

04-2050-CD
IN RE: Henry S. Gosch et al

In RE: Bureau's Consolidated Return
2004-2050-CD

Date: 04/08/2005

Time: 03:48 PM

Page 2 of 2

Clearfield County Court of Common Pleas

User: SWALBORN

ROA Report

Case: 2004-02050-CD

Current Judge: Fredric Joseph Ammerman

IN RE: Donald F. Lewis, Elsie M. Lewis, Henry S. Gosch, Joyce T. Gosch, Clearfield County Tax Claim Bureau

Civil In RE

Date		Judge
01/13/2005	X Motion for Continuance, filed by s/Benjamin S. Blakley, III, Esq. One CC Attorney Blakley	No Judge
	X Certificate of Service, Motion for Continuance upon R. Bell and K. Kesner, s/Gretch Bloomer on behalf of Benjamin S. Blakley, Esq. One CC Attorney Blakley	No Judge
01/14/2005	X Motion For Consolidation, filed on behalf of Owners, by s/ Richard A. Bell, Esquire. 1CC to Atty	Fredric Joseph Ammerman
	X Order, AND NOW, this 14th day of Jan. 2005, return date for written response to Motion for Consolidation shall be Feb., 3, 2005. BY THE COURT, /s/ Fredric J. Ammerman, President Judge. 1CC Atty Bell	Fredric Joseph Ammerman
	X Order Of Court, AND NOW, this 14th day of Jan., 2005, upon request of counsel for Respondents Henry S. and Joyce T. Gosch, it is the Order of this Court that said request be and is hereby granted. Hearing on the Objections to Tax Sale shall be rescheduled for the 16th day of Feb. 2005 at 9:00. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 4CC Atty Blakley	Fredric Joseph Ammerman
01/18/2005	X Affidavit of Service filed, Motion For Consolidation with Rule Returnable, on Jan. 14, 2005, upon Clfd. Co. Tax Claim Bureau, Glenn F. Wolfe and Nancy C. Wolfe, Maynard Bauer, Henry S. Gosch and Joyce T. Gosch. Filed by s/ Richard A. Bell, Esquire. No CC	Fredric Joseph Ammerman
01/20/2005	X Written Response to Motion to Consolidate, The Clearfield County Tax Claim Bureau has no objection to the consolidation for hearing of No. 04-4048-CD, 2004-4049-CD, and 04-2050-CD. Filed by s/ Kim C. Kesner, Esquire, Solicitor for Clearfield County. 6CC Atty. Kesner	Fredric Joseph Ammerman
02/11/2005	X Motion to Make Rule Absolute, filed by Atty. Bell no cert. copies.	Fredric Joseph Ammerman
02/14/2005	X Order Of Court: AND NOW, this 14th day of Feb., 2005, no response having been filed to the Rule To Show Cause as to why the three captioned cases should not be consolidated, it is the order of this Court that the three cases are hereby consolidated for hearing. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 1CC Atty Bell	Fredric Joseph Ammerman
02/17/2005	X Order, NOW, this 16th day of Feb. 2005, following the conclusion of the taking of testimony, it is the ORDER of this Court that counsel for the Objectors shall have until March 10, 2005, in which to supply the court with appropriate brief. The solicitor for the Court shall have no later than 20 days in thereafterward in which to respond. Counsel for any of the other parties shall also have 20 days from March 10, 2005 in which to respond in the event they wish to do so. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 1CC Atty Bell, 2CC Atty Blakley, 1CC Kesner	Fredric Joseph Ammerman
03/24/2005	X Certificate of Service, copy of the Reply Brief of Clfd. Co. Tax Claim Bureau, mailed on the 24th day of March 2005 to : Richard A. Bell, Esquire; Jeffrey DuBois, Esquire; Benjamin S. Blakley, Esquire; and Patrick Lavelle, Esquire. Filed by s/ Kim C. Kesner, Esquire. No CC. Original to 04-2048-CD	Fredric Joseph Ammerman

Date: 04/08/2005

Time: 03:48 PM

Page 1 of 2

Clearfield County Court of Common Pleas

User: SWALBORN

ROA Report

Case: 2004-02050-CD

Current Judge: Fredric Joseph Ammerman

IN RE: Donald F. Lewis, Elsie M. Lewis, Henry S. Gosch, Joyce T. Gosch, Clearfield County Tax Claim Bureau

Civil In RE

Date		Judge
11/05/2004	New Case Filed. Transferred from 04-1551-CD	No Judge
	X Objections and Exceptions to Tax Sale to Henry and Joyce Gosch, Held on Sept. 17, 2004 filed by Atty. Bell.	No Judge
11/08/2004	X Order: RE Henry and Joyce Gosch: Now, this 8th day of Nov., 2004, upon consideration of the foregoing Objections and Exceptions to Tax Sale Held On September 17, 2004, it is the Order that: (see Original for details) An Evidentiary Hearing on disputed issues of material face shall be held on December 14, 2004 at 2:30 p.m. in Courtroom 1 of the Clfd. Co. Courthouse. BY THE COURT, /s/ Fredric J. Ammerman, President Judge. 3CC Atty R. Bell	No Judge
11/09/2004	X Acceptance of Service, filed. X Clearfield County Tax Claim Bureau accepts service of Objections to Tax Sale filed on behalf of the Owners Donald F. Lewis et al vs CCTCB and Henry S. Gosch et al s/Nancy A. Collins	No Judge
11/23/2004	X Written Answer of Clearfield County Tax Claim Bureau to Objections and Exceptions to Tax Sale, Re: Henry S. Gosch and Joyce T. Gosch, filed by s/ Kim C. Kesner, Esquire. 3 CC Atty Kesner	No Judge
11/30/2004	X Answer of Henry Gosch and Joyce T. Gosch to Objections and Exceptions to Tax Sale, filed by s/Benjamin S. Blakley, III, Esq. One CC Attorney Blakley X Certificate of Service, copy of the Answer of Henry S. Gosch and Joyce T. Gosch to Objections And Exceptions to Tax Sale upon counsel for the Owners and Defendant, Clfd. Co. Tax Claim Bureau, on the 30th of Nov., 2004, by mailing to Richard A. Bell, and Kim C. Kesner, Esquire. Filed by s/ Benjamin S. Blakley, III. 1CC Atty Blakley.	No Judge
12/03/2004	X Affidavit of Service filed. Certified Copy of Objections And Exceptions To Tax Sale Held on September 17, 2004 together with a copy of a Rule To Show Cause, sent to Henry S. Gosch and Joyce T. Gosch. Filed by s/ Richard A. Bell, Esquire. No CC	No Judge
12/10/2004	X Order, NOW, this 10th day of December, 2004, upon request of Owners' attorney, due to companion cases having been continued, Order that request is granted. Hearing on the Objections to Tax Sale shall be re-scheduled for the 18 day of January, 2005, at 1:30 p.m. BY THE COURT: /s/Fredric J. Ammerman, P.J. One CC Attorney Kesner, Two CC Attorney Bell, Two CC Attorney Blakley	No Judge
12/14/2004	X Motion for Continuance, Re: Lewis, filed by s/Benjamin S. Blakley, III, Esq. on behalf of Henry S. and Joyce T. Gosch No CC X Certificate of Service, copy of Henry S. Gosch and Joyce T. Gosch's Motion for Continuance upon counsel for th Owners and Respondent, Clfd. Co. Tax Claim Bureau on Dec. 2004, by mail to Richard A. Bell, Esquire, and Kim C. Kesner, Esquire. Filed by s/ Benjamin S. Blakley, III, Esquire. No CC	No Judge
12/17/2004	X Order, AND NOW, this 17th day of December, 2004, it is hereby ORDERED that Motion for Continuance filed by counsel for Respondents Henry S. Gosch and Joyce T. Gosch is hereby granted. Hearing on Plaintiffs' Objections to Tax Sale is hereby rescheduled to the 19th of January, 2005, at 1:30 p.m. in Courtroom No. 1 of the Clfd. Co. Courthouse. By the Court: /s/ Fredric J. Ammerman, President Judge. 4CC Atty Blakley	No Judge

(A)

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

CLEARFIELD COUNTY TAX
CLAIM BUREAU

And

HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

2004-1551-CD
2050

FILED ^{ECP}
ACC
01/01/2004 Atty
NOV 08 2004 R. Bell

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 8 day of Nov., 2004, upon consideration of the foregoing OBJECTIONS AND EXCEPTIONS TO TAX SALE HELD ON SEPTEMBER 17, 2004, it is the ORDER that:

(1). A rule is issued upon the Respondents to Show Cause Why the Owners are not entitled to the relief requested;

(2). The Respondents shall file an Answer to the Objections and Exceptions To Tax Sale Held On September 17, 2004 within twenty (20) days of service upon the Respondents;

(3). The Objections and Exceptions To Tax Sale Held On September 17, 2004, shall be decided under Pa. R.C.P. No. 206.7;

(4). An Evidentiary Hearing on disputed issues of material face shall be held on December 14, 2004, in Courtroom 1 of the Clearfield County Courthouse; at 2:30 p.m.

(5). Notice of the entry of this Order shall be provided to all parties by the Owners.

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 within twenty (20) days of the date of service on you 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

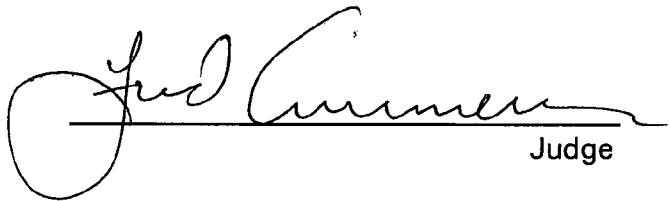
(A)
2004-1551-CD

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 LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER 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

BY THE COURT



Judge

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

2004-²⁰⁵⁰~~1551~~-CD

Type of Pleading
OBJECTIONS AND EXCEPTIONS
TO TAX SALE HELD ON
SEPTEMBER 17, 2004

Filed on Behalf of:
OWNERS

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED
012 OCT 04 2004
NOV 05 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

2004-1551-CD

OBJECTIONS AND EXCEPTIONS TO TAX SALE HELD ON SEPTEMBER 17, 2004

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR., and ELSIE M. LEWIS by their attorney and Agent Richard A. Bell, Esquire file the following Objections and Exceptions to the Tax Sale held September 17, 2004.

1. Donald F. Lewis a/k/a Donald F. Lewis Sr., and Elsie M. Lewis (hereinafter called Owners) reside at 47 Ocean Lane, Apartment 5509, Hilton Head Island, South Carolina 29928-7907. The Owners are of full age and sui juris.

2. The Clearfield County Tax Claim Bureau is a part of the Clearfield County Government assigned with the duties of collecting tax claims and conducting tax sales of delinquent properties.

3. Henry S. Gosch and Joyce T. Gosch, are individuals residing at 1533 Treasure Lake, DuBois, Pennsylvania 15801 and were the purchasers of L. 242,

Section 15, Map No. 128-C02-015-00242-00-21, property at the upset tax sale held September 17, 2004.

4. The Owners are the owners of a property in Clearfield County, situated in Sandy Township and identified as Lot No. 242, Section 15 with a correct Assessment Tax Map Number of 128-C02-015-00242-00-21.

5. The Owners received notice that their property had been sold at an upset tax sale held on September 17, 2004. The Owners believe and therefore allege that they did not receive proper notice of the said tax sale as required by the Real Estate Tax Sale Law, Act of July 7, 1947, P.L. 1638, no 542, as amended, 72 PS § 5860.101-5860.803.

6. The Tax Sale Law sets forth the requirements of notice before an owners' property can be sold. The first requirement is that the Tax Claim Bureau advertised the scheduled sale in two (2) newspapers and the county legal journal. The notice will set forth the purposes of the sale, the time, the place, the terms and descriptions of the property to be sold, and the name of the owners. This publication must be at least thirty (30) days prior to the sale. Secondly, the Tax Sale Law requires that at least thirty (30) days prior to the sale notice shall be given to the owners by United States Certified Mail, Restricted Delivery, Return Receipt Requested, postage prepaid. Thirdly, each property must be posted with a notice not less ten (10) days prior to the sale.

7. Also with regard to the requirement for publication the Lot No. 242, Section 15 was not properly identified because it had an incorrect map number in the advertising, listing D03-015-00242-00-21 as the map number.

8. With regard to the thirty (30) day certified mail notice to be sent to the owners, apparently the Tax Claim Bureau did send out a notice, but received back an envelope containing a notice from the post office department marked unclaimed, but did not have any indication that the post office had notified the Owners that they had certified mail there for them. Normally the post office stamps the envelope and shows the different dates and times on which the post office notified the owners that there was certified mail for them. Since this was lacking, the Owners feel that this notice was defective. The fact is there was no notice to them and not because of anything they did. Further, the Tax Claim Bureau would have known that because they received back the envelope without any indication that notice had been given. The Tax Claim Bureau would have been aware that this method of service had failed. The Act does contain a provision that if a return receipt is not received, then the Tax Claim Bureau must sent out another notice by First Class Mail Proof Of Mailing to the last known post office address of the owners. The Owners never received such a mailing.

9. With regard to posting, the Owners live in South Carolina and never saw any indication that there property had been posted for sale.

10. Section 5860.607(a) of the Tax Sale Act has further requirements for additional notification efforts. That section states that where there is no return receipt received or other circumstances raising a doubt as to the actual receipt of such notification, the Tax Claim Bureau must make reasonable efforts to discover the whereabouts of the owner and notify them. Furthermore, there must be a notation placed in the property file describing the efforts made and the results thereof. The Tax Claim Bureau shared their file with the Owners and the Owners are not aware of any additional efforts made, nor is there any notation in the file describing those efforts or the result. Furthermore, this section specifies that the additional notification efforts are in addition to any other notice imposed by the Act.

11. Case law has established that the notice provisions are to be strictly construed and that strict compliance with such provisions are necessary to guard against deprivation of property without due process and if any one notice is defective, the sale is void. See Ban vs. Tax Claim Bureau Of Washington County, 698, A2d 1386, (1997). A further requirement established by case law is that a question of whether the property is adequately described is dependent upon a number of circumstances including whether there are other lands in the immediate vicinity owned by the same person. In this case the Owners did own a number of other lots in the Treasure Lake Subdivision, and the Tax Claim Bureau is bound to be aware of this ownership and in fact other lots owned by the Owners are listed in the advertisement. See Bolen Real Estate Tax Sale, 393 Pa 377, (1958).

12. The failure to have the correct Assessment Map Numbers is not only true in the advertisement, but is also true in the thirty (30) day mail notice, the posted notice and the ten (10) day mail notice.

13. Because of the geographical distance involved between South Carolina and Clearfield County, Pennsylvania the Owners have executed a Power Of Attorney to their attorney Richard A. Bell, Esquire, authorizing him to act for them, to sign any documents necessary in filing the Objections And Exceptions To The Sale and to conduct the proceeding on their behalf. A copy of the said Power Of Attorney is attached hereto.

WHEREFORE, based on the failure to properly give notice to the Owners of the property, the Owners respectfully request that your Honorable Court not confirm the sale as to this lot and declare the said sale void, return any monies paid by the purchaser and that the Owners be given an opportunity to pay the amounts due on the property and have it restored to them in good standing. Your Honorable Court is requested to issue a Rule on the Respondents to Show Cause Why The Prayer of the Owners' Petition should not be granted.

Respectfully submitted

BELL, SILBERBLATT & WOOD
BY

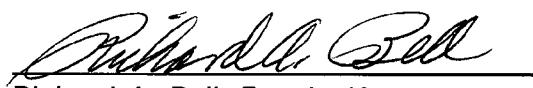


Richard A. Bell, Esquire

VERIFICATION

The undersigned verifies that he is the Attorney for Donald F. Lewis, a/k/a Donald F. Lewis, Sr., and Elsie M. Lewis, Owners named in the within action, and Agent under the Power Of Attorney attached; that as such Attorney and Agent, he is authorized to make this verification, and that the statements made in the foregoing Objections And Exceptions To Tax Sale Held On September 17, 2004, are true and correct not from his own knowledge, but from information supplied to him and believed to be true, and that this Verification is filed by him for the purposes of expediting this litigation, and in the event a Verification from Donald F. Lewis, a/k/a Donald F. Lewis, Sr., and Elsie M. Lewis, Owners is required, same will be supplied. The undersigned understands that false statements made herein are subject to the penalties of 18 PA. CS. 4904 relating to unsworn falsification to authorities.

Dated: 11-5-04



Richard A. Bell, Esquire/Agent

POWER OF ATTORNEY
NOTICE

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE ("YOUR AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

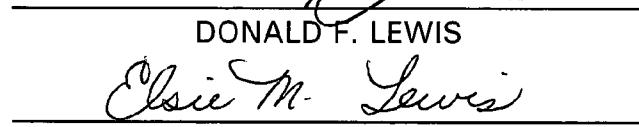
A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 PA.C.S. CH.56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

WE HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND WE UNDERSTAND ITS CONTENTS.


DONALD F. LEWIS


ELSIE M. LEWIS

DATED: 10/19/04

ELSIE M. LEWIS

LIMITED POWER OF ATTORNEY FOR HANDLING TAX SALE TRANSACTION

WE, DONALD F. LEWIS AND ELSIE M. LEWIS, of 47 Ocean Ln Apt 5509, Hilton Head Island, SC 29928-7907, hereby appoint my attorney, RICHARD A. BELL, of Bell, Silberblatt & Wood, 318 E. Locust Street, P.O. Box 670, Clearfield, Clearfield County, Pennsylvania our Attorney-In-Fact ("agent") to do the following on our behalf:

To file Objections to Tax Sales, to negotiate with the Clearfield County Tax Claim Bureau, to join in agreements, to settle tax claims, to represent us in any hearings or Court proceedings dealing with tax claims and tax sales, to execute any Objections, Petitions, Pleadings, or any necessary documents in carrying out these Powers and any other Powers necessary to carry-out the foregoing.

This power shall not be affected by our subsequent disability or incapacity. All acts done by our agent pursuant to this power during any period of our disability or incapacity shall have the same effect and inure to the benefit of and bind us and our successors in interest as if we were competent and not disabled.

We further give to our said agent the power and authority to perform any act required in the exercise of any of the foregoing powers as fully as we could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that our agent shall lawfully do or cause to be done by virtue

hereof.

This power was delivered in and shall be governed by, the laws of the Commonwealth of Pennsylvania.

IN WITNESS WHEREOF, and intending to be legally bound hereby, I have signed this document this 19th day of October, 2004.

 (SEAL)

DONALD F. LEWIS

 (SEAL)

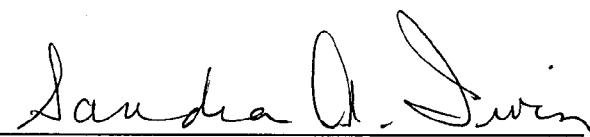
ELSIE M. LEWIS

COMMONWEALTH OF PENNSYLVANIA:

:SS

COUNTY OF CLEARFIELD:

On this, the 19th day of October, 2004, before me the undersigned officer personally appeared, DONALD F. LEWIS and ELSIE M. LEWIS known to me to be the persons whose names are subscribed to the within Power of Attorney and acknowledged that they executed the same for the purposes therein contained.



NOTARIAL SEAL

SANDRA A. IRWIN, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires, June 3, 2005

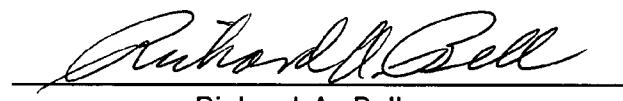
I RICHARD A. BELL have read the attached power of attorney and am the person identified as the agent for the principals. I hereby acknowledge that in the absence of a specific provision to the contrary in the power of attorney or in 20 P.A.C.S. when I act as agent:

I shall exercise the powers for the benefit of the principal.

I shall keep the assets of the principal separate from my assets.

I shall exercise reasonable caution and prudence.

I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principals.



Richard A. Bell

DATED: 10/19/04

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

2050
2004-1551-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU

And

HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

ACCEPTANCE OF SERVICE

The Clearfield County Tax Claim Bureau hereby accepts service of a copy of Objections And Exceptions To Tax Sale Held On September 17, 2004 filed on behalf of the Owners with reference to the above captioned matter.

CLEARFIELD COUNTY TAX CLAIM BUREAU
BY:

Date: 11/9/04

Nancy A. Collins *RE*

FILED *NOV 09 2004*
NOV 09 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

DONALD F. LEWIS, a/k/a DONALD F. : No. 2004-²⁰⁵⁰1551-CD
LEWIS, SR. and ELSIE M. LEWIS, :
Owners :
: vs. :
: :
CLEARFIELD COUNTY TAX CLAIM :
BUREAU and HENRY S. GOSCH and :
JOYCE T. GOSCH, :
Respondents :

E6K
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01/29/05 Atty Kesner
NOV 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

WRITTEN ANSWER OF CLEARFIELD COUNTY TAX
CLAIM BUREAU TO OBJECTIONS
AND EXCEPTIONS TO TAX SALE

NOW COMES, the Clearfield County Tax Claim Bureau by Clearfield County Solicitor Kim C. Kesner and files this answer to the Objections and Exceptions to Tax Sale held on September 17, 2004 filed by Donald F. and Elsie M. Lewis.

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. It is admitted that Donald F. and Elsie M. Lewis were properly and effectively provided notice that the assessment identified in Paragraph 4 was sold at upset tax sale on September 17, 2004 to Henry S. Gosch and Joyce T. Gosch. The remaining allegations of Paragraph 5 constitute contentions or conclusions of law to which no response is required. To the extent that a response is required (and is relevant) it is specifically denied that Donald F. and Elsie M. Lewis were not provided proper and effective prior notice of the tax sale. To the contrary, pre-sale notices were mailed to the Lewis' address in South Carolina. Notice of Return

4414

of Taxes and Entry of Tax Claim was mailed to their address, received and signed for by them on May 15, 2003. Two other notices were properly mailed by certified mail prior to the sale which were returned by the United States Postal Service marked "unclaimed". A notice was sent regarding the assessment being the subject matter in this action by regular mail more than ten (10) days before the date of the tax sale in accordance with 72 P.S. §5860.602 which is prescribed where a return receipt is not received from previous certified mail notice(s). Finally, the assessment was properly posted on July 8, 2004.

6. The averments contained in Paragraph 6 constitute contentions or conclusions of law to which no response is required. To the extent that a response is required (and is relevant) it is specifically denied that the Tax Claim Bureau did not properly and effectively comply with all of the requirements set forth in Paragraph 6.

7. It is specifically denied that the assessment was not properly identified in the published notice. The tax map number referenced by the Lewises in Paragraph 7, viz. D03-015-00242-00-21 was the current map number for the assessment in 2002. Subsequently, assessments in the Treasure Lake Subdivision were reidentified using "CO2". However, Section "15" and Lot "21" remained the same and were easily recognizable as identifying the assessments for sale.

8. The Tax Claim Bureau complied with 72 P.S. §5860.602 which provides that where a return receipt is not received from each owner from required certified mail, a similar notice is to be mailed to each owner at least ten (10) days before the date of the sale by regular mail. The Lewises in Paragraph 8 acknowledge that the Tax Claim Bureau complied with this requirement. 72 P.S. §5860.602 does not require that this mailing be received. By way of further answer, the Tax Claim Bureau lacks sufficient knowledge or information to conclude that

the Lewises did not receive the mailing and proof thereof is requested. That the United States Postal Service did not mark the pre-sale envelopes with "...the different dates and times on which the post office notified the owners that there was certified mail for them" provides no basis to nullify the sale. At the same time that the Postal Service attempted delivery of the pre-sale notices in this case, it attempted delivery of 26 other certified mail notices with regard to other delinquent assessments of the Lewises. The Post Office noted its attempts to deliver these mailings on one of the notices at a Claim Number 2002-009542 which attempts were made on June 21, July 9 and July 19, 2004. All of the 27 mailed notices were marked "unclaimed" and were returned on July 21, 2004.

9. The assessments sold were properly and effectively posted by the Tax Claim Bureau and an averment by the Lewises that they never saw the posting provides no cognizable basis for the relief they request. By way of further answer, the Tax Claim Bureau lacks sufficient knowledge or information to know whether the Lewises observed the posting and therefore proof is requested.

10. The averments contained in Paragraph 11 constitute contentions or conclusions of law to which no response is required. To the extent that a response is required (and is relevant) it is specifically denied that the Tax Claim Bureau needed to expend additional efforts to discover the whereabouts of the Lewises. Paragraph 1 confirms that the Lewises reside at the address utilized by the Tax Claim Bureau.

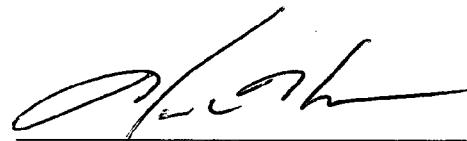
11. The averments contained in Paragraph 11 constitute contentions or conclusions of law to which no response is required. To the extent that a response is required (and is relevant) the assessment in question was properly described by the lot, section and tax map numbers identified in Paragraph 4. The fact that the Lewises owned other lots in the Treasure Lake

Subdivision is immaterial because all notices carried and/or were directed to the Lewises correct residence.

12. As averred in Paragraph 8 above, it is specifically denied that the correct assessment map numbers were not utilized in the pre-sale and posted notices.

13. The averments contained in Paragraph 14 require no response.

WHEREFORE, the Clearfield County Tax Claim Bureau respectfully requests your Honorable Court to dismiss the objections and exceptions to tax sale by Donald F. and Elsie M. Lewis.



Kim C. Kesner, Esquire
Solicitor – Clearfield County
23 North Second Street
Clearfield, PA 16830

VERIFICATION

I, Mary Anne Wesdock, verify that I am the Director of the Clearfield County Tax Claim Bureau, and as such am authorized and empowered to make this Verification, and that the statements made in this Written Answer of Clearfield County Tax Claim Bureau to Objections and Exceptions to Tax Sale are true and correct to the best of my knowledge, information and belief. 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: 11-23-2004


Mary Anne Wesdock, Director
Clearfield County Tax Claim Bureau

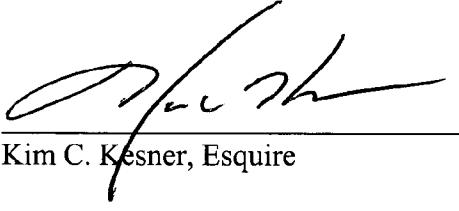
CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on the 23rd day of November, 2004, I caused to be served a true and correct copy of the Written Answer of Clearfield County Tax Claim Bureau to Objections and Exceptions to Tax Sale on the following and in the manner indicated below:

By United States Mail, First Class,
Postage Prepaid, Addressed as Follows:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

Date: November 23, 2004



Kim C. Kesner, Esquire

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

DONALD E. LEWIS, a/k/a DONALD F.
LEWIS, SR., and ELSIE M. LEWIS,,

Owners,

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and HENRY S. GOSCH and
JOYCE T. GOSCH,

Respondents.

2050

-) NO. 2004-1551 C.D.
-)
-) Type of Case: CIVIL ACTION
-)
-) Type of Pleading: ANSWER OF HENRY S.
-) GOSCH and JOYCE T. GOSCH TO
-) OBJECTIONS AND EXCEPTIONS TO TAX
-) SALE
-)
-) Filed on Behalf of:
-) RESPONDENTS, HENRY S. GOSCH and
-) JOYCE T. GOSCH
-)
-) Counsel of Record:
-) BENJAMIN S. BLAKLEY, III, ESQ.
-) Supreme Court no. 26331
-)
-) BLAKLEY & JONES
-) 90 Beaver Drive, Box 6
-) Du Bois, Pa 15801
-) (814) 371-2730

FILED

01/12/01
NOV 30 2004

cc
Atty Blakley

W.A. Shaw
Prothonotary/Clerk of Courts

2050

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

DONALD E. LEWIS, a/k/a DONALD F.) NO. 2004-1551 C.D.
LEWIS, SR., and ELSIE M. LEWIS,,)
)
 Owners,)
)
 vs.)
)
 CLEARFIELD COUNTY TAX CLAIM)
 BUREAU and HENRY S. GOSCH and)
 JOYCE T. GOSCH,)
)
 Respondents.)

**ANSWER OF HENRY S. GOSCH
and JOYCE T. GOSCH TO
OBJECTIONS AND EXCEPTIONS TO TAX SALE**

AND NOW, comes Respondents, **HENRY S. GOSCH and JOYCE T. GOSCH**, by and through their attorneys, **BLAKLEY & JONES**, and files this answer to the Objections and Exceptions to Tax Sale held on September 17, 2004, filed by **DONALD F. and ELSIE M. LEWIS** as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. It is admitted that the owners received notice that their property had been

sold at an upset tax sale held on September 17, 2004, and that the Respondents hereto were the purchasers at said tax sale. As to the remaining allegations of Paragraph 5, the same are conclusions of the law and therefore no response is required. To the extent that an answer is

required it is denied that the owners did not receive proper notice of said tax sale and on the contrary it is averred that to the best of the Respondents' knowledge, information, and belief, the owners received all notices required by the Real Estate Tax Sale Law as shown by the records of the Clearfield County Tax Claim Bureau.

6. Requires no answer.

7. It is specifically denied that the assessment was not properly identified in the published notice. The tax map number referred by the Lewises in Paragraph 7, viz. D03-015-00242-00-21 was the current map number for the assessment in 2002. Subsequently, assessments in the Treasure Lake Subdivision were reidentified using "C02". However, Section "15" and Lot "21" remained the same and were easily recognizable as identifying the assessments for sale.

8. The Respondents lacked sufficient knowledge or information to form an opinion as to the truth or policies of the allegations contained within Paragraph 8 of Plaintiff's Objections and therefore deny the same and demand strict proof thereof at trial. To the extent a more detailed answer is required, the Respondents believe and therefore aver that the Clearfield County Tax Claim Bureau complied with the mandate of the Real Estate Tax Sale Law as to notice prior to the sale of the subject property to the Respondents.

9. The Respondents lacked sufficient knowledge, information, or belief to determine the truth or falsity of the allegations contained within Paragraph 9 of the owners' Objections and therefore denies the same and demands strict proof thereof at trial. To the extent that a more detailed answer is required, the Respondents believe and therefore aver that the

Clearfield County Tax Claim Bureau complied with the mandates of the Real Estate Tax Sale Law.

10. Requires no answer. To the extent that an answer is required, Respondents believe and therefore aver that the Clearfield County Tax Claim Bureau complied with the mandates of the Real Estate Tax Sale Law.

11. Requires no answer. To the extent that an answer is required, Respondents believe and therefore aver that the Clearfield County Tax Claim Bureau followed the mandates of the Real Estate Tax Sale Law.

12. It is denied that the notices sent to the owners did not have the correct assessment map numbers on the contrary it is averred that assessment map numbers were not utilized in the pre-sale and posted notices.

13. Requires no response.

WHEREFORE, Respondents, **HENRY S. GOSCH** and **JOYCE T. GOSCH**, respectfully request your Honorable Court to dismiss the Objections and Exceptions to Tax Sale by **DONALD F. LEWIS** and **ELSE M. LEWIS**.

Respectfully submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Respondents,
Henry S. Gosch and Joyce T. Gosch

VERIFICATION

We verify that the statements made in this Answer to Owners' Objections and Exceptions to Tax Sale are true and correct. We 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: 11-29-04

Henry S. Gosch
HENRY S. GOSCH

DATE: 11/29/04

Joyce T. Gosch
JOYCE T. GOSCH

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

Respondents.

DONALD E. LEWIS, a/k/a DONALD F.
LEWIS, SR., and ELSIE M. LEWIS,
Owners,
v.
CLEARFIELD COUNTY TAX CLAIM
BUREAU and HENRY S. GOSCH and
JOYCE T. GOSCH,

ANSWER OF HENRY S. GOSCH and
JOYCE T. GOSCH TO OBJECTIONS
AND EXCEPTIONS TO TAX SALE

No. 2004-1551-C.D.

FILED

NOV 30 2004

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES

BLAKLEY & JONES

90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

DONALD E. LEWIS, a/k/a DONALD F.) NO. 2004-1551 C.D. *2050*
LEWIS, SR., and ELSIE M. LEWIS,,)
Owners,) Type of Case: CIVIL ACTION
vs.)
CLEARFIELD COUNTY TAX CLAIM) Type of Pleading:
BUREAU and HENRY S. GOSCH and) CERTIFICATE OF SERVICE
JOYCE T. GOSCH,)
Respondents.) Filed on Behalf of:
) RESPONDENTS, HENRY S. GOSCH and
) JOYCE T. GOSCH
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730
)

FILED *EBK*
01-1261 iCC
NOV 30 2004 *Ally Blakley*

William A. Shaw
Prothonotary/Clerk of Courts

817

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

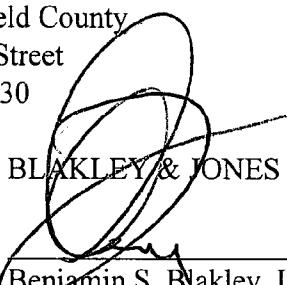
DONALD E. LEWIS, a/k/a DONALD F.) NO. 2004-1551 C.D.
LEWIS, SR., and ELSIE M. LEWIS,,)
)
 Owners,)
)
 vs.)
)
 CLEARFIELD COUNTY TAX CLAIM)
 BUREAU and HENRY S. GOSCH and)
 JOYCE T. GOSCH,)
)
 Respondents.)

CERTIFICATE OF SERVICE

I, BENJAMIN S. BLAKLEY, III, hereby certify that I have served a true and correct copy of the Answer of Henry S. Gosch and Joyce T. Gosch to Objections And Exceptions to Tax Sale upon counsel for the Owners and Defendant, Clearfield County Tax Claim Bureau, on this 30th day of November, 2004, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
P O Box 670
Clearfield, PA 16830-0670

Kim C. Kesner, Esquire
Solicitor - Clearfield County
23 North Second Street
Clearfield, Pa 16830


BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Respondents,
Henry S. Gosch and Joyce T. Gosch

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

DONALD E. LEWIS, a/k/a DONALD F.
LEWIS, SR., and ELSIE M. LEWIS,

Owners,

v.
CLEARFIELD COUNTY TAX CLAIM
BUREAU and HENRY S. GOSCH and
JOYCE T. GOSCH,

Respondents.

CERTIFICATE OF SERVICE

No. 2004-1551-C.D.

FILED

NOV 30 2004

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES

BLAKLEY & JONES

90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

2004-2050
2051-CD

FILED
ECK
of 11-30-04
NO CC
DEC 03 2004

William A. Shaw
Prothonotary/Clerk of Courts

CLEARFIELD COUNTY TAX
CLAIM BUREAU

And

HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL, RETURN RECEIPT,
RESTRICTED DELIVERY

COMMONWEALTH OF PENNSYLVANIA:

: SS.

COUNTY OF CLEARFIELD :

I, RICHARD A. BELL, Esquire, being duly sworn according to law,
depose and say that I am the Attorney for the Owners in the above captioned case.

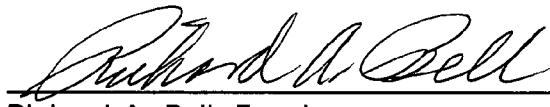
On November 9, 2004, I caused to be mailed to Henry S. Gosch and
Joyce T. Gosch, by Certified Mail , Return Receipt Requested, and Restricted
Delivery No. 7002 3150 0000 7860 2993 a Certified Copy of Objections And
Exceptions To Tax Sale Held On September 17, 2004 together with a copy of a
Rule To Show Cause issued by the Court with reference to the above captioned
case addressed to:

Henry S. Gosch and
Joyce T. Gosch
1533 Treasure Lake
DuBois, PA 15801

120

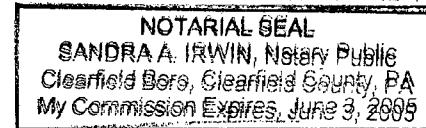
Copies of the covering letter, Receipt For Certified Mail, and the Return Receipt Card are attached hereto showing receipt on November 13, 2004.

BELL, SILBERBLATT & WOOD
BY


Richard A. Bell, Esquire
Attorney for Owners

SWORN to and SUBSCRIBED before
me this 22nd day of November
2004.





Law Office
BELL, SILBERBLATT & WOOD
318 E. Locust Street
P.O. Box 670
Clearfield, PA 16830-0670
e-mail: bslaw@pennswoods.net
Writer's direct e-mail: rbell@pennswoods.net

RICHARD A. BELL
ANN B. WOOD

PAUL SILBERBLATT 1954-1985
F. CORTEZ BELL, JR. 1954-2002

(814) 765-5537
FAX (814) 765-9730
OF COUNSEL:
DANIEL C. BELL

November 9, 2004

RE: Donald F. Lewis, a/k/a Donald
F. Lewis, Sr., and Elsie M.
Lewis, Owners
vs.
Clearfield County Tax Claim Bureau
And Henry S. Gosch and Joyce
T. Gosch, Respondents
No. 2004-1551-CD

Henry S. Gosch and
Joyce T. Gosch
1533 Treasure Lake
DuBois, PA 15801

Dear Mr. and Mrs. Gosch:

Enclosed with this letter is a certified copy of the Objections And Exceptions To Tax Sale Held On September 17, 2004 for Lot 242, Section 15, which belongs to Donald F. Lewis, a/k/a Donald F. Lewis, Sr., and Elsie M. Lewis which you purchased at the Upset Tax Sale.

Please note that if you intend to respond to these Objections and Exceptions you must do so within twenty (20) days of the date you receive them. That date constitutes service on you and the twenty (20) days begins to run from that time.

Very truly yours,

BELL, SILBERBLATT & WOOD
BY



RAB/sai
Enclosures

Richard A. Bell

Certified Mail, Return Receipt, Restricted Delivery No. 7002 3150 0000 7860 2993
CC: Mr. and Mrs. Donald F. Lewis

2993
7860
0000
0000
3150
2002

**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)	3.50
Total Postage & Fees	\$ 8.38

Sent To Henry S. Gosch and
Joyce T. Gosch
Street, Apt. No.;
or PO Box No. 1533 Treasure Lake
City, State, ZIP+4 DuBois, PA 15801

PS Form 3800, June 2002 **See Reverse for Instructions**

Postmark Here

CLEARYFIELD PA 15835

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <i>Henry S. Gosch</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by <i>Henry S. Gosch</i> <input type="checkbox"/> C. Date of Delivery <i>8/1/01</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
1. Article Addressed to: Henry S. Gosch and Joyce T. Gosch 1533 Treasure Lake DuBois, PA 15801		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
2. Article Number (Transfer from service label)		7002 3150 0000 7860 2993	
PS Form 3811, August 2001		Domestic Return Receipt 102595-02-M-1540	

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

DONALD F. LEWIS, a/k/a :
DONALD F. LEWIS, SR., :
and ELSIE M. LEWIS :
Owners :
vs. : NO. 04-²⁰⁵⁰1551-CD
CLEARFIELD COUNTY TAX :
CLAIM BUREAU and HENRY S. :
GOSCH and JOYCE T. GOSCH :
Respondents :

O R D E R

NOW, this 10th day of December, 2004, upon request of
Owners' attorney, due to companion cases having been continued,
it is the ORDER of this Court that said request be and is
hereby granted. Hearing on the Objections to Tax Sale shall be
re-scheduled for the 18 day of January, 2005,
at 1:30 o'clock.

FILED *1cc Atty Kesner E&K*
1/2:37A
DEC 10 2004 *2cc Atty R. Bell*
William A. Shaw *1cc Atty Blakley*
Prothonotary/Clerk of Courts

BY THE COURT,
Judie J. Ammerman
FREDRICK J. AMMERMAN
President Judge

**23*

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

DONALD E. LEWIS, a/k/a DONALD F.) NO. 2004-²⁰⁵⁰1551 C.D.
LEWIS, SR., and ELSIE M. LEWIS,)
Owners,) Type of Case: CIVIL ACTION
vs.)
CLEARFIELD COUNTY TAX CLAIM) Filed on Behalf of:
BUREAU and HENRY S. GOSCH and) RESPONDENTS, HENRY S. GOSCH and
JOYCE T. GOSCH,) JOYCE T. GOSCH
Respondents.)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730
)

FILED NO
11/13/04
DEC 14 2004

W.A. Shaw
Prothonotary/Clerk of Courts

#25

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

DONALD E. LEWIS, a/k/a DONALD F.) NO. 2004-1551 C.D.
LEWIS, SR., and ELSIE M. LEWIS,)
)
 Owners,)
)
 vs.)
)
 CLEARFIELD COUNTY TAX CLAIM)
 BUREAU and HENRY S. GOSCH and)
 JOYCE T. GOSCH,)
)
 Respondents.)

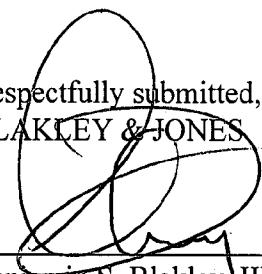
MOTION FOR CONTINUANCE

AND NOW, comes Movant, **BENJAMIN S. BLAKLEY, III**, attorney for the Respondents, **HENRY S. GOSCH and JOYCE T. GOSCH**, and moves this Honorable Court for a continuance of the hearing on Plaintiffs' Objections to Tax Sale scheduled in the above-captioned matter, and in support thereof, the following is averred:

1. A hearing on the Owners' Objections and Exceptions to tax Sale Held on September 17, 2004, has been scheduled for January 18, 2005, at 1:30 p.m.
3. Movant is scheduled to serve as an arbitrator in Clearfield County on the date of the pretrial conference and would therefore be unable to attend the same.

WHEREFORE, Movant respectfully requests this Honorable Court grant his Motion and continue the pretrial conference scheduled for January 18, 2005, at 1:30 p.m. to a date and time mutually acceptable to all parties to this action.

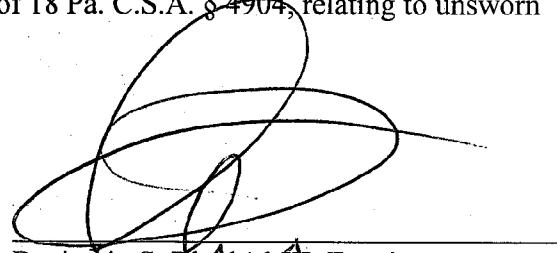
Respectfully submitted,
BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Defendants, Henry S. Gosch
and Joyce T. Gosch

DATE: 12-13-04

I, BENJAMIN S. BLAKLEY, III, ESQUIRE, Attorney for Respondents, verify that the statements made in this Motion for Continuance are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.



Benjamin S. Blakley, III, Esquire
Attorney for Respondents, Henry S. Gosch
and Joyce T. Gosch

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

DONALD E. LEWIS, a/k/a DONALD F.
LEWIS, SR., and ELSIE M. LEWIS,

Owners,

v.

CLEARFIELD COUNTY TAX CLAIM BUREAU
and HENRY S. GOSCH and JOYCE T.
GOSCH,

Respondents.

MOTION FOR CONTINUANCE

No. 2004-1551-C.D
FILED

DEC 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES
BLAKLEY & JONES
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

DONALD E. LEWIS, a/k/a DONALD F.) NO. 2004-²⁰⁵⁰1551 C.D.
LEWIS, SR., and ELSIE M. LEWIS,)
Owners,) Type of Case: CIVIL ACTION
vs.)
CLEARFIELD COUNTY TAX CLAIM) Type of Pleading:
BUREAU and HENRY S. GOSCH and) CERTIFICATE OF SERVICE
JOYCE T. GOSCH,)
Respondents.) Filed on Behalf of:
) RESPONDENTS, HENRY S. GOSCH and
) JOYCE T. GOSCH
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED ^{EW}
NO CC
M 11:31 AM
DEC 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

221

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

CERTIFICATE OF SERVICE

I, BENJAMIN S. BLAKLEY, III, hereby certify that I have served a true and correct copy of counsel for Respondents Henry S. Gosch and Joyce T. Gosch's Motion for Continuance upon counsel for the Owners and Respondent, Clearfield County Tax Claim Bureau, on this _____ day of December, 2004, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
P O Box 670
Clearfield, PA 16830-0670

Kim C. Kesner, Esquire
Solicitor - Clearfield County
23 North Second Street
Clearfield, Pa 16830

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Respondents,
Henry S. Gosch and Joyce T. Gosch

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

DONALD E. LEWIS, a/k/a DONALD F.
LEWIS, SR., and ELSIE M. LEWIS,

Owners,

v.

CLEARFIELD COUNTY TAX CLAIM BUREAU
and HENRY S. GOSCH and JOYCE T.
GOSCH,

Respondents.

CERTIFICATE OF SERVICE

No. 2004-1551-C.D.

FILED

DEC 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES

BLAKLEY & JONES

90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

DONALD E. LEWIS, a/k/a DONALD F. : CIVIL ACTION - LAW
LEWIS, SR., and ELSIE M. LEWIS, :
: NO. 2004-²⁰⁵⁰₁₅₅₁ C.D.
Owners, :
: Type of Pleading: ORDER
vs. :
: FILED ON BEHALF OF:
CLEARFIELD COUNTY TAX CLAIM : RESPONDENTS, HENRY S. GOSCH AND
BUREAU and HENRY S. GOSCH and : JOYCE T. GOSCH
JOYCE T. GOSCH, :
: Counsel of Record For This Party:
Respondents. : BENJAMIN S. BLAKLEY, III
: Supreme Court No. 26331
:
: BLAKLEY & JONES
: 90 Beaver Drive, Box 6
: DuBois, Pa 15801
: (814) 371-2730

FILED ^{4CC}
10:00 AM Ally Blakley
DEC 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

(80)

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

ORDER OF COURT

AND NOW this 17th day of December, 2004, it is hereby ORDERED that Motion for Continuance filed by counsel for Respondents Henry S. Gosch and Joyce T. Gosch is hereby granted. Hearing on Plaintiffs' Objections to Tax Sale is hereby rescheduled to the 19 day of January, 2005, at 1:30 o'clock P M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

By the Court:

Frederick J. Gummesson

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

DONALD E. LEWIS, a/k/a DONALD F.
LEWIS, SR., and ELSIE M. LEWIS,

Owners,

v.
CLEARFIELD COUNTY TAX CLAIM BUREAU
and HENRY S. GOSCH and JOYCE T.
GOSCH,

Respondents.

ORDER

No. 2004-1551-C.D.

FILED

DEC 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES

BLAKLEY & JONES

90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

COPY

January 13, 2005

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

Richard A. Bell, Esq.
318 East Locust St.
Clearfield, PA 16830

Benjamin S. Blakley, Esq.
90 Beaver Drive, Box 6
DuBois, PA 15801

In Re: Bureau's Consolidated Return 2004
Donald and Elsie Lewis, Owners
Henry and Joyce Gosch, Respondents
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 04-2050-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

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

DONALD E. LEWIS, a/k/a DONALD F.) NO. 2004-1551 C.D. *200-CD*
LEWIS, SR., and ELSIE M. LEWIS,)
Owners,) Type of Case: CIVIL ACTION
vs.)
CLEARFIELD COUNTY TAX CLAIM) Type of Pleading:
BUREAU and HENRY S. GOSCH and) CERTIFICATE OF SERVICE
JOYCE T. GOSCH,)
Respondents.) Filed on Behalf of:
) RESPONDENTS, HENRY S. GOSCH and
) JOYCE T. GOSCH
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED *ice*
m10:4001 *Atty Blakley*
JAN 13 2005

BS William A. Shaw
Prothonotary/Clerk of Courts

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

DONALD E. LEWIS, a/k/a DONALD F.) NO. 2004-1551 C.D.
LEWIS, SR., and ELSIE M. LEWIS,)
Owners,)
vs.)
CLEARFIELD COUNTY TAX CLAIM)
BUREAU and HENRY S. GOSCH and)
JOYCE T. GOSCH,)
Respondents.)

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of counsel for Respondents Henry S. Gosch and Joyce T. Gosch's Motion for Continuance upon counsel for the Owners and Respondent, Clearfield County Tax Claim Bureau, on this 11th day of January, 2005, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
P O Box 670
Clearfield, PA 16830-0670

Kim C. Kesner, Esquire
Solicitor - Clearfield County
23 North Second Street
Clearfield, Pa 16830

Mitchell Bloomer

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

DONALD E. LEWIS, a/k/a DONALD F.) NO. 2004-²⁰⁵⁰~~1551~~C.D.
LEWIS, SR., and ELSIE M. LEWIS,)
Owners,) Type of Case: CIVIL ACTION
vs.)
CLEARFIELD COUNTY TAX CLAIM)
BUREAU and HENRY S. GOSCH and)
JOYCE T. GOSCH,)
Respondents.) Filed on Behalf of:
) RESPONDENTS, HENRY S. GOSCH and
) JOYCE T. GOSCH
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED

1/13/2005 Atty Blakley

WAS

William A. Shaw
Prothonotary/Clerk of Courts

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

DONALD E. LEWIS, a/k/a DONALD F.) NO. 2004-1551 C.D.
LEWIS, SR., and ELSIE M. LEWIS,)
Owners,)
vs.)
CLEARFIELD COUNTY TAX CLAIM)
BUREAU and HENRY S. GOSCH and)
JOYCE T. GOSCH,)
Respondents.)

MOTION FOR CONTINUANCE

AND NOW, comes Movant, **BENJAMIN S. BLAKLEY, III**, attorney for the Respondents, **HENRY S. GOSCH and JOYCE T. GOSCH**, and moves this Honorable Court for a continuance of the hearing on Plaintiffs' Objections to Tax Sale scheduled in the above-captioned matter, and in support thereof, the following is averred:

1. A hearing on the Owners' Objections and Exceptions to tax Sale Held on September 17, 2004, has been scheduled for January 19, 2005, at 1:30 p.m.
2. Movant is scheduled to appear before the Court of Common Pleas of Jefferson County on the afternoon of January 19, 2005, and would therefore be unable to attend the hearing scheduled for that time.

WHEREFORE, Movant respectfully requests this Honorable Court grant his Motion and continue the pretrial conference scheduled for January 19, 2005, at 1:30 p.m. to a date and time mutually acceptable to all parties to this action.

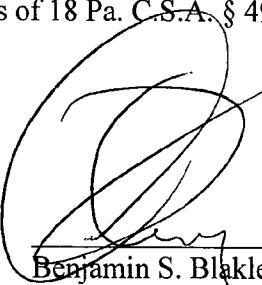
DATE: 1/11/05

Respectfully submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Defendants, Henry S. Gosch
and Joyce T. Gosch

I, **BENJAMIN S. BLAKLEY, III, ESQUIRE**, Attorney for Respondents, verify that the statements made in this Motion for Continuance are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.



Benjamin S. Blakley, III, Esquire
Attorney for Respondents, Henry S. Gosch
and Joyce T. Gosch

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2048-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
GLENN F. WOLFE and
NANCY C. WOLFE, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2049-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
MAYNARD BAUER, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2050-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

FILED
03/20/04
Velocity
Beamer

JK JAN 14 2005

ORDER OF COURT

William A. Shaw
Prothonotary

AND NOW this 14 day of January, 2005, upon

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 within twenty (20) days of the date of service on you 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 LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER 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

BY THE COURT

Judith Annemarie
Judge

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS. No. 04-2048-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU

And

GLENN F. WOLFE and
NANCY C. WOLFE, Respondents

Type Of Pleading:
MOTION FOR CONSOLIDATION

Filed On Behalf Of:
OWNERS

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS. No. 04-2049-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU

And

MAYNARD BAUER, Respondent

Counsel Of Record For
This Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT & WOOD
318 E. Locust Street
Clearfield, PA 16830

(814) 765-5537

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS. No. 04-2050-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU

And

HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

FILED
bvo 3-00-04 10:00 AM

JAN 14 2005

William A. Shaw
Prothonotary

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2048-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
GLENN F. WOLFE and
NANCY C. WOLFE, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2049-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
MAYNARD BAUER, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2050-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

MOTION TO CONSOLIDATE

NOW COMES Donald F. Lewis, a/k/a Donald F. Lewis, Sr., and Elsie M. Lewis,

by their attorney Richard A. Bell and moves to have the above three cases consolidated for hearing based on the following facts:

1. Donald F. Lewis, a/k/a Donald F. Lewis, Sr., and Elsie M. Lewis are husband and wife residing at 47 Ocean Lane, Apartment 5509, Hilton Head Island, South Carolina 29928-7907. Mr. and Mrs. Lewis are the owners inter alia, of three (3) lots in Treasure Lake identified as Lot No. 242, Section 15, Lot No. 211, Section 15, and Lot No. 24, Section 11. The three lots were sold at tax sale held on September 17, 2004.
2. Henry S. Gosch and Joyce T. Gosch are husband and wife residing at 1533 Treasure Lake, DuBois, Pennsylvania 15801 and were the purchasers of Lot No. 242, Section 15 at the said tax sale.
3. Glenn F. Wolfe and Nancy C. Wolfe are husband and wife residing at 519 Treasure Lake, DuBois, Pennsylvania 15801 and were the purchasers of Lot No. 211, Section 15 at the said tax sale.
4. Maynard Bauer is an individual residing at 485 Walmar Road, Bay Village, Ohio 44140 and was the purchaser of Lot No. 24, Section 11 at the tax sale.
5. Hearing on all three of these cases were scheduled for December 14, 2004.

6. Maynard Bauer requested a continuance of his case.

7. Mr. and Mrs. Lewis through their attorney requested that when the case for Mr. Bauer was rescheduled that the other two cases be heard at the same time.

8. The Court granted this request and hearing was scheduled for January 18, 2005.

9. Benjamin S. Blakely, Esquire representing Mr. and Mrs. Gosch filed a Motion For Continuance which resulted in all three cases being rescheduled for January 19, 2005.

10. Another Motion For Continuance has been filed by Benjamin S. Blakely, Esquire on behalf of Mr. and Mrs. Gosch requesting another continuance to a later date which date has not as yet been set.

11. It would be a hardship for Mr. and Mrs. Lewis to have to travel from South Carolina to Clearfield, Pennsylvania on separate dates for each of the above cases.

12. Although the cases are not identical, most of the testimony by Mr. and Mrs. Lewis and Exhibits will be applicable to each of the above three cases.

13. Consolidating the above three cases will conserve time for both the Court and the parties.

WHEREFORE, Donald F. Lewis, a/k/a Donald F. Lewis, Sr., and Elsie M. Lewis by their attorney Richard A. Bell, move your Honorable Court to continue the January 19, 2005 hearing in all three cases and to consolidate the above three cases for hearing, or if that is not possible to at least schedule them at the same time.

Respectfully submitted,

BELL, SILBERBLATT & WOOD
By



Richard A. Bell, Esquire, Attorney
For Lewis'

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2048-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
GLENN F. WOLFE and
NANCY C. WOLFE, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2049-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
MAYNARD BAUER, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2050-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of a Motion For Consolidation with referenced to the

above three cases was mailed the 14th day of January, 2005, by regular mail postage prepaid at the post office in Clearfield, PA 16830 to the following:

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

Glenn and Nancy Wolfe
519 Treasure Lake
DuBois, PA 15801

Benjamin S. Blakley, Esquire
90 Beaver Drive, Box 6
DuBois, PA 15801

Maynard Bauer
485 Walmar Road
Bay Village, Ohio 44140



Richard A. Bell, Esquire
Attorney for Owners

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

DONALD E. LEWIS, a/k/a DONALD F. LEWIS, SR., and ELSIE M. LEWIS,
Owners,
vs.
CLEARFIELD COUNTY TAX CLAIM BUREAU and HENRY S. GOSCH and
JOYCE T. GOSCH,
Respondents.

) NO. 2004-1551 C.D.
)
) Type of Case: CIVIL ACTION
)
) Type of Pleading:
) ORDER OF COURT
)
) Filed on Behalf of:
) RESPONDENTS, HENRY S. GOSCH and
) JOYCE T. GOSCH
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

62 FILED 4CC
01/12/05 Atty Blakley
JAN 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

DONALD E. LEWIS, a/k/a DONALD F.) NO. 2004-²⁰⁹⁰1551 C.D.
LEWIS, SR., and ELSIE M. LEWIS,)
Owners,)
vs.)
CLEARFIELD COUNTY TAX CLAIM)
BUREAU and HENRY S. GOSCH and)
JOYCE T. GOSCH,)
Respondents.)

ORDER

AND NOW, this 14th day of January, 2005, upon request of counsel
for Respondents Henry S. and Joyce T. Gosch, it is the ORDER of this Court that said request be
and is hereby granted. Hearing on the Objections to Tax Sale shall be rescheduled for the 16
day of February, 2005, at 9:00 o'clock.

BY THE COURT,



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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS. No. 04-2048-CD

CLEARFIELD COUNTY TAX

CLAIM BUREAU

And

GLENN F. WOLFE and

NANCY C. WOLFE, Respondents

Type Of Pleading:

AFFIDAVIT OF SERVICE

For No. 04-2050-CD

Filed On Behalf Of:

OWNERS

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS. No. 04-2049-CD

CLEARFIELD COUNTY TAX

CLAIM BUREAU

And

MAYNARD BAUER, Respondent

Counsel Of Record For
This Party:

Richard A. Bell, Esquire

PA I.D. #06808

BELL, SILBERBLATT & WOOD

318 E. Locust Street

Clearfield, PA 16830

(814) 765-5537

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS. No. 04-2050-CD

CLEARFIELD COUNTY TAX

CLAIM BUREAU

And

HENRY S. GOSCH and

JOYCE T. GOSCH, Respondents

FILED

6K JAN 18 2005
William A. Shaw
Prothonotary/Clerk of Courts

wo C/C

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2048-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU

And

GLENN F. WOLFE and
NANCY C. WOLFE, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2049-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
MAYNARD BAUER, Respondent

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2050-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

AFFIDAVIT OF SERVICE BY REGULAR MAIL

COMMONWEALTH OF PENNSYLVANIA:

: SS.

COUNTY OF CLEARFIELD :

I, Richard A. Bell, Esquire, being duly sworn according to law, depose
and say that I am the Attorney for the Owners in the above captioned case.

On Friday, January 14, 2005, I caused to be mailed to Clearfield County

Tax Claim Bureau, Respondent, care of its attorney, Kim C. Kesner, Esquire GLENN F. WOLFE and NANCY C. WOLFE, Respondents, MAYNARD BAUER, Respondent and HENRY S. GOSCH and JOYCE T. GOSCH, Respondents, care of their attorney Benjamin S. Blakley, Esquire, a Motion For Consolidation with Rule Returnable in the above captioned cases by regular mail addressed as follows:

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

Benjamin S. Blakley, Esquire
90 Beaver Drive, Box 6
DuBois, PA 15801

Glenn and Nancy Wolfe
519 Treasure Lake
DuBois, PA 15801

Maynard Bauer
485 Walmar Road
Bay Village, Ohio 44140

BELL, SILBERBLATT & WOOD
BY:


Richard A. Bell, Esquire
Attorney for Owners

SWORN to and SUBSCRIBED before
me this 17th day of January, 2005.



NOTARIAL SEAL
SANDRA A. IRWIN, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires, June 3, 2005

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

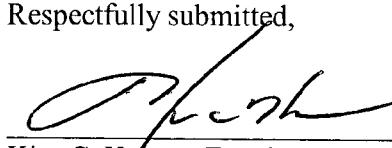
DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR., and ELSIE M. LEWIS, Owners :
vs. : No. 04-2050-CD
CLEARFIELD COUNTY TAX CLAIM BUREAU, and :
HENRY S. GOSCH and JOYCE T. GOSCH, Respondents :
:

WRITTEN RESPONSE TO MOTION TO CONSOLIDATE

And now, comes Clearfield County Tax Claim Bureau by Kim C. Kesner, Solicitor and as directed by this Court's Rule issued on January 14, 2005, upon the Motion for Consolidation filed by Donald F. Lewis a/k/a Donald F. Lewis, Sr., and Elsie M. Lewis, Owners, files this written response.

1. The Clearfield County Tax Claim Bureau has no objection to the consolidation for hearing of No. 04-4048-CD, No. 04-4049-CD, and 04-2050-CD.

Respectfully submitted,



Kim C. Kesner, Esquire
Solicitor for Clearfield County

FILED ⁶²
2/10/05 8:11 AM Atty. Kesner
JAN 20 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR., and ELSIE M. LEWIS, Owners :
vs. : No. 04-2050-CD
CLEARFIELD COUNTY TAX CLAIM BUREAU, and :
HENRY S. GOSCH and JOYCE T. GOSCH, Respondents :

CERTIFICATE OF SERVICE

I hereby certify that a copy of a Written Response to Motion to Consolidate was served on the following by regular mail, postage prepaid:

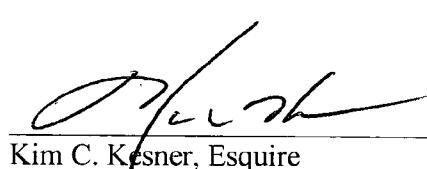
Richard A. Bell, Esquire
BELL, SILBERBLATT & WOOD
318 E. Locust Street
Clearfield, PA 16830

Glenn and Nancy Wolfe
519 Treasure Lake
DuBois, PA 15801

Benjamin S. Blakley, Esquire
90 Beaver Drive, Box 6
DuBois, PA 15801

Maynard Bauer
485 Walmar Road
Bay Village, OH 44140

Date



Kim C. Kesner, Esquire
Solicitor for Clearfield County

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2048-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU

And

GLEN F. WOLFE and
NANCY C. WOLFE, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2049-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU

And

MAYNARD BAUER, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2050-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU

And

HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

FILED
6K 01/30/2005
FEB 14 2005
Atty Bell

William A. Shaw
Prothonotary/Clerk of Courts

ORDER OF COURT

AND NOW this 14th day of February, 2005, no response

having been filed to the Rule To Show Cause as to why the three captioned cases

should not be consolidated, it is the order of this Court that the three cases are hereby consolidated for hearing.

BY THE COURT

A handwritten signature in black ink, appearing to read "Judge J. C. Cunneman", is written over a horizontal line.

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS. No. 04-2048-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
GLEN F. WOLFE and
NANCY C. WOLFE, Respondents

Type Of Pleading:
MOTION TO MAKE
RULE ABSOLUTE
Filed On Behalf Of:
OWNERS

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS. No. 04-2049-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
MAYNARD BAUER, Respondent

Counsel Of Record For
This Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT & WOOD
318 E. Locust Street
Clearfield, PA 16830

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS. No. 04-2050-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

(814) 765-5537

FILED

FEB 11 2005
072:45 (E) *(Signature)*
William A. Shaw
Prothonotary/Clerk of Courts
No. C 2005 Co 018

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2048-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
GLEN F. WOLFE and
NANCY C. WOLFE, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2049-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
MAYNARD BAUER, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2050-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

MOTION TO MAKE RULE ABSOLUTE

1. Richard A. Bell, on behalf of Donald F. Lewis, a/k/a Donald F. Lewis, Sr., and
Elsie M. Lewis on the above captioned cases filed a Motion To Consolidate the three

cases.

2. Under date of January 14, 2005, your Honorable Court issued a Rule on the Respondents in the three cases to show cause why the cases should not be consolidated for hearing with a return date for filing a response of February 3, 2005.

3. None of the Respondents or their counsel have filed a written response objecting to the Motion. Kim Kesner, Esquire acting for the Clearfield County Tax Claim Bureau and Benjamin S. Blakely, Esquire on behalf of Henry S. Gosch and Joyce T. Gosch, Respondents have stated in writing that they have no objection to the consolidation. Counsel for Mr. and Mrs. Lewis has also been informed orally by telephone that the other Respondents or their counsel have no objections.

WHEREFORE, the movants by their counsel, Richard A. Bell, respectfully requests that your Honorable Court make the Rule issued absolute and Order that the three cases be consolidated for hearing.

BELL, SILBERBLATT & WOOD
BY


Richard A. Bell, Esquire, Attorney for
Owners

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2048-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
GLENN F. WOLFE and
NANCY C. WOLFE, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2049-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
MAYNARD BAUER, Respondents

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS, Owners

VS.

No. 04-2050-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU
And
HENRY S. GOSCH and
JOYCE T. GOSCH, Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of a Motion To Make Rule Absolute with proposed

Order with referenced to the above three cases was mailed the 11th day of February, 2005, by regular mail postage prepaid at the post office in Clearfield, PA 16830 to the following:

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

Benjamin S. Blakley, Esquire
90 Beaver Drive, Box 6
DuBois, PA 15801

Glenn and Nancy Wolfe
519 Treasure Lake
DuBois, PA 15801

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

Jeffrey DuBois, Esquire
190 West Park Avenue
DuBois, PA 15801


Richard A. Bell, Esquire
Attorney for Owners

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DONALD F. LEWIS, et al

:

VS.

: NO. 04-2048, 2049 & 2050-CD

CLEARFIELD COUNTY TAX

:

CLAIM BUREAU

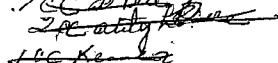
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O R D E R

NOW, this 16th day of February, 2005, following the conclusion of the taking of testimony, it is the ORDER of this Court that counsel for the Objectors shall have until March 10, 2005, in which to supply the Court with appropriate brief. The solicitor for the County shall have no later than twenty (20) days thereafter in which to respond. Counsel for any of the other parties shall also have twenty (20) days from March 10, 2005, in which to respond in the event they wish to do so.

BY THE COURT:



President Judge 

u" **FILED**
01/30/05 *J. C. Zimmerman*
FEB 17 2005

William A. Shaw
Prothonotary

04-2048-CD

04-2049-CD

04-2050-CD

CERTIFICATE OF SERVICE

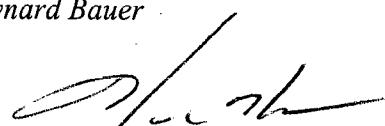
I hereby certify that a copy of the Reply Brief of Clearfield County Tax Claim Bureau in the above referenced three cases was mailed the 24th day of March 2005, by U.S. First Class Mail, postage prepared to the following:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830
Attorney for Donald F. & Elsie M. Lewis

Jeffrey DuBois, Esquire
190 West Park Avenue
DuBois, PA 15801
Attorney for Glenn F. & Nancy C. Wolfe

Benjamin S. Blakley, Esquire
909 Beaver Drive, Box 6
DuBois, PA 15801
Attorney for Henry S. & Joyce T. Gosch

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801
Attorney for Maynard Bauer


Kim C. Kesner, Esquire
Solicitor for the Clearfield County Tax
Claim Bureau

FILED NO
04-2048-CD
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6K
William A. Shaw
Prothonotary/Clerk of Courts
Orig. to 04-2048-CD

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

DONALD F. LEWIS, A/K/A DONALD F. : No. 04-2048-CD
LEWIS, SR., and ELSIE M. LEWIS, :
Owners :
:

vs.

CLEARFIELD COUNTY TAX CLAIM :
BUREAU and GLENN F. WOLFE and :
NANCY C. WOLFE, :
Respondents :
:

DONALD F. LEWIS, A/K/A DONALD F. : No. 04-2049CD
LEWIS, SR., and ELSIE M. LEWIS, :
Owners :
:

vs.

CLEARFIELD COUNTY TAX CLAIM :
BUREAU and MAYNARD BAUER, :
Respondents :
:

DONALD F. LEWIS, A/K/A DONALD F. : No. 04-2050-CD
LEWIS, SR., and ELSIE M. LEWIS, :
Owners :
:

vs.

CLEARFIELD COUNTY TAX CLAIM :
BUREAU and HENRY S. GOSCH and :
JOYCE T. GOSCH, :
Respondents :
:

RECEIVED

MAR 24 2005

**COURT ADMINISTRATOR'S
OFFICE**

**REPLY BRIEF OF CLEARFIELD
COUNTY TAX CLAIM BUREAU**

TO: The Honorable Fredric J. Ammerman, President Judge

The Lewises have raised three (3) challenges to the Tax Sale of three of their seventeen assessments scheduled for Upset Tax Sale on September 17, 2004 as follows:

FILED Copies-
074.0071 See attached
APR 11 2005 Orig. filed
WHR: A.G. 10-04-2012

William A. Shaw
Prothonotary/Clerk of Courts

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

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS.

Owners

vs.

CLEARFIELD COUNTY TAX CLAIM BUREAU
and GLENN F. WOLFE and NANCY C. WOLFE

Respondents

* * * * *

NO. 04-2048-CD

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS.

Owners

vs.

**CLEARFIELD COUNTY TAX CLAIM BUREAU
and MAYNARD BAUER**

Respondents

* * * * *

NO. 04-2049-CD

DONALD F. LEWIS, a/k/a DONALD F. LEWIS, SR.,
and ELSIE M. LEWIS

Owners

VS.

CLEARFIELD COUNTY TAX CLAIM BUREAU
and HENRY S. GOSCH and JOYCE T. GOSCH.

Respondents

NO. 04-2050-CD

ORDER

NOW, this 6th day of April, 2005, the Court noting that Evidentiary Hearing was held on February 16, 2005 relative the Objections to the Tax Sales filed in the above-captioned actions; the Court has received the Reply Brief of Clearfield County Tax Claim Bureau and within said Brief the Tax Claim Bureau has conceded that pursuant to the Commonwealth Court decision in Grove v. Franklin County Tax Claim Bureau, 705 A.2d 162 (1997), appeal denied 558 Pa. 623, 737 A.2d 745 (Pa. 1999), that the Tax Claim Bureau did not comply with §607(a) of The Tax Sale Act requiring additional notification efforts when certified mail sale

notice is returned unclaimed; that the Tax Claim Bureau is conceding that the Exceptions filed on behalf of Donald F. Lewis and Elsie M. Lewis should be sustained and the Tax Sales overturned. Therefore, it is the ORDER of this Court that the said Exceptions are hereby GRANTED and the three Tax Sales are hereby VACATED. The Tax Claim Bureau is directed to refund to the purchasers the upset sale price.

BY THE COURT,

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

04-2048-CD
Richard Bell, Esq.

Kim C. Kesner, Esq.

Glenn Wolfe
Nancy Wolfe
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DuBois, PA 15801

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Patrick Lavelle, Esq.

Kim C. Kesner, Esq.

04-2050-CD
2cc Richard Bell, Esq.
2cc Benjamin Blakley, Esq.
1cc Kim C. Kesner, Esq.