

04-822-CD
IN RE: ONE 1991 NISSAN 300ZX TWIN TURBO

In Re: Nissan Twin Turbo et al
2004-822-CD

DAVID P. KING
ATTORNEY AT LAW
23 BEAVER DRIVE
P. O. BOX 1016
DUBOIS, PA 15801

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

IN RE: ONE 1991 NISSAN 300ZX
TWIN TURBO
VIN #JN1CZ24H5MX502579

NO. 04-822-05

Type of Case: Civil

Type of Pleading: Petition for
Involuntary Transfer of Ownership

Filed on behalf of: Petitioner

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

JUN 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

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CIVIL DIVISION

IN RE: ONE 1991 NISSAN 300ZX :
TWIN TURBO : NO. _____ C.D.
VIN #JN1CZ24H5MX502579 :

PETITION FOR INVOLUNTARY TRANSFER OF OWNERSHIP

AND NOW, comes your Petitioner, CHARLES E. SHESTAK, through his Attorney, David P. King, and in support of his Petition avers as follows:

1. The Petitioner is CHARLES E. SHESTAK, an adult individual, residing at 630 Treasure Lake, DuBois, PA 15801, which is in Clearfield County.
2. On or about May 1, 2003, your Petitioner did purchase, from Star Auto, of 916 King Road #B, Nampa, ID 83687, one 1991 Nissan 300ZX Twin Turbo automobile bearing Vehicle Identification No. JN1CZ24H5MX502579. A copy of the Bill of Sale for the same is attached hereto as Exhibit "A".
3. The said vehicle was a totally demolished vehicle which had been acquired by Star Auto from Geico Casualty Insurance Company in the State of Washington, County of King, for a salvage value. A copy of the Bill of Sale into Star Auto is attached hereto and marked as Exhibit "B".
4. At the time Geico Casualty Insurance Company transferred the said vehicle per Bill of Sale to Star Auto, the Title to the vehicle, which was titled in the State of Washington, was completely canceled, as the same was a complete loss, and this being the procedure followed in such matters.
5. Your Petitioner had acquired the vehicle to restore the same so that it would be usable, and could be inspected, licensed and titled by the State of Pennsylvania for his personal use.

6. In fact, your Petitioner did restore the vehicle, after extensive work and cost, and thereafter attempted to obtain a reconstructed vehicle Title to be issued by the Pennsylvania Department of Transportation.

7. In fact, your Petitioner did submit MV-426 (02-01) form for that purpose to the Commonwealth of Pennsylvania and paid all the fees required for the same, as well as providing proof of insurance, as well as providing certification that the vehicle had been inspected and would comply in all respects with the Department of Transportation regulations.

8. Notwithstanding, the said Application for Reconstructed Vehicle Title was returned by the Pennsylvania Department of Transportation which could not process the same as the vehicle had been originally titled in the State of Washington as aforesaid.

9. Thereafter, your Petitioner did contact his State Representative Dan A. Surra, and through his efforts, it was determined that the proper procedure in this matter would be a Petition to your Honorable Court for the Involuntary Transfer of Ownership of a Vehicle, rather than an Application for Reconstructed Vehicle Title.

10. The procedure to be followed in this case is as per Petition to your Honorable Court, with notice to the appropriate party or parties in interest.

11. The original owner of the subject matter vehicle titled in the State of Washington is unknown to your Petitioner, and impractical, if not impossible to discern because title to the same no longer exists.

12. However, your Petitioner, through Legal Counsel, did contact Star Auto, who verified the circumstances as set forth herein, and their

willingness to cooperate in anyway so that CHARLES E. SHESTAK, who purchased the vehicle from Star Auto, may be able to obtain a proper Title to the vehicle through the Pennsylvania Department of Transportation.

13. Thus, for practical and legal purposes, it is averred herein that Star Auto is the only party in interest that can be ascertained or that needs to be notified of these proceedings.

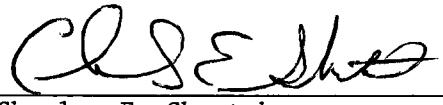
WHEREFORE, Petitioner prays your Honorable Court to enter an appropriate Order awarding him ownership of the subject matter vehicle, and extinguishing the right, title and interest of any other person in said vehicle so that your Petitioner may obtain the Title from the Department of Transportation accordingly, and he will so ever pray.



David P. King, Esquire
Attorney for Petitioner

I verify that the statements made in this Petition for Involuntary Transfer of Ownership are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: June 7, 2004



Charles E. Shestak
Petitioner

Idaho Transportation Department

BILL OF SALE



Vehicle/Hull Identification Number (1st) JN1CZ24H5MX502579	Title Number		
Vehicle Identification Number (2nd, if necessary)	Weight	Full Length & Width	
Vehicle Year 1991	Vehicle Make NISSAN	Vehicle Model 300ZX	Description Twin Turbo
Hull Material	Horse Power	Propulsion	

FEDERAL AND STATE LAW REQUIRES THAT YOU STATE THE MILEAGE IN CONNECTION WITH TRANSFER OF OWNERSHIP

FAILURE TO COMPLETE OR PROVIDING A FALSE STATEMENT MAY RESULT IN FINES AND / OR IMPRISONMENT

Actual Miles Exceeds Mechanical Limits Exempt

Not Actual - WARNING—Odometer Discrepancy No Odometer

Odometer Reading (no lenses)

Seller's Printed Name Star Auto		Buyer's Printed Name Charles E. Shestak	
Address 916 King RD #B		Address 630 Treasure lake	
City Nampa	State ID	Zip 83687	City Dubois
State PA	Zip 15801		
Selling Price \$4,000	Sale Date 5-1-03	Daytime Phone Number (208) 631-1817	Daytime Phone Number (814) 371-7352

New Lienholder Name or "NONE"		
Address		
City		State
Lien Creation Date		Time

I hereby sell the vehicle described above at the agreed amount. I also certify that the odometer reading given is accurate to the best of my knowledge.

I am aware of the odometer certification made by the seller.

X _____
(Seller's Signature)

X Chas E. Shatto
(Buyer's Signature)

ATTENTION PURCHASER: You must apply for title within 30 days to avoid a penalty, whether the vehicle is registered or not.

Exhibit "A"

600001

Lot # 3351433

COPART SALVAGE POOL
BILL OF SALE

State of Washington

County of King

for the sum of one dollar and other

consideration the undersigned hereby sells,
conveys and transfers through its agent

COPART - WOODINVILLE

one certain

1991 NISS 300ZX which bears identification
number JN1CZ24H5MX502579

To: Star Auto
Buyer Signature: deShet

Seller warrants that certificate of title of
said vehicle has been destroyed and sent
to the Department of Motor Vehicles in
Olympia in accordance with WAC308.56.020

Title Attached.

Date 5/01/03

Adj. MATHEW CHANEY

Ins. Co. GEICO CASUALTY COMPANY

M Gilkey
Copart - Title Clerk

600001

Exhibit "B"

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

IN RE: ONE 1991 NISSAN 300ZX :
TWIN TURBO : NO. 04-822- C.D.
VIN #JN1CZ24H5MX502579 :

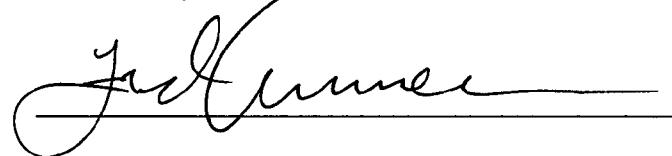
RULE RETURNABLE

AND NOW, this 9 day of June, 2004, in consideration of the foregoing Petition, a Rule is issued upon STAR AUTO, of 916 King Road #B, Nampa, ID 83687, to show cause, if any, that it may have why the relief requested in said Petition should not be granted.

Rule returnable the 21 day of June, 2004, for filing a written Response or Objections to said Petition.

In the event that a Response or Objections are filed, then a Hearing on the same will be scheduled by this Court with an opportunity for said interested party to be heard. If no written Response is filed, or no Objections filed, then the Court will enter the appropriate Order as hereinafter set forth, as requested by petitioner.

BY THE COURT:



FILED

JUN 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

IN RE: ONE 1991 NISSAN 300ZX :
TWIN TURBO : NO. 04-822 C.D.
VIN #JN1CZ24H5MX502579 :
:

ORDER

AND NOW, this _____ day of _____, 2004, after reasonable notice and an opportunity for hearing have been provided to all interested parties, the Court hereby awards ownership of one 1991 Nissan 300ZX Twin Turbo, VIN #JN1CZ24H5MX502579, to CHARLES E. SHESTAK, of 630 Treasure Lake, DuBois, PA 15801, and the right, title and interest of any other persons to said vehicle is hereby extinguished. The Pennsylvania Department of Transportation shall accept this Order as evidence of ownership in lieu of a Certificate of Title. The Petitioner shall submit the appropriate forms, taxes and fees, and comply with any other procedures of the Pennsylvania Department of Transportation in order to receive the appropriate Certificate of Title for said vehicle.

BY THE COURT:

CA

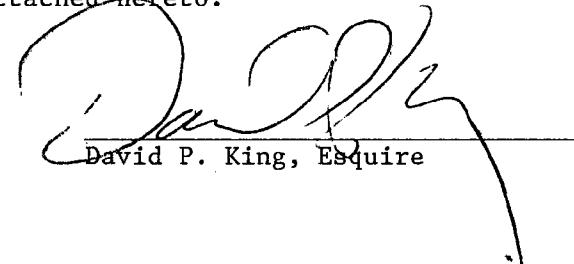
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: ONE 1991 NISSAN 300ZX :
TWIN TURBO : NO. 04-822-C.D.
VIN #JN1CZ24H5MX502579 :

AFFIDAVIT OF SERVICE

The undersigned, David P. King, Attorney for CHARLES E. SHESTAK, does hereby state and affirm that service was made on STAR AUTO, the person and party of interest of these proceedings, with proper notification of the same being accomplished by sending to said STAR AUTO a certified copy of the Petition and a certified copy of the Court's Rule Returnable scheduling June 29, 2004, as the time for filing a Response or Objection.

Originals of sender's receipt and return receipt card showing the same was received on June 17, 2004, are attached hereto.



David P. King, Esquire

FILED ^{No cc}
m112:43781
JUL 07 2004
W.A. Shaw
Prothonotary/Clerk of Courts

2824
2004
15801
14
2004
USPS

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

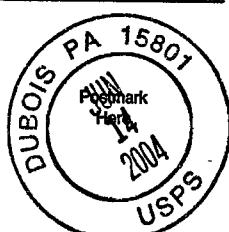
For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$.83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

Sent To Star Auto
Street, Apt. No.; 916 King Road #B
or PO Box No.
City, State, ZIP+4 Nampa, ID 83687

PS Form 2804, June 2002
See Reverse for Instructions



Certified Mail Provides:

mailing receipt

unique identifier for your mailpiece

A record of delivery kept by the Postal Service for two years

PS Form 3800, June 2002 (Reverse)

Important Reminders:

Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.

- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

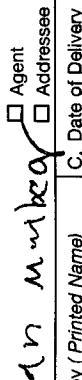
**IMPORTANT: Save this receipt and present it when making an inquiry.
Internet access to delivery information is not available on mail
addressed to APOs and FPOs.**

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse side that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Star Auto
916 King Road #B
Nampa, ID 83687

A. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number <i>(Transfer from service label)</i>	7003 2260 0000 1515 2824
PS Form 3811, August 2001 Domestic Return Receipt	
102595-02-M-1540	

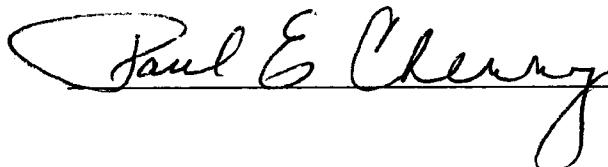
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: ONE 1991 NISSAN 300ZX :
TWIN TURBO : NO. 04-822-C.D.
VIN #JN1CZ24H5MX502579 :
:

ORDER

AND NOW, this 6th day of July, 2004, after reasonable Notice and an opportunity for a hearing having been provided to all interested parties, the Court hereby awards ownership of one 1991 Nissan 300ZX Twin Turbo, VIN #JN1CZ24H5MX502579, to CHARLES E. SHESTAK, and the right, title and interest of any other person to said vehicle is hereby extinguished. The Commonwealth of Pennsylvania, Department of Transportation shall accept this Order as evidence of ownership in lieu of a Certificate of Title. The Petitioner shall submit the appropriate forms, taxes and fees and comply with any other procedures of the Commonwealth of Pennsylvania, Department of Transportation, in order to receive the appropriate Certificate of Title for said vehicle.

BY THE COURT:



FILED

JUL 07 2004

William A. Shaw
Prothonotary/Clerk of Courts