

00-456-CD  
IN RE: FRANK L. GODISSART et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
EQUITY DIVISION

IN RE: FRANK L. GODISSART AND  
BRIAN L. GODISSART,

TAX ID: 123-J07-000-00080

\* 00- 456- C0

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TYPE OF ACTION:

Equity Division

\*

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Type of Pleading:

Emergency Petition to  
Disapprove Sale

\*

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FILED ON BEHALF OF:

Petitioners

\*

\*

\*

\*

COUNSEL OF RECORD FOR THIS

PARTY:

David R. Thompson, Esquire

Attorney at Law

Supreme Court I.D. 73053

308 Walton Street, Suite 4

P.O. Box 587

Philipsburg PA 16866

(814) 342-4100

**FILED**

APR 17 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
EQUITY DIVISION

IN RE: FRANK L. GODISSART AND \* 00-  
BRIAN L. GODISSART, \*  
\*  
TAX ID: 123-J07-000-00080 \*

***EMERGENCY PETITION TO DISAPPROVE TAX SALE***

AND NOW, comes the Petitioners Frank L. Godissart and Brian Godissart by and through their attorney David R. Thompson, Esquire, and file the following Petition to disapprove tax sale:

1. Petitioner Frank L. Godissart is an individual who has a residential address of RR 2, Box 67, Clearfield, Clearfield County, Pennsylvania, 16830.
2. Petitioner Brian Godissart is an individual who has a residential address of 482 E 9<sup>th</sup> Street, Clearfield, Clearfield County, Pennsylvania, 16830.
3. Your Petitioners are the owners of a plot of land located in Lawrence Township, Clearfield County, Pennsylvania, bearing tax identification number #123-J07-000-00080.
4. In January of 2000, a bid was received by the Clearfield County Tax Claim Bureau for the purchase of the above-referenced property for the non-payment of the 1997, 1998 and 1999 real property taxes.
5. The perspective purchaser paid the sum of \$5,500.00 for the said property.
6. Final sale is intended to be had at the Clearfield County Courthouse on April 19, 2000 at 9:00 a.m.

7. Your Petitioners respectively request this Honorable Court to disapprove the sale of that property.

8. Petitioners are prepared to pay the sum necessary to cover the delinquent real property taxes and all costs associated therewith as well as incidental costs suffered by the perspective purchaser.

9. Petitioners respectively represent that the fair market value of the property is significantly higher than the \$5,500.00 consideration proffered by this sale. By way further pleading, the fair market value by performing the tax assessment calculation well exceeds the amount offered.

10. Petitioner Frank Godissart utilizes this premises as his primary residence and would be forced to have no place to reside if the sale is approved.

11. Because the final sale is scheduled for Wednesday, April 19, 2000, Petitioners respectfully request this Honorable Court to enter an Emergency Order postponing said sale pending final outcome of their petition.

WHEREFORE, Petitioners respectively request this Honorable Court to enter an Order disapproving the tax sale for the above-referenced property.

Respectfully submitted,



David R. Thompson, Esquire  
Attorney for Petitioners

**VERIFICATION**

I, **FRANK L. GODISSART**, Petitioner hereby verify that the statements made in this **EMERGENCY PETITION TO DISAPPROVE TAX SALE** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

DATE: 4-17-00

  
Frank L. Godissart

FILED  
04/30/2000  
APR 17 2000

William A. Shaw 2 cc Atty  
Prothonotary  
pa 80.00 D. Thompson

(2)  
CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

IN RE: FRANK L. GODISSART :  
BRIAN L. GODISSART : No.00-456-CD

**ORDER**

NOW, this 18<sup>th</sup> day of April, 2000, upon consideration of the within Emergency Petition to Disapprove Sale, a Rule is hereby issued upon the parties to Show Cause why the Petition should not be granted. Hearing scheduled the 1<sup>st</sup> day of June, 2000, at 9:00 A.M. in Courtroom No. 1.

Private Tax Sale of the within referenced property which is scheduled for 9:00 AM Wednesday, April 19, 2000 is hereby stayed pending further Order of Court.

**FILED**

**APR 18 2000**

William A. Shaw  
Prothonotary

BY THE COURT:

JOHN K. REILLY, JR.  
President Judge

FILED

Recd  
APR 18 2000  
O/3:42/2cc atty Thompson  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

FRANK L. GODISSART, an individual  
and BRIAN L. GODISSART, an individual,

Petitioners

v

CLEARFIELD COUNTY TAX CLAIM BUREAU,

Respondent

\* No. 00-456-CD

\*

\* TYPE OF CASE:

Civil Division - Law

\*

\* TYPE OF PLEADING:

\* Petition of Plaintiff's Counsel

\* for Leave to

\* Withdraw Appearance

\*

\* FILED ON BEHALF OF:

\* PETITIONER,

\* DAVID R. THOMPSON, ESQUIRE

\*

\* Counsel of Record for this Party:

\* David R. Thompson, Esquire

\*

\* Supreme Court I.D. No. 73053

\*

\* David R. Thompson, Esquire

\* P.O. Box 587

\* Philipsburg, PA 16866

\* (814) 342-4100

**FILED**

OCT 10 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

FRANK L. GODISSART, an individual, and  
BRIAN L. GODISSART, an individual,

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Petitioners

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No. 00-456-CD

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CLEARFIELD COUNTY TA CLAIM BUREAU,

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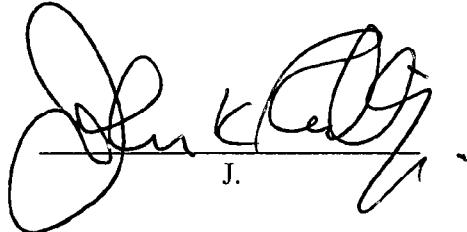
\*

Respondent

\*

***ORDER***

AND NOW, this 10th day of October, 2000, upon consideration of the Petition of Plaintiff's Counsel for Leave to Withdraw Appearance it is hereby ORDERED AND DECREED that the Court hereby grants counsel leave to withdraw his appearance for Plaintiffs in this action.



J.

**FILED**

OCT 10 2000

William A. Shaw  
Prothonotary

**FILED**

OCT 10 2000  
11:22 AM *11/10/00*  
William A. Shaw  
Prothonotary

*Att Thompson*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

FRANK L. GODISSART, an individual, and	*
BRIAN L. GODISSART, an individual,	*
	*
Petitioners	*
	No. 00-456-CD
	*
V	*
	*
CLEARFIELD COUNTY TA CLAIM BUREAU,	*
	*
Respondent	*

**PETITION OF DEFENDANT'S COUNSEL FOR LEAVE TO WITHDRAW APPEARANCE**

The Petition of DAVID R. THOMPSON, ESQUIRE, respectfully represent:

1. Your Petitioner, DAVID R. THOMPSON, ESQUIRE, was retained by Plaintiff in April of 2000 to represent him in the preparation of a Petition to Disapprove Tax Sale
2. On April 17, 2000, Defendant filed a Emergency Petition to Disapprove Sale. A true and correct copy of said Emergency Petition to Disapprove Sale is attached hereto and made a part hereof as Exhibit "A".
3. On April 18, 2000, Judge John K. Reilly, Jr., signed an Order scheduling this matter for a hearing for June 1<sup>st</sup>, 2000 in Courtroom #1. A true and correct copy of said Order is attached hereto and made a part hereof as Exhibit "B".
4. The matter was continued, and the hearing was rescheduled for October 11, 2000 in Courtroom 1 of the Clearfield County Courthouse at 9:00 a.m.
5. On or about August 4, 2000, Petitioner left a message with counsel's office stating that he no longer wanted counsel to represent him and that he is going to retain other counsel.
6. On or about August 14, 2000, correspondence was sent to Petitioner by Counsel advising him of the date of the Emergency Petition hearing stating that he needs to forward a Praeclipe for

Withdrawal of Appearance so that his new counsel would be listed on the record. (A copy of said correspondence is attached hereto as Exhibit "C").

7. On October 2, 2000, correspondence was again sent to Petitioner advising him to have his new counsel forward a Praecept of Entry/Withdrawal of Appearance.

8. Since the above date in early August, Petitioner has had no contact from Plaintiff, nor has Plaintiffs responded to Petitioner's letters.

9. Because Plaintiffs have requested that Petitioner not represent them in this matter, it is requested that the Court allow Petitioner to withdraw as counsel of record in the above referenced matter.

10. Petitioner has had no contact from Plaintiffs since early August despite efforts being made by Petitioner for Plaintiffs to contact him. As a result, no preparations have been made by Petitioner to pursue this matter on Plaintiffs' behalf.

11. Petitioner was originally retained by Plaintiff Frank L. Godissart, and said Plaintiff has signed an affidavit consenting to Petitioner's withdrawal from this case. (A copy of the affidavit is attached hereto and marked as Exhibit "D").

WHEREFORE, Petitioner requests that this Court grant him leave to withdraw his appearance for Plaintiffs in this action.

Respectfully Submitted,

By:   
David R. Thompson, Esquire

COMMONWEALTH OF PENNSYLVANIA }  
COUNTY OF CLEARFIELD } SS.  
}

## AFFIDAVIT

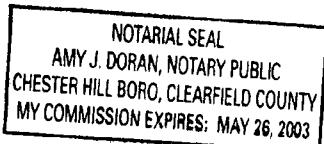
FRANK GODISSART, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition of Plaintiff's Counsel for Leave to Withdraw Appearance are true and correct to the best of his knowledge, information and belief. Further, FRANK GODISSART consents to counsel's withdrawing his appearance in this matter.

Frank Godissart  
Frank Godissart

Sworn to and subscribed before me

this 10 day of October, 2000.

Amy J. Doran  
Notary Public



FILED

OCT 10 2000  
0113/2ccathy Thompson  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

FRANK L. GODISSART, an individual, and  
BRIAN L. GODISSART, an individual,

\*  
\* No. 00-456-CD  
\*

VS.

CLEARFIELD COUNTY TAX CLAIM BUREAU,

\*  
\* TYPE OF CASE:  
\* CIVIL DIVISION - LAW  
\*

\*

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\*

\*

\* TYPE OF PLEADING:  
\* PRAECIPE TO APPEND  
\*

\* FILED ON BEHALF OF:  
\* PETITIONER  
\*

\*

\*

\* COUNSEL OF RECORD  
\* FOR THIS PARTY:  
\* David R. Thompson, Esquire  
\* Attorney at Law  
\* Supreme Court I.D. 73053  
\* 308 Walton Street, Suite 4  
\* P.O. Box 587  
\* Philipsburg PA 16866  
\* (814) 342-4100

**FILED**

OCT 12 2000

WILLIAM A. GOLWELL  
CLERK OF COURT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.  
CIVIL ACTION - LAW

FRANK L. GODISSART, an individual,	*
and BRIAN L. GODISSART, an individual,	*
	No. 00-456-CD
	*
Petitioners	*
	*
vs.	*
	*
CLEARFIELD COUNTY TAX CLAIM BUREAU,	*
	*
Respondent	*
	*

***PRAECIPE TO APPEND EXHIBITS TO PETITION OF PLAINTIFF'S COUNSEL  
FOR LEAVE TO WITHDRAW APPEARANCE***

TO THE PROTHONOTARY:

Kindly append the attached Exhibits Affidavit to the Petition of Plaintiff's Counsel for  
Leave to Withdraw Appearance filed October 10, 2000, in the above-named matter.

DATE: 10-11-00



\_\_\_\_\_  
David R. Thompson, Esquire  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
EQUITY DIVISION

IN RE: FRANK L. GODISSART AND  
BRIAN L. GODISSART,

TAX ID: 123-J07-000-00080

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TYPE OF ACTION:

Equity Division

FILED ON BEHALF OF:

Petitioners

COUNSEL OF RECORD FOR THIS

PARTY:

David R. Thompson, Esquire

Attorney at Law

Supreme Court I.D. 73053

308 Walton Street, Suite 4

P.O. Box 587

Phillipsburg PA 16866

(814) 342-4100

Attest:

William H. Thompson  
Notary

EXHIBIT

A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EQUITY DIVISION

IN RE: FRANK L. GODISSART AND \* 00-  
BRIAN L. GODISSART, \*  
\*  
TAX ID: 123-J07-000-00080 \*

***EMERGENCY PETITION TO DISAPPROVE TAX SALE***

AND NOW, comes the Petitioners Frank L. Godissart and Brian Godissart by and through their attorney David R. Thompson, Esquire, and file the following Petition to disapprove tax sale:

1. Petitioner Frank L. Godissart is an individual who has a residential address of RR 2, Box 67, Clearfield, Clearfield County, Pennsylvania, 16830.
2. Petitioner Brian Godissart is an individual who has a residential address of 482 E 9<sup>th</sup> Street, Clearfield, Clearfield County, Pennsylvania, 16830.
3. Your Petitioners are the owners of a plot of land located in Lawrence Township, Clearfield County, Pennsylvania, bearing tax identification number #123-J07-000-00080.
4. In January of 2000, a bid was received by the Clearfield County Tax Claim Bureau for the purchase of the above-referenced property for the non-payment of the 1997, 1998 and 1999 real property taxes.
5. The perspective purchaser paid the sum of \$5,500.00 for the said property.
6. Final sale is intended to be had at the Clearfield County Courthouse on April 19, 2000 at 9:00 a.m.

7. Your Petitioners respectively request this Honorable Court to disapprove the sale of that property.

8. Petitioners are prepared to pay the sum necessary to cover the delinquent real property taxes and all costs associated therewith as well as incidental costs suffered by the perspective purchaser.

9. Petitioners respectively represent that the fair market value of the property is significantly higher than the \$5,500.00 consideration proffered by this sale. By way further pleading, the fair market value by performing the tax assessment calculation well exceeds the amount offered.

10. Petitioned Frank Godissart utilizes this premises as his primary residence and would be forced to have no place to reside if the sale is approved.

11. Because the final sale is scheduled for Wednesday, April 19, 2000, Petitioners respectfully request this Honorable Court to enter an Emergency Order postponing said sale pending final outcome of their petition.

WHEREFORE, Petitioners respectively request this Honorable Court to enter an Order disapproving the tax sale for the above-referenced property.

Respectfully submitted,

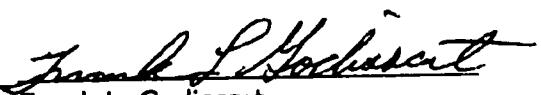


David R. Thompson, Esquire  
Attorney for Petitioners

**VERIFICATION**

I, **FRANK L. GODISSART**, Petitioner hereby verify that the statements made in this **EMERGENCY PETITION TO DISAPPROVE TAX SALE** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

DATE: 4/17/00

  
Frank L. Godissart

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

IN RE: FRANK L. GODISSART :  
BRIAN L. GODISSART : No.00-456-CD

**ORDER**

NOW, this 18th day of April, 2000, upon consideration of the within Emergency Petition to Disapprove Sale, a Rule is hereby issued upon the parties to Show Cause why the Petition should not be granted. Hearing scheduled the 1st day of June, 2000, at 9:00 a.M. in Courtroom No. 1.

Private Tax Sale of the within referenced property which is scheduled for 9:00 AM Wednesday, April 19, 2000 is hereby stayed pending further Order of Court.

BY THE COURT:

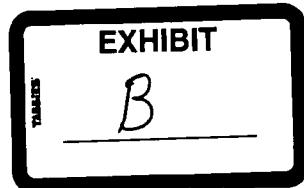
/s/JOHN K. REILLY, JR.

JOHN K. REILLY, JR.

President Judge

I hereby certify this to be a true and attested copy of the original statement made in the case.

APR 18 2000



Attest:

W. L. H.  
Notary

DAVID R. THOMPSON  
Attorney at Law

308 Walton Street, St. 4  
P.O. Box 587  
Philipsburg PA 16866

Phone (814) 342-4100  
Fax (814) 342-7081

August 14, 2000

Frank Godissart  
RR 2 Box 67  
Clearfield, PA 16830

Dear Frank:

Enclosed herein please find a copy of correspondence I received from the Clearfield County Court Administrator's Office regarding the Emergency Petition to Disapprove Tax Sale. I would advise that you have your new counsel prepare a Praecept for Entry of Appearance/Withdrawal of Appearance so that they are the attorney of record.

Should you have any questions or concerns regarding the same, please don't hesitate to contact me.

Very truly yours,



David R. Thompson, Esquire  
THOMPSON LAW OFFICE

DRT:pd  
enclosure

EXHIBIT

C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

FRANK L. GODISSART, an individual, \*  
and BRIAN L. GODISSART, an \*  
individual, Petitioners \*

vs.

No. 00-456-CD

CLEARFIELD COUNTY TAX \*  
CLAIM BUREAU, Respondent \*

FILED

OCT 12 2000

William A. Shaw  
Prothonotary

O R D E R

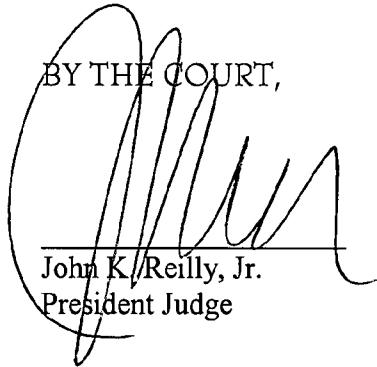
AND NOW, this 11<sup>th</sup> day of October, 2000, this being the date scheduled for continued hearing on the Petition of Frank L. Godissart and Brian L. Godissart to disapprove tax sale, Frank L. Godissart having appeared pro se and the Clearfield County Tax Claim Bureau appearing by its counsel Kim C. Kesner, Esquire, Clearfield County Solicitor, this Court finds as follows based upon the sworn allegations of the Petition and the concession of the Clearfield County Tax Claim Bureau:

1. The assessment being the subject of this proceeding is a parcel located in Lawrence Township, Clearfield County, Pennsylvania, identified by Clearfield County Assessment Tax Map Number 123-J07-000-00080.
2. The premises assessed consists of a trailer, garage and 2.9 acres occupied by Frank Godissart and constituting his primary residence.
3. The total tax delinquency with costs and expenses is presently \$1,853.61.

4. The fair market value of the assessed premises is significantly greater than the \$5,500.00 offered purchase price made by the proposed purchaser, Steven Brackbill at the challenged private sale.

5. Under the circumstances, disapproving the private sale will be just and proper.

NOW THEREFORE, the Petition of Frank L. Godissart and Brian L. Godissart to disapprove tax sale be and is hereby granted, and the proposed private sale by the Clearfield County Tax Claim Bureau to Steven Brackbill be and is hereby disapproved. The assessed premises, subject to any and all present tax claims, shall not be sold by the Clearfield County Tax Claim Bureau at private sale at a price less than \$1,853.61. If more than one party agrees to pay such minimum price, the Clearfield County Tax Claim Bureau shall conduct an auction style bid of the property among the parties to the proceedings.

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

**FILED**

*Enroute*

OCT 12 2000

012:44/11 < attorney

William A. <sup>Snow</sup>  
Professional Lawyer

1cc *Concurrent*

## IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

## CIVIL ACTION - LAW

FRANK L. GODISSART, an individual,	*
and BRIAN L. GODISSART, an individual,	*
	No. 00-456-CD
	*
Petitioners	*
	*
vs.	*
	*
CLEARFIELD COUNTY TAX CLAIM BUREAU,	*
	*
	*
Respondents	*

**CERTIFICATE OF SERVICE**

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of the **PETITION OF PLAINTIFF'S COUNSEL FOR LEAVE TO WITHDRAW APPEARANCE AND PRAECIPE TO APPEND**, in the above captioned matter on the following by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Kim C. Kesner, Esquire  
23 N 2<sup>nd</sup> Street  
Clearfield PA 16830

Frank L. Godissart  
Brian L. Godissart  
RR 2 Box 67  
Clearfield PA 16830

DATE: October 11, 2000

BY:

  
\_\_\_\_\_  
David R. Thompson, Esquire**FILED**

OCT 19 2000

William A. Shaw  
Prothonotary