

04-03-CD
HAROLD C. WEST vs. CLEARFIELD COUNTY TAX CLAIM BUREAU

Harold West vs. Clfd. Co. Tax Claim Bureau
2004-3-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL DIVISION-LAW

HAROLD C. WEST,

Petitioner

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU,

Respondent

*
* No. 04-03-05
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*
* TYPE OF PLEADING: PETITION TO
* HALT PRIVATE TAX SALE
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* FILED ON BEHALF OF:
* PETITIONER
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* ATTORNEY FOR PETITIONER:
* David C. Mason, Esquire
* Supreme Court ID #39180
* MASON LAW OFFICE
* P.O. Box 28
* Philipsburg, PA 16866
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*

FILED

JAN 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

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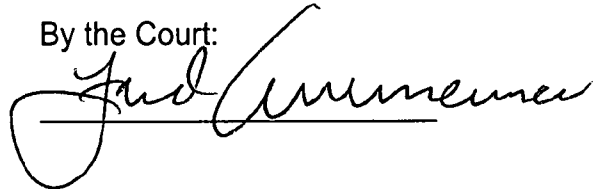
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ORDER

AND NOW, on this 2 day of Jan., 2004, upon consideration of the
foregoing Petition, it is the Order of this Court that;

1. Private Tax Sale of the within referenced property which is scheduled for
Monday, January 5, 2004, is hereby stayed.

By the Court:

A handwritten signature in cursive script, likely of the court clerk, written over a horizontal line.

FILED

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* No.
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PETITION TO HALT PRIVATE TAX SALE

AND NOW, comes the Petitioner, Harold C. West, by and through his counsel, DAVID C. MASON, and petitions the Court to halt the sale for non-payment of taxes of certain real estate, and in support thereof avers as follows:

1. Petitioner is Harold C. West, an adult individual who resides at 127 Linden Lane, Saltsburg, PA 15681.
2. Respondent is the Clearfield County Tax Claim Bureau, Courthouse Annex, Clearfield, PA, 16830.
3. Petitioner is the owner of certain premises situate, lying and being in the Township of Woodward, Clearfield County, PA, by virtue of a deed from the County Commissioners, said deed dated August 1, 1955, and recorded in the office for the recording of deeds in Deed Bok Volume 743 at page 348. A true and correct copy of this deed is attached to this Petition as Exhibit "A".
4. The Commissioners' deed describes the parcel(s) as containing "L & 2 A", which Petitioner avers upon information and belief to mean that the lands assessed and sold as the lands of James B. Beatty estate consisted of a lot and two (2) acres.

5. The premises above described have been assigned tax map parcel number 130-999-38.

6. Petitioner believes and therefore avers that the assigned tax map parcel number indicates that the tax assessment office for the County of Clearfield has not mapped the parcel or parcels conveyed by the deed, but have assessed them within Clearfield County, and within Woodward Township.

7. Petitioner believes and therefore avers that the assigned tax map parcel number indicates that the tax assessment office for the County of Clearfield recognizes that the lands exist, but they have not been able to locate said parcels on the maps of said County and Township.

8. A private sale for non-payment of real estate taxes of the following tax map parcel numbers within Woodward Township, Clearfield County, PA, has been scheduled for January 5, 2004:

130- M14-411-033

130- M14-411-034

130- M14-411-035

9. Petitioner believes and therefore avers that the lands owned by him and assessed by Clearfield County as **130-999-38** are the same lands which are assessed by Clearfield County as **130- M14-411-033, 130- M14-411-034, and 130- M14-411-035.**

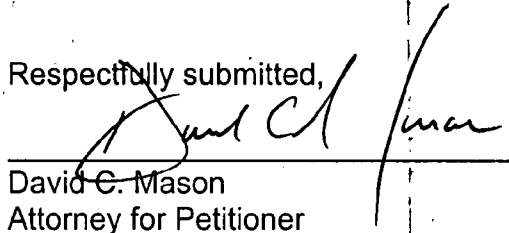
10. Petitioner has attempted to clear up this discrepancy regarding what he believes to be a double assessment by visiting and speaking to the Tax Claim Bureau and the assessment office, but without avail.

11. Petitioner has recently sought and retained legal counsel to conduct a title examination of the lands to be sold and the lands conveyed to him by the Commissioners of Clearfield County in the deed attached hereto as Exhibit "A".

12. It would be unfair to the Petitioner as well as to any prospective purchaser(s) of these lands if a sale were to be conducted and subsequently Petitioner was able to establish superior title to the lands sold at the tax sale.

WHEREFORE, Petitioner prays Your Honorable Court for the entry of an Order staying the private tax sale of property tax codes numbers **130- M14-411-033, 130- M14-411-034, and 130- M14-411-035** currently scheduled for January 5, 2004, at 9:00 A. M. until further Order of Court.

Respectfully submitted,



David C. Mason
Attorney for Petitioner



WE, J. HAROLD McFADDEN, A. W. PEARSON AND WESLEY J. READ, COUNTY COMMISSIONERS OF THE COUNTY OF CLEARFIELD, STATE OF PENNSYLVANIA, SEND GREETINGS:

Whereas, the County Commissioners of said County of Clearfield, in pursuance of the several Acts of Assembly in that behalf made and provided, at a County Treasurer's sale of seated lands, for taxes, made on the 1st day of August 1955, did purchase all that certain parcel of seated lands, situate in The Township of Woodward aforesaid, containing 1 & 2 A County and State and sold as the property of James B. Beatty Est.

there having been no bid made by any person sufficient to pay taxes, interest and costs.

And Whereas, the then County Treasurer of Clearfield County did make a deed to the County Commissioners, and to their successors in office, for the aforesaid parcel of land, subject, however, to the right of redemption granted by law; and the said parcel of land so purchased has remained unredeemed, for the period designated by law.

And Whereas, J. Harold McFadden, A. W. Pearson and Wesley J. Read, said County Commissioners, having given due and timely notice, according to the several Acts of Assembly in relation thereto, of their intention to sell, and of the time and place of sale, and all such matters as are required by law, did agreeably to law, on the 5th day of October 1964, expose to public sale by public vendue or outcry, in Court Room No. 1 at the Court House at Clearfield, aforesaid, the aforesaid tract of land, and the aforesaid County Commissioners sold the whole of the aforesaid parcel of land to Harold C. West

for the sum of \$ 8.00, lawful money of the United States, being the highest bidder, and that the highest and best price bidden for the same.

Now, Know Ye, that we, the said J. Harold McFadden, A. W. Pearson and Wesley J. Read, County Commissioners aforesaid, in consideration of the premises and of the aforesaid sum of \$ 8.00 in hand paid by the said Harold C. West

the receipt whereof is heroby acknowledged, do hereby grant and convey, to the said Harold C. West

and to his heirs and assigns, according to the laws of the Commonwealth of Pennsylvania in such cases made and provided, all such estate, right, title and interest as has been acquired by the first above mentioned purchase from the County Treasurer of the County of Clearfield, and as we, the said County Commissioners, have a right to convey, in and to all that above mentioned and described parcel of land situate as aforesaid in Woodward-Township, with the appurtenances;

To Have and to Hold the aforesaid parcel of land and all such estate, right, title and interest therein as the said County Commissioners of the County of Clearfield have a right to convey, unto the said grantee, and to his heirs and assigns, to and for the only proper use and behoof of the said grantee, and his successors

heirs and assigns, forever.

In Witness Whereof, we, the said County Commissioners of Clearfield County, have hereunto set our hands and caused the official seal of said county, duly attested, to be affixed, this 1st day of December 1964.

ATTEST:

Stanley M. Ziegler
Chief Clerk

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD

SS:

On this, the 1st day of December 1964, before me, Carl E. Walker

the undersigned officer, personally appeared J. HAROLD McFADDEN, A. W. PEARSON and WESLEY J. READ, known to me to be the persons described in the foregoing deed, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

In Witness Whereof, I have hereunto set my hand and official seal.

Carl E. Walker

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1966

State of Pa.

Dep't

Clearfield County
Commissioners

TO

HONARD C. WEST

AFFIDAVIT NO. 6861

I hereby certify that the precise residence
of the Grantee or Grantees is
WOOD STREET
SALTSBURG, PENN.
Rev. R. H. E. West

Entered of Record Aug 9 1977, 10:36 Cecil Burns, Recorder

RECORDED in the office for Recording of Deeds in and for Clearfield County in Deed Book _____

No. _____, Page _____, Etc.

WITNESS my hand and seal of office this _____

day of _____, Anno Domini, 19 _____.