

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

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

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

PETITION OF MARY SIMMS

NO. 05-1428 - CD

: 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

William A. Shaw

Prothonotary/Clerk of Courts

2 Clerk to App

2 cent to Apr

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- CD
MINERAL MAP NO. 128-C02-000-00019 MN :
NOW MAPPED AS C02-000-00019 MN :

PETITION OF MARY SIMMS :

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.

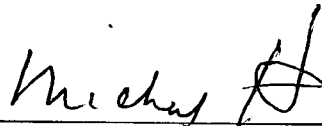
5. The sale has been scheduled for September 21, 2005, at the office of the Bureau.

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.

A handwritten signature in dark ink, appearing to read "Michael Handler", is written over a horizontal line.

Michael Handler, Esquire
Attorney for Petitioner

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 5th 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.

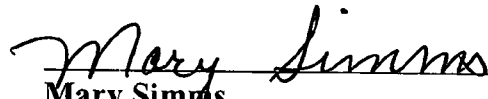
Should you have further question, please contact me at 765-2641.

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 : NO. 05- C.D.
MINERAL, MAP NO. 128-C02-000-00019 MN:
NOW MAPPED AS C02-000-00019 MN :
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

CA

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

IN RE: TAX SALE :
INTEREST IN 990 ACRES OF COAL: :
AND MINERAL MAP NO. : No. 2005-1428-CD
128-C02-000-00019 MN :
PETITION OF MARY SIMMS :

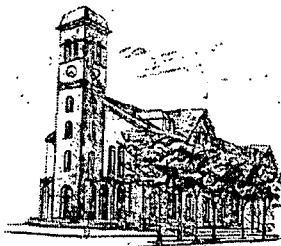
ORDER

NOW, this 27th 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
04:00 PM
SEP 29 2005
Amy Handler
1cc Tax Claim
William A. Shaw
Prothonotary-Clerk of Courts (60)

BY THE COURT,
Frederick J. Cameron
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

X 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: