

00-1236-00
LARRY A. KITCHEN et al -vs- CLEVELAND COUNTY TAX CLAIM BUREAU

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

⁶⁵
LARRY A. KITCHEN and
PAULINE B. KITCHEN,
Plaintiffs

vs.

¹¹¹
CLEARFIELD COUNTY TAX CLAIM
BUREAU,
Defendant

No. 00-1236-C0

Type of Pleading: Petition to
Disapprove Proposed Private
Sale of Clearfield County Tax Map
No. 020-E17-000-00019

Filed on behalf of: Larry A. Kitchen
and Pauline B. Kitchen

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

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Prothonotary NO FEE
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LARRY A. KITCHEN and	:	
PAULINE B. KITCHEN,	:	
	:	
Plaintiffs	:	
vs.	:	No.
	:	
CLEARFIELD COUNTY TAX CLAIM	:	
BUREAU,	:	
	:	
Defendant	:	

PETITION TO DISAPPROVE PROPOSED PRIVATE
SALE OF CLEARFIELD COUNTY TAX MAP NO. 020-E17-000-00019

AND NOW, comes Plaintiffs, by and through their attorneys, The Hopkins Law Firm, and sets forth as follows:

1. Larry A. Kitchen and Pauline B. Kitchen are adult individuals who reside at Box 97 Westover Road, Westover, Pennsylvania 16692.

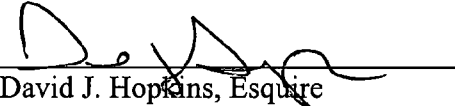
2. An unknown party has proposed the private sale of the Clearfield County Tax Claim Bureau of a parcel of land in the Borough of Westover known as Map No. 020-E17-000-00019 and described as "H and L" assessed to Ned G. Fry Heirs.

3. The proposed sale price is \$400.00. The proposed sale price is insufficient. Attached hereto as Exhibit "A" is the published Notice of tax sale.

4. Petitioners are prepared to pay in excess of \$400.00 for the aforesaid property.

WHEREFORE, the Plaintiffs respectfully request this Honorable Court to disapprove the sale and hold an auction on the date and time set for the sale, October 12, 2000 at 9:00 a.m. in the Tax Claim Bureau, 230 East Market Street, Clearfield, Pennsylvania.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Plaintiffs

VERIFICATION

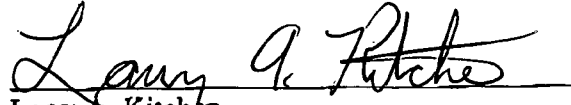
With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.

Pauline B Kitchen
Pauline B. Kitchen

Date: Sept. 28, 2000

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.


Larry A. Kitchen

Date: Sept 28, 2000

public sale on the premises of said property located at RD #2, Box 285, DuBois, PA 15801, being all that land, together with improvements, situate in the County of Clearfield, Sandy Township, as described in Deed Book Volume 1601, Page 169. Map No. 128-E4-36.1. Sale to be held at 3:30 p.m. on September 8, 2000.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check and the remainder of the bid within thirty (30) days from the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exceptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Frank Policaro, Jr., United States Marshal. For information call Gary Reed at (570) 726-3196, Ext. 126.

McGrath & Associates, P.C., 1500 Union Bank Building, 306 Fourth Avenue, Pittsburgh, PA 15222-2102

ADV: August 11, 18, 25 & September 1, 2000.

TAX SALE

Notice is hereby given of the proposed private sale by the Clearfield County Tax Claim Bureau of a parcel of land in the WESTOVER BOROUGH known as Map #020-E17-000-00019 and described as "H & L" and assessed to "Ned G. Fry Heirs".

Sale will be held on October 12, 2000 at 9:00 a.m. in the Tax Claim Bureau 230 E. Market Street Clearfield. The property will be sold free and clear of all tax claims and tax judgments. A bid of \$400.00 has been received and accepted by the Bureau. Any party not satisfied with the accepted sale price must, within forty-five days of this notice, petition the Court of Common Pleas to disapprove the sale.

Clearfield County Tax Claim Bureau, Nancy Lawhead, 230 E. Market Street, Suite 121, Clearfield, PA 16830

ADV: Aug. 18th & Sept. 1, 2000.

TAX SALE

Notice is hereby given of the proposed private sale by the Clearfield County Tax Claim Bureau of a parcel of land in the WESTOVER BOROUGH known as Map #020-E17-356-00016 and described as "2 L" and assessed to "Harry Frank".

Sale will be held on October 12, 2000 at 9:00 a.m. in the Tax Claim Bureau 230 E. Market Street Clearfield. The property will be sold free and clear of all tax claims and tax judgments. A bid of \$300.00 has been received and accepted by the Bureau. Any party not satisfied with the accepted sale price must, within forty-five days of this notice, petition the Court of Common Pleas to disapprove the sale.

Clearfield County Tax Claim Bureau, Nancy Lawhead, 230 E. Market Street, Suite 121, Clearfield, PA 16830

ADV: Aug. 18th & Sept. 1, 2000.

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

LARRY A. KITCHEN and
PAULINE B. KITCHEN,

Plaintiffs

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU,

Defendant

No. 00-1236-00

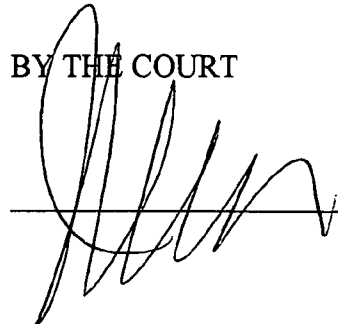
ORDER

AND NOW, this matter having come before the Court; and it appearing an unknown individual has proposed the private sale by the Clearfield County Tax Claim Bureau of a parcel of land in the Borough of Westover known as Map No. 020-E17-000-00019 and described as "H, and L" assessed to Ned G. Fry Heir for the purchase price of \$400.00; and it appearing the sale is scheduled for October 12, 2000 at 9:00 a.m. in the Tax Claim Bureau, 230 East Market Street, Clearfield, Pennsylvania; and it appearing Larry A. Kitchen and Pauline B. Kitchen have objected to the sale and propose to bid in excess of \$400.00; and for good cause shown;

It is this 6th day of October, 2000, ORDERED and ADJUDGED that the proposed private sale by the Clearfield County Tax Claim Bureau of a parcel of land in the Borough of Westover known as Map No. 020-E17-000-00019 and described as "H, and L" assessed to Ned G. Fry Heirs is prohibited.

The Clearfield County Tax Claim Bureau shall hold an auction for the property set forth above on October 12, 2000 at 9:00 a.m. in the Tax Claim Bureau, 230 East Market Street, Clearfield, Pennsylvania.

BY THE COURT


JUDGE

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William A. Shaw
Prothonotary

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William A. Shaw

Prothonotary

Hopkins

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

LARRY A. KITCHEN and
PAULINE B. KITCHEN,

Plaintiffs

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU,

Defendant

No. 00-1236 C.D.

AMENDED ORDER

AND NOW, this 10th day of October, 2000 this matter having come before the Court; and it appearing an unknown individual has proposed the private sale by the Clearfield County Tax Claim Bureau of a parcel of land in the Borough of Westover known as Map No. 020-E17-000-00019 and described as "H, and L" assessed to Ned G. Fry Heir for the purchase price of \$400.00; and it appearing the sale is scheduled for October 12, 2000 at 9:00 a.m. in the Tax Claim Bureau, 230 East Market Street, Clearfield, Pennsylvania; and it appearing Larry A. Kitchen and Pauline B. Kitchen have objected to the sale and propose to bid in excess of \$400.00;

It is hereby ORDERED and ADJUDGED as follows:

1. Clearfield County Tax Claim Bureau's proposed sale of October 12, 2000 is hereby stayed; and

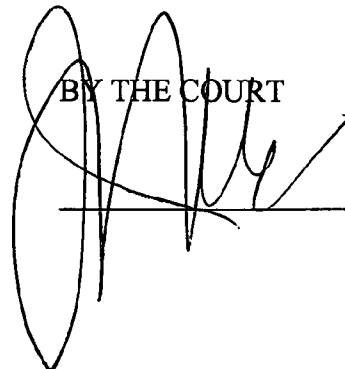
2. The Court shall hold a hearing on the Petition to Disapprove the Tax Claim Bureau's private sale on the 21st day of November, 2000, at 10:00 o'clock A.M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

FILED

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William A. Shaw
Prothonotary

BY THE COURT



JUDGE

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

LARRY A. KITCHEN and
PAULINE B. KITCHEN,
Plaintiffs

No.: 00-1236-CD

vs.

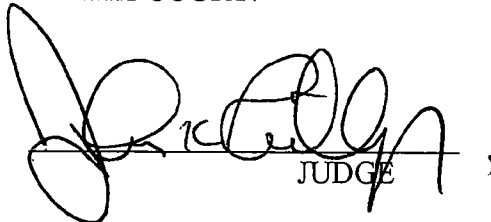
CLEARFIELD COUNTY TAX
CLAIM BUREAU,
Defendant

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William A. Shaw
Prothonotary

ORDER

AND NOW, this 21st day of November, 2000, this being the date for hearing on Larry A. and Pauline B. Kitchen's Petition to Disapprove Private Tax Sale, they appearing by their counsel, David J. Hopkins, Esquire and having offered to pay an excess of the proposed sale price of Four Hundred (\$400.00) Dollars, it is HEREBY ORDERED AND DECREED, that the proposed private sale by the Clearfield County Tax Claim Bureau for Four Hundred (\$400.00) Dollars be and is hereby disapproved. Such property shall not be sold by the Clearfield County Tax Claim Bureau at any price less than Five Hundred (\$500.00) Dollars. If more than one party to these proceedings agrees to pay the minimum price, the Clearfield County Tax Claim Bureau shall conduct an auction style bid of the property among them. If only Larry A. and Pauline B. Kitchen agree to pay the minimum price, Clearfield County Tax Claim Bureau shall sell the property to them without further notice or proceedings.

BY THE COURT:


JUDGE

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

LARRY A. KITCHEN and	:	
PAULINE B. KITCHEN,	:	
Plaintiffs	:	
	:	
vs.	:	No.
	:	
CLEARFIELD COUNTY TAX CLAIM	:	
BUREAU,	:	
Defendant	:	

NOTICE

TO DEFENDANT:

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.

Office of the Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641 (Ext. 50-51)