

In Re: Tax Sale (Mary Simms), et al  
2005-1428-CD

05-1428-CD  
Tax sale 128-C02-000-00019MN

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

IN RE: TAX SALE  
INTEREST IN 990 ACRES OF COAL AND : NO. 05-1428 - CD  
MINERAL MAP NO. 128-C02-000-00019 MN :  
NOW MAPPED AS C02-000-00019 MN :

PETITION OF MARY SIMMS :

: TYPE OF PLEADING:  
: PETITION TO DISAPPROVE  
: PROPOSED TAX SALE

: FILED ON BEHALF OF:  
: Petitioner

: COUNSEL OF RECORD  
: FOR THIS PARTY

: Michael Handler, Esquire  
: Pa ID #15579  
: 134 South 7th Street  
: Indiana, PA 15701-2786  
: Phone: (724) 357-6800  
: Fax: (724) 357-6805

Original

TO  
C/A

FILED

SEP 15 2005

W/2:30

William A. Shaw

Prothonotary/Clerk of Courts

2 Cents to Mail

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

**PETITION TO DISAPPROVE PROPOSED TAX SALE**

Petitioner, Mary Simms ("Petitioner"), by her attorney, Michael Handler, Esquire, pursuant to Section 613 of the Real Estate Tax Sale Law, 72 P.S. Section 5860.613, brings this Petition to Disapprove Proposed Tax Sale, and in support thereof, sets forth the following:

1. Petitioner is an adult individual residing in Indiana, Indiana County, Pennsylvania.
2. Respondent is the Clearfield County Tax Claim Bureau ("the Bureau") which has its office and place of business at 230 East Market Street, Clearfield, Clearfield County, Pennsylvania.
3. The Bureau has given notice of its intent to sell various real estate interests at private sale pursuant to Section 613 of the Real Estate Tax Sale Law, 72 P.S. Section 5860.613. Specifically, the Bureau intends to sell to an unknown prospective purchaser who has offered the sum of \$500.00, various interests in coal and minerals located in Sandy Township, Clearfield County, Pennsylvania, designated Map No. 128-C02-000-00019-MIN, now mapped as C02-000-00019, Interest in Coal and Mineral, 990 acres. A copy of the notice is attached hereto, made part hereof and marked Exhibit A.

4. The notice appeared in the Courier Express and the Clearfield County Legal Journal on July 22, 2005 and August 5, 2005.
5. The sale has been scheduled for September 21, 2005, at the office of the Bureau.
6. The Bureau has accepted the proposed purchase price of \$500.00.
7. The offer of \$500.00 is insufficient in view of the potential value of the property.
8. Petitioner is willing to offer an amount in excess of \$500.00 for the subject property.

WHEREFORE, Petitioner respectfully requests your Honorable Court to disapprove the proposed sale of the subject property for the offered price of \$500.00, and to direct the Bureau to hold an auction of the subject property pursuant to Section 613 of the Real Estate Tax Sale Law, 72 P.S. Section 5860.613.



Michael Handler, Esquire  
Michael Handler, Esquire  
Attorney for Petitioner

EXHIBIT "A"

Clearfield County Tax Claim Bureau



230 EAST MARKET STREET  
SUITE 121  
Clearfield, Pennsylvania 16830

TELEPHONE (814) 765-2641  
FAX (814) 765-2640  
Email – cctax@clearfieldco.org

July 22, 2005

Diana B Simms  
345 South 5<sup>th</sup> Ave  
Indiana PA 15701

RE: MAP # 128-C02-000-00019 MN – NOW MAPPED AS C02-000-00019 MN  
DESC: INTEREST IN 990 A COAL & MIN (GAS & OIL) (842 A BARREN)  
OWNERS:

|                            |                               |
|----------------------------|-------------------------------|
| COLLEEN BAILEY 2.63% INT   | RONALD & WANDA GUENOT 7.01%   |
| DAVID E BAILEY 5.26% INT   | MARJORIE HIBBARD 1.31% INT    |
| STEPHEN BAILEY 2.63% INT   | NANCY MCCLELLAND 1.31% INT    |
| JAMES C BOOTH .24% INT     | VIRGINIA PETERSON .98% INT    |
| MARJORIE BOOTH .24% INT    | DIANA B SIMMS .24% INT        |
| MARK S BOOTH .24% INT      | HELEN WILDERMUTH .98% INT     |
| GRACE C DANNER 3.94% INT   | THORTON WILLIAMS 1.31% INT    |
| H. RICHARD HESS 15.78% INT | JEAN VOSBURG ESTATE 3.94% INT |

Dear Ms. Simms,

Please be advised that this office has received and accepted a bid of \$500.00 for the above referenced properties. Real estate taxes have been unpaid on these properties from 1993 to 2004 and, although offered at tax sale, no bid has been received until now.

The sale has been scheduled for September 21, 2005 at 9:00 AM in the Tax Claim Bureau 230 E Market Street Clearfield. Notice of this proposed sale will be published in The Courier Express and the Clearfield County Legal Journal on July 22, 2005 and August 5, 2005. Any party objecting to the sale price accepted for this property may, within forty-five days of this notice, petition the Court of Common Pleas to disapprove the sale.

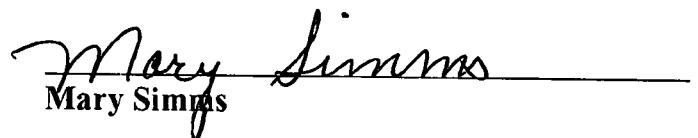
Should you have further question, please contact me at 765-2641.

Sincerely,

*Mary Anne Wesdock*  
Mary Anne Wesdock, Director  
MAW/nac

**VERIFICATION**

Mary Simms, Petitioner herein, does hereby state that the averments of facts set forth in the foregoing Petition to Disapprove Proposed Tax Sale are true and correct. This statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Mary Simms

Dated: September 12, 2005

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

IN RE: TAX SALE

INTEREST IN 990 ACRES OF COAL AND :  
MINERAL, MAP NO. 128-C02-000-00019 MN:  
NOW MAPPED AS C02-000-00019 MN :

NO. 05- C.D.

PETITION OF MARY SIMMS :

**ORDER OF COURT**

AND NOW, September \_\_\_\_\_, 2005, a rule is hereby issued directed to Respondent, the Clearfield County Tax Claim Bureau to show cause why the proposed sale set forth in the notice attached to the Petition as Exhibit A should not be disapproved and why the subject property should not be exposed to an auction pursuant to Section 613 of the Real Estate Tax Sale Law, 72 P.S. Section 5860.613.

This rule is returnable for Answer on \_\_\_\_\_, 2005, and a hearing, if necessary, shall be held on \_\_\_\_\_, 2005, at \_\_\_\_\_ O'clock \_\_\_\_\_.M. in Courtroom No. \_\_\_\_\_, Clearfield County Courthouse, Clearfield, PA.

Petitioner shall serve a copy of the Petition and of this Order upon each taxing district having an interest in this matter by certified mail, return receipt requested.

BY THE COURT

\_\_\_\_\_  
Judge

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

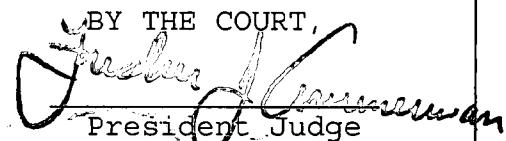
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AND MINERAL MAP NO. : No. 2005-1428-CD  
128-C02-000-00019 MN :  
: PETITION OF MARY SIMMS :

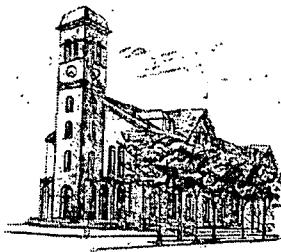
**ORDER**

NOW, this 27<sup>th</sup> day of September, 2005, upon  
consideration of the Petition to Disapprove Proposed Tax  
Sale filed on behalf of Mary Simms; it is the ORDER of  
this Court as follows:

1. The Private Sale scheduled for September 21, 2005,  
is hereby stayed;
2. The Tax Claim Bureau is directed to schedule an  
auction style sale, offering each assessment as a  
separate item;
3. The Tax Claim Bureau shall not sell the assessed  
property for less than the current amount of the  
Tax Delinquency plus the Cost of Sale;
4. The Tax Claim Bureau is hereby authorized to sell  
those assessments that are offered at this auction  
to the highest bidder.

FILED 3CC  
04/02/05 Amy Handler  
SEP 29 2005 ICC Tax Claim  
William A. Shaw  
Prothonotary, Clerk of Courts 6K

BY THE COURT,  
  
President Judge



## 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.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions: