

05-1071-CD

Dennis Miller vs Clfd Co Tax Claim
2005-1071-CD

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

DENNIS J. MILLER and
SCOTT ANDERSON,

Petitioners,

vs.

CLEARFIELD COUNTY TAX
CLAIM BUREAU,

Respondent.

No. 05-1071-CD

Type of case: Civil

Type of pleading: Petition to
Disapprove Tax Sale Nunc Pro Tunc

Filed on behalf of: Petitioners,
Dennis J. Miller and Scott Anderson

Counsel for Petitioners:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

FILED
JUL 25 2005
William A. Shaw
Prothonotary/Clerk of Courts

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FILED 3cc Atty
07/25/2005 Atty pd. 85.00
JUL 25 2005 Atty pd. 85.00

BS
SAC

William A. Shaw
Prothonotary/Clerk of Courts

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

DENNIS J. MILLER and :
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:
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:
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CLAIM BUREAU, :
Respondent. :
:

NOTICE TO DEFEND

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 before the date set forth in the Rule Returnable by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a order may be entered against you by the court without further notice for the relief requested by the Petitioner. 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
1 North Second Street
Clearfield, Pennsylvania 16830
(814) 765-2641

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

DENNIS J. MILLER and :
SCOTT ANDERSON, :
Petitioners, :
: vs. : No.
: :
CLEARFIELD COUNTY TAX :
CLAIM BUREAU, :
Respondent. :
:

PETITION TO DISAPPROVE TAX SALE NUNC PRO TUNC

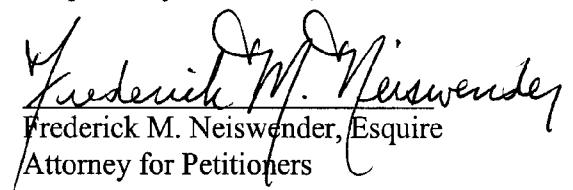
NOW, come the Petitioners, Dennis J. Miller and Scott Anderson, by and through their attorney, FREDERICK M. NEISWENDER, ESQUIRE and make this Petition to Disapprove Tax Sale Nunc Pro Tunc as follows:

1. The Petitioners are Dennis J. Miller and Scott Anderson, adult individuals, having a mailing address of 20530 Route 19, Cranberry Township, Pennsylvania 16066.
2. The Respondent is the Clearfield County Tax Claim Bureau, a government agency, having a mailing address of 230 East Market Street, Suite 121, Clearfield, Pennsylvania 16830.
3. That the properties subject to this petition are situated in Sandy Township, Clearfield County and are listed more completely on *Petitioners' Exhibit "A"* attached hereto.
4. That a Private Tax Sale of these properties is scheduled for July 27, 2005 at 9:00 a.m.
5. That the proposed sale price is \$3,000.00 for the properties.
6. That the Petitioners believe and aver that the proposed private sale price is insufficient.
7. Petitioners are prepared to bid and pay the sum of \$4,000.00 for the properties.
8. That the statutory time limit for upsetting this sale has passed.

9. That it would be in the best interest of the Respondent for the Court to approve the petition.

WHEREFORE, Petitioners respectfully request this Honorable Court disapprove the proposed private sale and permit Petitioners to purchase the above-mentioned properties for the amount of \$4,000.00.

Respectfully Submitted,


Frederick M. Neiswender, Esquire
Attorney for Petitioners

PRIVATE TAX SALE

Notice is hereby given of the proposed sale by the Clearfield County Tax Claim Bureau of the following properties:

| CLAIM # | OWNER | DESC | MAP# |
|----------|----------------------------|---------------|-------------------|
| 99-8481 | McDonald, W Louis | L11 Sec 17 ✓ | 128-C02-017-00011 |
| 98-10200 | Weaver, Sandra C | L184 Sec 17 ✓ | 128-C02-017-00084 |
| 98-10250 | London, Jeffrey L & ✓ | L89 Sec 17 ✓ | 128-C02-017-00089 |
| | Kuntz, Jeffrey G | | |
| 96-7845 | Gleason, William L ✓ | L90 Sec 17 ✓ | 128-C02-017-00090 |
| | & Phyllis E | | |
| 94-7595 | Huhn, George E & ✓ | L91 Sec 17 ✓ | 128-C02-017-00091 |
| | Ethel J | | |
| 01-9062 | Kahle, Thomas J & ✓ | L92 Sec 17 ✓ | 128-C02-017-00092 |
| | Frances F | | |
| 02-10958 | Stehley, Daniel G Sr ✓ | L98 Sec 17 ✓ | 128-C02-017-00098 |
| | & Shari R | | |
| 97-8260 | King, James T & ✓ | L99 Sec 17 ✓ | 128-C02-017-00099 |
| | Theresa M | | |
| 95-7462 | Ester, George H & ✓ | L104 Sec 17 ✓ | 128-C02-017-00104 |
| | Marilyn J | | |
| 02-8333 | Madrid Ranch ✓ | L105 Sec 17 ✓ | 128-C02-017-00105 |
| | Estates II LLC | | |
| 00-7841 | Hamilton, Terry ✓ | L109 Sec 17 ✓ | 128-C02-017-00109 |
| 94-8287 | Sgro, George D & ✓ | L111 Sec 17 ✓ | 128-C02-017-00111 |
| | G Arlene | | |
| 94-7592 | Houtz, Robert & ✓ | L112 Sec 17 ✓ | 128-C02-017-00112 |
| | Carol | | |
| 96-7580 | Come, Jerry P & ✓ | L113 Sec 17 ✓ | 128-C02-017-00113 |
| | Margaret L | | |
| 96-9647 | Wilson, Philip A & ✓ | L114 Sec 17 ✓ | 128-C02-017-00114 |
| | Patricia A | | |
| 01-10372 | Schlichting, Adelaide ✓ | L115 Sec 17 ✓ | 128-C02-017-00115 |
| | K Trustee | | |
| 02-8243 | Safe 4U Land Acq. ✓ | L117 Sec 17 ✓ | 128-C02-017-00117 |
| 95-8154 | Paul, Richard J & ✓ | L119 Sec 17 ✓ | 128-C02-017-00119 |
| | Betty J | | |
| 94-7344 | Fenstermaker, ✓ | L120 Sec 17 ✓ | 128-C02-017-00120 |
| | Emmin W & Rick Allan | | |
| 94-7483 | Coates, Harold ✓ | L126 Sec 17 ✓ | 128-C02-017-00126 |
| 99-8859 | Long, Donna B ✓ | L129 Sec 17 ✓ | 128-C02-017-00129 |
| 96-8408 | Nelson, James M ✓ | L132 Sec 17 ✓ | 128-C02-017-00132 |
| 94-7538 | Herwick, Robert Sr ✓ | L133 Sec 17 ✓ | 128-C02-017-00133 |
| | & Edith H | | |
| 99-9822 | Ruggiero, Anthony ✓ | L136 Sec 17 ✓ | 128-C02-017-00136 |
| 96-8431 | Northern Cambria ✓ | L138 Sec 17 ✓ | 128-C02-017-00138 |
| | Community Development Corp | | |
| 94-7602 | 12 th Century ✓ | L151 Sec 17 ✓ | 128-C02-017-00151 |
| | Electronics inc | | |

98-9347 Rentz, Verna & ✓ L155 Sec17✓ 128-C02-017-00155
Harley D Wymer ✓
98-9062 Myers, John R Jr & ✓ L158 Sec17✓ 128-C02-017-00158
Cynthia A ✓
01-8406 Goodrich, Kenneth B ✓ L160 Sec17✓ 128-C02-017-00160
& Yvona K Smith
94-7207 Cooper, Charles R ✓ L162 Sec17✓ 128-C02-017-00162
94-8444 Treutlein, Peter & ✓ L245 Sec17✓ 128-C02-017-00245
Barbara
94-8210 Rost, Edward F & ✓ L248 Sec17✓ 128-C02-017-00248
Heidi F ✓
96-9371 Smik, Cynthia A ✓ L250 Sec17✓ 128-C02-017-00250
98-10068 Taylor, Michael Jr & ✓ L251 Sec17 128-C02-017-00251
Greg Steele & Linda Shemas ✓
98-9020 Moehr, Steven A ✓ L252 Sec17✓ 128-C02-017-00252
97-7571 Calkins, Maggie ✓ L253 Sec17✓ 128-C02-017-00253
94-8453 TLS Company LLC ✓ L287 Sec17✓ 128-C02-017-00287
94-7601 12th Century Electr ✓ L293 Sec17✓ 128-C02-017-00293
95-8954 Schaffner, Clyde D ✓ L297 Sec17✓ 128-C02-017-00297
& Lorena A ✓
94-7743 Lucas, Ernest J & ✓ L302 & 303 ✓ 128-C02-017-00302
Carolyn E Sec 17 ✓
00-7842 Hamilton, Terry ✓ L304 Sec17✓ 128-C02-017-00304
97-9647 Vogus, Edward C ✓ L305 Sec17✓ 128-C02-017-00305
00-10434 Schneider, Paul A ✓ L307 Sec17✓ 128-C02-017-00307
00-8278 DiTullio, Joseph A ✓ L310 Sec17✓ 128-C02-017-00310
& Doris J ✓
00-9257 Lewis, Donald F Sr ✓ L351 Sec17✓ 128-C02-017-00351
00-9266 Lewis, Donald F Sr ✓ L358 Sec17✓ 128-C02-017-00358
& Elsie M ✓
02-9555 Lewis, Donald F Sr ✓ L363 Sec17✓ 128-C02-017-00363
& Elsie M ✓
02-9315 Yaremchak, George ✓ L365 Sec17✓ 128-C02-017-00365
99-10281 Woomer, William ✓ L375 Sec17✓ 128-C02-017-00375
99-10282 Woomer, William ✓ L376 Sec17✓ 128-C02-017-00376
94-7827 Miller, Dennis J & ✓ L378 Sec17✓ 128-C02-017-00378
Ruth A ✓
94-7828 Miller, Dennis J & ✓ L379 Sec17✓ 128-C02-017-00379
Ruth A ✓
00-9678 O'Krucky, Helen M ✓ L381 Sec17✓ 128-C02-017-00381
94-7264 Dembski, Richard J ✓ L386 Sec17✓ 128-C02-017-00386
& Denise L ✓
94-8298 Shaker Mech Corp ✓ L388 Sec17✓ 128-C02-017-00388
01-8280 Fesko, Eric ✓ L394 Sec17✓ 128-C02-017-00394
99-10284 Woomer, William ✓ L401 Sec17✓ 128-C02-017-00401
99-10283 Woomer, William ✓ L402 Sec17✓ 128-C02-017-00402
98-8871 Szymanski, Donald ✓ L403 Sec17✓ 128-C02-017-00403
00-8438 Fullington, Vera & ✓ L405 Sec17✓ 128-C02-017-00405
Joseph

| | | |
|----------|-------------------------------------|-------------------|
| 99-10229 | Wheeler, Norman D ✓ L411 Sec17 ✓ | 128-C02-017-00411 |
| | & Helen L | |
| 95-7216 | Buffone, David A & ✓ L422 Sec17 ✓ | 128-C02-017-00422 |
| | Judith A | |
| 99-9322 | Renn, Charles ✓ L425 Sec17 ✓ | 128-C02-017-00425 |
| 94-8235 | Schick, Paul J & ✓ L427 Sec17 ✓ | 128-C02-017-00427 |
| | Marlene M & James M & Loretta James | |

Sale will be held July 27, 2005 at 9:00 AM in the Tax Claim Bureau, 230 E Market Street, Clearfield. The property will be sold free and clear of all tax claims and tax judgments. A bid of \$3000 has been received and accepted by the Bureau for all parcels. Any party not satisfied with the accepted sale price must, within forty-five days of this notice, petition the Court of Common Pleas of Clearfield County to disapprove the sale.

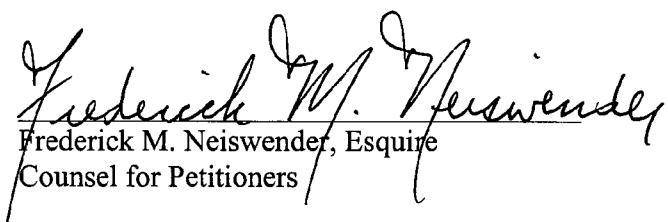
Clearfield County Tax Claim Bureau, 230 E Market Street, Suite 121, Clearfield PA 16830

VERIFICATION

FREDERICK M. NEISWENDER, ESQUIRE hereby states that he is Counsel for the Petitioners in this action and that the statements of fact made in the foregoing Petition to Disapprove Tax Sale Nunc Pro Tunc are true and correct upon opinion and belief based on information provided to him by the Petitioners. The undersigned is verifying this Petition on behalf of the Petitioners as per the Pennsylvania Rules of Civil Procedure due to the fact that the Petitioners reside outside the jurisdiction of this Court and time constraints do not permit their verification of the Petition. Both the Petitioners and the undersigned understand the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

DATE:

7/25/2005


Frederick M. Neiswender, Esquire
Counsel for Petitioners

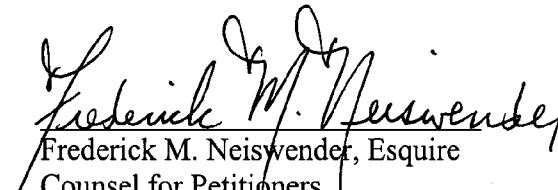
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DENNIS J. MILLER and :
SCOTT ANDERSON, :
Petitioners, :
vs. : No.
CLEARFIELD COUNTY TAX :
CLAIM BUREAU, :
Respondent. :

CERTIFICATE OF SERVICE

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Petition to Disapprove Tax Sale Nunc Pro Tunc was made upon the Clearfield County Tax Claim Bureau on July 25, 2005 by hand delivery, a true copy to the office of the following:

Clearfield County Tax Claim Bureau
230 East Market Street, Suite 121
Clearfield, Pennsylvania 16830


Frederick M. Neiswender, Esquire
Counsel for Petitioners
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830

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

DENNIS J. MILLER and :
SCOTT ANDERSON, :
Petitioners, :
vs. : No. *05-1071-CD*
CLEARFIELD COUNTY TAX :
CLAIM BUREAU, :
Respondent. :

RULE RETURNABLE

NOW, this 25th day of July 2005, upon consideration of Petition to Disapprove Tax Sale Nunc Pro Tunc, a Rule is hereby issued upon the Respondent, Clearfield County Tax Claim Bureau, to show cause why the Petition should not be granted. Rule Returnable for Answer by the Respondent and hearing on said Petition to be held on the 30th day of July 2005, at 10:30 o'clock A. m. in Courtroom No. 2 of the Clearfield County Courthouse.

BY THE COURT,

Paul E. Cherry
Judge

FILED 3cc
07/26/2005 Atty Neiswender
JUL 26 2005

WAD
William A. Shaw
Prothonotary/Clerk of Courts

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

DENNIS J. MILLER and
SCOTT ANDERSON

-vs-

No. 05-1071-CD

CLEARFIELD COUNTY TAX
CLAIM BUREAU

O R D E R

NOW, this 26th day of July, 2005, following argument into the above-captioned matter, it is the ORDER of this Court that the private tax sale scheduled for 9:00 a.m. on Wednesday, July 27, 2005, be and is hereby stayed until further order of Court. The parties shall schedule a status conference before the Court within no more than twenty (20) days from today's date.

BY THE COURT,

Paul E. Cherry
Judge

6
FILED 02/3/04
JUL 27 2005
1CC Tax Claim
William A. Shaw
Prothonotary/Clerk of Courts

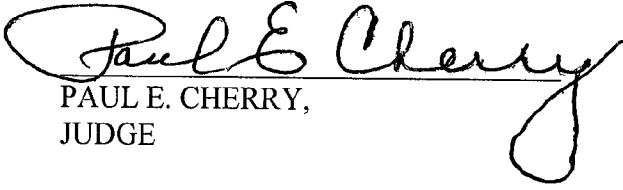
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DENNIS J. MILLER and :
SCOTT ANDERSON, :
Plaintiffs :
V. : NO. 05-1071-CD
CLEARFIELD COUNTY TAX :
CLAIM BUREAU, :
Defendant :
:

ORDER

AND NOW, this 27th day of September, 2005, it is the ORDER of this Court that
status conference with regard to this matter be and is hereby scheduled for the 24th day of
October, 2005, beginning at 11:30 o'clock A.M. in Courtroom
No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


PAUL E. CHERRY,

JUDGE

FILED

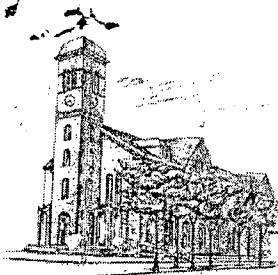
0124561
SEP 28 2005

William A. Shaw
Prothonotary/Clerk of Courts

ICC-Tax Claim
CR

ICC Atty: Neiswender

Kesner



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

 You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

 Other

 Special Instructions:

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

DENNIS J. MILLER and
SCOTT ANDERSON

-VS-

No. 05-1071-CD

**CLEARFIELD COUNTY TAX
CLAIM BUREAU**

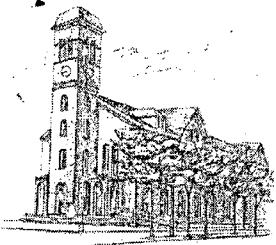
ORDER

NOW, this 24th day of October, 2005, following status conference, it is the ORDER of this Court that auction sale be held on the 10th day of November, 2005, at 10:00 a.m. between Treasure Lake Property Owners Association and Petitioners, Dennis J. Miller and Scott Anderson.

BY THE COURT,

Judge

FILED 2CC Atty
01/24/2005 Neiswender
OCT 27 2005 1CC Kessner
LAW
William A. Shaw 1CC Tax Claim
thorotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
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To: All Concerned Parties

From: William A. Shaw, Prothonotary

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Sincerely,

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Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions: