

00-592-CD
IN RE: PROPERTY OF CATHERINE E. LEIBY

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

IN RE: PROPERTY OF
CATHERINE E. LEIBY
TAX MAP NO. 4.3-K08-206-00116

OBJECTIONS TO PRIVATE SALE

FILED

0/8:45 PM
MAY 19 2000

WILLIAM A. SHAW
Prothonotary

See to Att. Gearhart

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

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

IN RE: PROPERTY OF ⁽²⁶⁾ CATHERINE E. LEIBY
TAX MAP NO. 4.3-K08-206-00116

CASE NUMBER: 00 · 592 · 60

TYPE OF CASE: Civil

TYPE OF PLEADING: **OBJECTIONS TO PRIVATE SALE**

FILED ON BEHALF OF: Petitioner

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

MAY 19 2000

William A. Shaw
Prothonotary

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

IN RE: PROPERTY OF CATHERINE E. LEIBY
 TAX MAP NO. 4.3-K08-206-00116

TO: THE HONORABLE JUDGES OF THE COURTS OF COMMON PLEAS

OBJECTIONS TO PRIVATE SALE

The Petition of Catherine E. Leiby, with her attorney, R. Denning Gearhart, respectfully represents:

1. Catherine E. Leiby is the record owner of a property identified on the tax roles as a lot in the Third Ward of the Borough of Clearfield, Clearfield County, Pennsylvania, Map No. 4.3-K08-206-00116.
2. The taxes for the years 1997, 1998 and 1999 are currently owing.
3. The property was exposed at public tax sale in September, 1999, with no person bidding the upset price.
4. The Tax Claim Bureau has reported to your Petitioner that there is currently owing on the property Five Hundred Eighty-two and 13/100 (\$582.13) Dollars.
5. Notice was published by the Tax Claim Bureau that the said Bureau has accepted a bid of Two Hundred Fifty and 00/100 (\$250.00) Dollars for the property which private sale will be held on May 19, 2000 at 9:00 a.m. in the Tax Claim Bureau, 230 E. Market Street, Clearfield, Pennsylvania 16830.

6. Your Petitioner is prepared to pay the amount due as set forth by the Tax Claim Bureau in the amount of Five Hundred Eighty-two and 13/100 (\$582.13) Dollars, a sum in excess of the private bid accepted by the Tax Claim Bureau.

7. The assessed value of the property on the tax roles is One Thousand Two Hundred and 00/100 (\$1,200.00) Dollars. The current common level ratio as published by the Commonwealth is 4.55. Multiplying that figure by the assessed value results in a market value of the property of Five Thousand Four Hundred Sixty and 00/100 (\$5,460.00) Dollars.

8. Your Petitioner is presently a resident of a nursing home, Knickerbocker Villa, and has been since the fall of 1999, and therefore, has not gotten all of the tax notices, or has been unable to pay the tax notices. When an attempt was made to pay the taxes at the Tax Claim Bureau, the party was informed that the Tax Claim Bureau could not accept the funds from him without an Order from your Honorable Court.

9. Retaining ownership of the property at this time is exceedingly important in as much as it is contiguous with her house which is occupied by her son, David Leiby.

10. Since the market value of the property is Five Thousand Four Hundred Sixty (\$5,460.00) Dollars, and your Petitioner is prepared to pay all of the back taxes in the amount of Five Hundred Eight-two and 13/100 (\$582.13) Dollars, your Petitioner respectfully submits that a bid on Two Hundred Fifty and 00/100 (\$250.00) Dollars is insufficient as a matter of law.

WHEREFORE, your Petitioner respectfully requests that your Honorable Court enter an Order providing the following:

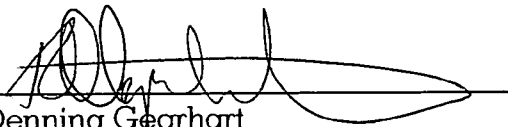
1. Staying the private sale proceeding scheduled for May 19, 2000, at 9:00 a.m.

2. Scheduling a hearing at which time the Court may accept whatever evidence the parties may desire to present and the Court requires.

3. Provide for notice of this Stay be given to the Tax Claim Bureau.

4. Provide for Notice of Hearing to the Tax Claim Bureau, the proposed purchase, whose name is unknown to your Petitioner, and any other interested parties.

Respectfully submitted,



R. Denning Gearhart
Attorney for Petitioner

COMMONWEALTH OF PENNSYLVANIA

:

: SS:

COUNTY OF CLEARFIELD

:

AFFIDAVIT

Before me, the undersigned officer, personally appeared, CATHERINE E. LIEBY who being duly sworn according to law deposes and says that the facts set forth in the foregoing Objections to Private Sale are true and correct to the best of her knowledge, information, and belief.

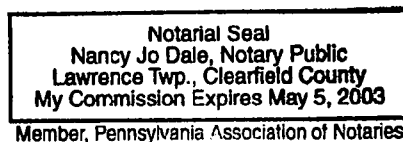
X Catherine Lieby
CATHERINE E. LIEBY

Sworn to and subscribed

before me this 17 day

of May, 2000.

Nancy Jo Dale
Notary Public



FORM OF AFFIDAVIT

Commonwealth of Pennsylvania

County of Clearfield }

SS:

Before me the subscriber personally appeared David L. Leiby

to me known, who being duly sworn according to law, doth depose and say

That Catherine
E. Lieby is his mother and attest that
it is she who's name is signed in front
of Notary by her own person.

and further deponent sayeth not.

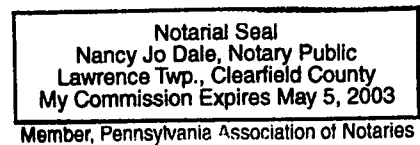
SS # 189-HA-9294

Sworn and subscribed before me this

17 day of May 2000

Nancy Jo Dale
Notary Public

David Lee Leiby
(Signature of affiant)



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

IN RE: PROPERTY OF CATHERINE E. LEIBY
 TAX MAP NO. 4.3-K08-206-00116

ORDER

AND NOW, this 19th day of May, 2000, upon consideration of the foregoing Petition, it is the **ORDER** of this Court that the private tax sale scheduled for Friday, May 19, 2000 at 9:00 is stayed until hearing scheduled for the 16th day of June, 2000 at 9:30 o'clock A.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania. Notice of the stay and the hearing date shall be served on the Tax Claim Bureau by attorney for the Petitioner and shall be served on the unknown purchaser by the Tax Claim Bureau.

BY THE COURT

JUDGE

FILED

MAY 19 2000

William A. Shaw
Prothonotary

FILED

MAY 12 1961

WILLIAM A. SHAW
PROTHONOTARY

FILED

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MAY 12 1961
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William A. Shaw
Prothonotary
W. A. Shaw

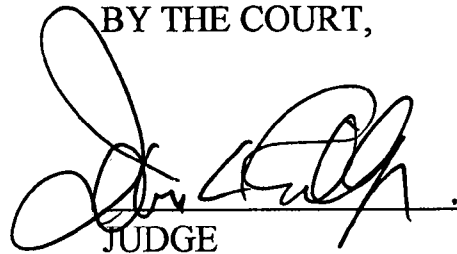
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ORDER

AND NOW, this 16th day of June, 2000, this being the day and date set for hearing on the Objections to Private Sale, the proposed buyers having withdrawn their offer to buy the property in question, hearing is hereby canceled and the property shall remain in the name of the Petitioner, Catherine E. Leiby, who shall pay all back due taxes within thirty (30) days of the date of this Order or another sale shall be permitted by the Clearfield County Tax Claim Bureau.

BY THE COURT,


JUDGE

FILED

JUN 16 2000

William A. Shaw
Prothonotary

FILED

JUN 16 2000

019:281
William A. Shaw

Prothonotary

cc Tax Clam
cc atty. Deborah
K2#