

06-67-CD  
Francis Balsamo al vs Resort Land

Francis Balsamo et al vs Resort Land  
2006-67-CD

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

FRANCIS X. BALSAMO and  
SIMONE C. BALSAMO,  
Plaintiffs

vs.

RESORT LAND CORPORATION,  
Defendant

No. 2006- 67 C.D.

ACTION IN QUIET TITLE

Type of Pleading: Complaint

Filed on behalf of: Francis X. Balsamo  
and Simone C. Balsamo, Plaintiffs

Counsel of Record for this Party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE  
Attorney at Law

Supreme Court No. 42519  
900 Beaver Drive  
DuBois, Pennsylvania 15801

(814) 375-0300

FILED 2 cc  
01/20/06  
JAN 13 2006  
William A. Shaw  
Prothonotary/Clerk of Courts  
Atty Hopkins  
Atty p.d. 95.00

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

FRANCIS X. BALSAMO and  
SIMONE C. BALSAMO,  
Plaintiffs

vs.

RESORT LAND CORPORATION,  
Defendant

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No. 2006- C.D.  
  
ACTION IN QUIET TITLE

**NOTICE**

**TO DEFENDANT:**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, 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 judgement may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other 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.

Office of the Court Administrator  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830  
(814) 765-2641 ext. 5982

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

FRANCIS X. BALSAMO and  
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vs.

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No. 2006- C.D.

ACTION IN QUIET TITLE

**COMPLAINT**

AND NOW COMES, Plaintiffs, Francis X. Balsamo and Simone C. Balsamo, by and through their attorneys, Hopkins Heltzel LLP and avers as follows:

**COUNT I**

1. Plaintiffs, Francis X. Balsamo and Simone C. Balsamo are husband and wife who reside at 1779 Treasure Lake, Sandy Township, Clearfield County, Pennsylvania.

2. Defendant is Resort Land Corporation, a business corporation whose address is c/o R. Christopher Wood, Esquire, 226 West Pine Street, Hattiesburg, Mississippi 39403.

3. This quiet title action concerns property owned by Plaintiffs and described as follows:

All that certain tract of land designated as Section 14C, Lot 739 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania.

4. By Deed dated October 15, 1996 and recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 1800, at page 431, Recreation Land Corporation, the owner of the property described in paragraph 3 conveyed the property to Resort Land Corporation.

5. Resort Land Corporation failed to pay real estate taxes assessed against the property for the years 1995 through 1999. As a result of said failure to pay taxes, the property was turned over to the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee, under the provision of the Act of July 7, 1947, P.L. 1368, and amendments thereto.


6. By Deed dated January 23, 2001 and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2001-00952, the Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, conveyed the property described in paragraph three (3) to Matthew A. Nerone.

7. By Deed dated August 18, 2005 and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2005-13554, Matthew A. Nerone conveyed the property described in paragraph three (3) to Plaintiffs, Francis X. Balsamo and Simone C. Balsamo.

8. The purpose of this quiet title action is to extinguish any and all claims of Resort Land Corporation may have in the property resulting from the aforesaid tax sale.

WHEREFORE, Plaintiffs request the Court to decree that title to the premises herein described be granted unto Plaintiffs, in fee simple and absolutely, and that the Defendant, its successors and assigns, firms, partnerships or corporate entities in interest or their legal representatives be forever barred from asserting any right, lien, or interest inconsistent with the interest or claim of the Plaintiffs as set forth herein, in and to the property described in paragraph three (3).

Respectfully submitted,

  
David J. Hopkins, Esquire  
Attorney for Plaintiffs

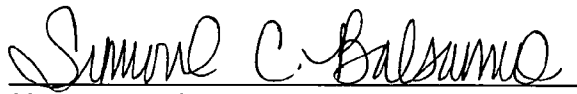
VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.

  
\_\_\_\_\_  
Francis X. Balsamo

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.

  
\_\_\_\_\_  
Simone C. Balsamo

**FILED**

**JAN 13 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

(CIVIL DIVISION)

FRANCIS X. BALSAMO and  
SIMONE C. BALSAMO,  
Plaintiffs

vs.

RESORT LAND CORPORATION,  
Defendant

No. 2006- 67 C.D.

ACTION IN QUIET TITLE

**FILED** No  
0 3:05 p.m. GK CC  
**FEB 28 2006**  
William A. Shaw  
Prothonotary/Clerk of Courts

TO: R. Christopher Wood, Esquire  
Resort Land Corporation  
226 West Pine Street  
Hattiesburg, MS 39403


DATE OF NOTICE: February 14, 2006

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS NOTICE TO A 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.

Office of the Court Administrator  
Clearfield County Courthouse  
Clearfield, Pennsylvania 16830  
(814) 765-2641

  
DAVID J. HOPKINS, ESQUIRE  
Attorney for Plaintiffs  
Supreme Court No. 42519

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

FRANCIS X. BALSAMO and  
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Plaintiffs

vs.

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No. 2006- 67 C.D.

ACTION IN QUIET TITLE

**FILED**

0 3:05 P.M. 6X  
FEB 28 2006

William A. Shaw  
Prothonotary/Clerk of Court  
ICC  
ATTY  
Hopkins

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the Complaint in Action to Quiet Title, Petition filed on behalf of Francis X. Balsamo and Simone C. Balsamo, was forwarded by certified mail, postage prepaid, on the 16th day of January, 2006 and delivered on the 23<sup>rd</sup> day of January, 2006 addressed as follows:

**Certified Mail**

**Article Number: 7004 2890 0001 4137 5320**

R. Christopher Wood, Esquire  
Resort Land Corporation  
226 West Pine Street  
Hattiesburg, MS 39403

HOPKINS HELTZEL LLP

By:

  
David J. Hopkins, Esquire

**SENDER: COMPLETE THIS SECTION**

- 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.

**1. Article Addressed to:**

R. Christopher Wood, Esquire  
Resort Land Corporation  
226 West Pine Street  
Hattiesburg, MS 39403

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

X  ☒ Agent  
☐ Addressee

**B. Received by (Printed Name)****C. Date of Delivery**

1/23/06

- D. Is delivery address different from item 1?** ☐ Yes  
If YES, enter delivery address below: ☐ No

**3. Service Type**

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

- 4. Restricted Delivery? (Extra Fee)** ☐ Yes

**2. Article Number**  
(Transfer from service label)

7004 2890 0001 4137 5320

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

FRANCIS X. BALSAMO and  
SIMONE C. BALSAMO,  
Plaintiffs

vs.

RESORT LAND CORPORATION,  
Defendant

No. 2006- 67 C.D.

ACTION IN QUIET TITLE

Type of Pleading: Praeipie for Default  
Judgment

Filed on behalf of : Francis X. Balsamo  
and Simone C. Balsamo

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE  
Attorney at Law  
Supreme Court No. 42519

900 Beaver Drive  
DuBois, Pennsylvania 15801

(814) 375-0300

**FILED**

0 3:05 PM 6X

FEB 28 2006

William A. Shaw  
Prothonotary/Clerk of Courts

ICCATTY  
HOPKINS  
Notice to Def.

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

FRANCIS X. BALSAMO and  
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vs.

RESORT LAND CORPORATION,  
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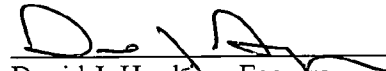
No. 2006- 67 C.D.

ACTION IN QUIET TITLE

**PRECIPE TO ENTER DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter judgment in favor of Plaintiffs, Francis X. Balsamo and Simone C. Balsamo and against Defendant Resort Land Corporation for failure to file within the required time an answer to a Complaint which contained a Notice to Defend.

  
David J. Hopkins, Esquire  
Attorney for Plaintiffs

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

FRANCIS X. BALSAMO and  
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No. 2006- 67 C.D.

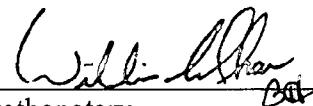
ACTION IN QUIET TITLE

 COPY

**JUDGMENT NOTICE**

To: Resort Land Corporation  
c/o R. Christopher Wood, Esquire  
226 West Pine Street  
Hattiesburg, MS 39403

Please take note that judgment has been entered against you on the issue of  
ownership or other property rights in the above captioned matter.

  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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No. 2006- 67 C.D.

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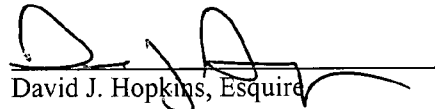
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COMMONWEALTH OF PENNSYLVANIA

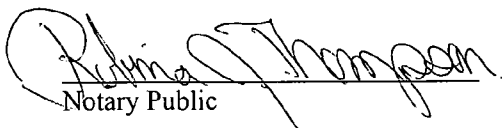
COUNTY OF CLEARFIELD

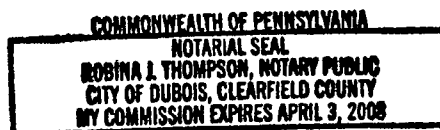
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Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for Francis X. Balsamo and Simone C. Balsamo, who, being duly sworn according to law, deposes and says that the service of the foregoing Complaint to Quiet Title, endorsed with Notice to Plead, has been served upon Defendant Resort Land Corporation pursuant to the Rules of Civil Procedure, and more than twenty (20) days elapsed since said service and Defendant Resort Land Corporation was duly served with a "10 Day Notice" as required by Pa.R.C.P. 237.1, and that the said Defendant has not filed an appearance or any answer to the Complaint although the time in which to do so has expired and a Default Judgment has been entered against it by the Clearfield County Prothonotary.

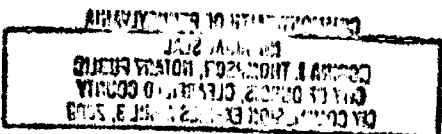
  
David J. Hopkins, Esquire

Sworn to and subscribed before me this  
1st day of March, 2006.

  
Notary Public



**FILED** 1cc  
0111:03/01  
MAR 03 2006  
Wm Hopkins  
William A. Shaw  
Prothonotary/Clerk of Courts



**FILED**  
**MAR 03 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

HOPKINS HELTZEL LLP

900 Beaver Drive, DuBois, Pennsylvania 15801  
VOICE: (814) 375-0300 FAX: (814) 375-5035

CP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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FRANCIS X. BALSAMO and  
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Plaintiffs

vs.

RESORT LAND CORPORATION,  
Defendant

No. 2006- 67 C.D.

ACTION IN QUIET TITLE

Type of Pleading: Motion for Judgment

Filed on behalf of: Francis X. Balsamo  
and Simone C. Balsamo, Plaintiffs

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE  
Attorney at Law

Supreme Court No. 42519  
900 Beaver Drive  
DuBois, Pennsylvania 15801

(814) 375-0300

**FILED** *icc*  
*01/11/03/01*  
**MAR 03 2006** *Atty Hopkins*  
*GW*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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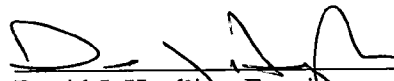
No. 2006- 67 C.D.

ACTION IN QUIET TITLE

**MOTION FOR JUDGMENT**

AND NOW, this 20th day of March, 2006, an Affidavit having been filed by David J. Hopkins, Esquire, Attorney for Plaintiffs, Francis X. Balsamo and Simone C. Balsamo, that the Complaint with Notice to Plead was served on the Defendant pursuant to the Rules of Civil Procedure and Defendant has failed to file an answer and a default judgment has been entered against them. The Plaintiffs, by and through their attorney, moves the Court to enter judgment in favor of the Plaintiffs and against the Defendant in the above named case and to grant to the Plaintiffs the relief prayed for in accordance with Rules of Civil Procedure 1066. Plaintiffs further requests that the Honorable Court modify in accordance with Rules of Civil Procedure, Rule 248, the thirty (30) day period provided Defendant by Rules of Civil Procedure, Rule 1066(b) to assert any right, lien, title or interest in the land inconsistent with the interest or claim Plaintiffs set forth in their Complaint.

Respectfully submitted,

  
David J. Hopkins, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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SIMONE C. BALSAMO,  
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RESORT LAND CORPORATION,  
Defendant

No. 2006- 67 C.D.

ACTION IN QUIET TITLE

**FILED**  
01/3:2861  
MAR 06 2006

William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Atty Hopkins

**ORDER**

AND NOW, this 3<sup>RD</sup> day of March, 2006, it appearing that service of the Complaint to Quiet Title in the above stated action was served upon Defendant Resort Land Corporation pursuant to the Rules of Civil Procedure; and by Affidavit of David J. Hopkins, Attorney for Plaintiffs, that no answer or appearance has been filed to said action, and on Motion of David J. Hopkins, Esquire, it is hereby ORDERED and DECREED:

1. That the Defendant Resort Land Corporation is forever barred from asserting any right, title, lien or interest inconsistent with the interest or claim of the Plaintiffs as set forth in their Complaint in and to:

All that certain tract of land designated as Section 14C, Lot 739 in the Treasure Lake Subdivision, Sandy Township, Clearfield County, Pennsylvania.

2. That title to said property is now vested in Francis X. Balsamo and Simone C. Balsamo as prayed.

3. That the rights of the Plaintiffs are superior to the rights of the Defendant Resort Land Corporation.

4. That the Plaintiffs have title in fee simple to said premises as described in the Complaint as against the Defendant Resort Land Corporation.

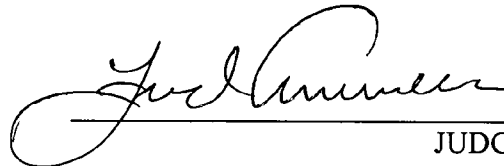
5. That the Defendant Resort Land Corporation is forever barred from asserting any right, title or interest in or to the premises described which are inconsistent with the interest or claims of the Plaintiffs as set forth in their Complaint and from setting up any title to the premises and from impeaching, denying or in any way attacking the title of the Plaintiffs to the premises.

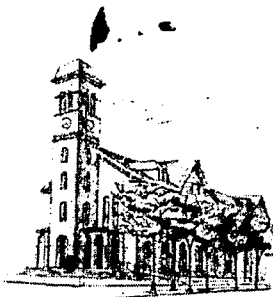
6. That the thirty (30) days provisions of Pennsylvania Rules of Civil Procedure 1066(b)(i) be modified as to eliminate the said thirty (30) day Rule of Pennsylvania Rules of Civil Procedure from this case. Said modification is in accordance with the authority vested in this Court by virtue of Pennsylvania Rules of Civil Procedure 248 to eliminate any time period prescribed by Pennsylvania Rules of Civil Procedure upon Order of Court.

7. That these proceedings or any authenticated copy thereof, shall at all times hereinafter be taken as evidence of the facts declared and established thereby.

8. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deed of Clearfield County, Pennsylvania.

BY THE COURT,

  
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

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

DATE: 3/16/00

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: