

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

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

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

FAITH J. ALGARIN,

Plaintiff

MISC. Dkt.

NO. 2000-1609-C0

vs.

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

CLEARFIELD COUNTY TAX
CLAIM BUREAU

Defendant

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

60 DEC 29 2000

1/4:00 (wrx
William A. Shaw
Prothonotary

No Court. copies

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

FAITH J. ALGARIN, Plaintiff : MISC. DKT.
vs. : NO. 2000-1609-CO
CLEARFIELD COUNTY TAX : Claim Nos. 97-5921;
CLAIM BUREAU : 98-6016; and 99-6006
Defendant :
: OBJECTIONS AND EXCEPTIONS
: TO SALE OF TRAILER WITH MAP
: NO. 123-K8-242-9-TL-01

Code: Civil

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FAITH J. ALGARIN

Plaintiff

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6/4/00 (ws)
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(ws) (ff)
NO CUST. COPIES

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

FAITH J. ALGARIN	*	
	Plaintiff	* MISC. DKT.
		*
		*
VS		NO.
		*
CLEARFIELD COUNTY TAX		Claim Nos. 97-5921;
CLAIM BUREAU		*
		98-6016; and 99-6006
		*
		*
Defendant	*	

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.

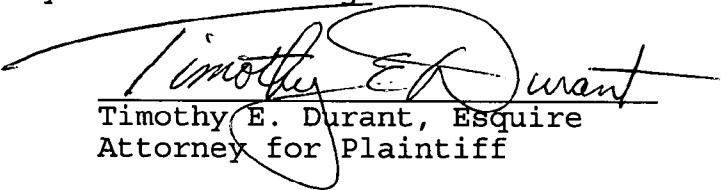
d. The U.S. Postal service was incorrectly notifying the CLEARFIELD COUNTY TAX CLAIM BUREAU that plaintiff had moved and left no address and therefore notice did not reach her as required prior to a final sale of her property.

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
CERTIFICATE OF TITLE FOR A VEHICLE

10-416
962900011002056-001
P123450CDP21X01072

VEHICLE IDENTIFICATION NUMBER	71	MARLETT	22736934405 AL
MH	YEAR	MAKE OF VEHICLE	TITLE NUMBER
BODY TYPE	0	11/06/96	EXEMPT
DUP.	SEAT CAP.	ODOM. PROCD. DATE	4
17/07/71	11/06/96	10,001	ODOM. MILES
DATE PA TITLED	DATE OF ISSUE	GWWR	ODOM. STATUS
	UNLADEN WEIGHT	GWWR	TITLE BRANDS

ODOMETER DISCLOSURE EXEMPT BY FEDERAL LAW

REGISTERED OWNER(S):
FAITH J. ALGARIN
401 MERRILL ST
CLEARFIELD PA 16830

FIRST LIEN FAVOR OF:
DELORES SMAY

SECOND LIEN FAVOR OF:

IF a second lienholder is listed upon satisfaction of the first lien, the first lienholder must forward this Title to the Bureau of Motor Vehicles with the appropriate form and fee.

FIRST LIEN RELEASED 5-5-98 DATE 5-5-98
BY DeLores Smay AUTHORIZED REPRESENTATIVE

MAILING ADDRESS 031007
DELORES SMAY
407 MERRILL ST
CLEARFIELD PA 16830

SECOND LIEN RELEASED DATE
BY AUTHORIZED REPRESENTATIVE

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.

D. APPLICATION FOR TITLE AND LIEN INFORMATION

SUBSCRIBED AND SWORN
TO BEFORE ME: DAY YEAR

SIGNATURE OF PERSON ADMINISTERING OATH

SECRETARY OF TRANSPORTATION

TO BE COMPLETED BY PURCHASER WHEN VEHICLE IS SOLD AND THE APPROPRIATE SECTIONS ON THE REVERSE SIDE OF THIS DOCUMENT ARE COMPLETED.

When applying for title with a co-owner, other than your spouse, check one of these blocks. If no block is checked, it will be issued as "Tenants in Common".
A Joint Tenants with Right of Survivorship (on death of one owner, title passes to the surviving owner)
B Tenants in Common (on death of one owner, interest of deceased owner goes to his or her heirs or estate)

LIEN DATE	IF NO LIEN CHECK BOX
FIRST LIENHOLDER	
NAME	
STREET	
CITY	
STATE	
LIEN DATE	IF NO LIEN CHECK BOX
SECOND LIENHOLDER	
NAME	
STREET	
CITY	
STATE ZIP	

SEAL

SIGNATURE OF NOTARY

The undersigned hereby makes application for Certificate of Title to the vehicle described above, subject to the encumbrances and other legal claims set forth here.

SIGNATURE OF APPLICANT OR AUTHORIZED SIGNER

SIGNATURE OF CO-APPLICANT/TITLE OF AUTHORIZED SIGNER

STORE IN A SAFE PLACE - IF LOST, APPLY FOR A DUPLICATE - ANY ALTERATION OR ERASURE VVOIDS THIS TITLE

97448946

Exhibit "A"



(P) 3-14-01- 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: 1-814-765-6889 7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

February 21, 2001

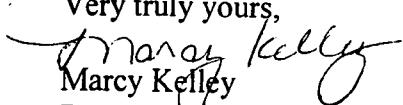
Timothy E. Durant, Esquire
Attorney at Law
201 North Second Street
Clearfield, PA 16830

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.

MICHAEL E. DURANT
AT ATTORNEY AT LAW
201 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(518) 765-1711

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

FAITH J. ALGARIN *
Plaintiff *
*
* NO. 00-1609-CD
VS *
* Claim Nos. 97-5921;
CLEARFIELD COUNTY TAX * 98-6016; and 99-6006
CLAIM BUREAU *
Defendant *

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
Michael Luongo

Dated: 1-2-01

FILED

JAN 02 2001

William A. Shaw
Prothonotary

FILED

JAN 9 2 2001

10:01 AM CC

William A. Shaw
Prothonotary
KCB

TIMOTHY E. DURANT

ATTORNEY AT LAW

201 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-1711

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

FAITH J. ALGARIN

Plaintiff

*

*

*

NO. 00-1609-CD

VS

*

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

**CLEARFIELD COUNTY TAX
CLAIM BUREAU**

Defendant

*

*

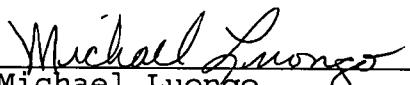
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CERTIFICATE OF SERVICE

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 1101 NOCC
William A. Shaw
Prothonotary
G
KCB

FILED

MAR 23 2001

03:40 AM

William A. Shaw

Prothonotary

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

FAITH J. ALGARIN

Plaintiff

*

*

NO. 00-1609-CD

VS

*

*

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

CLEARFIELD COUNTY TAX
CLAIM BUREAU

Defendant

*

*

*

ORDER

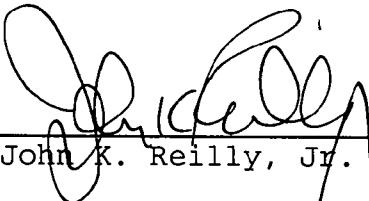
NOW THIS 23 day of March, 2001 after hearing held on March 14, 2001 at 1:30 p.m. before this Court and upon review of the Objections to Sale of Trailer filed in this matter and agreement by the Clearfield County Tax Claim Bureau and their Counsel and there appearing to be no dispute as to the facts,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

William A. Shaw
Prothonotary

2 CERT TO ATTY DURRAN

1 CERT TO TAX CLAN

1 CERT TO ATTY KASNER