

04-2046-CD
IN RE: Robert B. Horm, Jr.

In RE: Bureau's Consolidated Return
2004-2046-CD

Date: 02/03/2005

Time: 09:34 AM

Page 1 of 1

Clearfield County Court of Common Pleas

User: BANDERSON

ROA Report

Case: 2004-02046-CD

Current Judge: Fredric Joseph Ammerman

IN RE: Robert B. Horm Jr., Clearfield County Tax Claim Bureau, Blue Sky

Civil In RE

Date		Judge
10/22/2004	New Case Filed. Transferred from 04-1551-CD. Objection to the Tax Sale of Property, filed by s/Robert B. Horm, Jr. CC to Tax Claim, Kesner, C/A	No Judge <input checked="" type="checkbox"/>
12/23/2004	Petition to Set Aside Upset Sale, filed by Atty. Wagner CC. to Atty. (copies to Assessment & Kesner)	No Judge <input checked="" type="checkbox"/>
01/03/2005	Rule: A Rule to Show Cause is entered upon the Clearfield Tax Claim Bureau. A hearing on the Petition of Robert J. Horm, Jr., if necessary, is set for the 9th day of Feb. 2005, at 10:30 a.m. in the #1 Courtroom, Clfd. Co. Courthouse. All proceedings relating to the upset sale of the property described in the Petition are stayed meanwhile. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 2CC to Atty. w/memo.	No Judge <input checked="" type="checkbox"/>
01/10/2005	Certificate of Service, Re: Robert J. Horm, Jr. Copy of the Petition to set Aside Upset Sale, Notice and Rule to Show Cause , on Jan. 7, 2005 upon Blue Sky/Kim Mowrey, and Clfd. Co. Tax Claim Bur. Filed by s/ Thomas G. Wagner, Esquire. No CC	No Judge <input checked="" type="checkbox"/>

2004-1551-60
04-2046-CD
10-20-04

To: CLEARFIELD Co. PROTHONOTARY OFFICE

From: ROBERT B. HORN JR.

SUBJECT: OBJECTION TO THE TAX SALE OF PROPERTY

I, ROBERT B. HORN JR. DO WISH TO FILE
A FORMAL OBJECTION TO THE COURTS FOR THE TAX
SALE OF THE FOLLOWING PROPERTY:

HUSTON TOWNSHIP

MAP # G03-000-00033

CONTROL No: 119.0-24253

CLAIM No: 2002-005934

DESCRIPTION: Camp & 3A

FILED 

OCT 22 2004

ml 10-20-04
William A. Shaw
Prothonotary

TAX SALE DATE: SEPTEMBER 17, 2004

PURCHASER: BLUE SKY

CFWRT TO THE CLERK
WESWICH
4/2

SINCERELY,

Robert B. Horn Jr
Robert B. Horn Jr 10-20-04



102

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

IN RE: BUREAU'S CONSOLIDATED
RETURN 2004

: 2046
: NO. 2004-1551-CD

ROBERT J. HORM, JR., Petitioner

: Filed on behalf of Petitioner

v.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and BLUE SKY,
Respondents

: Counsel of Record:
Thomas G. Wagner, Esq.
: 115 Lafayette Street
St. Marys, Pa. 15857
: (814) 781-3445
S. Ct. ID #17404

FILED *E*

DEC 23 2004
091110071
William A. Shaw
Prothonotary/Clerk of Courts

2 CERT TO ATT

COPY TO ASSESSMEN
+
KARIN

#28

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

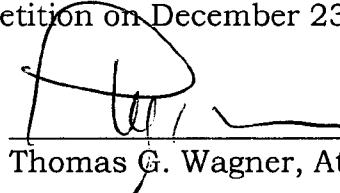
IN RE: BUREAU'S CONSOLIDATED :
RETURN 2004 : NO. 2004-1551-CD

ROBERT J. HORM, JR., Petitioner : Filed on behalf of Petitioner

v. : Counsel of Record:
CLEARFIELD COUNTY TAX CLAIM Thomas G. Wagner, Esq.
BUREAU and BLUE SKY, : 115 Lafayette Street
Respondents : St. Marys, Pa. 15857
: (814) 781-3445
: S. Ct. ID #17404

CERTIFICATION

I certify that I have informed the Respondents in this matter that I intended to file the attached Petition on December 23, 2004.



Thomas G. Wagner, Attorney for Petitioner

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

IN RE: BUREAU'S CONSOLIDATED
RETURN 2004

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: NO. 2004-1551-CD

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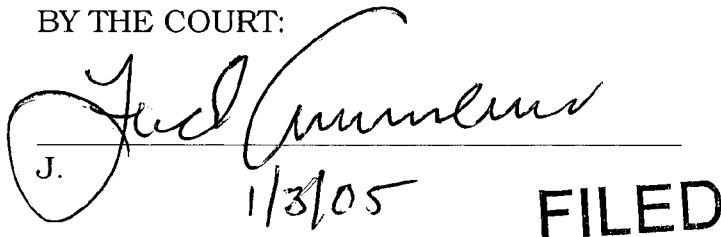
RULE TO SHOW CAUSE

A Rule to Show Cause is entered upon the Clearfield Tax Claim Bureau to show cause why the prayer of the attached Petition should not be granted. This Rule is returnable on or before January ___, 2005, at ___ o'clock ___.m.

A hearing on the Petition, if necessary, is set for the 9 day of February, 2005, at 10:30 o'clock A.m. in the #1 Courtroom, Clearfield County Courthouse, Clearfield, Pennsylvania.

All proceedings relating to the upset sale of the property described in the Petition are stayed meanwhile.

BY THE COURT:


J. Hammel
1/3/05
FILED

OK JAN 03 2005
014:00
William A. Shaw
Prothonotary/Clerk of Courts
2 LENT to ATT
W/ memo.
#28

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

IN RE: BUREAU'S CONSOLIDATED
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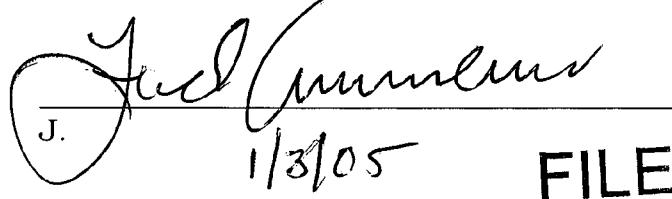
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BY THE COURT:


J. Hammans
J. 1/3/05 FILED

OK JAN 03 2005
014:00
William A. Shaw
Prothonotary/Clerk of Courts
2 LENT TO ATT
W/ memo.
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PENNSYLVANIA

IN RE: BUREAU'S CONSOLIDATED
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: NO. 2004-1551-CD

ROBERT J. HORM, JR., Petitioner

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v.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and BLUE SKY,
Respondents

: Counsel of Record:
Thomas G. Wagner, Esq.
: 115 Lafayette Street
St. Marys, Pa. 15857
: (814) 781-3445
S. Ct. ID #17404

NOTICE

A petition or motion has been filed against you in Court. If you wish to defend against the claims set forth in the following pages, you must take action on or before _____ by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by the petitioner or movant. You may lose rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR ATTORNEY AT ONCE. IF YOU DO NOT HAVE AN ATTORNEY OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, Pa. 16830
(814) 765-2641 Ext. 50-51

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

IN RE: BUREAU'S CONSOLIDATED :
RETURN 2004 : NO. 2004-1551-CD

ROBERT J. HORM, JR., Petitioner : Filed on behalf of Petitioner

v. : Counsel of Record:
CLEARFIELD COUNTY TAX CLAIM Thomas G. Wagner, Esq.
BUREAU and BLUE SKY, : 115 Lafayette Street
Respondents : St. Marys, Pa. 15857
: (814) 781-3445
: S. Ct. ID #17404

Petition to Set Aside Upset Sale

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of Robert B. Horm, Jr., by his attorney, Thomas G. Wagner, respectfully represents that:

1. The Petitioner is the owner of record of a parcel of land situated in Huston Township, Clearfield County, Pa., consisting of a dwelling and 3 acres, and identified as Clearfield County Tax Map No. G03-000-0033, Control No. 119.0-24253.
2. On or about September 17, 2004, the said property was exposed to an upset tax sale by the Clearfield County Tax Claim Bureau.
3. At the time of said tax sale, the above described property was sold to Blue Sky, which Petitioner believes to be a partnership business owned and operated by Kim E. Mowrey and Patrick Mowrey, with a principal place of business located at 362 North Park Street, Sykesville, Pa. 15865.
4. The upset sale price at said upset sale was \$2,195.95.
5. The price bid by Blue Sky was \$6,600.
6. Petitioner believes, and therefore avers, that said upset sale was defective for the following reasons:
 - A. Petitioner, as the owner-occupant of the said property, was not served with written notice of sale at least 10 days prior thereto by

personal service, as required by §601(a)(3) of the Real Estate Tax Sale Law, 72 P.S. §5860.601(a)(3);

B. The Petitioner was not properly served by certified mail, restricted delivery, return receipt requested, postage prepaid, as required by §602(e)(1) of the Real Estate Tax Sale Law, 72 P.S. §5860.602(e)(1);

C. The Bureau failed to give regular mail notice at least 10 days before the date of sale, as required by §602(e)(2) of the Real Estate Tax Sale Law, 72 P.S. §5860.602(e)(2);

D. The property in question was not properly posted, as required by §602(e)(3) of the Real Estate Tax Sale Law, 72 P.S. §5860.602(e);

E. The notices required by §602 of the Real Estate Tax Sale Law were not otherwise regular, as may be disclosed by a further inspection of the records by Petitioner's attorney.

7. The Petitioner did not have actual knowledge of the upset sale.

8. The said upset sale was otherwise defective, as may be disclosed by a subsequent investigation by Petitioner's attorney and upon due notice to all of the parties.

9. Petitioner filed a timely *pro se* objection to the sale with the Clearfield County Prothonotary, and no action was taken by the Court with respect to said objection.

10. The Bureau has filed a petition with the Clearfield County Court to confirm the distribution of excess proceeds from the said sale. Petitioner believes, and therefore avers, that said excess proceeds, in the amount of \$4,353.34, will be distributed to National City Bank as a secured creditor.

11. Petitioner has sought the services of several attorneys within Clearfield County to represent him in this matter but has been unsuccessful in obtaining an attorney to file this Petition any sooner.

12. Petitioner is a disabled veteran and has no alternative place to live.

13. Petitioner has the financial ability to pay the delinquent taxes at this time.

14. If the Petitioner had received actual notice of the tax sale, he would have been able to make arrangements to pay the taxes by way of an agreement to stay the sale.

WHEREFORE, Petitioner respectfully requests the Court to:

- A. Enter an order staying the distribution of any excess proceeds from the said upset tax sale;
- B. Schedule a hearing on this Petition;
- C. After a hearing, enter an order setting aside the said upset sale and granting such other relief as the Court deems proper and necessary under the circumstances.

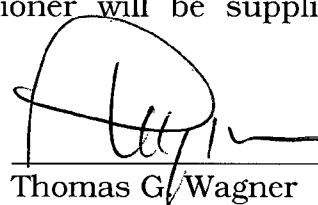
A handwritten signature in black ink, appearing to read "T. G. Wagner".

Thomas G. Wagner, Attorney for Petitioner

VERIFICATION

Thomas G. Wagner, being duly sworn according to law, states that due to exigent circumstances the verification of the Petitioner cannot be obtained within the time necessary for the filing of this pleading; that the allegations contained in this pleading are made on the basis of information supplied to him by the Petitioner and on the basis of his own investigation by telephone calls to the Clearfield County Courthouse and to the Respondent, Blue Sky.

The verification of the Petitioner will be supplied immediately upon receipt.



Thomas G. Wagner

Date: December 23, 2004

VERIFICATION

I, Robert B. Horm, Jr., having read the foregoing pleading, verify that the statements made therein are true and correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Robert B. Horm, Jr.

Date: 12-23-04

MEYER & WAGNER
ATTORNEYS AT LAW
115 LAFAYETTE STREET
ST. MARYS, PA. 15857

THE PLANKENKORN CO., WILLIAMSPORT, PA.

REC'D 100-100

DEC 23 2004

William A. Shaw,
Prothonotary/Clerk of Courts

COPY

January 13, 2005

Thomas G. Wagner, Esq.
115 Lafayette Street
St. Marys, PA 15857

Kim C. Kesner, Esq.
23 North Second Street
Clearfield, PA 16830

Blue Sky
362 North Park St.
Sykesville, PA 15865

In Re: Bureau's Consolidated Return 2004
Robert J. Horm, Petitioner
04-1551-CD

To all concerned parties:

Please be advised that the civil docket number in the above captioned action has been changed by direction of the court. The new civil docket number is 04-2046-CD. Please file all further documents to this new number. If you have any questions, please contact me at (814) 765-2641, ext. 1331. I apologize for any inconvenience this may cause.

Sincerely,

William A. Shaw
Prothonotary

Cc: Court Administrator
Fredric J. Ammerman, President Judge
Clearfield Co. Tax Claim Bureau

(A)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

IN RE: BUREAU'S CONSOLIDATED :
RETURN 2004 : NO. 04-2046-CD

ROBERT B. HORM, JR., Petitioner : Filed on behalf of Petitioner

v.

CLEARFIELD COUNTY TAX CLAIM : Counsel of Record:
BUREAU and BLUE SKY, : Thomas G. Wagner, Esq.
Respondents : 115 Lafayette Street
St. Marys, Pa. 15857
: (814) 781-3445
S. Ct. ID #17404

ORDER

NOW THIS 9th. day of February, 2004, the Clearfield County Tax Claim Bureau having advised the Court that, as a result of a breakdown in its program for administering tax sale notices, the Bureau had failed to provide to the Petitioner all of the notices required by the provisions of the Pennsylvania Real Estate Tax Sale Law, 72 P.S. §5860.101 et seq., it is therefore ORDERED and DECREED that the upset tax sale of the premises of Robert B. Horm, Jr., situated in Huston Township and identified as Control No. 119.0-24253, Map No. G03-000-00033, Claim No. 2002-005934, conducted on September 17, 2004, is hereby set aside and vacated;

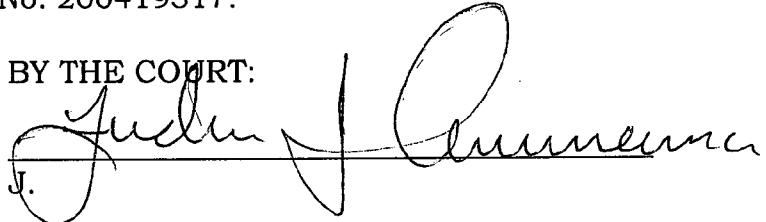
The Petitioner is hereby directed to make arrangements with the Clearfield County Tax Claim Bureau for the payment of all delinquent real estate taxes, including all costs and expenses incurred as a result of the above sale (with the exception of real estate transfer taxes and recording fee) being a part of Claim No. 2002-005934, where upon the Clearfield Tax Claim Bureau shall make appropriate refund to Blue Sky; and

IT IS FURTHER ORDERED and DECREED that the Recorder of Deeds of Clearfield County is directed to cancel upon the records of Clearfield County the deed from Clearfield County Tax Claim Bureau to Blue Sky dated November 22, 2004, and recorded November 30, 2004, at Clearfield County Instrument No. 200419317.

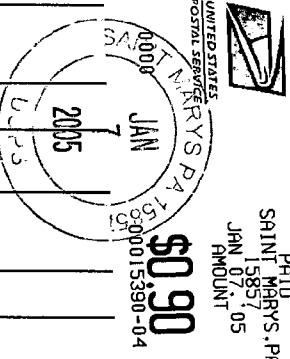
FILED

09:21 AM 2/22/2005
J. C. Shaffer
2004-005934
2cc Blue Sky
326 N. Paoli St.
15857
64 FEB 22 2005
S. Ct. ID #17404

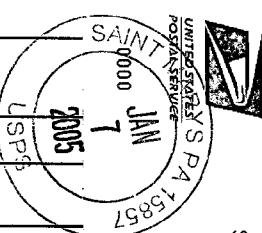
BY THE COURT:


J.

William A. Shaw
Prothonotary

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:			
MEYER & WAGNER 115 Lafayette St. St. Marys, PA 15857		SAINT MARYS, PA 00000 2005 JAN 07 \$0.90 15857 00015390-04	
One piece of ordinary mail addressed to: Blue Sky/Kim Mowrey 362 North Park Street Sykesville, Pa. 15865			

PS Form 3817, January 2001

U.S. POSTAL SERVICE CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER	
* Received From:	
MEYER & WAGNER 115 Lafayette St. St. Marys, PA 15857	
One piece of ordinary mail addressed to: Clearfield County Tax Claim Bureau	
Second & Market Streets Clearfield, Pa. 16830	
	
U.S. POSTAGE PAID SAINT MARYS, PA JAN 07 2005 AMOUNT \$0.90	

PS Form 3817, January 2001

(A)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

IN RE: BUREAU'S CONSOLIDATED
RETURN 2004

: 2046
: NO. 2004-1551-CD

ROBERT J. HORM, JR., Petitioner

: Filed on behalf of Petitioner

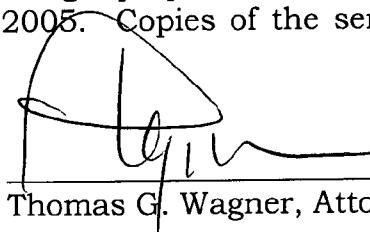
v.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and BLUE SKY,
Respondents

: Counsel of Record:
Thomas G. Wagner, Esq.
: 115 Lafayette Street
St. Marys, Pa. 15857
: (814) 781-3445
S. Ct. ID #17404

CERTIFICATE OF SERVICE

I certify that I served a certified copy of the Petition to Set Aside Upset Sale, Notice and Rule to Show Cause filed in the above matter by first class United States mail, postage prepaid, deposited at St. Marys, Pennsylvania, on January 7, 2005. Copies of the sender's receipts are attached.



Thomas G. Wagner, Attorney for Petitioner

FILED NO
6/11/2005
JAN 10 2005

William A. Shaw
Prothonotary/Clerk of Courts

(29)