

DOCKET NO. 175

Number Term Year

200 November 1961

Petition of Clearfield County to

Sell Sami H. Soudani Property

Versus

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: SALE BY THE COUNTY OF
CLEARFIELD OF THE HOUSE AND
LOT SITUATE IN SUSQUEHANNA
TERRACE, FORMERLY THE PRO-
PERTY OF SAMI H. SOUDANI, TO
ROBERT M. CULVER AND PAULINE
A. CULVER, HUSBAND AND WIFE

No. 200 November Term, 1961

PETITION BY THE COUNTY
OF CLEARFIELD TO RATIFY
THE PURCHASE AND APPROVE
THE SALE OF LOT NO. 31
IN THE BUILDING LOT DEVEL-
PMENT KNOWN AS SUSQUEHANNA
TERRACE SITUATE IN LAWRENCE
TOWNSHIP, CLEARFIELD COUNTY

To the Honorable John J. Pentz, President Judge of said Court:

The Petition of Fred L. Rhoads, Wesley J. Read
and A. W. Pearson, Commissioners of the County of Clearfield,
respectfully represents:

FIRST: That the Petitioners are the Board of
County Commissioners of the County of Clearfield, duly qualified
and acting in the performance of their duties, and as such
present this petition.

SECOND: That Sami H. Soudani was indebted to the
County for upwards of \$1800.00 by reason of a fine of \$1000.00
and costs following his conviction and imprisonment for the offense
of assault and battery with intent to kill.

THIRD: That Sami H. Soudani was the owner of Lot
No. 31 in the Building Lot Development known as Susquehanna Terrace
situate in Lawrence Township, Clearfield County, with his split
level modern dwelling house thereon erected and the said lot is

bounded and described as follows:

BEGINNING at an iron pipe in the south line of Indian Road, the said pipe being the northwest corner of Lot No. 32, and the northeast corner of the lot herein described; thence by the west line of Lot No. 32, south 10 degrees 21 minutes west 123.0 feet to an iron pipe in the north line of a 10 foot utility right-of-way; thence by the said north line of a 10 foot utility right-of-way north 79 degrees 13 minutes west 81.0 feet to an iron pipe; thence still by the same north 72 degrees 49 minutes west 22.1 feet to a pipe corner of Lot No. 30; thence by the east line of Lot No. 30, north 16 degrees 40 minutes east 130.0 feet to an iron pipe in the south line of Indian Road; thence by the said south line of Indian Road South 74 degrees 02 minutes east 100.0 feet to an iron pipe, the place of beginning.

SUBJECT, nevertheless, to the restrictions and covenants running with the land as contained in a deed conveying the above described premises to Clearfield Foundation from A. L. Moore, Sr., et al, dated March 1, 1956, and recorded in Clearfield County in Deed Book 449, page 29.

FOURTH: That the said property was encumbered by a mortgage to the Clearfield Trust Company, the payments upon which fell into arrears, whereby the Clearfield Trust Company foreclosed and caused a sheriff sale of the premises to be held October 6, 1961.

FIFTH: That the County of Clearfield purchased the said property at Sheriff sale for the sum of \$12,710.00 in order to protect their judgment and assure the County of securing the indebtedness of Soudani to it.

SIXTH: That the County of Clearfield is now offered by Robert M. Culver and Pauline A. Culver, husband and

wife of No. 18 Robert Court, Succasunna, New Jersey, the sum of \$14,800.00, the purchaser to assume one half of the one per cent sales tax.

SEVENTH: That the proposed sale is of advantage to the County of Clearfield and will result in it receiving the face amount of its judgment and will restore the property to the tax rolls of the County.

EIGHTH: That real estate values in the Clearfield Area have been considerably depressed over the past year and the Petitioners tried to effect the most favorable sale by advertising the same over a period of twenty (20) days as required by the County Code for the purpose of contracting, but received no bid equaling or even approximating the present offer.

NINTH: That the property has been rented recently at a rental of \$95.00 per month.

TENTH: That Section 2306 of the County Code of 1955, P. L. 323, Purdon's Statutes Volume 16, Section 2306, requires the County to petition the Court of Common Pleas for leave to sell any real estate owned by the County and advertising of such notice once a week for three weeks in two newspapers of the date of the proposed hearing.

WHEREFORE, your Petitioners having determined from investigation that the said offer is of advantage to the County and that the several taxing districts will be benefited by restoring the property to the tax rolls, pray the Court for an order:

(1) Ratifying and confirming the purchase by the County at the Sheriff sale held October 6, 1961, and

(2) Authorizing and directing the County Commissioners to advertise in two newspapers of general circulation once a week for three weeks the offer of Robert M. Culver and Pauline A. Culver, and that the Court set a date for hearing on said

petition and thereafter enter an Order authorizing and empowering the County Commissioners to sell and convey the said lot subject to the restrictions and covenants running with the land, to the said purchasers.

Respectfully submitted:

Fred L. Rhoads
Wesley J. Read
A. W. Pearson
COUNTY COMMISSIONERS

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

Before me, William T. Hagerty, Prothonotary, personally appeared Fred L. Rhoads, Wesley J. Read and A. W. Pearson, County Commissioners of Clearfield County, who being duly sworn according to law depose and say that the facts set forth in the foregoing Petition are true and correct.

William T. Hagerty
Wesley J. Read
A. W. Pearson
COUNTY COMMISSIONERS

Sworn to and subscribed before me
this 1st day of December, 1961.

William T. Hagerty
PROTHONOTARY

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: SALE BY THE COUNTY OF
CLEARFIELD OF THE HOUSE AND
LOT SITUATE IN SUSQUEHANNA
TERRACE, FORMERLY THE PRO-
PERTY OF SAMI H. SOUDANI, TO
ROBERT M. CULVER AND PAULINE
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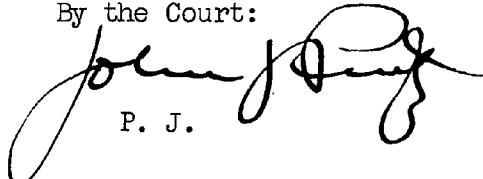
No. November Term, 1961

ORDER OF COURT

NOW, December ~~4~~, 1961, the foregoing Petition having
been presented and it appearing that the County Commissioners
have purchased the property described therein which was sold at
Sheriff sale on foreclosure of a mortgage held by the Clearfield
Trust Company and that they are now offered the sum of \$14,800.00
by Robert M. Culver and Pauline A. Culver, husband and wife, and
that the said offer is the best offer they have had after having
advertised and endeavored to make sale of said property and it
appearing that the proposed sale will enable the County Commissioners
to re-coup the face amount of the judgement held by the County
against Sami H. Soudani, over and above the investment which the
County now has in such property and that therefore the proposed
sale is to the best interest of the County,

IT IS ORDERED AND DECREED, that notice of the offer of
Robert M. Culver and Pauline A. Culver, husband and wife, be
advertised once a week for three weeks in two newspapers of general
circulation published within the County and that the matter come
before the Court for hearing on the ~~27th~~ day of December, 1961.

By the Court:

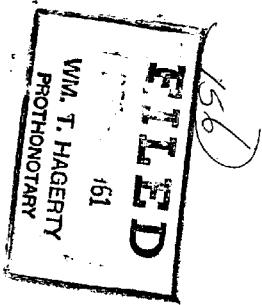

P. J.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

No. 200 November Term, 1961

IN RE: SALE BY THE COUNTY OF
CLEARFIELD OF THE HOUSE AND
LOT SITUATE IN SUSQUEHANNA
TERRACE, FORMERLY THE PRO-
PERTY OF SAMI H. Soudani, TO
ROBERT M. CULVER AND PAULINE
A. CULVER, HUSBAND AND WIFE

PETITION BY CLEARFIELD COUNTY
TO RATIFY THE PURCHASE AND
APPROVE THE SALE OF THE SAMI
H. Soudani PROPERTY

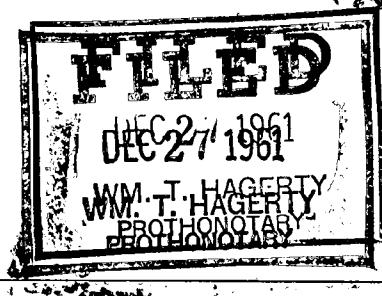


CLARENCE R. KRAMER
COUNTY SOLICITOR
CLEARFIELD, PA.

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

IN RE: SALE BY THE COUNTY OF :
CLEARFIELD OF THE HOUSE AND :
LOT SITUATE IN SUSQUEHANNA : No. 200 November Term, 1961.
TERRACE, FORMERLY THE PRO- :
PERTY OF SAMI H. SOUDANI, TO :
ROBERT M. CULVER AND PAULINE :
A. CULVER, HUSBAND AND WIFE :
:

NOTES OF TESTIMONY



Pearl B. Connors
Stenographer

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

IN RE: SALE BY THE COUNTY OF : December 27, 1961
CLEARFIELD OF THE HOUSE AND :
LOT SITUATE IN SUSQUEHANNA : Before HON. JOHN J. PENTZ, P.J.
TERRACE, FORMERLY THE PRO- :
PERTY OF SAMI H. SOUDANI, TO : No. 200 November Term, 1961.
ROBERT M. CULVER and PAULINE :
A. CULVER, HUSBAND AND WIFE :
:

Appearances: Clarence R. Kramer, Esq., counsel
for the Clearfield County Commissioners
A. W. Pearson, County Commissioner
Wesley J. Read, County Commissioner
Martin M. Brennan, County Controller

A. W. PEARSON being called and sworn testified on examination by

MR. KRAMER:

Q. You are A. W. Pearson and a member of the Board of Commissioners
of Clearfield County?

A. Yes sir.

Q. And did the County obtain a judgment against Sami H. Soudani
for a fine and costs?

A. They did.

Q. And do you have the amount of it therebefore you?

A. I have the amount of \$1832.92.

Q. And at the time that the County obtained that judgment Sami H.
Soudani was the owner of a property, house and lot, in Susquehanna
Terrace?

A. Yes sir.

A . W. Pearson

Q. And the property was subject to a mortgage of the Clearfield Trust Company?

A. Yes.

Q. What happened to that? Did the Trust Company foreclose?

A. The Trust Company foreclosed.

Q. The Commissioners attended the Sheriff's sale?

A. We did, all three of us.

Q. How many bidders were at the sale?

A. Two bidders, the Trust Company and County Commissioners.

Q. In order for the County to protect its judgment what did you do?

A. We bid more than the Trust Company.

Q. You bid \$12,710.00?

A. Yes.

Q. And the property was knocked down to the County?

A. Right.

Q. Did the County make any effort then to sell the property?

A. Yes, we did.

Q. What effort was made?

A. We received two bids and rejected them. They were too low.

Q. Have you now obtained an offer from Robert M. Culver and Pauline A. Culver?

A. We do.

Q. What figure?

A. \$14,800.00.

Q. You paid \$12,710 for the property?

A. W. Pearson
Wesley J. Read
Martin M. Brennan
A. That is right.

Q. If this sale is authorized, the County will gain their judgment?

A. The costs and fine.

Q. Is it the wish of the County Commissioners that the Court approve this sale?

A. That is so.

Q. You feel the County is getting an adequate price when they sell for \$14,800.00?

A. I think we are - a fair price.

Q. At the time of the Sheriff's sale purchase we had no proceedings to authorize the purchase. You want the Court to ratify the purchase as well as this sale?

A. We do.

WESLEY J. READ, one of the Commissioners, being present, would, if called and sworn, testify to the same thing as Mr. Pearson testified to.

BY MR. KRAMER: Mr. Rhoads, the Chairman of the Board, is in Harrisburg on County business today, is the reason he is not here.

MARTIN M. BRENNAN being called and sworn testified on examination
BY MR. KRAMER:

Q. Your name is Martin Brennan?

A. Yes.

Q. You are the County Controller?

A. Yes sir.

Martin M. Brennan

Q. And as such were sealed bids for the offering of the Sami H. Soudani property received in your office?

A. Yes sir.

Q. Do you recall what advertising had taken place for those sealed bids?

A. Advertised in two of the County papers on October 12, 16th and 20th for the receiving of bids for the sale of this property.

Q. One in the Progress and the DuBois Courier Express?

A. Yes.

Q. At the opening of the sealed bids what did you have?

A. We received two bids, first one from a Mrs. Clifton Zindel, LeContes Mills, the price of her bid was \$10,110.00. Another bid from Mr. Eldon Bloom of Clearfield. His bid price was \$12,800.00.

Q. And do you know what the County had paid for that at Sheriff's sale?

A. \$12,710.00.

Q. Were both of those bids rejected?

A. Yes.

Q. You have knowledge of the fact that Robert M. Culver and Pauline A. Culver have made an offer to purchase this property?

A. Yes.

Q. Do you know the price they have offered to pay?

A. \$14,800.00.

Q. Has advertisement been made of this hearing before the Court today to pass on this bid?

A. Yes.

Q. In what newspapers and on what date?

A. In the Clearfield Progress and the DuBois Courier Express.

Q. Once a week for three weeks on each?

A. Yes sir.

Q. In your opinion as County Controller is it advantageous to sell this property at the price of \$14,800.00?

A. Yes.

Q. And you think you are getting an adequate price?

A. From the present bids we received I would say it is very adequate.

Testimony closed

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me at the hearing on the above case, and that this is a correct transcript of same.

December 27, 1961

Pearl B. Connor
Stenographer

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: SALE BY THE COUNTY OF
CLEARFIELD OF THE HOUSE AND
LOT SITUATE IN SUSQUEHANNA
TERRACE, FORMERLY THE PRO-
PERTY OF SAMI H. SUDANI, TO
ROBERT M. CULVER AND PAULINE
A. CULVER, HUSBAND AND WIFE

No. 200 November Term, 1961

ORDER OF COURT RATIFYING
PURCHASE AND APPROVING
SALE OF REAL ESTATE

NOW, December 27, 1961, the foregoing case having come before the Court for hearing and testimony having been taken and the County Commissioners having testified that the property of Sami H. Soudani was purchased at a foreclosure sale in order to protect a judgment in the amount of \$1832.92 which was held in judgment form in the name of the Commonwealth to the use of Clearfield County for costs and fine would have been lost if the property had not been purchased, and it appearing further that the County paid for said property at such foreclosure sale the sum of \$12,710.00 and received a deed at sherrif sale for the same, and the County now being offered the sum of \$14,800.00 on the basis of a cash sale thereof to Robert M. Culver and Pauline A. Culver, and such sale being manifestly to the advantage of Clearfield County,

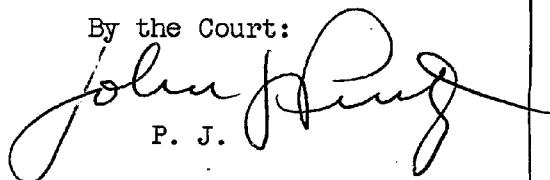
IT IS ORDERED AND DECREED that the County Commissioners be and they hereby are authorized to sell to Robert M. Culver and Pauline A. Culver, husband and wife, as tenants by the entireties, for the sum of \$14,800.00 by special warranty deed the following described premises known as Lot No. 31 in the Building Lot Development known as Susquehanna Terrace, Lawrence Township, Clearfield County, with the split level dwelling house thereon

erected, the lot being bounded and described as follows:

BEGINNING at an iron pipe in the south line of Indian Road, the said pipe being the northwest corner of Lot No. 32, and the northeast corner of the lot herein described; thence by the west line of Lot No. 32, south 10 degrees 21 minutes west 123.0 feet to an iron pipe in the north line of a 10 foot utility right-of-way; thence by the said north line of a 10 foot utility right-of-way north 79 degrees 13 minutes west 81.0 feet to an iron pipe; thence still by the same north 72 degrees 49 minutes west 22.1 feet to a pipe corner of Lot No. 30; thence by the east line of Lot No. 30, north 16 degrees 40 minutes east 130.0 feet to an iron pipe in the south line of Indian Road; thence by the said south line of Indian Road South 74 degrees 02 minutes east 100.0 feet to an iron pipe, the place of beginning.

SUBJECT, nevertheless, to the restrictions and covenants running with the land as contained in a deed conveying the above described premises to Clearfield Foundation from A. L. Moore, Sr., et al, dated March 1, 1956, and recorded in Clearfield County in Deed Book 449, page 29.

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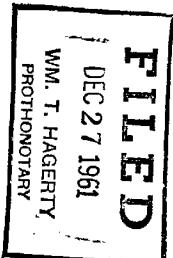

John J. Ring
P. J.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

No. 200 November Term, 1961

In re: SALE BY THE COUNTY
OF CLEARFIELD OF THE HOUSE
AND LOT SITUATE IN
SUSQUEHANNA TERRACE, FORMERLY
THE PROPERTY OF SAMI H.
SOUDEK, TO ROBERT M. CULVER
AND PAULINE A. CULVER,
HUSBAND AND WIFE

ORDER OF COURT RATIFYING
PURCHASE AND APPROVING SALE
OF REAL ESTATE



CLARENCE R. KRAMER
COUNTY SOLICITOR
CLEARFIELD, PA.