

05-1765-CD
In Re: Patricia K. Soult

Patricia Soult vs Christine Hannan et al
05-1765-CD

CA

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

IN RE: PATRICIA K. SOULT, 16.7%
Interest In 133 A MIN RIGHTS,
located in Sandy Township,
Clearfield County, Pennsylvania,
Known as Map No. 128-E02-000-00020 MN

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* No. 05 - 1765- CD
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* Type of Pleading:
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* **PETITION TO DISAPPROVE**
* **SALE**
*

* Filed on behalf of:
* Christine Soult Hannan
*
*

* Counsel of Record for
* this party:
*
*

* James A. Naddeo, Esquire
* 207 East Market Street
* PO Box 552
* Clearfield, PA 16830
* (814) 765-1601
*

FILED ICC Amy Naddeo
013:4331
NOV 10 2005 Amy pd. 85.00
William A. Shaver
Prothonotary/Clerk of Courts

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

IN RE: PATRICIA K. SOULT, 16.7% *
Interest In 133 A MIN RIGHTS, *
located in Sandy Township, * No. 05 - - CD
Clearfield County, Pennsylvania, *
Known as Map No. 128-E02-000-00020 MN *

PETITION TO DISAPPROVE SALE

NOW COMES Petitioner, Christine Soult Hannan, heir of Patricia K. Soult, and by her attorney, James A. Naddeo, Esquire, sets forth the following:

1. That your Petitioner is Christine Soult Hannan, who resides at 238 Leawood Lane, State College, PA 16803.

2. That your Petitioner, Christine Soult Hannan, is the daughter and one of the heirs of Patricia K. Soult who died on January 12, 1991.

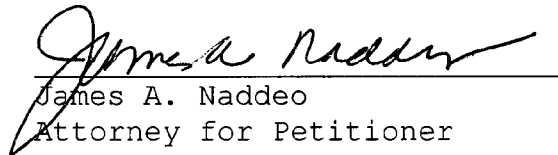
3. That Patricia K. Soult, deceased, was the owner of a 16.7% interest 133 A Min Rights located in Sandy Township, Clearfield County, Pennsylvania, known as Map No. 128-E02-000-00020 MN.

4. That a private sale of the 16.7% interest of Patricia K. Soult was held on September 28, 2005 at 9:00 a.m. in the Tax Claim Bureau, 230 East Market Street, Clearfield, PA.

5. A bid of \$200.00 each was received and accepted by the Bureau for all parcels.

6. That your Petitioner believes and therefore avers that the bid received by the Tax Claim Bureau is insufficient for the 16.7% interest owned by Patricia K. Soult.


WHEREFORE, your Petitioner respectfully requests that the bid received by the Tax Claim Bureau for the interest of Patricia K. Soult be disapproved.


James A. Naddeo
Attorney for Petitioner

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared CHRISTINE SOULT HANNAN, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Petition are true and correct to the best of her knowledge, information and belief.


Christine Soult Hannan

SWORN and SUBSCRIBED before me this 10th day of November, 2005.

Linda C Lewis

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2007

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

IN RE: PATRICIA K. SOULT, 16.7%
Interest In 133 A MIN RIGHTS,
located in Sandy Township,
Clearfield County, Pennsylvania,
Known as Map No. 128-E02-000-00020 MN

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* No. 05 - 1765 - CD
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* Type of Pleading:
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* **ORDER**
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* Filed on behalf of:
* Christine Soult Hannan
*

*
* Counsel of Record for
* this party:
*

*
* James A. Naddeo, Esquire
* 207 East Market Street
* PO Box 552
* Clearfield, PA 16830
* (814) 765-1601
*

FILED

NOV 15 2005
6/4:00 PM
William A. Shaw
Prothonotary/Clerk of Courts
1 Clerk To Appt

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

IN RE: PATRICIA K. SOULT, 16.7% *
Interest In 133 A MIN RIGHTS, *
located in Sandy Township, * No. 05 - - CD
Clearfield County, Pennsylvania, *
Known as Map No. 128-E02-000-00020 MN *

ORDER

AND NOW, this 14th day of November, 2005, upon
consideration of the forgoing Petition, it is hereby ordered that:

(1) a rule is hereby issued upon Respondent, Clearfield
County Tax Claim Bureau, to Show Cause why the Petitioner,
Christine Soult Hannan, is not entitled to the relief requested;

(2) the Respondent shall file an answer to the petition
within twenty (20) days of service upon the Respondent;

(3) the petition shall be decided under Pa. R.C.P. No.
206.7;

(4) an evidentiary hearing on disputed issues of
material fact shall be held on the 22nd day of December, 2005 at
10:00 a.m. in Courtroom No. 1 of the Clearfield County
Courthouse;

(5) notice of the entry of this order shall be provided
to all parties by the Petitioner.

NOTICE

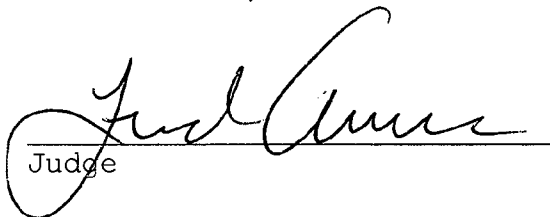
A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU
WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING

PETITION, YOU MUST TAKE ACTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY FOR PERSON FILING THE PETITION. 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 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
CLEARFIELD COUNTY COURTHOUSE
Second & Market Street
CLEARFIELD, PA 16830
(814) 765-2641, Ext. 50-51

BY THE COURT,



Judge

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

IN RE: PATRICIA K. SOULT, 16.7%.
Interest in 133 A. MIN RIGHTS,
Located in Sandy Township, Clearfield
County, Pennsylvania, Known as Map No.
1288-E02-000-00020 MN

No. 05-1765-CD

Type of Pleading: Answer and Preliminary
Objections of Clearfield County Tax Claim
Bureau to Petition to Disapprove Sale

Filed on Behalf of: Clearfield County Tax
Claim Bureau

Counsel of Record for this Party:
Kim C. Kesner, Esquire
PA ID # 28307

23 North Second Street
Clearfield, PA 16830
814-765-1706

Opposing Counsel of Record:
James A. Naddeo, Esquire
207 East Market Street
P.O. Box 552
Clearfield, PA 16830
814-765-1601

FILED 300

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DEC 01 2005

Atty Kesner

William A. Shaw
Prothonotary/Clerk of Courts

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

IN RE: PATRICIA K. SOULT, 16.7% : No. 05-1765-CD
Interest in 133 A. MIN RIGHTS, :
Located in Sandy Township, Clearfield :
County, Pennsylvania, Known as Map No. :
1288-E02-000-00020 MN :

ANSWER OF CLEARFIELD COUNTY TAX
CLAIM BUREAU TO PETITION TO DISAPPROVE
PRIVATE SALE

TO: The Honorable Fredric J. Ammerman, President Judge

AND NOW COMES, Clearfield County Tax Claim Bureau ("Bureau") by Kim C. Kesner, Esquire, Clearfield County Solicitor and files this Answer to the Petition to Disapprove Sale as directed by this Court's Order of November 14, 2005 as to why the Petition should not be granted:

1. Admitted.
2. The Tax Claim Bureau is without sufficient knowledge or information to form a belief of the averments contained in Paragraph 2.
3. Admitted
4. It is admitted that the Tax Claim Bureau received an offer to purchase the subject assessment at private sale under Section 613 of the Real Estate Tax Sale Law, 72 P.S. §5861.613 on October 1, 2004. It was accepted by the Tax Claim Bureau on March 16, 2005. Notice of the proposed sale and time to file objections was published in accordance with §613 and mailed to County National Bank, Executor of the Estate of Patricia K. Soult by Certified Mail which was received on July 29, 2005. The time for filing objections to the proposed sale under §613 expired on September 28, 2005. The Petition here was filed on November 10, 2005 and therefore is untimely.
5. Admitted.

6. Petitioner's subjective belief on the sufficiency of the proposed sale price is irrelevant and immaterial. The Petition alleges no facts or circumstances which if proven support a conclusion that the offer approved by the Tax Claim Bureau is insufficient. The averments contained in Paragraph 6 of the Petition are inadequate as a matter of law to support further proceedings. By way of further answer, the subject assessment was administered by County National Bank, Executor of the Estate of Patricia K. Soult but were treated as having no value (see Schedule A Inheritance Tax Return Est. File No. 1991-0024).

WHEREFORE, the Clearfield County Tax Claim Bureau respectfully requests your Honorable Court to dismiss the Petition.

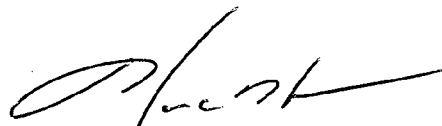
**Preliminary Objections of the Clearfield
County Tax Claim Bureau to the Petition
To Disapprove Private Tax Sale**

7. The averments contained in the foregoing Answer are incorporated herein by reference as if set forth verbatim.

8. The Petition was untimely filed and therefore should be dismissed without further proceedings.

WHEREFORE, the Clearfield County Tax Claim Bureau respectfully requests your Honorable Court to dismiss the Petition preliminarily.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Kim C. Kesner', is written over a horizontal line.

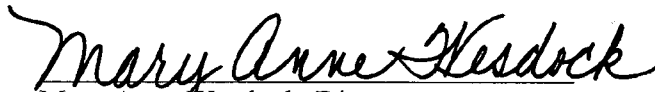
Kim C. Kesner, Esquire
Solicitor - Clearfield County
23 North Second Street
Clearfield, PA 16830

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 Answer 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:

11/30/2005


Mary Anne Wesdock, Director
Clearfield County Tax Claim Bureau

CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on the 15th day of December, 2005, I caused to be served a true and correct copy of the Answer of the Clearfield County Tax Claim Bureau to the Petition to Disapprove Private Tax Sale on the following and in the manner indicated below:

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

James A. Naddeo, Esquire
207 East Main Street
P.O. Box 552
Clearfield, PA 16830

Date: 12-1-2005



Kim C. Kesner, Esquire

CA

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CIVIL DIVISION

IN RE: PATRICIA K. SOULT, 16.7%
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* Type of Pleading:
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* **PRAECIPE** *

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* Filed on behalf of:
* Christine Soult Hannan
*
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* Counsel of Record for
* this party:
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*

*
* James A. Naddeo, Esquire
* 207 East Market Street
* PO Box 552
* Clearfield, PA 16830
* (814) 765-1601
*

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01/24/06 cc
DEC 19 2005 @

William A. Shaw
Prothonotary/Clerk of Courts

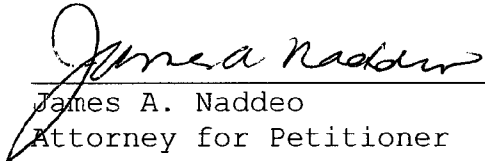
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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Clearfield County, Pennsylvania, *
Known as Map No. 128-E02-000-00020 MN *

PRAECIPE TO WITHDRAW PETITION

TO THE PROTHONOTARY:

Please withdraw the Petition to Disapprove Sale filed
in the above-captioned matter by Christine Soult Hannan.




James A. Naddeo
Attorney for Petitioner

IN RE: PATRICIA K. SOULT, 16.7% *
Interest In 133 A MIN RIGHTS, *
located in Sandy Township, * No. 05 - 1765 - CD
Clearfield County, Pennsylvania, *
Known as Map No. 128-E02-000-00020 MN *

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Praeceptum to Withdraw Petition was served on the following and in the following manner on the 19th day of December, 2005:

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


James A. Naddeo
Attorney for Petitioner