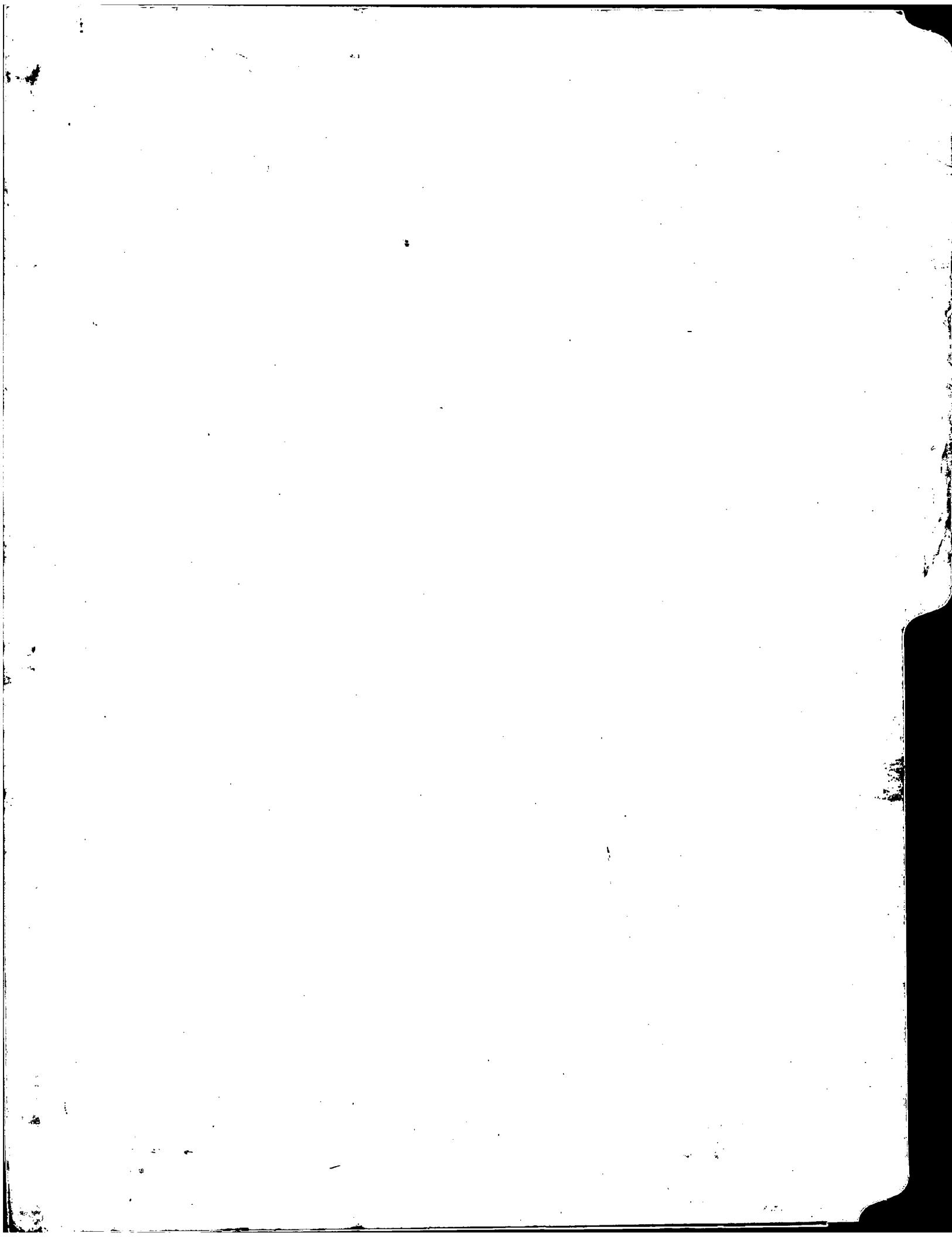


00-1269-5
ANDREW P. MITCHELL, SR. -vs- CLEARFIELD COUNTY TAX CLAIM BUREAU



Date: 10/30/2000

Clearfield County Court of Common Pleas

NO. 0050137

Time: 10:54 AM

Receipt

Page 1 of 1

Received of: Mitchell, Andrew P. Sr. (plaintiff) \$ 0.00

Zero and 00/100 Dollars

Case: 2000-01269-CD	Plaintiff: Mitchell, Andrew P. Sr.	Amount
Miscellaneous Civil Filing		0.00
Total:		0.00

Payment Method: Cash

William A. Shaw, Prothonotary/Clerk of Courts

Clerk: OLDCASE

By: _____
Deputy Clerk

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW P. MITCHELL, SR.,
Plaintiff/Petitioner

vs.

CLEARFIELD COUNTY TAX
CLAIM BUREAU,
Defendant/Respondent

: CIVIL ACTION-LAW

:

: NO. 00-1269 -CD

:

: PETITION TO SET ASIDE
TAX SALE

:

:

:

: Filed on Behalf of: Plaintiff

:

:

: Counsel of Record For This
Party:

: JOSEPH COLAVECCHI, ESQUIRE
: Pa. I. D. #06810

: Colavecchi, Ryan & Colavecchi
: 221 East Market Street
: P. O. Box 131
: Clearfield, PA 16830

: 814/765-1566

:

:

:

:

:

:

:

FILED

OCT 13 2000

William A. Shaw
Prothonotary

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

ANDREW P. MITCHELL, SR., :
Plaintiff/Petitioner :
:
vs. : NO. 00-1269 -CD
:
CLEARFIELD COUNTY TAX :
CLAIM BUREAU, :
Defendant/Respondent :

RULE

AND NOW, this 16th day of October, 2000, upon consideration of the Petition to Set Aside Tax Sale, a Rule is hereby issued upon the Defendant/Respondent to show cause, if any, why the prayer of said petition should not be granted.

Rule Returnable the 10th day of November, 2000, for filing written response.

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF. YOU MAY LOSE 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.

DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 East Market Street
Clearfield, PA 16830
814/765-2641, Ext. 5982

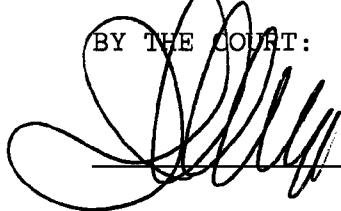
LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED

OCT 19 2000

William A. Shaw
Prothonotary

BY THE COURT:



JUDGE

FILED

OCT 19 2000
09/17/2000-CTH
William A. Shaw
Prothonotary Colarocchi

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

ANDREW P. MITCHELL, SR., :
Plaintiff/Petitioner :
:
vs. : NO. 00- -CD
:
CLEARFIELD COUNTY TAX :
CLAIM BUREAU, :
Defendant/Respondent :

PETITION TO SET ASIDE TAX SALE

1. Plaintiff/Petitioner is Andrew P. Mitchell, Sr., an adult individual residing at 531 Linden Hall Road #1, Boalsburg, Pennsylvania 16827.

2. Andrew P. Mitchell, Sr. is an owner of one-fourth of 137.6 acres situated in Graham Township, Clearfield County, Pennsylvania, it having been conveyed to him by Deed dated February 24, 1989 recorded in Deeds and Records Book 1269, page 583 from Agnes V. Vail.

3. Defendant/Respondent is the Clearfield County Tax Claim Bureau, an administrative agency of Clearfield County, having its principal place of business at 230 East Market Street, Clearfield, Pennsylvania 16830.

4. The property assessed to Andrew P. Mitchell is described as a 25 percent interest in 137.6 acres situate in Graham Township, Clearfield County, Pennsylvania having Assessment Map No. 116-R6-2.

5. Andrew P. Mitchell, Sr. was divorced from Deborah A.

Mitchell by Divorce Decree dated February 14, 1992 as recorded to Docket No. 92-3861½-CD. Deborah A. Mitchell is the other one-half owner of the one-fourth interest in 137.6 acres in Graham Township.

6. This property was then listed by the Clearfield County Tax Claim Bureau as Claim No. 98-5130 assessed in the name of Andrew P. Mitchell and Deborah A. Mitchell as a 25 percent interest in 137.6 acres with Map No. R06-000-00002 showing an approximate upset sale price of \$956.16.

7. The property was listed for sale by the Clearfield County Tax Claim Bureau to be sold on September 15, 2000.

8. It is believed that this property was sold by the Clearfield County Tax Claim Bureau at the sale on September 15, 2000 to an unknown party.

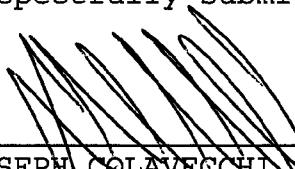
9. The sale is defective for the following reasons:

A. The property was not posted as required under the *Real Estate Tax Sale Law*; and

B. Separate notice was not given to Andrew P. Mitchell, Sr. and to Deborah A. Mitchell.

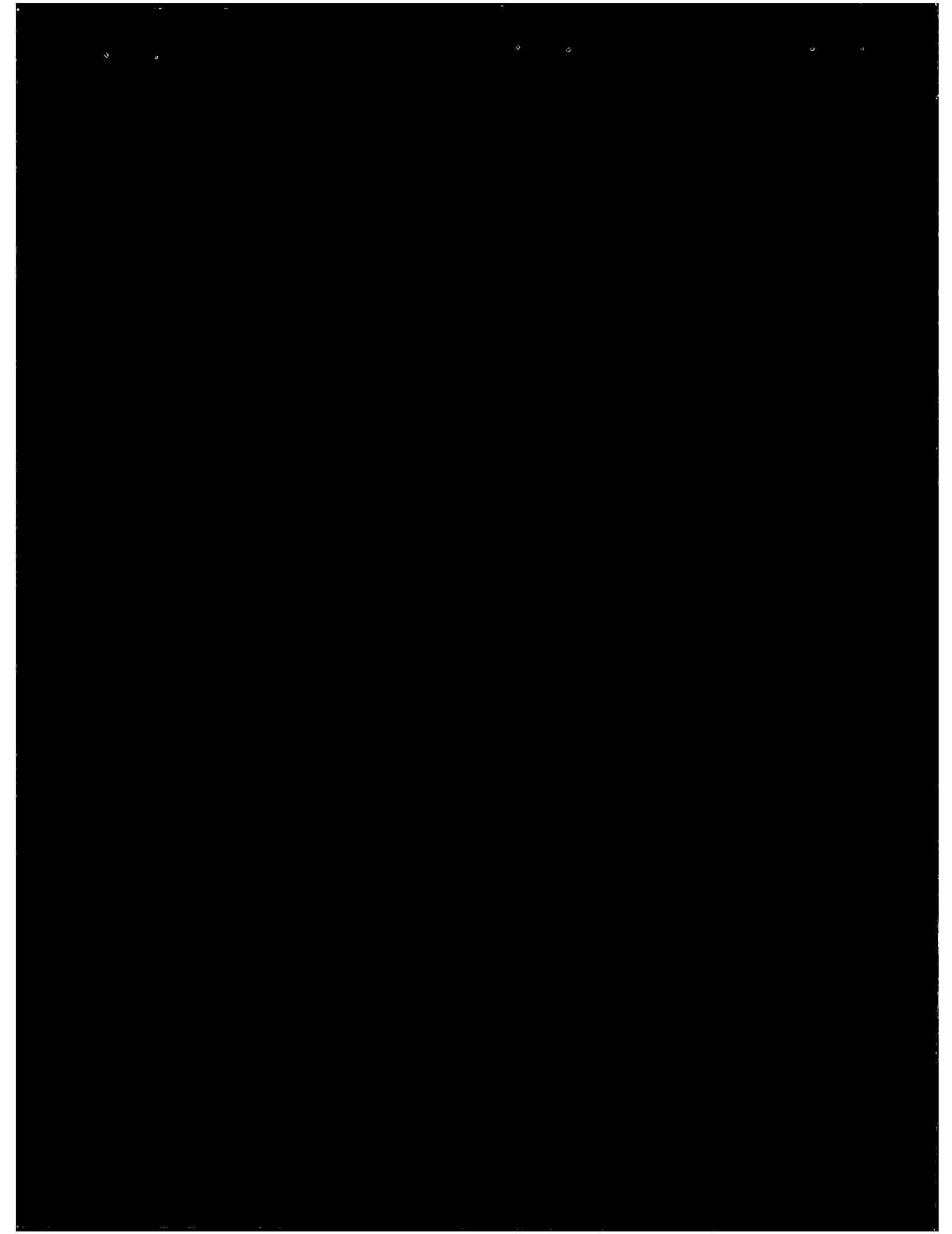
WHEREFORE, Plaintiff asks that the sale of this property by the Clearfield County Tax Claim Bureau be set aside.

Respectfully submitted,



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Plaintiff/Petitioner

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION NO. LAW
No. 00-00-00

ANDREW P. MURCHIE, SR.,
Plaintiff/Civil
Petitioner

v/s

CLEARFIELD COUNTY TAX CLAIM
BOARD, Plaintiff/Civil
Respondent

Defendant/Civil
Petitioner

PETITION TO SET ASIDE TAX SALE

NOTICE TO DEFENDANT/RESPONDENT

YOU are hereby notified that
you are required to file a
response to the within Petition
within twenty (20) days after
service upon you or if defendant may
be answered elsewhere.

JOSEPH DONALD MURCHIE, Esquire
Attorney for Plaintiff/Civil Petitioner

JOSEPH DONALD MURCHIE, Esquire
Attorney for Plaintiff/Civil Petitioner
100 E. 2nd Street, Suite 100
Harrisburg, PA 17101

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10325

MITCHELL, ANDREW P. SR.

00-1269-CD

VS.

CLEARFIELD COUNTY TAX CLAIM BUREAU

PETITION TO SET ASIDE TAX SALE

SHERIFF RETURNS

NOW OCTOBER 20, 2000 AT 11:55 AM DST SERVED THE WITHIN PETITION TO SET ASIDE TAX SALE ON CLEARFIELD COUNTY TAX CLAIM BUREAU, DEFENDANT AT EMPLOYMENT, 230 E. MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARY ANNE WESDOCK, CHIEF ASSESSOR A TRUE AND ATTESTED COPY OF THE ORIGINAL PETITION TO SET ASIDE TAX SALE AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: NEVLING

Return Costs

Cost Description

19.33 SHFF. HAWKINS PAID BY: ATTY.

10.00 SURCHARGE PAID BY: ATTY.

FILED

OCT 30 2000

01144

**William A. Shaw
Prothonotary**

Sworn to Before Me This

30th Day Of October 2000
Chester A. Hawkins

**WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co., Clearfield, PA.**

So Answers,

**Chester A. Hawkins
by Marilyn Sharp
Sheriff**

COMP

**E
SOP**

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

ANDREW P. MITCHELL, SR.,
Petitioner/Plaintiff

vs.

CLEARFIELD COUNTY TAX
CLAIM BUREAU,
Respondent/Defendant

*

*

*

*

No. 00-1269-CD

*

*

Type of Case: Civil

*

*

*

*

Type of Pleading: Written
Response of Clearfield County Tax
Claim Bureau to Petition to Set
Aside Tax Sale

*

*

*

*

*

*

*

*

*

Filed on Behalf of:
Respondent/Defendant

*

*

*

Counsel of Record for this Party:

*

*

*

Kim C. Kesner, Esquire
Supreme Court I.D. #28307
23 North Second Street
Clearfield, PA 16830
Phone: (814) 765-1706
Fax: (814) 765-7006

*

*

*

Other Counsel of Record:

*

*

*

Joseph Colavecchi, Esq.
Colavecchi, Ryan & Colavecchi
P. O. Box 131
Clearfield, Pa., 16830

FILED
NOV 06 2000

William A. SAWYER
FBI

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

ANDREW P. MITCHELL, SR.,	*
Petitioner/Plaintiff	*
	*
vs.	*
	*
	*
CLEARFIELD COUNTY TAX	*
CLAIM BUREAU,	*
Respondent/Defendant	*

WRITTEN RESPONSE OF
CLEARFIELD COUNTY TAX CLAIM BUREAU
TO PETITION TO SET ASIDE TAX SALE

AND NOW, comes the Clearfield County Tax Claim Bureau (Bureau) by Clearfield County Solicitor Kim C. Kesner, Esquire, and in response to this Court's Rule dated October 16, 2000, files the following verified written response:

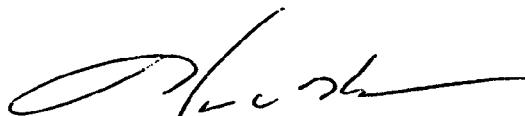
1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. It is admitted that the property being the subject matter of the Petition was sold at tax sale on September 15, 2000, to Kim Mowrey Hobba for a bid of \$956.16.
9. a. The subject property is completely land blocked on all boundaries, and therefore, could not be reasonably posted. Because of the relative inaccessibility of the subject property, posting would not

have been reasonably calculated to give any interested party notice of the sale.

b. Separate notice was given to Andrew P. Mitchell, Sr. and Deborah A. Mitchell. Notice of the sale as required by 72 P.S. §5860.602 was given to Deborah A. Mitchell by certified mail at 203 Nichols Street, Clearfield, Pa., 16830, received by her on May 18, 2000. Notice of the sale was also given to Andrew P. Mitchell, Sr. by certified mailing at 203 Nichols Street, Clearfield, Pa., 16830, which was rerouted by the United States Postal Service to a Pittsburgh address, but returned marked "UNCLAIMED". However, Andrew P. Mitchell, Sr. had actual and effective notice of the tax sale on September 15, 2000. On August 24, 2000, Andrew P. Mitchell, Sr. called the Tax Claim Bureau and requested a pay off on the tax claim. The Bureau, at his request, printed a report for him which he did not pick up prior to the sale. Andrew P. Mitchell, Sr.'s actual notice of the sale prior thereto insulates the sale from challenge that any form or forms of notice were defective.

WHEREFORE, Respondent, the Clearfield County Tax Claim Bureau respectfully requests this Honorable Court to dismiss the Petition to Set Aside Tax Sale.

Respectfully submitted,

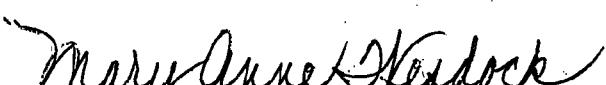


Kim C. Kesner
Attorney for Respondent

VERIFICATION

I, Mary Anne Wesdock, verify that I am the Director of the Clearfield County Tax Claim Bureau, and as such am authorized and empowered to make this Verification, and that the statements made in this Written Response to Petition to Set Aside Tax Sale are true and correct to the best of my knowledge, information and belief. 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: November 6, 2000


Mary Anne Wesdock

Mary Anne Wesdock, Director
Clearfield County Tax Claim Bureau

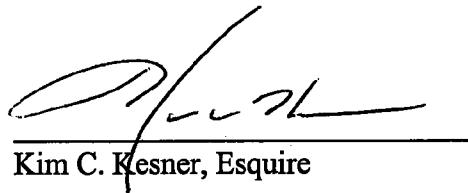
CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on the 6th day of November, 2000, I caused to be served a true and correct copy of the Written Response of the Clearfield County Tax Claim Bureau to the Petition to Set Aside Tax Sale on the following and in the manner indicated below:

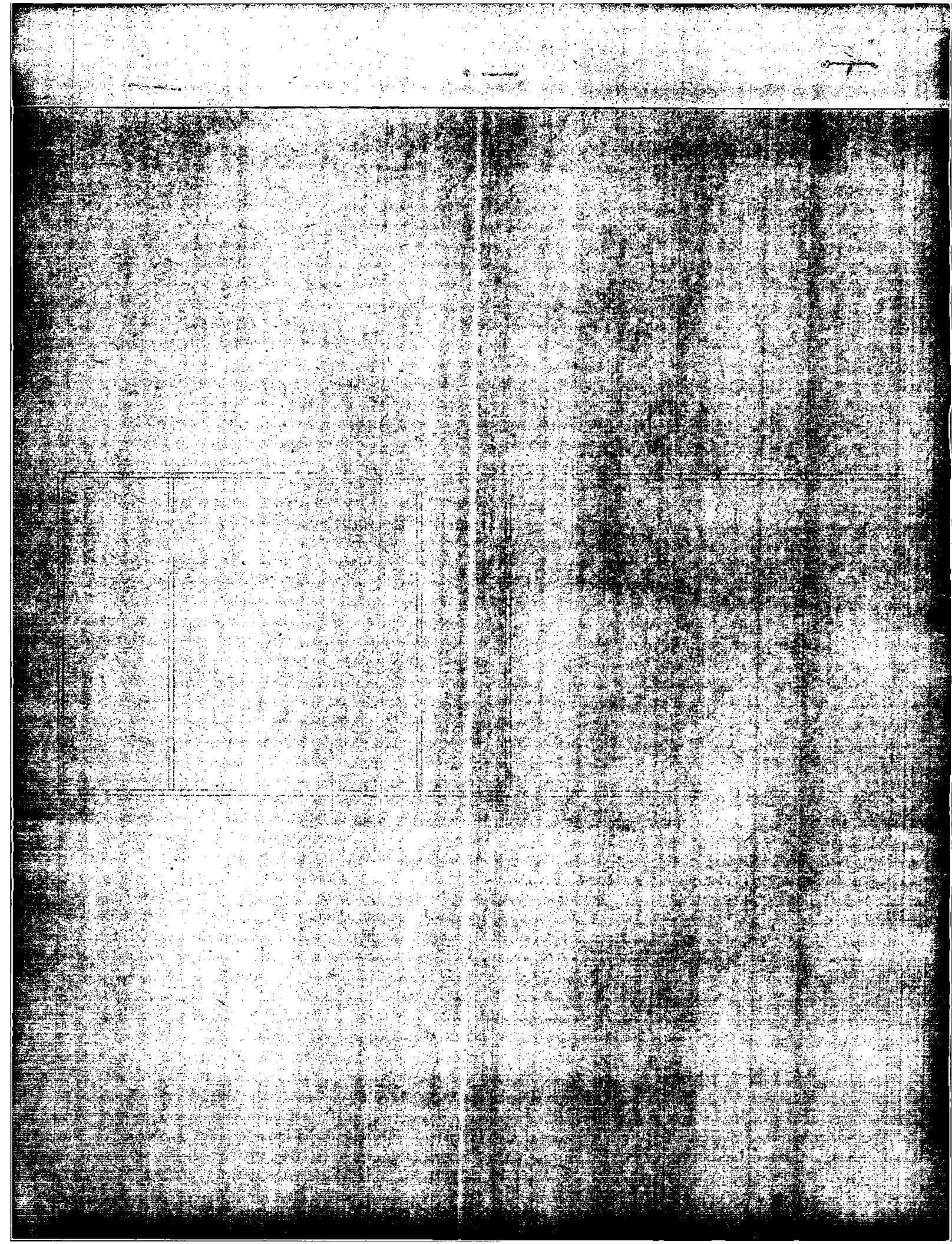
By United States Mail, First Class,
Postage Prepaid, Addressed as Follows:

Joseph Colavecchi, Esq.
Colavecchi, Ryan & Colavecchi
P. O. Box 131
Clearfield, Pa., 16830

Date: November 6, 2000



Kim C. Kesner, Esquire



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
NO. 00-1269-CJ

ANDREW & MICHELLE ISR
Petitioner/Plaintiff

VS
CLEARFIELD COUNTY TAX CLAIM
BUREAU

Respondent/Defendant

WRITTEN RESPONSE OF
CLEARFIELD COUNTY TAX CLAIM
BUREAU TO PETITION TO SET ASIDE
TAX SALE

FILED

KIM C. KESTNER
ATTORNEY AT LAW
23 North Second Street
CLEARFIELD, PA 16830
(814) 763-5003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANDREW P. MITCHELL, SR.
Plaintiff/Petitioner

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU,
Defendant/Respondent

CIVIL ACTION

No. 00 - 1269 - CD

WITHDRAWAL OF PETITION TO
SET ASIDE TAX SALE

Filed on behalf of:

Plaintiff/Petitioner, ANDREW
P. MITCHELL, SR.

Counsel of Record for
Said Party:

JOSEPH COLAVECCHI, ESQUIRE
PA I.D. 06810

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED

NOV 27 2000

William A. Shaw
Prothonotary

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

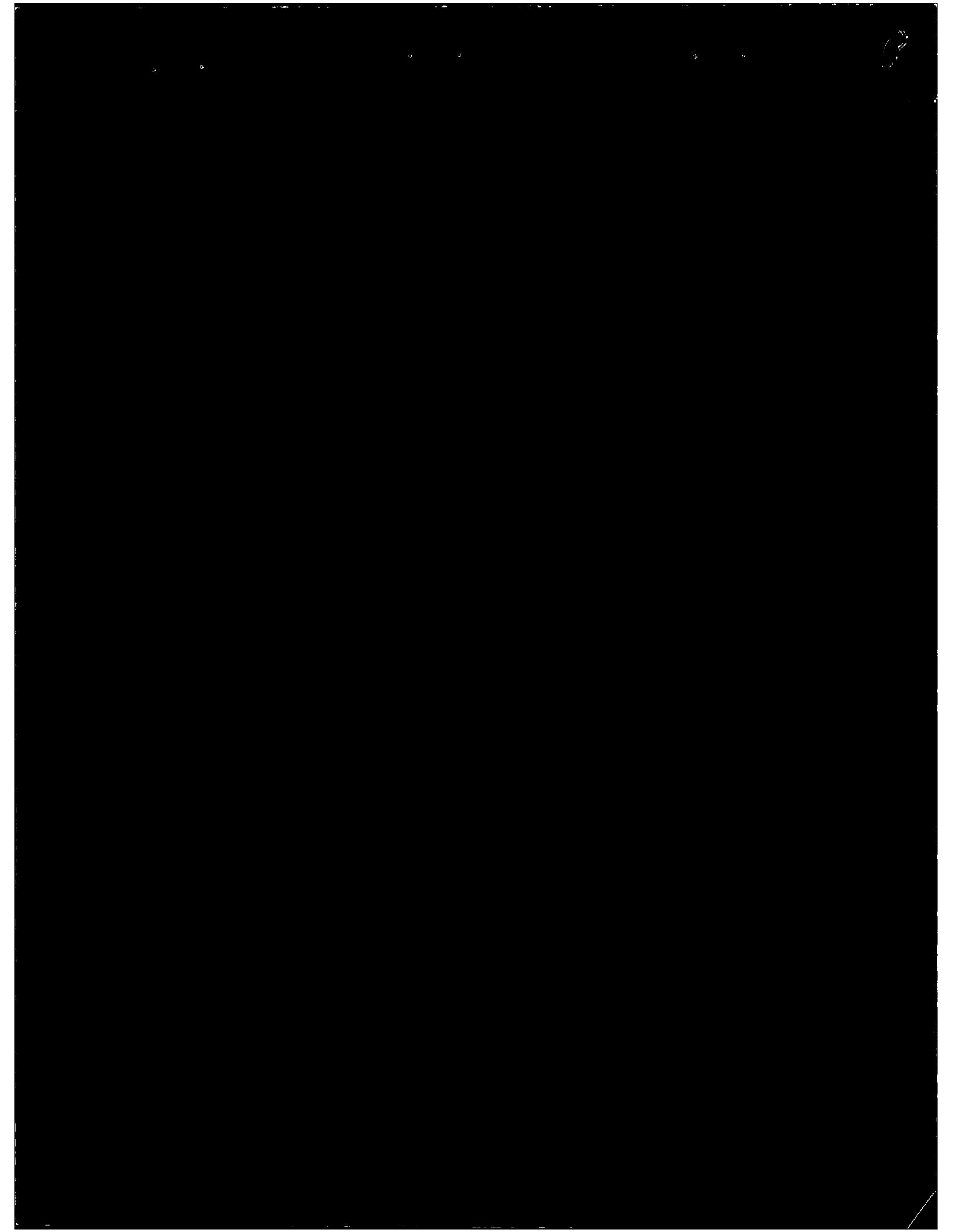
ANDREW P. MITCHELL, SR. :
Plaintiff/Petitioner:
:
vs. : No. 00-1269 - CD
:
CLEARFIELD COUNTY TAX CLAIM :
BUREAU, :
Defendant/Respondent:

WITHDRAWAL OF PETITION TO SET ASIDE TAX SALE

TO: WILLIAM SHAW, PROTHONOTARY

Please withdraw the Petition to Set Aside Tax Sale filed
in the above-captioned action on behalf of my client, Andrew P.
Mitchell, Sr.

JOSEPH COLAVECCHI, ESQUIRE
Attorney for Andrew P. Mitchell, Sr.



IN THE COURT OF COMMON PLEAS OF
CLEARWATER COUNTY PENNSYLVANIA
CRIMINAL ACTION
No. 30-1269-C

ANDREW R. MICHIELLO, SR.
Plaintiff/Petitioner

CLERICAL CHILD CREDIT TAX CLAIM
BUREAU,
Defendant/Respondent

VS.

WITHDRAWAL OF PLEACTION NO
SER. #30-1269 TAX SALES

THE CLERK
CLERICAL CHILD CREDIT TAX
BUREAU
ATTORNEY AT LAW
220 EAST MARKET STREET
HARRISBURG, PENNSYLVANIA
717-236-1610
CLERICAL CHILD CREDIT TAX

LAW OFFICES
COLAVECCHI RYAN & COLAVECCHI
221 EAST MARKET STREET
(Across from Courthouse)
P.O. BOX 131
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-1566

FAX
(814) 765-4570

JOSEPH COLAVECCHI
JOHN R RYAN
PAUL COLAVECCHI

November 16, 2000

William Shaw, Prothonotary
Clearfield County Courthouse
Clearfield, PA 16830

In Re: Andrew P. Mitchell, Sr. vs. Clearfield
County Tax Claim Bureau; No. 00-1269-CD

Dear Mr. Shaw:

I am enclosing, herein, a Withdrawal of Petition to Set
Aside Tax Sale which I am filing to the above-captioned case.

Notice is being given to Kim Kesner, Attorney for the
Clearfield County Tax Claim Bureau.

Sincerely yours,

Joseph Colavecchi

JC:lz
Enclosure

cc: Kim Kesner, Esquire
Kim Mowery Hobba

Marcy: ?

Didn't know if you were aware
of this or not? *Thank you!*