	
MAYRONE, LLC, <i>et al.</i>	:	

ORDER

AND NOW, this 31st day of March, 2016,
upon consideration of Plaintiff's Emergency Motion for a Preliminary Injunction filed
under Control Number 16034352, it is hereby **ORDERED** and **DECREED** that said
Motion is **DENIED**.

BY THE COURT:

J.

Centro Incorporated Vs -ORDER



16030164700008

Case ID: 160301647
Control No.: 16040733

CERTIFICATE OF SERVICE

I, George E. Rahn, Jr., Esquire, hereby certify that a true and correct copy of the foregoing Notice of Appeal has been served on defendants by EMAIL and Federal Express, addressed as follows:

Jonathan Scott Goldman
Blank Rome LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103-699
Goldman-JS@BlankRome.com
(via Email)

Arlene Zitin
21 E. Huron Street, Apt. 2303
Chicago, IL 60611-3878
(via Federal Express)

Elliot Fields
Pyramid Tire & Rubber Co.
741 Kedzie Ave., Fl. 2
Chicago, IL 60612
(via Federal Express)

Elliot Fields
741 Kedzie Ave., Fl. 2
Chicago, IL 60612
(via Federal Express)

/s/ George E. Rahn, Jr.
George E. Rahn, Jr.

Dated: April 5, 2016