

04-672-CD
TN RE: BENJAMTN COAL COMPANY, et al.

In Re: Benjamin Coal Co., et al
2004-672-CD

JAMES D. CARMELLA
ATTORNEY AT LAW
724 CHURCH STREET
INDIANA, PENNSYLVANIA 15701

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

IN RE: BENJAMIN COAL COMPANY, :
PRIVATE SALE FOR :
UNPAID REAL ESTATE :
TAXES, PARCEL NO. :
109-D15-06, BY :
COMPASS COAL COMPANY :
:

: NO: 04- 672 -CD

Type of Pleading: Petition
to Intervene/Bid at Private
Tax Sale

Filed on behalf of
Petitioner:

Compass Coal Company

Counsel of Record for
Petitioner:

JAMES D. CARMELLA, ESQUIRE
724 Church Street
Indiana, PA 15701
724-349-7722
Supreme Court I.D. #23378

*(Original)
t/CA*

FILED

MAY 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

6A

LAW OFFICE
JAMES D. CARMELLA
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724 CHURCH STREET
INDIANA, PENNSYLVANIA 15701

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PETITION TO INTERVENE/BID AT PRIVATE TAX SALE

AND NOW, comes Compass Coal Company, by and through its attorney, James D. Carmella, Esquire, and files this Petition based on the following:

1. The Petitioner, Compass Coal Company is a Pennsylvania corporation with its principal office at 240 East Mahoning Street, Punxsutawney, Pennsylvania, referred to herein as "Compass".
2. The Clearfield County Tax Claim Bureau, herein "the Bureau", conducted a tax sale in 2003 for a parcel in Chest Township, Clearfield County, Pennsylvania, known as parcel number 109-D16-06, herein called "the property", assessed in the name of Benjamin Coal Company for nonpayment of back real estate taxes.
3. The upset price was not bid for the property and the Bureau has proposed a sale of the property at a private sale at any price approved by the Bureau.
4. The private sale is presently scheduled to occur on June 3, 2004 at 9:00 a.m. in the Bureau's office in Clearfield, Pennsylvania.

5. The Bureau has received bids from interested parties and has fixed a minimum bid price at which the property can be sold at Twenty-five Hundred (\$2,500.00) Dollars.

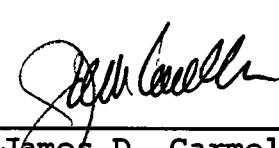
6. An objection was made to a private sale of the property by James E. Hamilton, Jr. at No. 04-552-CD and this Court entered an Order on April 23, 2004 establishing the private sale auction, and that is why the Bureau has set a private sale auction on June 3, 2004 under the provisions of the Real Estate Tax Law. 72 P.S. §5860.613.

7. Compass desires to bid on the property at the private sale scheduled by the Bureau.

8. The applicable statute directs that the Bureau is to conduct "an auction-style bid of the property among the properties to the proceedings." 72 P.S. §5860.613(a). Compass desires to be considered a party to the proceedings so it is permitted to bid at the private sale.

WHEREFORE, Petitioner requests this Honorable Court to enter an Order permitting Petitioner to bid on the property at the private sale to be conducted by the Bureau, and such further relief as the Court deems appropriate.

Respectfully submitted,

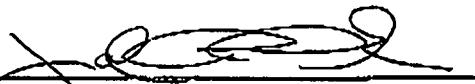


James D. Carmella, Esquire
Attorney for Petitioner

VERIFICATION

I verify that the statements made in the foregoing Petition to Intervene/Bid at Private Tax Sale are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 5-11-04

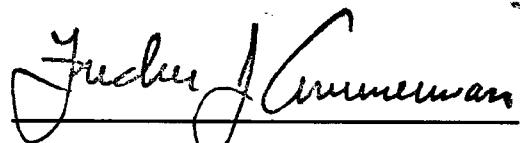

John Prushnok
President
Compass Coal Company

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UNPAID REAL ESTATE :
TAXES, PARCEL NO. :
109-D15-06, BY :
COMPASS COAL COMPANY :
: NO: 04-672-CD

ORDER OF COURT

AND NOW, this 14th day of May, 2004, upon consideration of the Petition of Compass Coal Company, it is hereby ORDERED and DIRECTED that Compass Coal Company shall be considered a party to the proceedings and permitted to bid at the auction-style private sale to be conducted by the Clearfield County Tax Claim Bureau on a property located in Chest Township, Clearfield County, Pennsylvania, assessed in the name of Benjamin Coal Company and known as tax parcel number 109-D15-06.

BY THE COURT:


J.

FILED

1k04090 petition to intervene

MAY 14 2004

William A. Shaw
Prothonotary/Clerk of Courts