

06-67-CD
Francis Balsamo et al vs Resort Land

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

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 2cc
01/20/2016 Atty Hopkins
JAN 13 2016 (un) Atty pd. 95.00
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.	:	No. 2006- C.D.
	:	
	:	ACTION IN QUIET TITLE
RESORT LAND CORPORATION,	:	
Defendant	:	

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 :
SIMONE C. BALSAMO, :
Plaintiffs :
: :
vs. : No. 2006- C.D.
: :
: ACTION IN QUIET TITLE
RESORT LAND CORPORATION, :
Defendants :
:

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

FILED NO
03:05P.M. GK CC
FEB 26 2006
William A. Shaw
Prothonotary/Clerk of Courts

No. 2006-67 C.D.

ACTION IN QUIET TITLE

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 :
SIMONE C. BALSAMO, :
Plaintiffs :
vs. : No. 2006- 67 C.D.
: ACTION IN QUIET TITLE
RESORT LAND CORPORATION, :
Defendant :
:

FILED
0 3:05 P.M. 6K
FEB 28 2006
William A. Shaw
Prothonotary/Clerk of Court
ATTY
Hopkins
cc

CERTIFICATE OF SERVICE

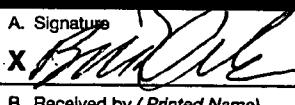
I, the undersigned, hereby certify that a true and correct copy of the Complaint in Action to Quiet Title, Petition filed on behalf of Francis X. Balsamo and Simone C. Balsamo, was forwarded by certified mail, postage prepaid, on the 16th day of January, 2006 and delivered on the 23rd day of January, 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 THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature </p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="text" value="R. Christopher Wood"/></p> <p>C. Date of Delivery <input type="text" value="1/23/06"/></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>R. Christopher Wood, Esquire Resort Land Corporation 226 West Pine Street Hattiesburg, MS 39403</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number <input type="text" value="70042890000141375320"/> (Transfer from service label)</p>			

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

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

FILED
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FEB 28 2006

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William A. Shaw
Prothonotary/Clerk of Courts
Notice to Def.

1CCATW
HOPKINS

No. 2006- 67 C.D.

ACTION IN QUIET TITLE

Type of Pleading: Praeclipe 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

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

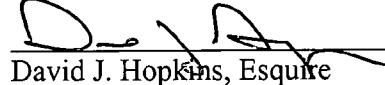
FRANCIS X. BALSAMO and :
SIMONE C. BALSAMO, :
Plaintiffs :
vs. : No. 2006- 67 C.D.

RESORT LAND CORPORATION, :
Defendant : 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)

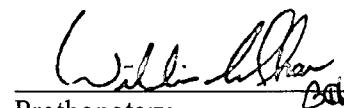
FRANCIS X. BALSAMO and :
SIMONE C. BALSAMO, :
Plaintiffs :
vs. : No. 2006- 67 C.D.
: ACTION IN QUIET TITLE
RESORT LAND CORPORATION, :
Defendant :
:

 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
(CIVIL DIVISION)

FRANCIS X. BALSAMO and :
SIMONE C. BALSAMO, :
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vs. : No. 2006- 67 C.D.

RESORT LAND CORPORATION, :
Defendant : ACTION IN QUIET TITLE

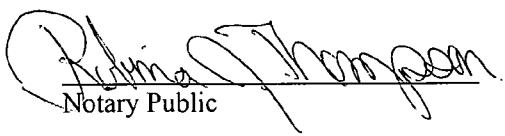
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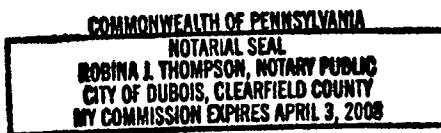
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

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.


Robina J. Thompson
Notary Public

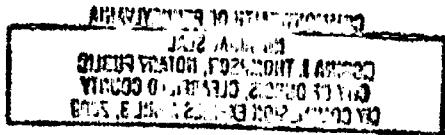


FILED
01/11/03 6:14 AM
MAR 03 2006
LAW HOPKINS
William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 03 2006

William A. Shaw
Prothonotary/Clerk of Courts



Cr

HOPKINS HELTZEL LLP

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

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: 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 *cc*
MAY 03 2006 *Ally Hopkins*
MAR 03 2006
GW
William A. Shaw
Prothonotary/Clerk of Courts

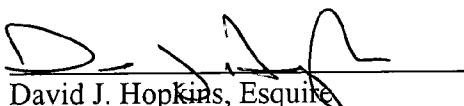
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

FRANCIS X. BALSAMO and :
SIMONE C. BALSAMO, :
Plaintiffs :
: vs. : No. 2006- 67 C.D.
: : ACTION IN QUIET TITLE
RESORT LAND CORPORATION, :
Defendant :
:

MOTION FOR JUDGMENT

AND NOW, this 25 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
(CIVIL DIVISION)

FRANCIS X. BALSAMO and :
SIMONE C. BALSAMO, :
Plaintiffs :
vs. : No. 2006- 67 C.D.
: ACTION IN QUIET TITLE
RESORT LAND CORPORATION, :
Defendant :
:

FILED
01/30/2006
MAR 06 2006

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

ORDER

AND NOW, this 3rd 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.

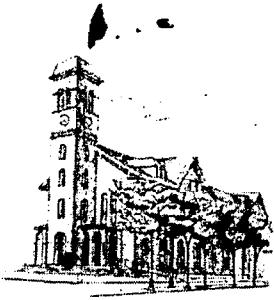
8. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deed of Clearfield County, Pennsylvania.

BY THE COURT,



Judge John J. Ammerman

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: 3/10/08

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: