

04-591-CD
SUN BANK vs. CLEARFIELD COUNTY etal

Sun Bank vs. Clearfield County
2004-591-CD

Original

SUN BANK, :
Petitioner :
v. :
CLEARFIELD COUNTY, CLEARFIELD :
COUNTY TAX CLAIM BUREAU, :
SANDY TOWNSHIP, DUBOIS AREA :
SCHOOL DISTRICT, :
Respondents :

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 04-591-C

PETITION TO APPROVE COMPROMISE

1. Petitioner, Sun Bank, is a banking corporation having offices at 90 Maynard Street, Williamsport, Lycoming County, Pennsylvania 17701, and the owner of certain real property situate in Sandy Township, Clearfield County, Pennsylvania which real property is the "Premises" referred to in the written Agreement, a true and correct copy which is attached hereto.

2. The Respondents are all bodies politic situate in Clearfield County, Pennsylvania, and Parties to the attached Agreement.

3. Petitioner and the Respondents have entered into a written Agreement in connection with the compromise of certain real estate tax obligations, which are referred to in the Agreement, a true and correct copy of which is attached hereto.

4. Petitioner and all of the Respondents join in requesting that this Court enter an Order of Court approving the Compromise Agreement attached hereto.

FILED
APR 27 2004
William A. Shaw
Prothonotary/Clerk of Courts

Original

SUN BANK, :
Petitioner :
 :
v. :
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CLEARFIELD COUNTY, CLEARFIELD :
COUNTY TAX CLAIM BUREAU, :
SANDY TOWNSHIP, DUBOIS AREA :
SCHOOL DISTRICT, :
Respondents :

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 04-591-CJ

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1. Petitioner, Sun Bank, is a banking corporation having offices at 90 Maynard Street, Williamsport, Lycoming County, Pennsylvania 17701, and the owner of certain real property situate in Sandy Township, Clearfield County, Pennsylvania which real property is the "Premises" referred to in the written Agreement, a true and correct copy which is attached hereto.

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4. Petitioner and all of the Respondents join in requesting that this Court enter an Order of Court approving the Compromise Agreement attached hereto.

FILED

APR 27 2004

William A. Shaw
Prothonotary/Clerk of Courts

WHEREFORE, Petitioner respectfully requests this Honorable Court enter an Order approving the Compromise Agreement attached hereto.

ELION, WAYNE, GRIECO, CARLUCCI,
SHIPMAN & IRWIN, P.C.

By: 

William P. Carlucci, Esquire

I.D. No. 30477

125 East Third Street

Williamsport, PA 17701

(570) 326-2443

AGREEMENT TO COMPROMISE REAL ESTATE TAXES

AND NOW, comes the undersigned, SUN BANK, a banking corporation having offices in Williamsport, Lycoming County, Pennsylvania (hereinafter referred to as "BANK"); and CLEARFIELD COUNTY TAX CLAIM BUREAU, an agency of the government of Clearfield County, having offices in Clearfield, Clearfield County, Pennsylvania (hereinafter referred to as "TAX CLAIM BUREAU"); and CLEARFIELD COUNTY, a body politic and County government having offices in Clearfield, Clearfield County, Pennsylvania; and SANDY TOWNSHIP, a body politic having offices in Clearfield County, Pennsylvania; and DUBOIS AREA SCHOOL DISTRICT, a body politic, having offices in Clearfield, Pennsylvania.

WHEREAS, BANK was the Mortgagee in connection with a Mortgage lien on certain real property situate in SANDY TOWNSHIP, Clearfield County, Pennsylvania, more fully described in a Sheriff's Deed from Sheriff Chester A. Hawkins, dated February 26, 2003, a true and correct copy of which is attached hereto (hereinafter the "Premises"); and

WHEREAS, the former owner of the Premises Robert Cole Trucking Company, Inc., was in default of real estate taxes due on the Premises; and

WHEREAS, BANK executed upon the Premises; and

WHEREAS, prior to the Sheriff Sale scheduled on Bank's levy on the Premises BANK and the CLEARFIELD COUNTY TAX CLAIM BUREAU entered into an oral understanding with regard to the payment of past due real estate taxes; and

WHEREAS, the Parties wish to reduce their oral understanding to a written Agreement.

NOW, THEREFORE, intending to be legally bound hereby, the Parties agree as follows:

1. **Payment.** Within fifteen days after the approval of this Compromise Agreement by a Judge of the Court of Common Pleas of Clearfield County, BANK agrees to pay to the CLEARFIELD COUNTY TAX CLAIM BUREAU, on behalf of CLEARFIELD COUNTY, SANDY TOWNSHIP, and the DUBOIS AREA SCHOOL DISTRICT, sums as follows:

A. The sum of \$50,000.00 in consideration of past due real estate taxes due for tax years 2002 all tax years prior to 2002.

B. The net sum of real estate taxes due for calendar year 2003 in the amount of \$ 7390.20. Total \$ 57,390.20.

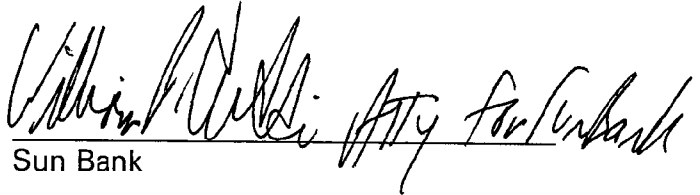
2. **Release.** In consideration of the payment which is the subject of the preceding paragraph, the CLEARFIELD COUNTY TAX CLAIM BUREAU and CLEARFIELD COUNTY and SANDY TOWNSHIP and DUBOIS AREA SCHOOL DISTRICT agree to exonerate SUN BANK, its affiliates and assigns, and the Premises from any claim whatsoever in connection with past due real estate taxes for calendar year 2003 or any prior year.

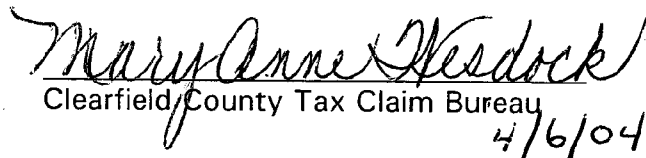
3. **Court Order.** All of the Parties to this Agreement join in requesting that the Court of Common Pleas of Clearfield County enter an appropriate Order of Court approving the terms hereof.

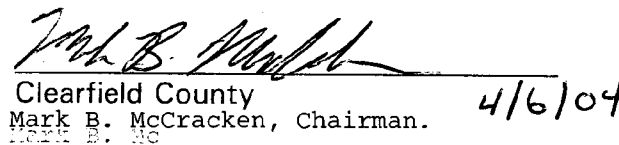
4. **Entire Agreement.** The Agreement set forth herein represents the entire Agreement of the Parties with regard to this matter. There are no inconsistent oral understandings.

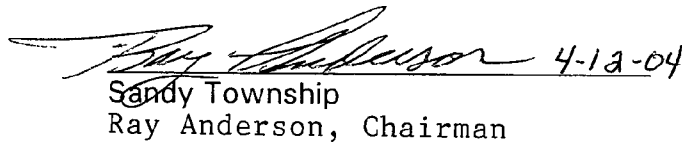
5. **Modification.** No modification of the terms hereof will be deemed defective unless made in writing, and signed by the Party against whom enforcement is sought.

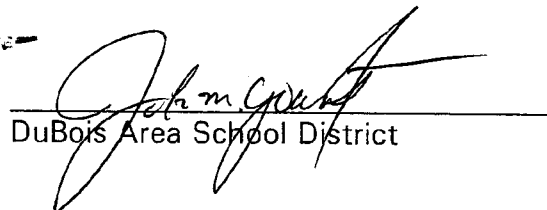
6. **Jury Trial.** In the event there is ever a dispute with regard to the terms hereof, such Parties waive a jury trial with regard to such dispute and agree to submit such dispute to a bench trial in Clearfield County, Pennsylvania.


Sun Bank


Clearfield County Tax Claim Bureau
4/6/04


Clearfield County
Mark B. McCracken, Chairman.
Mark B. Mc 4/6/04


Sandy Township
Ray Anderson, Chairman
4-12-04


DuBois Area School District

Know all Men by these Presents,

That I, Chester A. Hawkins, High Sheriff of the County of Clearfield, in the State of Pennsylvania, for and in consideration of the sum of \$1.00 plus costs

, to me in hand, do hereby grant and convey to
SUN BANK, SUCCESSOR IN INTEREST TO BUCKTAIL BANK AND TRUST COMPANY

the following described property, to wit:

ALL THOSE CERTAIN pieces, parcels or lots of land, situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, to wit:

PARCEL NO. 1

BEGINNING at a post in Slab Run, being the southwest corner of lands now or formerly of B.R. & P.R.R.; thence along the said Railroad land; South 49 degrees 30 minutes East, 856 feet to a post in boundary line of lands now or formerly of Rochester and Pittsburgh Coal and Iron Co.; thence along this boundary, South 49 degrees West 145 feet to Sandy Lick Creek; thence along said Creek, North 41 degrees West about 850 feet to intersection with Slab Run; thence along Slab Run, about 270 feet North 40 degrees East to place of beginning.

Excepting and reserving from the above-described premises all the land which was taken by the City of DuBois form a permanent easement for the DuBois Flood Control Project.

CONTAINING 3.99 acres, more or less. This parcel has also been said to contain 3.5 acres, more or less.

AND PARCEL NO. 1 BEING the same premises which Harry E. Robertson, single, by Deed dated November 5, 1974 and recorded July 17, 1975 in Clearfield County Deed Book "703" at page 413, granted and conveyed unto Robert Cole Trucking Company. For reference purposes only, this parcel bears assessment number 128-A2-55, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

Situate on the property are three one story metal buildings.

PARCEL NO. 2

BEGINNING at a post in the center line of the public road or highway leading from the town of Falls Creek to the Borough of Dubois, 75 feet South of the center line of the right of way of the B.R. & P.R.R.; thence parallel with and 75 feet South from the center line of said right of way, South 53 degrees 5 minutes East 717.3 feet to a post in the middle of Slab Run; thence along the middle of Slab Run, South 40 degrees West, 339 feet to a post in the middle of Sandy Lick Creek and at the intersection of Slab Run therewith; thence down Sandy Lick Creek, North 65 degrees West, 183 feet to a post in the middle of said Creek; and thence continuing down said Creek, South 76 degrees 30 minutes West 206 feet to a post in the middle line of the said public road or highway; thence in a northerly direction along the middle line of said public road or highway, 666 feet to the place of beginning.

CONTAINING 4.52 acres, more or less. This parcel was once said to contain 5.9 acres more or less.

EXCEPTING from Parcel No. 2 that certain conveyance from Austin Blakeslee, et ux, to Buffalo, Rochester and Pittsburgh Railway Company, dated September 7, 1915 and recorded September 10, 1915 in Clearfield County Deed Book 211 at page 237.

ALSO EXCEPTING from Parcel No. 2 all of the coal, oil, gas and other minerals and mineral rights, as fully and effectively as done in prior lawful conveyances of said premises.

AND PARCEL NO. 2 BEING the same premises which Thomas C. Donahue, et ux, by Deed dated December 4, 1975 and recorded September 24, 1976 in Clearfield Co. Deed Book "727" at page 281, granted and conveyed unto Robert Cole Trucking Company, Inc. For reference purposes only, this parcel bears assessment number 128-A2-30, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

The property is vacant land.

ALSO PARCEL NO. 1 and/or PARCEL NO. 2 are conveyed UNDER AND SUBJECT to the following:

- A. Right of way given by Robert Cole Trucking Co., Inc. to Bell Telephone Company, dated August 25, 1976, recorded November 3, 1976 in Clearfield County Misc. Book "205" at page 328.
- B. Right of way given by DuBois Traction Company to Pennsylvania Public Service Company, dated December 1, 1926, recorded December 27, 1926 in Clearfield County Misc. Book "30" at page 484.
- C. Deed of Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 recorded August 12, 1975 in Clearfield County Deed Book "704" at page 578.

- D. Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 and recorded August 12, 1975 in Clearfield County Misc. Book "199" at page 63.

PARCEL NO. 3

ALL THAT CERTAIN piece, parcel or tract of land, designated as Lot No. 158C, Section No. 15 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in Recorder of Deeds office in Misc. Docket Map File No. 25.

Excepting and reserving therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake of Pennsylvania, Inc., recorded in Misc. Book Vol. 146 at page 476; all of said Restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Grantor or Treasure Lake Property Owners Association, Inc., which lien shall run with the and be an encumbrance.

AND BEING the same premises which Treasure Lake of Pennsylvania, Inc., by Deed dated December 17, 1974 and recorded January 22, 1975 in Clearfield County Deed Book Vol. "695" at page 93, granted and conveyed unto Robert Cole Trucking Company, Inc. For referenced purposes only, this parcel bears assessment number 128-C2-15-158C-21, and is situate on Caribbean Road, Treasure Lake, DuBois, Pennsylvania 15801.

The property is vacant land.

SEIZED, taken in execution and sold as the property of ROBERT COLE TRUCKING COMPANY, INC., AND UNITED STATES OF AMERICA, INTERNAL REVENUE SERVICE, at the suit of SUN BANK, SUCCESSOR IN INTEREST TO BUCKTAIL BANK AND TRUST COMPANY. JUDGMENT NO. 01-879-CD.

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER
200302818

RECORDED ON
Feb 26, 2003
11:07:43 AM
Total Pages: 6

RECORDING FEES -	\$18.00
RECORDER	
COUNTY IMPROVEMENT	\$2.00
FUND	
RECORDER IMPROVEMENT	\$3.00
FUND	
JCS/ACCESS TO	\$10.00
JUSTICE	
STATE WRIT TAX	\$0.50
TOTAL	\$33.50
CUSTOMER	
CLEARFIELD CO SHERIFF	

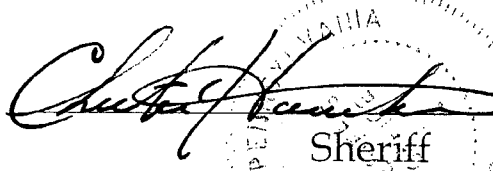
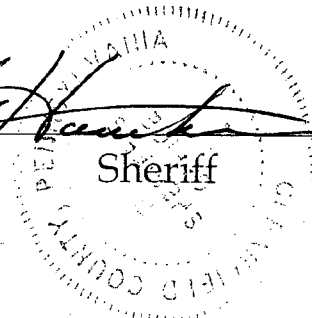
Now, FEBRUARY 26, 2003 the same having been sold by me to the said grantee on the 17TH day of JANUARY Anno Domini two thousand three after due advertisement according to law, under and by virtue of writ of execution issued on the 1ST day of OCTOBER Anno Domini Two thousand and two out of the Court of Common Pleas of said County of Clearfield as of case number 01-879-CD at the suit of

SUN BANK, SUCCESSOR IN INTEREST TO BUCKTAIL BANK AND TRUST COMPANY

against

ROBERT COLE TRUCKING COMPANY, INC.

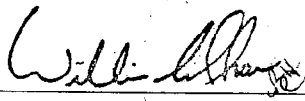
IN WITNESS WHEREOF, I have hereunto affixed my signature this 26th day of FEBRUARY Anno Domini Two thousand and three.


SEAL
Sheriff


State of Pennsylvania
County of Clearfield

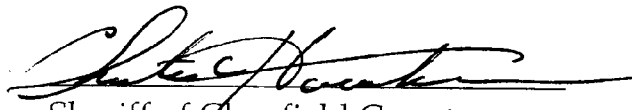
On 26th day of FEBRUARY, 2003, before me a Prothonotary, the undersigned officer personally appeared, **Chester A. Hawkins**, High Sheriff of the State of Pennsylvania known to me (or satisfactory proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity thereinstated and for the purposes therein contained.

In witness whereof, I have hereunto set my hand and official seal.


Prothonotary, Title of Officer
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

CERTIFICATE OF RESIDENCE

"I hereby Certify that the precise Residence of the Grantee or Grantees is,

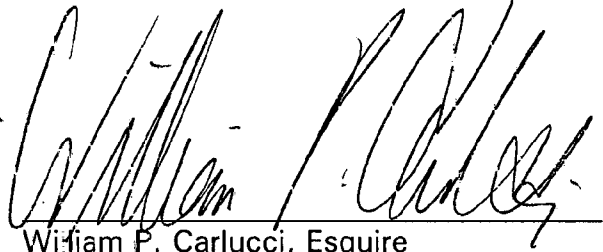

Sheriff of Clearfield County

SUN BANK, SUCCESSOR IN INTEREST TO BUCKTAIL BANK AND
TRUST COMPANY
90 MAYNARD STREET
WILLIAMSPORT, PA 17701

VERIFICATION

The undersigned hereby certifies and says that he was attorney for Plaintiff in a execution sale at Clearfield County Action 01-879-CD, that he is authorized to execute this verification, on behalf of the Petitioner, and that the facts set forth in the Petition attached hereto are true and correct to the best of the knowledge, information and belief of the undersigned.

The undersigned acknowledges that any false statements made herein would be made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'William P. Carlucci', written over a horizontal line.

William P. Carlucci, Esquire
Attorney for Petitioner

Dated: April 26, 2004

FILED

Atty Carlucci

APR 27 2004

\$d. 85.00

[Handwritten signature]

William A. Shaw
Prothonotary/Clerk of Courts

3 cc Atty Carlucci

SUN BANK,

Petitioner

v.

CLEARFIELD COUNTY, CLEARFIELD
COUNTY TAX CLAIM BUREAU,
SANDY TOWNSHIP, DUBOIS AREA
SCHOOL DISTRICT,


Respondents

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 04-591-CD

ACCEPTANCE OF SERVICE

The undersigned, Kim C. Kesner, Esquire, accepts service of the Petition filed in
the above-referenced matter on behalf of all Respondents.



Kim C. Kesner

FILED

APR 27 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED

3cc

APR 27 2004

Atty Castucci

FILED

Atty

04/19/04

2

SUN BANK,

Petitioner

v.

CLEARFIELD COUNTY, CLEARFIELD
COUNTY TAX CLAIM BUREAU,
SANDY TOWNSHIP, DUBOIS AREA
SCHOOL DISTRICT,

Respondents

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 04-591-CD

ORDER

AND NOW, this 28th day of April, 2004, upon Petition of Sun Bank to approve a Compromise Agreement with regard to certain real estate tax obligations, and upon Stipulation of counsel for the Petitioner and counsel for the Respondents, a copy of which written Stipulation is attached hereto, it is hereby ORDERED and DIRECTED that the Compromise Agreement attached to the Petition in the above-referenced matter is approved.

BY THE COURT,

Frederick J. Zimmerman J.

F:\Documents\wpc\SUN Bank - Cole Trucking 98-0785\Order.doc

FILED

APR 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

30C
Amy Kesner

FILED

SUN BANK,

Petitioner

v.

CLEARFIELD COUNTY, CLEARFIELD
COUNTY TAX CLAIM BUREAU,
SANDY TOWNSHIP, DUBOIS AREA
SCHOOL DISTRICT,

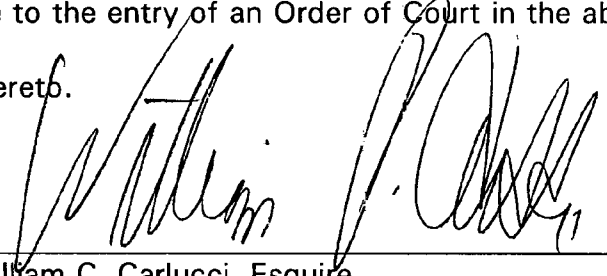
Respondents

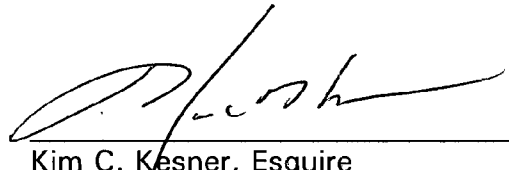
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 04-591-CD

STIPULATION FOR ENTRY OF ORDER OF COURT

AND NOW, comes the undersigned, attorney for the Petitioner and attorney for the Respondents, and stipulate and agree to the entry of an Order of Court in the above-referenced matter in the form attached hereto.



William C. Carlucci, Esquire
Attorney for Petitioner

Kim C. Kesner, Esquire
Attorney for Respondents

F:\Documents\wpc\SUN Bank - Cole Trucking 98-0785\Stipulation for Entry of Order of Court.doc

FILED

APR 27 2004

William A. Shaw
Prothonotary-Clerk of Courts

FILED

30c

0/32:4684
APR 27 2004

Atty Kesner

William A. Shaw

Prothonotary/Clerk of Courts