

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

①
CA

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- 60

TYPE OF ACTION:
Equity Division

Type of Pleading:
Emergency Petition to
Disapprove Sale

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 9th 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 prospective 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,

A handwritten signature in black ink, appearing to read "David R. Thompson", followed by a horizontal line.

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

WAS
FILED
013:58pm
APR 17 2000

William A. Shaw 2 cc Atty
Prothonotary
pd \$0.00 D. Thompson

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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 15th 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 15th day of June, 2000, at 9:00 A.M. in Courtroom No. 1.

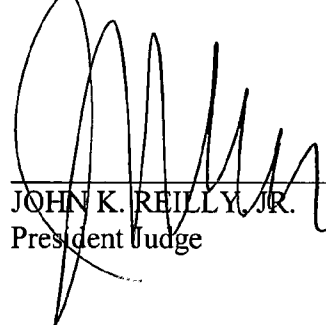
Private Tax Sale of the within referenced property which is scheduled for 9:00 AM Wednesday, April 19, 2000 is hereby stayed pending further Order of Court.

FILED

APR 18 2000

**William A. Shaw
Prothonotary**

BY THE COURT:



JOHN K. REILLY, JR.
President Judge

FILED

APR 18 2000

Rec'd
W 03:42/Dec at Thompson
William A. Shaw
Prothonotary

CA

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,

Petitioners

V

CLEARFIELD COUNTY TA CLAIM BUREAU,

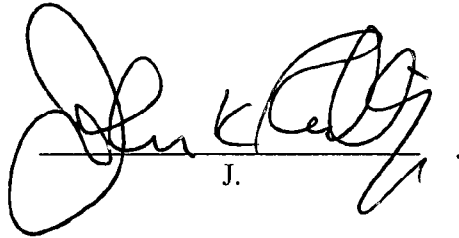
Respondent

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No. 00-456-CD

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

Rec'd

William A. Shaw

Prothonotary

William A. Shaw

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 TA CLAIM BUREAU,

Respondent

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No. 00-456-CD

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 1st, 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 Praecipe 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 Praecipe 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.

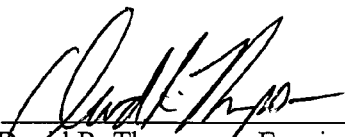
9. Because Plaintiffs have requested that Petitioner not represent them in this matter, it is requested that the Court allow Petitioner to withdraw as counsel of record in the above referenced matter.

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 }
 } SS.
COUNTY OF CLEARFIELD }

AFFIDAVIT

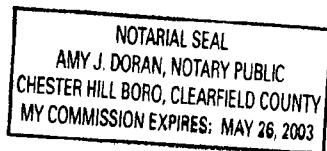
FRANK GODISSART, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition of Plaintiff's Counsel for Leave to Withdraw Appearance are true and correct to the best of his knowledge, information and belief. Further, FRANK GODISSART consents to counsel's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


Frank Godissart

Sworn to and subscribed before me

this 10 day of October, 2000.

Amey J. Doran
Notary Public



FILED

Casey

OCT 10 2000

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,

Petitioners

vs.

CLEARFIELD COUNTY TAX CLAIM BUREAU,

Respondent

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No. 00-456-CD

***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

Type of Pleading:
Emergency Petition to
Disapprove Sale

FILED ON BEHALF OF:
Petitioners

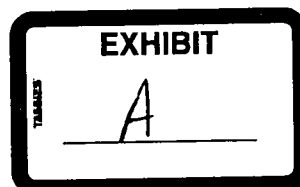
COUNSEL OF RECORD FOR THIS
PARTY:
David R. Thompson, Esquire
Attorney at Law
Supreme Court I.D. 73053
308 Walton Street, Suite 4
P.O. Box 587
Phillipsburg PA 16866
(814) 342-4100

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

APR 17 2000

Attest.

William L. Hines
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 9th 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 prospective purchaser.

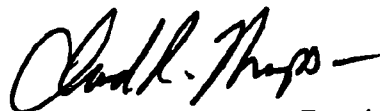
9. Petitioners respectively represent that the fair market value of the property is significantly higher than the \$5,500.00 consideration proffered by this sale. By way further pleading, the fair market value by performing the tax assessment calculation well exceeds the amount offered.

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,

A handwritten signature in black ink, appearing to read "David R. Thompson", followed by a horizontal line.

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.

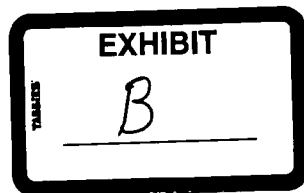
President Judge

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

APR 18 2000

Attest:

William B. Sh
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 Praecipe 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

CA 5

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

FILED

CLEARFIELD COUNTY TAX *
CLAIM BUREAU, Respondent *

OCT 12 2000

William A. Shaw
Prothonotary

ORDER

AND NOW, this 11th 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:

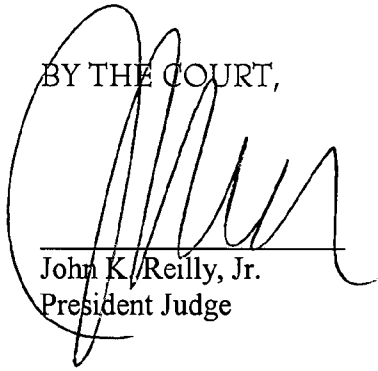
1. The assessment being the subject of this proceeding is a parcel located in Lawrence Township, Clearfield County, Pennsylvania, identified by Clearfield County Assessment Tax Map Number 123-J07-000-00080.
2. The premises assessed consists of a trailer, garage and 2.9 acres occupied by Frank Godissart 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

Excess

OCT 12 2000

01244/1cc atty Thompson
William A. Shaw
Prothonotary / 1cc atty Keonler

1cc GUARANT

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 2nd 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