

00-1609-CD  
FAITH J. ALGARIN -vs- CLEARFIELD COUNTY TAX CLAIM BUREAU



**TIMOTHY E. DURANT**  
ATTORNEY AT LAW  
201 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-1711

[REDACTED]

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

FAITH J. ALGARIN,

Plaintiff

**VS.**

**CLEARFIELD COUNTY TAX  
CLAIM BUREAU**

Defendant

~~MISC. DNT.~~

NO. 2000-1609-CV

Claim Nos. 97-5921;  
98-6016; and 99-6006

OBJECTIONS AND EXCEPTIONS  
TO SALE OF TRAILER WITH MAP  
NO. 123-K8-242-9-TL-01

Code: Civil

Filed on behalf of:  
FAITH J. ALGARIN

Plaintiff

Counsel of Record for this party:

TIMOTHY E. DURANT, ESQUIRE  
Pa. I. D. No. 21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

**FILED**

DEC 29 2000

0/4000 (wz)  
William A. Shaw  
Prothonotary

NO CONT. COPY

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

FAITH J. ALGARIN

Plaintiff

VS

CLEARFIELD COUNTY TAX  
CLAIM BUREAU

Defendant

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MISC. DKT.

NO.

Claim Nos. 97-5921;  
98-6016; and 99-6006

OBJECTIONS AND EXCEPTIONS TO SALE OF  
TRAILER WITH MAP NO. 123-K8-242-9-TL-01

AND NOW, comes FAITH J. ALGARIN by and through her attorney, Timothy E. Durant, Esquire, and files the following objections and exceptions to the sale of property (a Mobile Home/Trailer) titled in her name by the CLEARFIELD COUNTY TAX CLAIM BUREAU for delinquent taxes:

1. The Plaintiff, FAITH J. ALGARIN is a competent adult individual who resides at Bloomsburg, PA with a current mailing address of 1348 Millville Road, Lot #7, Bloomsburg, PA 17815. The previous address was 348 Millville Road, Lot #7, Bloomsburg, PA 17815 and recently the Bloomsburg Post office has advised plaintiff to use the 1348 address. Plaintiff still receives mail addressed to her either way and her mail box is inscribed with her name.

2. The Defendant, CLEARFIELD COUNTY TAX CLAIM BUREAU, is a county agency with offices at the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

3. By virtue of a Certificate of Title issued on November 6, 1996 by the Commonwealth and filed in Harrisburg, Pennsylvania

Faith J. Algarin became the record owner of a certain 1971 Marlette Mobile Home (title # "22036934405 AL" & VIN # "P12360CD221X01072"). A photostatic copy of the existing title is attached hereto and incorporated herein by reference as Exhibit "A".

4. The said Trailer was situate on ground owned by Dallas Stucke at 106 Spring Street, in the Hillsdale area of Lawrence Township, Clearfield County, PA.

5. In January 1998 plaintiff moved from 106 Spring Street to 348 Millville Road, Lot #7, Bloomsburg, PA 17815.

6. On September 8, 1999, plaintiff's mother (Deloris Smay) paid \$52.70 to Hazel Shifter for County and Township Trailer taxes on this mobile home.

7. The subject Trailer is and all relevant times has been inhabited by one, Virginia Marie McCracken. Said Virginia Marie McCracken was not then, is not now, and never was authorized to sign on behalf of Faith J. Algarin.

8. Virginia Marie McCracken began to live in the said Mobile Home/Trailer as a tenant in October 1999 and she has told plaintiff that she wanted to buy the mobile home but just couldn't come up with the money. Ms. McCracken just kept stalling off the purchase and refused to pay the previously agreed rent of 200.00 per month. It is now believed that Ms. McCracken formed the intent to purchase the mobile home from the county and not from the plaintiff and for this reason she failed to tell plaintiff that notices of sale were posted on the mobile home.

9. Virginia Marie McCracken has at all times had the

telephone number of the plaintiff (570-784-6287) as well as her address and never notified plaintiff of any proposed sale by the County. Ms. McCracken had spoken to plaintiff on the telephone about her (Ms. McCracken's) inability to come up with the purchase price in October, November and December of 2000 and in no conversation did she ever tell plaintiff that Ms. McCracken was planning to buy the trailer for unpaid taxes or that the trailer had been posted sale due to unpaid taxes.

10. On October 26, 2000 the restricted delivery Sale Notice for Claim Nos. 97-5921; 98-6016; and 99-6006 was also returned marked "Moved left no address" as to Faith J. Algarin.

11. Faith J. Algarin was not personally served with notice of the sale nor does she recall ever seeing any postings of notice of sale on the property.

12. On or about December 18, 2000, at 9:00 a.m. the said property was sold for delinquent taxes under Claim Nos. 97-5921; 98-6016; and 99-6006 by the CLEARFIELD COUNTY TAX CLAIM BUREAU pursuant to the Act of July 7, 1947, P.L. 1368 (Real Estate Tax Sale Law), Article VI, 72 P.S. §5860.601, et seq. at what was designated a "private sale".

13. The purchaser of the subject Mobile Home/Trailer at the "private sale" held on December 18, 2000 for \$800.00 was Virginia Marie McCracken the tenant residing in the mobile home.

14. It is believed and therefore averred that the purchaser was also the party who had offered to purchase the Trailer for \$800.00 at a proposed private sale.

15. The sale of said properties was not held in accordance with the provisions of the said law; specifically, the following objections are raised:

a. The CLEARFIELD COUNTY TAX CLAIM BUREAU failed to properly notify FAITH J. ALGARIN of the sale scheduled for December 18, 2000, at 9:00 a.m. as required by §602(e)(2) of the Act.

b. Plaintiff, FAITH J. ALGARIN, was not aware of the fact that her property, any interest of hers was to be sold on said date.

c. The CLEARFIELD COUNTY TAX CLAIM BUREAU attempted to notify FAITH J. ALGARIN of the sale scheduled for December 18, 2000, at 9:00 a.m. but by then the TCB was aware that the address they had for her was not valid and no notice or personal service could be obtained as to her as required by the Act.

d. The U.S. Postal service was incorrectly notifying the CLEARFIELD COUNTY TAX CLAIM BUREAU that plaintiff had moved and left no address and therefore notice did not reach her as required prior to a final sale of her property.

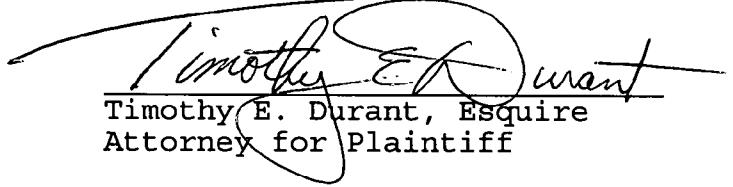
e. It is unconscionable and unconstitutional to allow the sale of the subject trailer without actual notice to a party who through no fault of her own did not receive actual notice.

f. It is unconscionable and unconstitutional to permit this sale to a party who knew the whereabouts of plaintiff and failed to notify her of the sale and then arranged for a private sale to herself.

WHEREFORE, Plaintiff, FAITH J. ALGARIN, prays the Court to



sustain her objections, vacate the Tax Claim Bureau sale and render it null and void because of lack of proper notice to her as required under the law so that the said Mobile Home situate in Lawrence Township and identified as Tax Map No. 123-K8-242-9-TL shall continue to be the property of Faith J. Algarin.

  
Timothy E. Durant, Esquire  
Attorney for Plaintiff

Dated: December 29, 2000

VERIFICATION

I Faith J. Algarin, do hereby verify that the statements made in the foregoing Pleading are true and correct to 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.

12-26-00

Faith J. Algarin  
Faith J. Algarin

FILE COPY

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

COMMONWEALTH OF PENNSYLVANIA									
DEPARTMENT OF TRANSPORTATION									
CERTIFICATE OF TITLE FOR A VEHICLE									
10.416									
962900011002056-001									
P12360C0221X01072				71		MARLETTE		22936934435 AL	
VEHICLE IDENTIFICATION NUMBER				YEAR		MAKE OF VEHICLE		TITLE NUMBER	
MH		0		SEAT CAP		11/06/96		EXEMPT	
BODY TYPE		DUP		PRIOR TITLE STATE		ODOM. PROCD. DATE		ODOM. MILES	
1/07/77		11/06/96				10,001			
DATE PA TITLED		DATE OF ISSUE		UNLADEN WEIGHT		GVWR		GVWR	
<p><b>ODOMETER DISCLOSURE EXEMPT BY FEDERAL LAW</b></p> <p>REGISTERED OWNER(S):</p> <p>FAITH J. ALGARIN</p> <p>401 MERRILL ST</p> <p>CLEARFIELD PA 16830</p>									
FIRST LIEN FAVOR OF: <p>DELORES SMAY</p>					SECOND LIEN FAVOR OF:				
FIRST LIEN RELEASED <p>5-5-98</p> <p>DATE</p> <p>BY <i>Delores Smay</i></p> <p>AUTHORIZED REPRESENTATIVE</p>					SECOND LIEN RELEASED <p>DATE</p> <p>BY</p> <p>AUTHORIZED REPRESENTATIVE</p>				
MAILING ADDRESS <p>031007</p> <p>DELORES SMAY</p> <p>407 MERRILL ST</p> <p>CLEARFIELD PA 16830</p>									
<p>I certify as of the date of issue, the official records of the Pennsylvania Department of Transportation reflect that the person(s) or company named herein is the lawful owner of the said vehicle.</p> <p><b>BRADLEY L. MALLORY</b></p> <p>Secretary of Transportation</p>									
<p><b>D. APPLICATION FOR TITLE AND LIEN INFORMATION -</b></p> <p>TO BE COMPLETED BY PURCHASER WHEN VEHICLE IS SOLD AND THE APPROPRIATE SECTIONS ON THE REVERSE SIDE OF THIS DOCUMENT ARE COMPLETED.</p>									
<p>SUBSCRIBED AND SWORN TO BEFORE ME</p> <p>SIGNATURE OF PERSON ADMINISTERING OATH</p>					<p>When applying for title with a co-owner, other than your spouse, check one of these blocks. If no block is checked, title will be issued as Tenants in Common.</p> <p>A <input type="checkbox"/> Joint Tenants with Right of Survivorship (on death of one owner, title goes to the surviving owner).</p> <p>B <input type="checkbox"/> Tenants in Common (on death of one owner, interest of deceased owner goes to his or her heirs or estate).</p>				
<p>SIGNATURE OF APPLICANT OR AUTHORIZED SIGNER</p>					<p>LIEN DATE</p> <p>IF NO LIEN CHECK BOX <input type="checkbox"/></p>				
<p>SIGNATURE OF CO-APPLICANT/TITLE OF AUTHORIZED SIGNER</p>					<p>FIRST LIENHOLDER</p> <p>NAME</p> <p>STREET</p> <p>CITY</p> <p>STATE</p> <p>ZIP</p>				
<p>SEAL</p>					<p>LIEN DATE</p> <p>IF NO LIEN CHECK BOX <input type="checkbox"/></p>				
<p>STREET</p> <p>CITY</p> <p>STATE</p> <p>ZIP</p>					<p>SECOND LIENHOLDER</p> <p>NAME</p> <p>STREET</p> <p>CITY</p> <p>STATE</p> <p>ZIP</p>				
<p>STORE IN A SAFE PLACE - IF LOST APPLY FOR A DUPLICATE - ANY ALTERATION OR ERASURE VOIDS THIS TITLE</p>									

07448946

Exhibit "A"



② 314-01-130

OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET, SUITE 228  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-~~6879~~ 7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

February 21, 2001

Timothy E. Durant, Esquire  
Attorney at Law  
201 North Second Street  
Clearfield, PA 16830


Kim C. Kesner, Esquire  
Attorney at Law  
23 North Second Street  
Clearfield, PA 16830

RE: FAITH J. ALGARIN  
vs.  
CLEARFIELD COUNTY TAX  
CLAIM BUREAU  
No. 00-1609-CD

Dear Counsel:

With regard to the above matter, please be advised that hearing on Plaintiff's Objections and Exceptions to Sale of Trailer with Map No. 123-K8-242-9-TL-01 in the above matter has been scheduled for Wednesday, March 14, 2001 at 1:30 .M. in Courtroom No. 1, Clearfield County Courthouse.

Very truly yours,

  
Marcy Kelley  
Deputy Court Administrator

cc: Honorable John K. Reilly, Jr.

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

FAITH J. ALGARIN

Plaintiff

VS

CLEARFIELD COUNTY TAX  
CLAIM BUREAU

Defendant

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NO. 00-1609-CD

Claim Nos. 97-5921;  
98-6016; and 99-6006

OBJECTIONS AND EXCEPTIONS TO SALE OF  
TRAILER WITH MAP NO. 123-K8-242-9-TL-01

CERTIFICATE OF SERVICE

I, Michael Luongo, verify that on January 2, 2001, I did hand deliver one (1) certified copy of the PLAINTIFFS' OBJECTIONS AND EXCEPTIONS TO SALE OF TRAILER WITH MAP NO. 123-K8-242-9-TL-01 OBJECTIONS AND EXCEPTIONS TO SALE OF PARCEL NO. 14-D13-36. Said Objections were hand delivered to the person in charge at the office of the Clearfield County Tax Claim Bureau which is located at 230 E. Market St., Clearfield, PA 16830.

I understand that false statements herein are made subject to the penalties of 18 PA. C.S. §4904, relating to unsworn falsification to authorities.

  
Michael Luongo

Dated: 1-2-01

FILED

JAN 02 2001

William A. Shaw  
Prothonotary

FILED

JAN 02 2001

01/11:01/NO CC

William A. Shaw

Prothonotary

WAS

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

FAITH J. ALGARIN

Plaintiff

VS

CLEARFIELD COUNTY TAX  
CLAIM BUREAU

Defendant

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NO. 00-1609-CD

Claim Nos. 97-5921;  
98-6016; and 99-6006

**CERTIFICATE OF SERVICE**

I, Michael Luongo, verify that on January 2, 2001, I did deposit in the United States First Class Mail, postage pre-paid, one (1) certified copy of the PLAINTIFFS' OBJECTIONS AND EXCEPTIONS TO SALE OF TRAILER WITH MAP NO. 123-K8-242-9-TL-01 OBJECTIONS AND EXCEPTIONS TO SALE OF PARCEL NO. 14-D13-36. Said Objections were sent to purchaser, Virginia Marie McCracken at her last known address which was 106 Spring Street, Clearfield, PA 16830.

I understand that false statements herein are made subject to the penalties of 18 PA. C.S. §4904, relating to unsworn falsification to authorities.

  
Michael Luongo

Dated: 1-2-01

**FILED**

JAN 02 2001

William A. Shaw  
Prothonotary

**FILED**

JAN 02 2001  
O 11:21 AM  
William A. Shaw  
Prothonotary

*WAS*



FILED

MAR 23 2001  
0/3:40/ur  
William A. Shaw  
Prothonotary

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

FAITH J. ALGARIN

Plaintiff

VS

CLEARFIELD COUNTY TAX  
CLAIM BUREAU

Defendant

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NO. 00-1609-CD

Claim Nos. 97-5921;  
98-6016; and 99-6006

ORDER

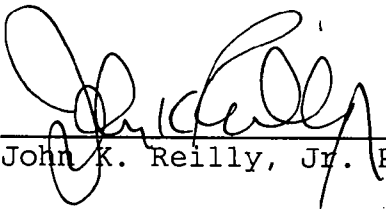
NOW THIS 23 day of March, 2001 after hearing held on March 14, 2001 at 1:30 p.m. before this Court and upon review of the Objections to Sale of Trailer filed in this matter and agreement by the Clearfield County Tax Claim Bureau and their Counsel and there appearing to be no dispute as to the facts, it is the Order of this Court that:

The objections of Plaintiff, FAITH J. ALGARIN be and are hereby sustained, the December 18, 2000 private sale by the Clearfield County Tax Claim Bureau of the subject Trailer (a 1971 Marlette Mobile Home, Title No. "22036934405 AL" and VIN No. "P12360CD221X01072") is hereby vacated and rendered null and void so that the said Mobile Home situate in Lawrence Township at 106 Spring Street and identified as Tax Map No.123-K08-242-00009-TL-1 Trailer, shall continue to be the property of Faith J. Algarin.

It was brought to the attention of this Court that as a result of the now voided sale of December 18, 2000 the title to the Mobile Home may have been transferred or may be in the process of being transferred, possibly to Virginia Marie McCracken or one of her

assigns, for that reason it is hereby directed that a certified copy of this Order shall be sufficient authority for any agency, bureau or department of the Commonwealth of Pennsylvania to void the transfer to Virginia Marie McCracken or assigns and to reinstate, transfer or re-issue the title of the subject Mobile Home to Faith J. Algarin, her heirs, executors or assigns.

It is the further Order of this court that Faith J. Algarin shall forthwith pay the \$825.29 in taxes remaining unpaid upon this Trailer to the Tax Claim Bureau for the years of 1997, 1998 and 1999.

  
\_\_\_\_\_  
John K. Reilly, Jr. President Judge

**FILED**

MAR 23 2001 *JP*

William A. Shaw  
Prothonotary

2 CERT TO ATTY DUNN

1 CERT TO TAX CLERK

1 CERT TO ATTY KESNER