

2006-1677-CD
William Lamkie et al vs Cifd Co Tax Claim

96-1677-CD
William Lamkie et al vs Cifd Tax Bureau

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

William J. Lamkie and Joan L. : No. -2006 - 1677-CD
Archard, :
Plaintiffs, : Type of Pleading: Petition to Set
Vs. : Aside Tax Sale
: Filed on Behalf of Plaintiffs
Clearfield County Tax Claim Bureau :
and Samuel Serian, : Counsel of Record this Party:
Defendants : Jeffrey Lundy
: Pa. I.D. 25823
: Lukehart & Lundy
: 219 E. Union Street
: PO Box 74
: Punxsutawney, PA 15767
(814) 938-8110

FILED

Oct 13 2006 *(Ew)*

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William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

William J. Lamkie and Joan L.	:	No.	-2006
Archard,	:		
Plaintiffs	:		
Vs.	:		
Clearfield County Tax Claim Bureau	:		
and Samuel Serian,	:		
Defendants	:		

Petition to Set Aside Tax Sale

AND NOW, comes William J. Lamkie and Joan L. Archard, by their Attorney and files the following Petition to Set Aside Tax Sale:

1. Your Petitioners are William J. Lamkie, an adult individual whose address is PO Box 205, Glen Campbell, Pennsylvania 15742 and Joan L. Archard, an adult individual whose address is 9 Stern Drive, Port Jefferson, New York 11777.
2. The Defendants are the Clearfield County Tax Claim Bureau and Samuel Serian, an individual who resides in Rossiter, Indiana County, Pennsylvania.
3. William H. Lamkie and Mary S. Lamkie, husband and wife, during their lifetime were the owners of certain pieces, parcels and tracts of land located in Burnside Township, Clearfield County, Pennsylvania, which

have been identified on map number A12-000-00022 being 97 acres and map number A12-000-0023 being 29.29 acres. These properties are also identified in the Assessment Office of Clearfield County at map number 108-A12-22 and 108-A12-23.

4. The aforementioned tracts of land were conveyed to William H. Lamkie and Mary S. Lamkie by Deed dated October 13, 1969 in Deed Book Volume 553 Page 586.

5. The said Mary S. Lamkie is deceased and died December 17, 1992 and all of her right, title and interest passed to her husband, William H. Lamkie. The aforementioned William H. Lamkie is also deceased having died September 2, 1997 wherein Letters of Testamentary were issued to the co-executors William J. Lamkie and Joan L. Archard September 9, 1997.

6. A First and Final Accounting of the Estate of William H. Lamkie was confirmed by an Order of Court dated December 13, 2001 which set forth an Order of Distribution for said real estate distributing same to William J. Lamkie and Joan L. Archard, your Petitioners, set forth and recorded in Sprint Number 2001116520.

7. The aforementioned properties were subject to a Tax Sale on September 15, 2006 for delinquent taxes that occurred in the year 2004 as follows:

A. 2004-003646 Burnside Township, Lamkie, William H. and Mary S., 97 acres A12-000-00022; and

B. 2004-003647 Burnside Township, Lamkie, William H. and Mary S., 23.29 acres, A12-000-0023.

8. The aforesaid property was exposed to the taxes on September 15, 2006 and Petitioners are informed and believe that same was purchased by Samuel Serian.

9. The aforementioned sales were defective and should be set aside pursuant to the applicable Pennsylvania Law and for this your Petitioners are filing objections and exceptions as follows:

A. That the reported or reputed owners of the property, William H. Lamkie and Mary S. Lamkie were in fact deceased at the time of the notice of the sale.

B. The true and correct owners of the property were William J. Lamkie and Joan L. Archard for which property notice was not provided in accordance with the obligations of the Pennsylvania Rules State Tax Law and the property was not properly posted pursuant to applicable Rules of the Pennsylvania Rule of Real Estate Sales Tax Law.

C. In addition, no proper notice was served properly upon William J. Lamkie and Joan L. Archard individually pursuant to the

Schedule of Proposed distribution setting forth ownership of the aforementioned property.

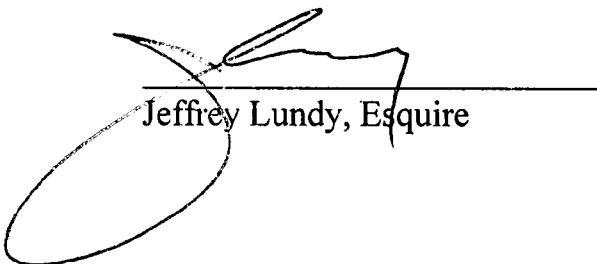
D. The property was not properly posted pursuant to applicable Rules of the Pennsylvania Real Estate Sales Tax Law.

10. That your Petitioners have had contact with the potential purchaser of the property who advises that he has no objection to the sale being set aside and a proper consent reflecting same will be filed subsequent to the filing of this Petition.

11. Your Petitions have been informed and believe and have an agreement with the potential purchaser of the property Samuel Serian that he has no objection to the sale being set aside and a property consent reflecting same being set forth in an Order under and subject to any and all funds paid pursuant to such sale being refunded.

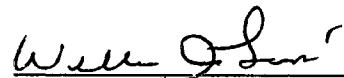
WHEREFORE, your Petitioners request that the sales at 2004-003646 Burnside Township, Lamkie, William H. and Mary S., 97 acres A12-000-00022; and 2004-003647 Burnside Township, Lamkie, William H. and Mary S., 23.29 acres, A12-000-0023, be set aside.

10/13/06
Date


Jeffrey Lundy, Esquire

VERIFICATION

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



William J. Lamkie

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

William J. Lamkie and Joan L.	:	No. 2006-1677 CD
Archard,	:	
Plaintiffs	:	
	:	
Vs.	:	
	:	
Clearfield County Tax Claim Bureau	:	
and Samuel Serian,	:	
Defendants	:	

ACCEPTANCE OF SERVICE

I accept service of the Petition to Set Aside Tax Sale. I certify that I am authorized to accept service on behalf of the Clearfield County Tax Claim Bureau.

Date

10/19/06



Kim Kesner, Esquire
Attorney & Authorized Agent
23 North 2nd Street
Clearfield, PA 16830

FILED NOCC
M 11-24-06
OCT 27 2006

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

WILLIAM J. LAMKIE and *
JOAN L. ARCHARD, *
Plaintiffs *
vs. * NO. 06-1677-CD
CLEARFIELD COUNTY TAX CLAIM *
BUREAU and SAMUEL SERIAN, *
Defendants *

RULE RETURNABLE

NOW, this 27th day of October, 2006, upon consideration of Plaintiffs' Petition to Set Aside Tax Sale, a Rule is hereby issued upon the Defendants to show cause why the Petition to Set Aside Tax Sale should not be granted. Evidentiary hearing will be held on the 8th day of December, 2006 in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania. One hour has been reserved for this hearing.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED
10/11/2006
OCT 31 2006

ICC
William A. Shaw
Prothonotary/Clerk of Courts
94 Upper Clinton St
Box 357
Rossiter, PA 15772

(68)

FILED

OCT 31 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/31/06

 You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney X Other - Section

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

Called John J. Sosler
This address 94 Upper Clinton St.
Section: Box 257

94 Upper Clinton St.
Box 257
Rossiter, PA 15772

CA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

William J. Lamkie and Joan L. Archard, : No. 06-1677-CD
Plaintiffs, :
Vs. : Type of Pleading: Stipulation and
: Order
Clearfield County Tax Claim Bureau and : Filed on Behalf of Plaintiffs
Samuel Serian, :
Defendants : Counsel of Record this Party:
: Jeffrey Lundy
: Pa. I.D. 25823
: Lukehart & Lundy
: 219 E. Union Street
: PO Box 74
: Punxsutawney, PA 15767
: (814) 938-8110

FILED
010-47861 5CC
NOV 28 2006 Atty. Lundy
William A. Shaw
Prothonotary/Clerk of Courts

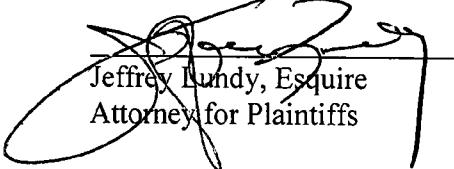
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

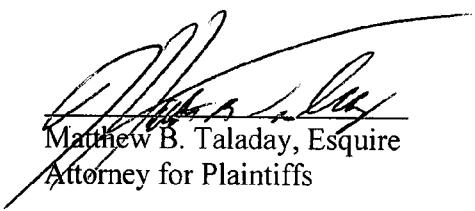
William J. Lamkie and Joan L. Archard, : No. 06-1677-CD
Plaintiffs :
:

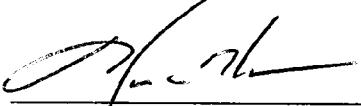
Vs. :
:
Clearfield County Tax Claim Bureau and :
Samuel Serian, :
Defendants :
:
:

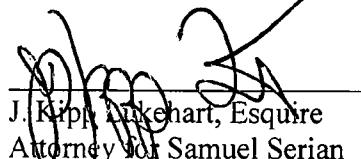
STIPULATION

The undersigned counsel, with authority from their respective clients, hereby
signify their Stipulation and Agreement that the following Order be entered in full and
final disposition of the Petition to Set Aside Tax Sale filed to the above term and number.


Jeffrey Lundy, Esquire
Attorney for Plaintiffs


Matthew B. Taladay, Esquire
Attorney for Plaintiffs


Kim C. Kesner, Esquire
Solicitor of Clearfield County
and Attorney for the Clearfield
County Tax Claim Bureau


J. Kipp Lukehart, Esquire
Attorney for Samuel Serian

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

William J. Lamkie and Joan L. Archard, : No. 06-1677-CD
Plaintiffs :
:

Vs. :
:

Clearfield County Tax Claim Bureau and :
Samuel Serian, :
Defendants :
:

FILED ^{SCC}
10/10/06
NOV 28 2006
Atty Lundy
Clerk

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 22 day of Nov, 2006, upon the
foregoing Stipulation, it is hereby ORDERED and DECREED that:

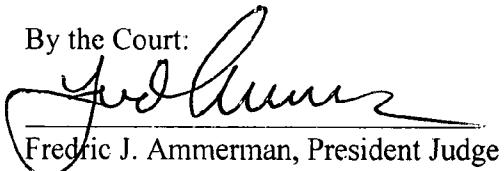
1. The tax sale of the two assessments being the subject matter of this action
identified by Clearfield County Tax Assessment Map Nos. A12-000-00022 and A12-000-
00023 be and are hereby vacated and rescinded to be effective upon compliance with
Paragraphs 2 and 3 of this Order.

2. Plaintiffs William J. Lamkie and Joan L. Archard shall forthwith pay to
the Clearfield County Tax Claim Bureau the following sums representing the upset price
on each assessment, costs and interest:

- a. On Assessment 108-A12-22 \$1,993.08
- b. On Assessment 108-A12-23 \$ 732.13

3. Upon receipt of the foregoing sums, the Clearfield County Tax Claim
Bureau shall remit the refund to Defendant Samuel Serian all sums paid by him on his
bid, including any overage.

By the Court:


Fredric J. Ammerman, President Judge

FILED

NOV 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/28/06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

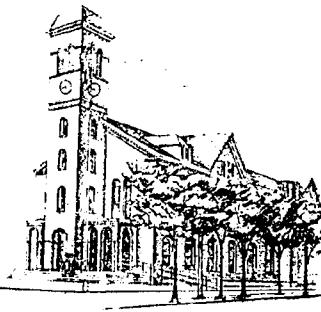
Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

Mark B. McCracken
Rex D. Read
Michael R. Lytle
County Commissioners

Kim C. Kesner
Solicitor
Lisa McFadden
Chief Clerk



Clearfield County
Court House
230 East Market Street
Suite 101
Clearfield, Pennsylvania 16830
PHONE (814) 765-2641
FAX (814) 765-2640

November 22, 2006

Honorable Fredric J. Ammerman, President Judge
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

VIA HAND DELIVERY

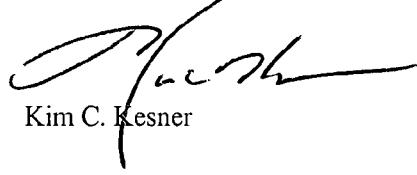
ATTENTION: Doris

**RE: Lamkie vs. Clearfield County Tax Claim Bureau and Samuel Serian
No. 2006-1677-CD**

Dear Doris:

Enclosed please find a Stipulation executed by counsel for the parties in this matter, with a requested Consent Order. The Court's execution of the Order will settle this matter and obviate the need for the hearing scheduled on December 8, 2006. If Judge Ammerman would require anything further from us for consideration of the Order kindly advise. Otherwise, I would appreciate notification of the entry of the Order.

Sincerely yours,



Kim C. Kesner

KCK/klz

Enclosure

cc: Jeffrey Lundy, Esquire
Matthew Taladay, Esquire
J. Kipp Lukehart
Mary Anne Wesdock, Director/CCTCB