

06-1751-CD

M. Bobal et al vs Clfd County Tax Claim

Michael Bobal et al vs Clfd Co Tax Claim
2006-1751-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a : No. 06 - 1751 -CD
MICHAEL BOBAL, and :
FRANCINE BOBAL, :
Plaintiffs :
vs. :
CLEARFIELD COUNTY TAX :
CLAIM BUREAU and :
BLUE SKY, a partnership, :
Defendants :
:

Type of Case: Civil
Type of Pleading: Complaint to
Set Aside and have Declared Invalid
Tax Sale Conducted by the Clearfield
County Tax Claim Bureau on
September 16, 2005

Counsel of Record for this Party:
Andrew P. Gates, Esquire

Supreme Court No.: 36604

GATES & SEAMAN
Attorneys at law
Two North Front Street
P. O. Box 846
Clearfield, Pennsylvania 16830
(814) 765-1766

FILED 10/11/2006 85.00 AM
OCT 26 2006
ACC AM Gates
W.M.

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a	:	No. 06 -	-CD
MICHAEL BOBAL, and	:		
FRANCINE BOBAL,	:		
Plaintiffs	:		
vs.	:		
CLEARFIELD COUNTY TAX CLAIM	:		
BUREAU and BLUE SKY, a partnership,	:		
Defendants	:		

NOTICE TO DEFEND

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 judgment 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 plaintiffs. 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, GO TO OR TELEPHONE THE
OFFICE SET FORTH BELOW THIS OFFICE CAN PROVIDE YOU WITH
INFORMATION ABOUT HIRING A LAWYER.

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE
MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT
AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE
PERSONS AT A REDUCED FEE OR NO FEE.**

DAVID S. MEHOLICK, COURT ADMINISTRATOR
Clearfield County Court House
Clearfield, PA 16830
(814) 765-2641, Ext. 1303

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a	:	No. 06 -	-CD
MICHAEL BOBAL, and	:		
FRANCINE BOBAL,	:		
Plaintiffs	:		
	:		
vs.	:		
	:		
CLEARFIELD COUNTY TAX CLAIM	:		
BUREAU and BLUE SKY, a partnership,	:		
Defendants	:		

COMPLAINT TO SET ASIDE AND HAVE DECLARED INVALID
A TAX SALE CONDUCTED BY THE
CLEARFIELD COUNTY TAX CLAIM BUREAU ON SEPTEMBER 16, 2005

NOW COME, Plaintiffs, MICHAEL J. BOBAL, Sr., a/k/a MICHAEL BOBAL, and FRANCINE BOBAL, his wife, by their attorneys, Gates and Seaman and request that this Honorable Court set aside and declare invalid a tax sale conducted by the Clearfield County Tax Claim Bureau on September 16, 2005 as it pertains to the sale of a fractional real estate interest hereinafter identified and in support thereof Plaintiffs aver the following:

1. Plaintiffs, Michael J. Bobal, Sr., a/k/a, Michael Bobal, and Francine Bobal, his wife, are adult individuals, who presently reside at 451 Goodridge Road, Northern Cambria, Pennsylvania 15714.
2. Defendant, Clearfield County Tax Claim Bureau, is an agency of Clearfield County, Pennsylvania, which maintains an office at Clearfield County Courthouse Annex, 1 North Second Street, Clearfield, Pennsylvania 16830.
3. Defendant, Blue Sky, is a general partnership, which at all times relative to these proceedings maintained offices at 362 North Park Street, Sykesville, Pennsylvania 15865.

4. By virtue of deed dated October 1, 1981 and appearing of record in Clearfield County Deeds and Records Book 876, Page 401, from Michael Bobal et ux to Michael Bobal, Mary Jane Bobal, Michael Bobal, Jr., Brian Bobal and Paul Bobal, as tenants in common, the five named grantees each became vested with a 20% interest in the improved parcel of real estate situate in Burnside Township, Clearfield County, Pennsylvania as described in said deed as No. 4 thereof, containing 22.245 acres. A photocopy of the aforementioned deed is attached hereto and made a part hereof as Exhibit "A".

5. Following recording of said deed, the five tenants in common identified in Clearfield County Deeds and Records Book 876, Page 401, became separately assessed with a 1/5th interest in the aforementioned real estate described in said deed as No. 4 thereof.

6. Thereafter, joint tenant, Brian Bobal, failed to pay the real estate taxes coming due on his undivided 1/5th interest in the aforementioned real estate for years 2003 and 2004 and as a result thereof, Defendant, Clearfield County Tax Claim Bureau, scheduled a Sheriff's Sale of said joint tenant's individually assessed 20% interest in said premises with said tax sale being scheduled to take place on September 16, 2005.

7. Pursuant to 72 P.S. § 5860.602(e)(1), Defendant Clearfield County Tax Claim Bureau was required to provide notice of the September 16, 2005 tax sale, by certified mail, restricted delivery, return receipt requested, postage prepaid, to each owner as defined by this act [emphasis added]

8. Pursuant to 72 P.S. § 5860.102 an "**OWNER**" who was entitled to notice of the September 16, 2005 tax sale as mandated by 72 P.S. § 5860.602(e)(1) was

and is defined as follows:

"Owner," the person in whose name the property is last registered, if registered according to law, or, if not registered according to law, the person whose name last appears as an owner of record on any deed or instrument of conveyance recorded in the county office designated for recording and in all other cases means any person in open, peaceable and notorious possession of the property, as apparent owner or owners thereof, or the reputed owner or owners thereof, in the neighborhood of such property; as to property having been turned over to the bureau under Article VII [FN3] by any county, "owner" shall mean the county. [emphasis added]

9. By virtue of the deed dated October 1, 1981 and appearing of record in Clearfield County Deeds and Records Book 876, Page 401 (a copy of which is attached hereto as Exhibit "A"), Plaintiff, Michael Bobal, a/k/a Michael J. Bobal, Sr., as well as tenants in common, Michael Bobal , Jr., Mary Jane Bobal, Paul Bobal, were also owners (as said term is defined in 72 P.S.§5860.102) and were thus entitled and required to be given notice of the tax sale of the interest of Brian Bobal, by Defendant, Clearfield County Tax Claim Bureau, as mandated by 72 P.S.§5860.602(e)(1).

10. The records maintained by Defendant, Clearfield County Tax Claim Bureau relative to the subsequent sale of the Brian Bobal interest in the aforesubscribed real estate situate in Burnside Township, Clearfield County, Pennsylvania indicate that no prior notice required by 72 P.S.§5860.602(e)(1) was given to or was attempted to be given to Plaintiff, Michael Bobal n/k/a/ Michael J. Bobal, Sr. or to the other tenant in common owners of said premises, namely, Paul Bobal, Mary Jane Bobal and Michael Bobal, Jr.

11. Prior to the September 16, 2005 tax sale being conducted by Defendant, Clearfield County Tax Claim Bureau, whereat the 20% interest of Brian Bobal in said premises was sold to Defendant Blue Sky, the fractional interests of all

other joint owners of said real estate was conveyed to Plaintiffs, Michael J. Bobal, Sr. a/k/a Michael Bobal and Francine Bobal, his wife, by deed dated April 14, 2005 and recorded June 30, 2005 as Clearfield County Instrument Number 200509819. A true and correct copy of the recorded deed dated April 14, 2005 is attached hereto and made a part hereof as Exhibit "B".

12. Since Plaintiffs, Michael J. Bobal, Sr. and Francine Bobal, his wife, became "owners" (as said term is defined in 72 P.S. §5860.102), Defendant Clearfield County Tax Claim Bureau was required to provide said individuals with notice of the September 16, 2005 tax sale pursuant to 72 P.S. §5860.602(e)(1), which said Tax Claim Bureau did not do.

13. Thereafter, at the September 16, 2005 tax sale conducted by Defendant, Clearfield County Tax Claim Bureau, the 20% interest of Brian Bobal in said real estate situate in Burnside Township, Clearfield County, Pennsylvania, was sold to Defendant, Blue Sky, which sale was subsequently confirmed nisi by Court Order dated September 29, 2005 and which sale was also memorialized by the recording of a tax sale deed from Defendant, Clearfield County Tax Claim Bureau, to Defendant, Blue Sky, dated November 3, 2005 and appearing of record as Clearfield County Instrument Number 200519291. Attached hereto and made a part here of as Exhibit "C" is a copy of the tax sale deed into Defendant Blue Sky dated November 3, 2005 and appearing of record as Clearfield County Instrument Number 200519291.

14. Since separate and individual notices of the September 16, 2005 tax sale were not sent, in accordance with 72 P.S. §5860.602(e)(1), to Plaintiffs or to the other tenant in common owners of the premises in question, the tax sale of the Brian Bobal interest to Defendant, Blue Sky, must be set aside and declared invalid

pursuant to decisional and precedential case law, namely, Appeal of Marshalek 116 Pa. Cmwlth. 1, 541 A.2d 398 (1988).

15. Furthermore, not only was prior notice of the September 16, 2005 tax sale not given to Plaintiffs and the other tenant in common owners as mandated by 72 P.S. §5860.602(e)(1), but also a notice that the premises were actually sold (as mandated by 72 P.S. §5860.607 (a.1)(1)) was likewise not given to Plaintiffs or to the other tenant in common owners of said premises.

16. Since no notice as required by 72 P.S. §5860.607(a.1)(1), was given to Plaintiffs, it was not necessary for Plaintiffs to file objections or exceptions within thirty (30) days after the court made its confirmation nisi of the September 16, 2005 tax sale.

17. It is entirely proper for Plaintiffs to file this action seeking the relief requested since 72 P.S. §5860.607(g) makes it very clear that an exception exists "with respect to the giving of notice under the act" to the generally accepted stated rule that no tax sale will be inquired into judicially in equity or by civil proceedings once a tax sale is confirmed absolutely.

WHEREFORE, Plaintiffs pray that this Honorable Court enter an order:

(a) directing that the September 16, 2005 tax sale of the 20% Brian Bobal interest (in House, Shed, Building and 22.25 acres situate in Burnside Township) to Defendant, Blue Sky, be set aside and otherwise declared invalid by virtue of Defendant, Clearfield County Tax Claim Bureau's failure to comply with the notice requirements of both 72 P.S. §5860.602(e)(1) and 72 P.S. §5860.607(a.1)(1);

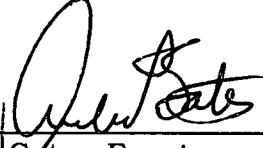
(b) that no title passed to Defendant, Blue Sky, by deed of the Clearfield County Tax Claim Bureau dated November 3, 2005 and appearing of record as

Clearfield County Instrument Number 200519291;

(c) awarding Plaintiffs all record costs incurred in these proceedings;
and
(d) such other relief as this Court deems equitable and just.

GATES & SEAMAN

By:



Andrew P. Gates, Esquire
Attorney for Plaintiffs

Two North Front Street
P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

This Indenture,

MADE THE 1st day of October in the year
of our Lord one thousand nine hundred eighty-one (1981)

BETWEEN MICHAEL BOBAL and MARY JANE BOBAL, his wife,
of the Borough of Hastings,

County of Cambria and State of Pennsylvania, parties of the first part;

A
N
D

MICHAEL BOBAL, MARY JANE BOBAL, MICHAEL BOBAL JR., BRIAN BOBAL and
PAUL BOBAL, parties of the second part, as tenants in common and not as joint
tenants.

of the second part, WITNESSETH, that the said parties of the first part, for and in consideration of the sum of

Forty-five Thousand and 00/100 (\$45,000.00) ----- Dollars,
lawful money of the United States of America unto them well and truly
paid by the said parties of the second part, at and before the sealing and delivery of these
presents, the receipt whereof is hereby acknowledged, have granted,
bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents do
grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said parties of the
second part, their heirs, and assigns,

No. 1: ALL that certain piece or parcel of land situate, lying and being in the Township of Susquehanna, County of Cambria and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin on the southerly right-of-way line of L.R. 11076 leading from the Borough of Hastings to Lanark Mine, being the northeastern corner of parcel No. 4 conveyed September 30, 1969, to Irene Weakland, et. al.; thence by the said right-of-way line South 36° 10' East 209 feet to an iron pin and corner of land of Catharine Stesslo; thence by land of Catharine Stesslo South 53° 00' West 300 feet to an iron pin; thence through land of which this is a part North 36° 10' West 209 feet to an iron pin; thence along the line of land of Irene Weakland, et. al., North 53° 00' East 300 feet to the iron pin, the place of beginning, containing 1.44 acres.

SUBJECT to all the exceptions and reservations as contained in the chain of title.

ALSO excepting and reserving unto the Grantors, a ten foot wide right-of-way, to be used for a pipe line and for no other purpose, running from the right-of-way line of L.R. 11076 along the westerly boundary line of the above described property 300 feet to other land of present Grantors.

No. 3 (continued): UNDER AND SUBJECT to the conditions, restrictions, exceptions and reservations contained in prior deeds of conveyance in this chain of title.

BEING the same premises title to which became vested in Michael J. Bobal and Mary Jane Bobal, husband and wife, by deed of Irene Weakland, Widow, dated May 18, 1970, and recorded on June 11, 1970, in the Recorder of Deeds Office in and for Cambria County in Deed Book Volume 894, at page 98.

No. 4: ALL that certain piece, parcel or lot of land situate, lying and being in the Township of Burnside, County of Clearfield and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a permanent iron pin, said iron pin being the permanent Northeast corner of property of present Grantors and the corner of property of J.A. Johnson; thence along property of James and Elizabeth Beltowski South 14° 20' West a distance of 545 feet to an iron pin situate along Pa. Legislative Route 17076 leading from the Village of Sylvis to the Borough of Westover; thence along the aforesaid Legislative Route the following course and distances: North 74° 30' West a distance of 147 feet to a point; North 79° 39' West, 700.96 feet to a point, thence North 82° 52' West, 108.84 feet to a point; thence North 87° 29' West, 160.52 feet to a point; thence South 84° 35' West, 162.17 feet to a point; thence North 87° 27' West, 112.29 feet to a point; thence North 74° 28' West, 89.13 feet to a point; thence North 61° 51' West, 148.61 feet to a point; thence North 55° 48' West a distance of 574.86 feet to an iron pin; thence along the J.A. Johnson property North 56° 11' East, a distance of 314.44 feet to an iron pin; thence South 83° 30' East, a distance of 1,050.60 feet to an iron pin; thence South 83° 30' East a distance of 903.44 feet to an iron pin and place of beginning, containing 22.245 acres as fully described in the attached Blueprint of Ronald Griffin dated July 27, 1973, attached hereto and made a part of the Indenture in Clearfield County in Deed Book Volume 389, at page 262.

UNDER AND SUBJECT to the conditions, restrictions, exceptions and reservations contained in prior deeds of conveyance in this chain of title.

BEING the same premises title to which became vested in Michael J. Bobal and Mary Jane Bobal, husband and wife, by deed of William Dunlap and Martha Dunlap, his wife, dated November 27, 1973, and recorded on February 28, 1974, in the Recorder of Deeds Office in and for Cambria County in Deed Book Volume 672, at page 113..

SMORTO, PERSIO
AND ZADILKO
ATTORNEYS AT LAW
120 SOUTH CENTER STREET
EDENSBURG, PENNSYLVANIA
18031

(814) 472-9603

THE GRANTEES HEREIN HOLD THE AFOREMENTIONED PREMISES IN THE FOLLOWING MANNER, MICHAEL BOBAL AND MARY JANE BOBAL, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETIES HOLDING A 40% INTEREST, MICHAEL BOBAL JUNIOR, 20% INTEREST, BRIAN BOBAL, 20% INTEREST AND PAUL BOBAL 20% INTEREST.

THIS IS A TRANSFER FROM MOTHER AND FATHER TO THEMSELVES AND THEIR CHILDREN.

hereditaments and premises hereby granted or mentioned, and intended so to be, with the appurte-
nances, unto the said parties of the second part, their heirs and assigns, to
and for the only proper use and behoof of the said parties of the second part, their
heirs and assigns forever.

VOL 876 PAGE 405

the said parties of the first part, for their heirs, executors and administrators, do by these presents covenant, grant and agree to and with the said parties of the second part, their heirs and assigns that the said parties of the first part, and their heirs, all and singular the hereditaments and premises herein above described and granted or mentioned, and intended so to be, with the appurtenances, unto the said parties of the second part, their heirs and assigns that against them the said parties of the first part and their heirs, and against all and every other person or persons whomsoever lawfully claiming, or to claim the same or any part thereof generally shall and will warrant and forever defend.

IN WITNESS WHEREOF, the said parties of the first part have to these presents set their hands and seals. Dated the day and year first above written.

Signed, Sealed and Delivered
in the Presence of

Michael Bobal
Mary Jane Bobal



Received the day of the date of the above Indenture of the above named

the sum of Seventy-five Thousand and 00/100 (\$75,000.00) Dollars, lawful money of the United States, being the consideration money above mentioned in full.

Witness—

State of Pennsylvania

County of Cambria

On this, the 1st day of October 1981, before me, the undersigned officer, personally appeared Michael Bobal and Mary Jane Bobal, husband and wife,

VOL 1107 PAGE 839

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

GEORGINA A. OLSAVSKY, Notary Public
Ebensburg, Cambria County, Pa.
My Commission Expires September 27, 1984

Georgina A. Olsavsky
Notary Public
Title of Officer

State of
County of VOL 876 PAGE 406 } ss.

On this, the 19 day of
the undersigned officer, personally appeared

VOL 1107 PAGE 840 ¹⁹ before me,

known to me (or satisfactorily proven) to be the person whose name ¹⁹ subscribed to the
within instrument, and acknowledged that ¹⁹ executed same for the purposes therein
contained.

In witness whereof, I hereunto set my hand and official seal.



Title of Officer.

do hereby certify that the precise residence and complete post office address
of the within named grantee is Lanark Road, Hastings, Pennsylvania 16646.

1982

Attorney for _____

ENTERED FOR RECORDER
RECORDER'S OFFICE
CAMBRIA CO., PA.

Feb 1 3 35 PM '83
F. JOSEPH LINN
RECORDER

MICHAEL BOBAL and MARY JANE
BOBAL, Grantees

A N D INDEX

MICHAEL BOBAL and MARY JANE
BOBAL, MICHAEL BOBAL, JR.,
BRIAN BOBAL and PAUL BOBAL,
Grantees

RECORDED
FEB 1 1983
F. JOSEPH LINN, RECORDER
PAID BY

ENTERED FOR RECORDER IN THE Recorder's Office of Cambria Co., Pa.
At _____ M.
FEB 1 1983
F. JOSEPH LINN, RECORDER Fees & Taxes \$ 12.00

COMMONWEALTH OF PENNSYLVANIA

County of Cambria } ss.

RECORDED on this 1st day of February

A. D. 1983, in the Recorder's Office of said County, in Deed Book

Vol. 1107, Page 835

Given under my hand and the seal of the said office, the date above written.

F. Joseph Linn, Recorder.

Entered of Record Mar 1 1983, 12:39 PM Tim Morgan, Recorder

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

***RETURN DOCUMENT TO:**

BELL, SILBERBLATT & WOOD
P.O. BOX 670
CLEARFIELD, PA 16830

Instrument Number - 200509819

Recorded On 6/30/2005 At 11:29:21 AM

* Instrument Type - DEED

* Total Pages - 6

Invoice Number - 131793

* Grantor - BOBAL, MICHAEL J SR

* Grantee - BOBAL, MICHAEL J SR

* Customer - BELL, SILBERBLATT & WOOD

*** FEES**

STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$18.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
TOTAL	\$33.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

**Karen L. Starck
Recorder of Deeds**

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

EXHIBIT "B" (5 pages)

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

DEED

MADE this 14th day of April , 2005, between
MICHAEL J. BOBAL, SR., a/k/a MICHAEL BOBAL, and FRANCINE BOBAL, his
wife, of 451 Goodridge Road, Northern Cambria, Pennsylvania 15714;
PAUL BOBAL and JOANNE BOBAL, his wife, of 4607 Oakdale, Bel Aire,
Texas 77401; and MICHAEL J. BOBAL, JR., a/k/a MICHAEL BOBAL, JR.,
and CATHERINE BOBAL, his, of R.D. 1, Box 209, Hollidaysburg,
Pennsylvania 16648;

(hereinafter called "Grantors")

AND

MICHAEL J. BOBAL, SR. and FRANCINE BOBAL, his wife, of 451
Goodridge Road, Northern Cambria, Pennsylvania 15714, as tenants by
the entireties as to an eighty (80%) percent interest;

(hereinafter called "Grantees")

WITNESSETH, that in consideration of One and 00/100 (\$1.00)
Dollars, in hand paid, the receipt whereof is hereby acknowledged,
Grantors do hereby grant and convey to Grantees:

ALL that certain piece, parcel or lot of land situate, lying and
being in the Township of Burnside, County of Clearfield and State
of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a permanent iron pin, said iron pin being
the permanent Northeast corner of property of present
Grantors and the corner of property of J.A. Johnson;

thence along property of James and Elizabeth Beltowski South 14° 20' West a distance of 545 feet to an iron pin situate along Pa. Legislative Route 17076 leading from the Village of Sylvis to the Borough of Westover; thence along the aforesaid Legislative Route the following courses and distances: North 74° 30' West a distance of 147 feet to a point; North 79° 39' West, 700.96 feet to a point, thence North 82° 52' West, 108.84 feet to a point; thence North 87° 29' West, 160.52 feet to a point; thence South 84° 35' West, 162.17 feet to a point; thence North 87° 27' West, 112.29 feet to a point; thence North 74° 28' West, 89.13 feet to a point; thence North 61° 51'; West, 148.61 feet to a point; thence North 55° 48' West a distance of 574.86 feet to an iron pin; thence along the J.A. Johnson property North 56° 11' East, a distance of 314.44 feet to an iron pin; thence South 83° 30' East a distance of 1,050.60 feet to an iron pin; thence South 83° 30' East a distance of 903.44 feet to an iron pin and place of beginning, containing 22.245 acres as fully described in the Blueprint of Ronald Griffin dated July 27, 1973 and made a part of the Indenture in Clearfield County in Deed Book 389, at page 262.

UNDER AND SUBJECT to the conditions, restrictions, exceptions and reservations contained in prior deeds of conveyance in this chain of title.

BEING an eighty (80%) percent interest in the hereinbefore described property pursuant to Deed dated the 1st day of October, 1981 and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book 876, Page 401. Mary Jane Bobal having died January 8, 1992 leaving forty (40%) interest in the above described property in the name of Michael Bobal, a/k/a Michael J. Bobal, Sr., as the surviving tenant by the entireties. Michael J. Bobal, Jr., a/k/a Michael Bobal, Jr., and Paul Bobal each acquired a twenty (20%) percent interest in the hereinbefore described property by said Deed. It is the intention of the parties hereto that following this conveyance, Michael J. Bobal, Sr. and Francine Bobal shall hold an eighty (80%) percent interest in the subject property as tenants by the entireties with Brian Bobal continuing to hold a twenty (20%) percent interest as tenants in common pursuant to the hereinbefore recited Deed.

Grantors covenant that they will WARRANT SPECIALLY the property hereby conveyed.

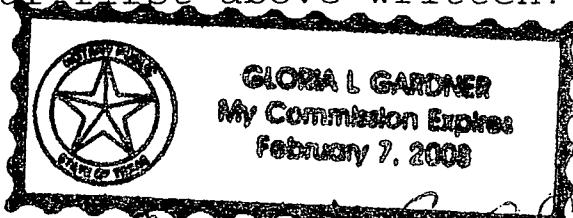
THIS CONVEYANCE IS FROM PARENTS & CHILDREN TO PARENTS AND EXEMPT FROM PA REALTY TRANSFER TAX.

NOTICE - THIS DOCUMENT MAY NOT (DOES NOT) SELL, CONVEY TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT C SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED T HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE (HAVE) TH COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND IN THA CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND AN HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. TH INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY AN LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED C RESERVED BY THIS INSTRUMENT. (This Notice is set forth in th manner provided in Section 1 of the Act of July, 1957, P. L. 984 is amended).

IN WITNESS WHEREOF, the Grantors have hereunto set thei
ands and seals the day and year first above written.

Sealed and delivered in
the presence of:

Helen Drotor



Micheal J. Bobal, Sr. SEAL

MICHAEL J. BOBAL, SR. a/k/a

Micheal J. Bobal SEAL

MICHAEL BOBAL

Francine Bobal SEAL

FRANCINE BOBAL

Paul Bobal SEAL

Joanne Bobal SEAL

Michael J. Bobal, Jr. SEAL

MICHAEL J. BOBAL, JR., a/k/a

Michael J. Bobal, Jr. SEAL

MICHAEL BOBAL, JR.

Catherine Bobal SEAL

CATHERINE BOBAL

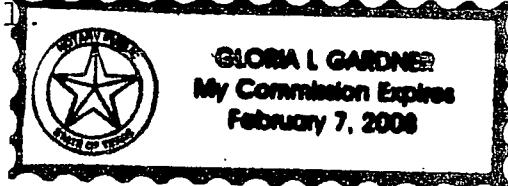
STATE OF TEXAS

COUNTY OF HARRIS

:
: SS:
:

On this, the 14th day of April, 2005, before me, the undersigned officer, personally appeared PAUL BOBAL and JOANNE BOBAL, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Instrument and acknowledged that they have executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



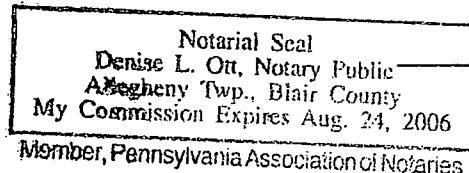
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF BLAIR

:
: SS:
:

On this, the 10th day of MAY, 2005, before me, the undersigned officer, personally appeared MICHAEL J. BOBAL, JR., a/k/a MICHAEL BOBAL, JR., and CATHERINE BOBAL, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Instrument and acknowledged that they have executed the same for the purposes therein contained.

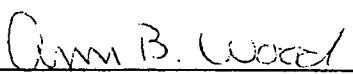
IN WITNESS WHEREOF, I hereunto set my hand and official



CERTIFICATE OF RESIDENCE

The undersigned hereby certifies that the precise residence and complete address of the within named Grantee(s) is:

451 Goodridge Road, Northern Cambria, Pennsylvania 15714



Claim #

2003-003512

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103

Clearfield, Pennsylvania 16830

*RETURN DOCUMENT TO:

CLEARFIELD CO TAX CLAIM BUREAU

Instrument Number - 200519291

Recorded On 11/4/2005 At 2:22:08 PM

* Instrument Type - DEED

* Total Pages - 3

Invoice Number - 139003

* Grantor - CLEARFIELD CO TAX CLAIM BUREAU

* Grantee - BLUE SKY

* Customer - CLEARFIELD CO TAX CLAIM BUREAU

AFFIDAVIT No. 38840

* FEES

STATE TRANSFER TAX	\$189.55
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$13.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
HARMONY SCHOOLS REALTY	\$94.78
TAX	
BURNSIDE TOWNSHIP	\$94.77
TOTAL	\$407.60

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

TAX CLAIM BUREAU DEED

Made the Third day of November in the year of our Lord, 2005.

BETWEEN 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, hereinafter called the GRANTOR,

AND

BLUE SKY
A PENNSYLVANIA GENERAL PARTNERSHIP
DOING BUSINESS AT
362 NORTH PARK STREET, SYKESVILLE, PA. 15865

Hereinafter referred to as "GRANTEE"

WHEREAS, the hereinafter described premises were assessed in the name
of BOBAL, BRIAN and taxes levied for the years 2003 & 2004 which have not been
paid and which are delinquent; and

WHEREAS, the said delinquent taxes against the said property were filed
in the Tax Claim Bureau of Clearfield County, Pennsylvania and became liened; and

WHEREAS, after proceeding under the provisions of the Act aforesaid, the
Tax Claim Bureau did expose the said premises to public sale on the Sixteenth day
of September 2005; and

WHEREAS, the said premises were sold at said public sale for the sum of
One Thousand Four Hundred Twenty-Four Dollars and Ninety Cents (\$1,424.90), paid
by Blue Sky, as is more particularly shown in the report and return of said sale
by the Tax Claim Bureau, and at the subsequent confirmation thereof by the Court
of Common Pleas of Clearfield County, Pennsylvania, 2005-1487 CD. Following
instructions given by the purchaser, this property is being conveyed to the
Grantees as stated above.

NOW THIS INDENTURE WITNESSETH, that for and in consideration of the sum of
One Thousand Four Hundred Twenty-Four Dollars and Ninety Cents (\$1,424.90), the
receipt thereof is hereby acknowledged. Grantor does hereby grant and convey unto
the Grantees. Grantor does hereby grant and convey unto the said Grantees, their
heirs, successors or assigns the following described property to wit:

BURNSIDE TOWNSHIP
#108-D17-000-00007
20% INT IN H, SHED, BLDG & 22.25 A

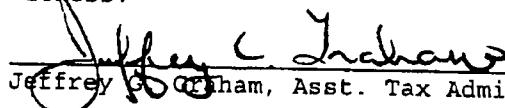
BEING the same property offered for sale for delinquent taxes in accordance
with the provisions of the Act of Assembly hereinbefore recited under Tax Claim
No. 2003-003512 as the property of BOBAL, BRIAN CONVEYED TO HIM IN DEED BOOK 0876
PAGE 401

This deed is executed and acknowledged by MARY ANNE WESDOCK, who was duly appointed Director of the Tax Claim Bureau by Resolution of the County Commissioners of Clearfield County, Pennsylvania, dated August 15, 1989.

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed in its name and its official seal to be affixed hereto the day and year first above written.

TAX CLAIM BUREAU OF CLEARFIELD
COUNTY, PENNA.

Witness:

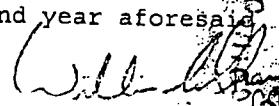

Jeffrey C. Graham, Asst. Tax Administrator 
Mary Anne Wesdock, Director

COMMONWEALTH OF PENNSYLVANIA)

) SS:
COUNTY OF CLEARFIELD)

On this 4th day of November, A. D., 2005, before me, the subscriber personally appeared MARY ANNE WESDOCK, Director of the Tax Claim Bureau of Clearfield County, Pennsylvania, who in due form of law acknowledged the foregoing Indenture to be her act and deed and desired that the same might be recorded as such.

WITNESS my hand and officials seal the day and year aforesaid


(SEAL)

Prothonotary

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan. 2006

Clearfield Co., Clearfield, PA

My commission expires the first Monday of January, 20

I CERTIFY that the precise residence address of the grantee in this indenture is:

362 NORTH PARK STREET
SYKESVILLE, PA 15865

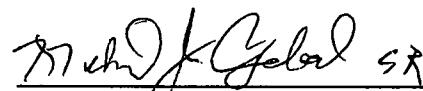


VERIFICATION

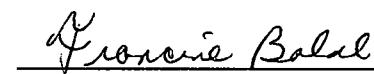
The undersigned verify that they are Plaintiffs in the within action, and that the statements made in the foregoing document are true and correct to the best of their knowledge, information and belief. The undersigned understand that false statements made herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



Michael Bobal, a/k/a



Michael J. Bobal, Sr.



Francine Bobal

Date: October 25, 2006

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

No. 06-
-CD

MICHAEL J. BOBAL, Sr., a/k/a
MICHAEL BOBAL, and
FRANCINE BOBAL, Plaintiffs

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and BLUE SKY, a
partnership, Defendants

COMPLAINT

LAW OFFICES
GATES & SEAMAN
2 NORTH FRONT STREET
P.O. BOX 846
CLEARFIELD, PA. 16830

FILED
OCT 26 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a : No. 06 - 1751 - CD
MICHAEL BOBAL, and :
FRANCINE BOBAL, : Type of Case: Civil
Plaintiffs :
vs. : Type of Pleading: Acceptance of
CLEARFIELD COUNTY TAX : Service
CLAIM BUREAU and :
BLUE SKY, a partnership, :
Defendants :
Counsel of Record for this Party:
Andrew P. Gates, Esquire
Supreme Court No.: 36604
GATES & SEAMAN
Attorneys at law
Two North Front Street
P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

FILED NOCC
of 2/08/2006
NOV 02 2006
[Signature]

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a : No. 06 - 1751 - CD
MICHAEL BOBAL, and :
FRANCINE BOBAL, :
Plaintiffs :
vs. :
CLEARFIELD COUNTY TAX CLAIM :
BUREAU and BLUE SKY, a partnership, :
Defendants :
.

ACCEPTANCE OF SERVICE

I accept service of the COMPLAINT TO SET ASIDE AND HAVE DECLARED
INVALID A TAX SALE CONDUCTED BY THE CLEARFIELD COUNTY TAX CLAIM
BUREAU ON SEPTEMBER 16, 2005 on behalf of Clearfield County Tax Claim Bureau
and certify that I am authorized to do so.



Kim C. Kesner, Esquire
Attorney for Clearfield County
Tax Claim Bureau

Date: 10/27, 2006.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a : No. 06-1751-CD
MICHAEL BOBAL, and :
FRANCINE BOBAL, : Type of Case: Civil
Plaintiffs/Petitioners :
vs. :
CLEARFIELD COUNTY TAX : Type of Pleading: Petition
CLAIM BUREAU and : for Rule to Show Cause
BLUE SKY, a partnership, :
Defendants/Respondents :
: Counsel of Record for this
: Party:
: Andrew P. Gates, Esquire
: Supreme Court No.: 36604
: GATES & SEAMAN
: Attorneys at law
: Two North Front Street
: P. O. Box 846
: Clearfield, PA 16830
: (814) 765-1766
:
:

FILED ^{acc}
03/21/07 Atty Gates
DEC 04 2006 (6K)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, SR., a/k/a :
MICHAEL BOBAL, and FRANCINE BOBAL, :
Plaintiffs/Petitioners : No. 06 - 1751 - CD
:
-vs- :
:
CLEARFIELD COUNTY TAX CLAIM BUREAU :
and BLUE SKY, a partnership, :
Defendants/Respondents :

PETITION FOR RULE TO SHOW CAUSE

Now come, Petitioners, MICHAEL J. BOBAL, SR., a/k/a
MICHAEL BOBAL and FRANCINE BOBAL, his wife, by their attorneys,
Gates & Seaman, and petitions this Honorable Court for a Rule
to Show Cause and in support thereof, Petitioners aver the
following:

1. Petitioners filed a Complaint with the Clearfield
County Prothonotary on October 26, 2006 to the aforementioned
case number. A true and correct copy of Plaintiffs' filed
Complaint is attached hereto and made a part hereof as Exhibit
"A".

2. Service of a certified copy of the Complaint was
effectuated upon Respondents as follows:

(i) upon Defendant/Respondent, Clearfield County Tax Claim
Bureau, by virtue of an Acceptance of Service of said
Complaint by said Defendant's attorney, Kim C. Kesner, Esquire,
as evidenced by Mr. Kesner's executed Acceptance of Service

dated October 27, 2006 and which has been filed of record with the Clearfield County Prothonotary; and

(ii) upon Defendant/Respondent, Blue Sky, a partnership, by the Jefferson County Sheriff's Office in accordance with Pa.R.C.P. No(s). 402(a) and 423, on October 31, 2006. As of the date of the filing of this Petition, no Return of Service from the Jefferson County Sheriff's Office has been filed of record.

3. Since the gist of Plaintiffs' Complaint avers that Defendant/Respondent, Clearfield County Tax Claim Bureau, failed to properly carry out the notice of tax sale requirements as mandated by 72 P.S. §5680.602(e)(1) and the relief sought is to have the tax sale in question declared invalid and otherwise set aside, Plaintiffs' Complaint does not technically constitute a "civil action" (as defined in Pa.R.C.P. §1001) and thus, the Defendant/Respondents have no obligation to file a response to Plaintiffs' Complaint absent a directive from the Court to do so.

4. In order to compel Defendants to file an answer to Plaintiffs' Complaint and to otherwise "frame" the issues as set forth in said Complaint for the Court's consideration, Petitioners pray that this Honorable Court issue a Rule To Show Cause upon both Respondents to file an answer to Plaintiffs'

Complaint within twenty (20) days upon receipt of service upon them of a certified copy of this Petition and the Court companion Order.

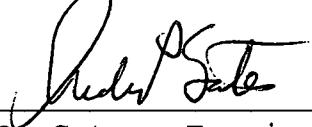
5. The prayer of this Petition is consistent with Pa.R.C.P. No. 206.6 and 46 J.D.R.C.P. No. 206.

WHEREFORE, Plaintiffs/Petitioners pray that this Honorable Court issue a Rule to Show Cause upon Defendants/Respondents, Clearfield County Tax Claim Bureau, and Blue Sky, a partnership, directing Respondents to file an answer to Petitioners/Plaintiffs' Complaint within twenty (20) days of the date a certified copy of this Petition and the Court's Order are served upon them.

Respectfully submitted,

GATES & SEAMAN

By:


Andrew P. Gates, Esquire
Attorney for
Plaintiffs/Petitioners,
Michael J. Bobal, Sr.,
a/k/a Michael Bobal, and
Francine Bobal

Date: December 4, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a : No. 06 - 1751 -CD
MICHAEL BOBAL, and :
FRANCINE BOBAL, :
Plaintiffs :
vs. :
CLEARFIELD COUNTY TAX :
CLAIM BUREAU and :
BLUE SKY, a partnership, :
Defendants :
Type of Case: Civil
Type of Pleading: Complaint to
Set Aside and have Declared Invalid
Tax Sale Conducted by the Clearfield
County Tax Claim Bureau on
September 16, 2005
Counsel of Record for this Party:
Andrew P. Gates, Esquire
Supreme Court No.: 36604
GATES & SEAMAN
Attorneys at law
Two North Front Street
P. O. Box 846
Clearfield, Pennsylvania 16830
(814) 765-1766

GATES & SEAMAN
2 NORTH FRONT STREET
P.O. BOX 846
CLEARFIELD, PA. 16830

CERTIFIED a true and
correct copy.

Robert Gates
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a : No. 06 - 1751 -CD
MICHAEL BOBAL, and :
FRANCINE BOBAL, :
Plaintiffs :
vs. :
CLEARFIELD COUNTY TAX CLAIM :
BUREAU and BLUE SKY, a partnership, :
Defendants :
.

NOTICE TO DEFEND

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 judgment 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 plaintiffs. 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, GO TO OR TELEPHONE THE
OFFICE SET FORTH BELOW THIS OFFICE CAN PROVIDE YOU WITH
INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE
MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT
AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE
PERSONS AT A REDUCED FEE OR NO FEE.

DAVID S. MEHOLICK, COURT ADMINISTRATOR
Clearfield County Court House
Clearfield, PA 16830
(814) 765-2641, Ext. 1303

I hereby certify this to be a true
and correct copy of the original
statement of Plaintiff, GATES.

07/26/2008

Attest:

Robert Gates
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a	:	No. 06 -	-CD
MICHAEL BOBAL, and	:		
FRANCINE BOBAL,	:		
Plaintiffs	:		
	:		
vs.	:		
	:		
CLEARFIELD COUNTY TAX CLAIM	:		
BUREAU and BLUE SKY, a partnership,	:		
Defendants	:		

COMPLAINT TO SET ASIDE AND HAVE DECLARED INVALID
A TAX SALE CONDUCTED BY THE
CLEARFIELD COUNTY TAX CLAIM BUREAU ON SEPTEMBER 16, 2005

NOW COME, Plaintiffs, MICHAEL J. BOBAL, Sr., a/k/a MICHAEL BOBAL, and FRANCINE BOBAL, his wife, by their attorneys, Gates and Seaman and request that this Honorable Court set aside and declare invalid a tax sale conducted by the Clearfield County Tax Claim Bureau on September 16, 2005 as it pertains to the sale of a fractional real estate interest hereinafter identified and in support thereof

Plaintiffs aver the following:

1. Plaintiffs, Michael J. Bobal, Sr., a/k/a, Michael Bobal, and Francine Bobal, his wife, are adult individuals, who presently reside at 451 Goodridge Road, Northern Cambria, Pennsylvania 15714.
2. Defendant, Clearfield County Tax Claim Bureau, is an agency of Clearfield County, Pennsylvania, which maintains an office at Clearfield County Courthouse Annex, 1 North Second Street, Clearfield, Pennsylvania 16830.
3. Defendant, Blue Sky, is a general partnership, which at all times relative to these proceedings maintained offices at 362 North Park Street, Sykesville, Pennsylvania 15865.

4. By virtue of deed dated October 1, 1981 and appearing of record in Clearfield County Deeds and Records Book 876, Page 401, from Michael Bobel et ux to Michael Bobal, Mary Jane Bobal, Michael Bobal, Jr., Brian Bobal and Paul Bobal, as tenants in common, the five named grantees each became vested with a 20% interest in the improved parcel of real estate situate in Burnside Township, Clearfield County, Pennsylvania as described in said deed as No. 4 thereof, containing 22.245 acres. A photocopy of the aforementioned deed is attached hereto and made a part hereof as Exhibit "A".

5. Following recording of said deed, the five tenants in common identified in Clearfield County Deeds and Records Book 876, Page 401, became separately assessed with a 1/5th interest in the aforementioned real estate described in said deed as No. 4 thereof.

6. Thereafter, joint tenant, Brian Bobal, failed to pay the real estate taxes coming due on his undivided 1/5th interest in the aforementioned real estate for years 2003 and 2004 and as a result thereof, Defendant, Clearfield County Tax Claim Bureau, scheduled a Sheriff's Sale of said joint tenant's individually assessed 20% interest in said premises with said tax sale being scheduled to take place on September 16, 2005.

7. Pursuant to 72 P.S. § 5860.602(e)(1), Defendant Clearfield County Tax Claim Bureau was required to provide notice of the September 16, 2005 tax sale, by certified mail, restricted delivery, return receipt requested, postage prepaid, to each owner as defined by this act [emphasis added]

8. Pursuant to 72 P.S. § 5860.102 an "**OWNER**" who was entitled to notice of the September 16, 2005 tax sale as mandated by 72 P.S. § 5860.602(e)(1) was

and is defined as follows:

"Owner," the person in whose name the property is last registered, if registered according to law, or, if not registered according to law, the person whose name last appears as an owner of record on any deed or instrument of conveyance recorded in the county office designated for recording and in all other cases means any person in open, peaceable and notorious possession of the property, as apparent owner or owners thereof, or the reputed owner or owners thereof, in the neighborhood of such property; as to property having been turned over to the bureau under Article VII [FN3] by any county, "owner" shall mean the county. [emphasis added]

9. By virtue of the deed dated October 1, 1981 and appearing of record in Clearfield County Deeds and Records Book 876, Page 401 (a copy of which is attached hereto as Exhibit "A"), Plaintiff, Michael Bobal, a/k/a Michael J. Bobal, Sr., as well as tenants in common, Michael Bobal , Jr., Mary Jane Bobal, Paul Bobal, were also owners (as said term is defined in 72 P.S. §5860.102) and were thus entitled and required to be given notice of the tax sale of the interest of Brian Bobal, by Defendant, Clearfield County Tax Claim Bureau, as mandated by 72 P.S. §5860.602(e)(1).

10. The records maintained by Defendant, Clearfield County Tax Claim Bureau relative to the subsequent sale of the Brian Bobal interest in the aforesubscribed real estate situate in Burnside Township, Clearfield County, Pennsylvania indicate that no prior notice required by 72 P.S. §5860.602(e)(1) was given to or was attempted to be given to Plaintiff, Michael Bobal n/k/a/ Michael J. Bobal, Sr. or to the other tenant in common owners of said premises, namely, Paul Bobal, Mary Jane Bobal and Michael Bobal, Jr.

11. Prior to the September 16, 2005 tax sale being conducted by Defendant, Clearfield County Tax Claim Bureau, whereat the 20% interest of Brian Bobal in said premises was sold to Defendant Blue Sky, the fractional interests of all

other joint owners of said real estate was conveyed to Plaintiffs, Michael J. Bobal, Sr. a/k/a Michael Bobal and Francine Bobal, his wife, by deed dated April 14, 2005 and recorded June 30, 2005 as Clearfield County Instrument Number 200509819. A true and correct copy of the recorded deed dated April 14, 2005 is attached hereto and made a part hereof as Exhibit "B".

12. Since Plaintiffs, Michael J. Bobal, Sr. and Francine Bobal, his wife, became "owners" (as said term is defined in 72 P.S. §5860.102), Defendant Clearfield County Tax Claim Bureau was required to provide said individuals with notice of the September 16, 2005 tax sale pursuant to 72 P.S. §5860.602(e)(1), which said Tax Claim Bureau did not do.

13. Thereafter, at the September 16, 2005 tax sale conducted by Defendant, Clearfield County Tax Claim Bureau, the 20% interest of Brian Bobal in said real estate situate in Burnside Township, Clearfield County, Pennsylvania, was sold to Defendant, Blue Sky, which sale was subsequently confirmed nisi by Court Order dated September 29, 2005 and which sale was also memorialized by the recording of a tax sale deed from Defendant, Clearfield County Tax Claim Bureau, to Defendant, Blue Sky, dated November 3, 2005 and appearing of record as Clearfield County Instrument Number 200519291. Attached hereto and made a part hereof as Exhibit "C" is a copy of the tax sale deed into Defendant Blue Sky dated November 3, 2005 and appearing of record as Clearfield County Instrument Number 200519291.

14. Since separate and individual notices of the September 16, 2005 tax sale were not sent, in accordance with 72 P.S. §5860.602(e)(1), to Plaintiffs or to the other tenant in common owners of the premises in question, the tax sale of the Brian Bobal interest to Defendant, Blue Sky, must be set aside and declared invalid

pursuant to decisional and precedential case law, namely, Appeal of Marshalek 116 Pa. Cmwlth. 1, 541 A.2d 398 (1988).

15. Furthermore, not only was prior notice of the September 16, 2005 tax sale not given to Plaintiffs and the other tenant in common owners as mandated by 72 P.S. §5860.602(e)(1), but also a notice that the premises were actually sold (as mandated by 72 P.S. §5860.607 (a.1)(1)) was likewise not given to Plaintiffs or to the other tenant in common owners of said premises.

16. Since no notice as required by 72 P.S. §5860.607(a.1)(1), was given to Plaintiffs, it was not necessary for Plaintiffs to file objections or exceptions within thirty (30) days after the court made its confirmation nisi of the September 16, 2005 tax sale.

17. It is entirely proper for Plaintiffs to file this action seeking the relief requested since 72 P.S. §5860.607(g) makes it very clear that an exception exists "with respect to the giving of notice under the act" to the generally accepted stated rule that no tax sale will be inquired into judicially in equity or by civil proceedings once a tax sale is confirmed absolutely.

WHEREFORE, Plaintiffs pray that this Honorable Court enter an order:

(a) directing that the September 16, 2005 tax sale of the 20% Brian Bobal interest (in House, Shed, Building and 22.25 acres situate in Burnside Township) to Defendant, Blue Sky, be set aside and otherwise declared invalid by virtue of Defendant, Clearfield County Tax Claim Bureau's failure to comply with the notice requirements of both 72 P.S. §5860.602(e)(1) and 72 P.S. §5860.607(a.1)(1);

(b) that no title passed to Defendant, Blue Sky, by deed of the Clearfield County Tax Claim Bureau dated November 3, 2005 and appearing of record as

Clearfield County Instrument Number 200519291;

(c) awarding Plaintiffs all record costs incurred in these proceedings;

and

(d) such other relief as this Court deems equitable and just.

GATES & SEAMAN

By:

Andrew P. Gates, Esquire
Attorney for Plaintiffs

Two North Front Street
P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

This Indenture,

MADE THE 1st day of October in the year
of our Lord one thousand nine hundred eighty-one (1981)
his wife,
BETWEEN MICHAEL BOBAL and MARY JANE BOBAL, of the Borough of Hastings,

County of Cambria and State of Pennsylvania, parties of the first part;

A
N
D

MICHAEL BOBAL, MARY JANE BOBAL, MICHAEL BOBAL JR., BRIAN BOBAL and
PAUL BOBAL, parties of the second part, as tenants in common and not as joint
tenants.

of the second part, WITNESSETH, that the said parties of the first part, for and in consideration of the sum of

Forty-five Thousand and 00/100 (\$45,000.00) ----- Dollars,
lawful money of the United States of America unto them well and truly
paid by the said parties of the second part, at and before the sealing and delivery of these
presents, the receipt whereof is hereby acknowledged, have granted,
bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents do
grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said parties of the
second part, their heirs, and assigns,

No. 1 : ALL that certain piece or parcel of land situate, lying and being in the Township of Susquehanna, County of Cambria and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin on the southerly right-of-way line of L.R. 11076 leading from the Borough of Hastings to Lanark Mine, being the northeastern corner of parcel No. 4 conveyed September 30, 1969, to Irene Weakland, et. al.; thence by the said right-of-way line South 36° 10' East 209 feet to an iron pin and corner of land of Catharine Stesslo; thence by land of Catharine Stesslo South 53° 00' West 300 feet to an iron pin; thence through land of which this is a part North 36° 10' West 209 feet to an iron pin; thence along the line of land of Irene Weakland, et. al., North 53° 00' East 300 feet to the iron pin, the place of beginning, containing 1.44 acres.

SUBJECT to all the exceptions and reservations as contained in the chain of title.

ALSO excepting and reserving unto the Grantors, a ten foot wide right-of-way, to be used for a pipe line and for no other purpose, running from the right-of-way line of L.R. 11076 along the westerly boundary line of the above described property 300 feet to other land of present Grantors.

No. 3 (continued): UNDER AND SUBJECT to the conditions, restrictions, exceptions and reservations contained in prior deeds of conveyance in this chain of title.

BEING the same premises title to which became vested in Michael J. Bobal and Mary Jane Bobal, husband and wife, by deed of Irene Weakland, Widow, dated May 18, 1970, and recorded on June 11, 1970, in the Recorder of Deeds Office in and for Cambria County in Deed Book Volume 894, at page 98.

No. 4: ALL that certain piece, parcel or lot of land situate, lying and being in the Township of Burnside, County of Clearfield and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a permanent iron pin, said iron pin being the permanent Northeast corner of property of present Grantors and the corner of property of J.A. Johnson; thence along property of James and Elizabeth Beltowski South 14° 20' West a distance of 545 feet to an iron pin situate along Pa. Legislative Route 17076 leading from the Village of Syvlis to the Borough of Westover; thence along the aforesaid Legislative Route the following course and distances: North 74° 30' West a distance of 147 feet to a point; North 79° 39' West, 700.96 feet to a point, thence North 82° 52' West, 108.84 feet to a point; thence North 87° 29' West, 160.52 feet to a point; thence South 84° 35' West, 162.17 feet to a point; thence North 87° 27' West, 112.29 feet to a point; thence North 74° 28' West, 89.13 feet to a point; thence North 61° 51' West, 148.61 feet to a point; thence along the J.A. Johnson property North 56° 11' East, a distance of 314.44 feet to an iron pin; thence South 83° 30' East, a distance of 1,050.60 feet to an iron pin; thence South 83° 30' East a distance of 903.44 feet to an iron pin and place of beginning, containing 22.245 acres as fully described in the attached Blueprint of Ronald Griffin dated July 27, 1973, attached hereto and made a part of the Indenture in Clearfield County in Deed Book Volume 389, at page 262.

UNDER AND SUBJECT to the conditions, restrictions, exceptions and reservations contained in prior deeds of conveyance in this chain of title.

BEING the same premises title to which became vested in Michael J. Bobal and Mary Jane Bobal, husband and wife, by deed of William Dunlap and Martha Dunlap, his wife, dated November 27, 1973, and recorded on February 28, 1974, in the Recorder of Deeds Office in and for Cambria County in Deed Book Volume 672, at page 113.

BMORTO, PERSIO
AND ZADZILKO
ATTORNEYS AT LAW
120 SOUTH CENTER STREET
EDENBURG, PENNSYLVANIA
19951

(814) 472-0603

THE GRANTEES HEREIN HOLD THE AFOREMENTIONED PREMISES IN THE FOLLOWING MANNER, MICHAEL BOBAL AND MARY JANE BOBAL, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETIES HOLDING A 40% INTEREST, MICHAEL BOBAL JUNIOR, 20% INTEREST, BRIAN BOBAL, 20% INTEREST AND PAUL BOBAL 20% INTEREST.

THIS IS A TRANSFER FROM MOTHER AND FATHER TO THEMSELVES AND THEIR CHILDREN.

hereditaments and premises hereby granted or mentioned, and intended so to be, with the appurte-
nances, unto the said parties of the second part, their heirs and assigns, to
and for the only proper use and behoof of the said parties of the second part, their
heirs and assigns forever.

VOL 876 PAGE 405

the said parties of the first part, for their heirs, executors and administrators, do by these presents covenant, grant and agree to and with the said parties of the second part, their heirs and assigns that the said parties of the first part, and their heirs, all and singular the hereditaments and premises herein above described and granted or mentioned, and intended so to be, with the appurtenances, unto the said parties of the second part, their heirs and assigns against them the said parties of the first part and their heirs, and against all and every other person or persons whomsoever lawfully claiming, or to claim the same or any part thereof

generally shall and will warrant and forever defend.

IN WITNESS WHEREOF, the said parties of the first part have to these presents set their hands and seals. Dated the day and year first above written.

Signed, Sealed and Delivered
in the presence of

Michael Bobal

SEAL

Mary Jane Bobal

SEAL

SEAL

SEAL

Received the day of the date of the above Indenture of the above named

the sum of Seventy-five Thousand and 00/100 (\$75,000.00) Dollars, lawful money of the United States, being the consideration money above mentioned in full.

Witness—

State of Pennsylvania

County of Cambria

On this, the 1st day of October, 1981, before me, the undersigned officer, personally appeared Michael Bobal and Mary Jane Bobal, husband and wife,

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

GEORGINA A. OLSAVSKY, Notary Public
Ebensburg, Cambria County, Pa.
My Commission Expires September 27, 1984

VOL 1107 PAGE 839

10/27/81, before me,

Michael Bobal and Mary Jane Bobal, husband

and wife,

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the

within instrument, and acknowledged that they executed same for the purposes therein

contained.

In witness whereof, I hereunto set my hand and official seal.

GEORGINA A. OLSAVSKY, Notary Public

Ebensburg, Cambria County, Pa.

My Commission Expires September 27, 1984

GEORGINA A. OLSAVSKY, Notary Public

Ebensburg, Cambria County, Pa.

My Commission Expires September 27, 1984

GEORGINA A. OLSAVSKY, Notary Public

Ebensburg, Cambria County, Pa.

My Commission Expires September 27, 1984

GEORGINA A. OLSAVSKY, Notary Public

Ebensburg, Cambria County, Pa.

My Commission Expires September 27, 1984

GEORGINA A. OLSAVSKY, Notary Public

Ebensburg, Cambria County, Pa.

My Commission Expires September 27, 1984

GEORGINA A. OLSAVSKY, Notary Public

Ebensburg, Cambria County, Pa.

My Commission Expires September 27, 1984

GEORGINA A. OLSAVSKY, Notary Public

Ebensburg, Cambria County, Pa.

My Commission Expires September 27, 1984

State of

County of VOL 876 PAGE 406

On this, the day of
the undersigned officer, personally appeared

known to me (or satisfactorily proven) to be the person
within instrument, and acknowledged that

whose name is ¹⁹ before me,
executed same for the purposes therein
contained.

In witness whereof, I hereunto set my hand and official seal.



Title of Officer.

do hereby certify that the precise residence and complete post office address
of grantee is Lanark Road, Hastings, Pennsylvania 16646.

1982

Attorney for _____

ENTERED FOR RECORD
RECORDER'S OFFICE
LAMBERTVILLE, PA

FEB 1 3 35 PM '83

F. JOSEPH LUNK RECORDER

MICHAEL BOBAL and MARY JANE
BOBAL,

Grantors

A N D INDEX

MICHAEL BOBAL and MARY JANE
BOBAL, MICHAEL BOBAL, JR.,
BRIAN BOBAL and PAUL BOBAL,
Grantees

RECORDED
WARRANTY DEED
RECORDED

SMORTO, PERSIO and ZADZILKO
Law Offices
129 South Center Street
Ebensburg, Pennsylvania 15931
ENTERED FOR RECORD IN THE
Recorder's Office of Lambertville Co., Pa.
At _____
FEB 1 1983
F. JOSEPH LUNK, Recorder
FEE & TAXES \$ 1.20
PAID BY

COMMONWEALTH OF PENNSYLVANIA

County of Lambrville

RECORDED on this 14 day of February

A. D. 19⁸³, in the Recorder's Office of said County, in Deed Book

Vol. 1107, Page 835

Given under my hand and the seal of the said office, the date above written.

F. Joseph Lunk, Recorder.

Entered of Record Mar 1 1983, 12:39 PM Tim Morgan, Recorder

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103

Clearfield, Pennsylvania 16830

***RETURN DOCUMENT TO:**

BELL, SILBERBLATT & WOOD

P.O. BOX 670

CLEARFIELD, PA 16830

Instrument Number - 200509819

Recorded On 6/30/2005 At 11:29:21 AM

*Instrument Type - DEED

* Total Pages - 6

Invoice Number - 131793

*Grantor - BOBAL, MICHAEL J SR

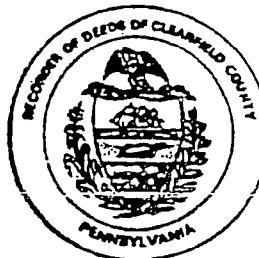
*Grantee - BOBAL, MICHAEL J SR

*Customer - BELL, SILBERBLATT & WOOD

*** FEES**

STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$18.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
TOTAL	\$33.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen J. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

EXHIBIT "B" (5 pages)

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

DEED

MADE this 14th day of April, 2005, between
MICHAEL J. BOBAL, SR., a/k/a MICHAEL BOBAL, and FRANCINE BOBAL, his
wife, of 451 Goodridge Road, Northern Cambria, Pennsylvania 15714;
PAUL BOBAL and JOANNE BOBAL, his wife, of 4607 Oakdale, Bel Aire,
Texas 77401; and MICHAEL J. BOBAL, JR., a/k/a MICHAEL BOBAL, JR.,
and CATHERINE BOBAL, his, of R.D. 1, Box 209, Hollidaysburg,
Pennsylvania 16648;

(hereinafter called "Grantors")

AND

MICHAEL J. BOBAL, SR. and FRANCINE BOBAL, his wife, of 451
Goodridge Road, Northern Cambria, Pennsylvania 15714, as tenants by
the entireties as to an eighty (80%) percent interest;

(hereinafter called "Grantees")

WITNESSETH, that in consideration of One and 00/100 (\$1.00)
Dollars, in hand paid, the receipt whereof is hereby acknowledged,
Grantors do hereby grant and convey to Grantees:

ALL that certain piece, parcel or lot of land situate, lying and
being in the Township of Burnside, County of Clearfield and State
of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a permanent iron pin, said iron pin being
the permanent Northeast corner of property of present
Grantors and the corner of property of J.A. Johnson;

thence along property of James and Elizabeth Beltowski South 14° 20' West a distance of 545 feet to an iron pin situate along Pa. Legislative Route 17076 leading from the Village of Sylvis to the Borough of Westover; thence along the aforesaid Legislative Route the following courses and distances: North 74° 30' West a distance of 147 feet to a point; North 79° 39' West, 700.96 feet to a point, thence North 82° 52' West, 108.84 feet to a point; thence North 87° 29' West, 160.52 feet to a point; thence South 84° 35' West, 162.17 feet to a point; thence North 87° 27' West, 112.29 feet to a point; thence North 74° 28' West, 89.13 feet to a point; thence North 61° 51'; West, 148.61 feet to a point; thence North 55° 48' West a distance of 574.86 feet to an iron pin; thence along the J.A. Johnson property North 56° 11' East, a distance of 314.44 feet to an iron pin; thence South 83° 30' East a distance of 1,050.60 feet to an iron pin; thence South 83° 30' East a distance of 903.44 feet to an iron pin and place of beginning, containing 22.245 acres as fully described in the Blueprint of Ronald Griffin dated July 27, 1973 and made a part of the Indenture in Clearfield County in Deed Book 389, at page 262.

UNDER AND SUBJECT to the conditions, restrictions, exceptions and reservations contained in prior deeds of conveyance in this chain of title.

BEING an eighty (80%) percent interest in the hereinbefore described property pursuant to Deed dated the 1st day of October, 1981 and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book 876, Page 401. Mary Jane Bobal having died January 8, 1992 leaving forty (40%) interest in the above described property in the name of Michael Bobal, a/k/a Michael J. Bobal, Sr., as the surviving tenant by the entireties. Michael J. Bobal, Jr., a/k/a Michael Bobal, Jr., and Paul Bobal each acquired a twenty (20%) percent interest in the hereinbefore described property by said Deed. It is the intention of the parties hereto that following this conveyance, Michael J. Bobal, Sr. and Francine Bobal shall hold an eighty (80%) percent interest in the subject property as tenants by the entireties with Brian Bobal continuing to hold a twenty (20%) percent interest as tenants in common pursuant to the hereinbefore recited Deed.

Grantors covenant that they will WARRANT SPECIALLY the property hereby conveyed.

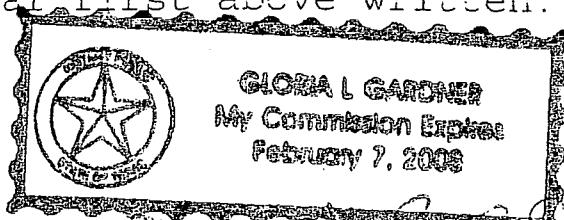
THIS CONVEYANCE IS FROM PARENTS & CHILDREN TO PARENTS AND EXEMPT FROM PA REALTY TRANSFER TAX.

NOTICE - THIS DOCUMENT MAY NOT (DOES NOT) SELL, CONVEY TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE (HAVE) THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND IN THE CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND AN HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth in the manner provided in Section 1 of the Act of July, 1957, P. L. 984 as amended).

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Sealed and delivered in
the presence of:

Helen Bratton



GLORIA GARDNER
My Commission Expires
February 7, 2008

Helen Bratton

Michael J. Bobal, Sr. SEAL
MICHAEL J. BOBAL, SR. a/k/a

Helen Bratton

Michael J. Bobal SEAL
MICHAEL BOBAL

Michael J. Bobal

Francine Bobal SEAL
FRANCINE BOBAL

Michael J. Bobal

Paul Bobal SEAL
PAUL BOBAL

Michael J. Bobal

Joanne Bobal SEAL
JOANNE BOBAL

Michael J. Bobal

Michael J. Bobal, Jr. SEAL
MICHAEL J. BOBAL, JR., a/k/a

Michael J. Bobal

Michael J. Bobal, Jr. SEAL
MICHAEL BOBAL, JR.

Catherine Bobal

Catherine Bobal SEAL
CATHERINE BOBAL

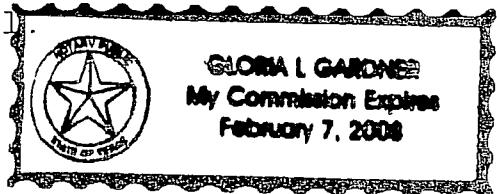
STATE OF TEXAS

: SS:

COUNTY OF Jefferson

On this, the 15 day of February, 2005, before me, the undersigned officer, personally appeared PAUL BOBAL and JOANNE BOBAL, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Instrument and acknowledged that they have executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



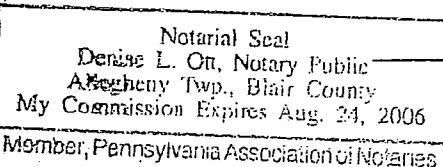
COMMONWEALTH OF PENNSYLVANIA

: SS:

COUNTY OF BLAIR

On this, the 15 day of February, 2005, before me, the undersigned officer, personally appeared MICHAEL J. BOBAL, JR., a/k/a MICHAEL BOBAL, JR., and CATHERINE BOBAL, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Instrument and acknowledged that they have executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



CERTIFICATE OF RESIDENCE

The undersigned hereby certifies that the precise residence and complete address of the within named Grantee(s) is:

451 Goodridge Road, Northern Cambria, Pennsylvania 15714

Ann B. Wood

Claim #

2003-003512

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103

Clearfield, Pennsylvania 16830

*RETURN DOCUMENT TO:

Instrument Number - 200519291

CLEARFIELD CO TAX CLAIM BUREAU

Recorded On 11/4/2005 At 2:22:08 PM

*Instrument Type - DEED

* Total Pages - 3

Invoice Number - 139003

* Grantor - CLEARFIELD CO TAX CLAIM BUREAU

* Grantee - BLUE SKY

* Customer - CLEARFIELD CO TAX CLAIM BUREAU

AFFIDAVIT No. 38840

*FEES

STATE TRANSFER TAX	\$189.55
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$13.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
HARMONY SCHOOLS REALTY	\$94.78
TAX	
BURNSIDE TOWNSHIP	\$94.77
TOTAL	\$407.60

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen J. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

TAX CLAIM BUREAU DEED

Made the Third day of November in the year of our Lord, 2005.

BETWEEN 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, hereinafter called the GRANTOR,

AND

BLUE SKY
A PENNSYLVANIA GENERAL PARTNERSHIP
DOING BUSINESS AT
362 NORTH PARK STREET, SYKESVILLE, PA. 15865

Hereinafter referred to as "GRANTEE"

WHEREAS, the hereinafter described premises were assessed in the name
of BOBAL, BRIAN and taxes levied for the years 2003 & 2004 which have not been
paid and which are delinquent; and

WHEREAS, the said delinquent taxes against the said property were filed
in the Tax Claim Bureau of Clearfield County, Pennsylvania and became liened; and

WHEREAS, after proceeding under the provisions of the Act aforesaid, the
Tax Claim Bureau did expose the said premises to public sale on the Sixteenth day
of September 2005; and

WHEREAS, the said premises were sold at said public sale for the sum of
One Thousand Four Hundred Twenty-Four Dollars and Ninety Cents (\$1,424.90), paid
by Blue Sky, as is more particularly shown in the report and return of said sale
by the Tax Claim Bureau, and at the subsequent confirmation thereof by the Court
of Common Pleas of Clearfield County, Pennsylvania, 2005-1487 CD. Following
instructions given by the purchaser, this property is being conveyed to the
Grantees as stated above.

NOW THIS INDENTURE WITNESSETH, that for and in consideration of the sum of
One Thousand Four Hundred Twenty-Four Dollars and Ninety Cents (\$1,424.90), the
receipt thereof is hereby acknowledged. Grantor does hereby grant and convey unto
the Grantees. Grantor does hereby grant and convey unto the said Grantees, their
heirs, successors or assigns the following described property to wit:

BURNSIDE TOWNSHIP
#108-D17-000-00007
20% INT IN H, SHED, BLDG & 22.25 A

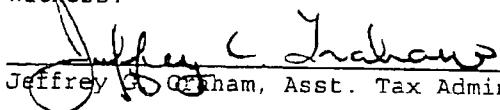
BEING the same property offered for sale for delinquent taxes in accordance
with the provisions of the Act of Assembly hereinbefore recited under Tax Claim
No. 2003-003512 as the property of BOBAL, BRIAN CONVEYED TO HIM IN DEED BOOK 0876
PAGE 401

This deed is executed and acknowledged by MARY ANNE WESDOCK, who was duly appointed Director of the Tax Claim Bureau by Resolution of the County Commissioners of Clearfield County, Pennsylvania, dated August 15, 1989.

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed in its name and its official seal to be affixed hereto the day and year first above written.

TAX CLAIM BUREAU OF CLEARFIELD
COUNTY, PENNA.

Witness:


Jeffrey C. Graham, Asst. Tax Administrator


Mary Anne Wesdock, Director

COMMONWEALTH OF PENNSYLVANIA)

) SS:
COUNTY OF CLEARFIELD)

On this 4th day of November, A. D., 2005, before me, the subscriber personally appeared MARY ANNE WESDOCK, Director of the Tax Claim Bureau of Clearfield County, Pennsylvania, who in due form of law acknowledged the foregoing Indenture to be her act and deed and desired that the same might be recorded as such.

WITNESS my hand and officials seal the day and year aforesaid


(SEAL)

Prothonotary

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st October 2006

Clearfield Co., Clearfield, PA

My commission expires the first Monday of January, 20

I CERTIFY that the precise residence address of the grantee in this indenture is:

362 NORTH PARK STREET
SYKESVILLE, PA 15865


Mary Anne Wesdock

VERIFICATION

The undersigned verify that they are Plaintiffs in the within action, and that the statements made in the foregoing document are true and correct to the best of their knowledge, information and belief. The undersigned understand that false statements made herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Michael Bobal

Michael Bobal, a/k/a

Michael J. Bobal, Sr.

Michael J. Bobal, Sr.

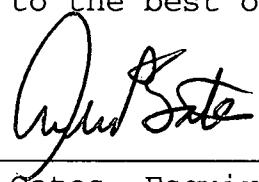
Francine Bobal

Francine Bobal

Date: October 25, 2006

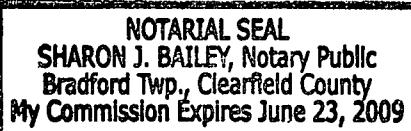
VERIFICATION

I, Andrew P. Gates, Esquire, being duly sworn according to law, depose and say that I am the attorney of record in the above-captioned proceedings for Plaintiffs/Petitioners, Michael J. Bobal, Sr., a/k/a Michael Bobal and Francine Bobal, his wife, and the facts set forth in the foregoing Petition For Rule to Show Cause are true and correct to the best of my knowledge, information and belief.



Andrew P. Gates, Esquire

Sworn to and subscribed before
me this 4th day of DECEMBER, 2006.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, SR., a/k/a :
MICHAEL BOBAL, and FRANCINE BOBAL, :
Plaintiffs/Petitioners : No. 06 - 1751 -
CD :
: -vs- :
: :
CLEARFIELD COUNTY TAX CLAIM BUREAU :
and BLUE SKY, a partnership, :
Defendants/Respondents :
: 013:27/54 Atty Gates
DEC 07 2006 (610)

FILED
William A. Shaw
Prothonotary/Clerk of Courts

O R D E R

AND NOW, this 7th day of December, 2006, upon
consideration of the foregoing Petition, it is hereby ordered
that:

(1) A Rule is issued upon Respondents, Clearfield County
Tax Claim Bureau and Blue Sky, a partnership, to show cause why
Petitioners are not entitled to the relief requested in their
Complaint;

(2) Respondents, Clearfield County Tax Claim Bureau and
Blue Sky, a partnership, shall file answers to Plaintiffs'
Complaint within twenty (20) days of service of Plaintiffs'
Petition to Show Cause and this Order upon said Respondents.

(3) The relief sought by Plaintiffs/Petitioners in their
Complaint, shall be decided under Pa.R.C.P. No. 206.7;

(4) should either Respondent file an answer raising
disputed issues of material fact, the parties hereto have sixty
(60) days from the date of service of said answers to complete
any desired depositions and/or other discovery.

(5) Thereafter, either an evidentiary hearing or argument
on the disputed issues of material fact, will be scheduled to
take place with the Court upon Plaintiffs' counsel filing a

Praecepse requesting said evidentiary hearing and/or argument;
and

(6) Notice of the entry of this Order and a certified copy of Plaintiffs' Petition shall be provided to all parties by the Petitioner.

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN PLAINTIFFS' COMPLAINT (WHICH IS ATTACHED TO THE PETITION FOR RULE TO SHOW CAUSE), YOU NEED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. 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 RELIEF REQUESTED BY THE PLAINTIFFS/PETITIONERS IN THEIR COMPLAINT. 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 AND TELEPHONE THE OFFICE SET FORTH BELOW AND FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641

BY THE COURT:



Judge

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

NO. 06-1751-CD
CIVIL ACTION - LAW

MICHAEL J. BOBAL, SR. a/k/a
MICHAEL BOBAL AND FRANCINE
BOBAL, Plaintiffs/Respondents

-vs-

CLEARFIELD COUNTY TAX CLAIM
BUREAU and BLUE SKY, a
partnership, Defendants/
Respondents

PETITION FOR RULE TO SHOW
CAUSE and ORDER

FILED

DEC 04 2006

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES
GATES & SEAMAN
2 NORTH FRONT STREET
P.O. BOX 846
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, SR., a/k/a :
MICHAEL BOBAL, and FRANCINE BOBAL, :
Plaintiffs/Petitioners : No. 06 - 1751 - CD
:
-vs- :
:
CLEARFIELD COUNTY TAX CLAIM BUREAU :
and BLUE SKY, a partnership, :
Defendants/Respondents :

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

ANDREW P. GATES, ESQUIRE, of Gates & Seaman, Attorney for Plaintiffs/Petitioners, being duly sworn according to law, states that on December 12, 2006 he mailed a certified copy of Plaintiffs/Petitioners' PETITION FOR RULE TO SHOW CAUSE, and attached ORDER, dated December 7, 2006, to the following individuals by regular U. S. mail, postage prepaid:

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

BLUE SKY, a partnership
Attn: Kim Mowrey
362 North Park Street
Sykesville, PA 15865

FILED

DEC 13 2006

011-101-0

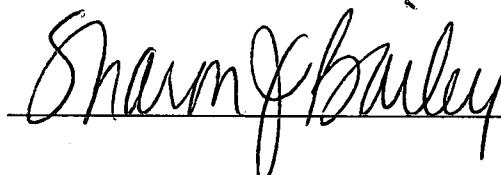
William A. Shaw
Prothonotary/Clerk of Courts

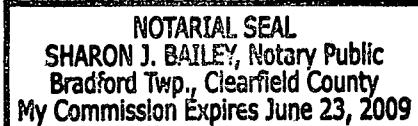
No C/C

GATES & SEAMAN
By:


Andrew P. Gates, Esquire

Sworn to and subscribed before
me this 12th day of December, 2006.





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

MICHAEL J. BOBAL, SR., a/k/a : No. 06-1751-CD
MICHAEL BOBAL and FRANCINE :
BOBAL, :
Plaintiffs/Petitioners :
Vs. :
CLEARFIELD COUNTY TAX CLAIM :
BUREAU and BLUE SKY, a partnership, :
Defendants/Respondents :
Type of Pleading: Written Response of
Clearfield County Tax Claim Bureau
Filed on Behalf of: Clearfield County Tax
Claim Bureau
Counsel of Record for this Party:
Kim C. Kesner, Esquire
I.D. No. 28307
23 North Second Street
Clearfield, PA 16830
(814) 765-1706
Other Counsel of Record:
Andrew P. Gates, Esquire
Gates & Seaman
2 North Front Street
P.O. Box 846
Clearfield, PA 16830
(814) 765-1766

FILED 01/12/2007 3CC
DEC 27 2006 Atty Kesner

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL J. BOBAL, SR., a/k/a	:	No. 06-1751-CD
MICHAEL BOBAL and FRANCINE	:	
BOBAL,	:	
Plaintiffs/Petitioners	:	
	:	
Vs.	:	
	:	
CLEARFIELD COUNTY TAX CLAIM	:	
BUREAU and BLUE SKY, a partnership,	:	
Defendants/Respondents	:	

WRITTEN RESPONSE OF THE CLEARFIELD
COUNTY TAX CLAIM BUREAU

AND NOW comes the Defendant/Respondent Clearfield County Tax Claim Bureau by Kim C. Kesner, Esquire, Clearfield County Solicitor and files this Written Response to Plaintiffs/Petitioners "Complaint to Set Aside and Have Declared Invalid a Tax Sale" as directed by this Court's Rule dated December 7, 2006.

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. It is admitted that co-tenant Brian Bobal failed to pay real estate taxes due on his assessment for tax years 2003 and 2005. It is specifically denied that the Clearfield County Tax Claim Bureau scheduled and/or conducted a Sheriff's Sale of his assessment. To the contrary, the Clearfield County Tax Claim Bureau scheduled and conducted an Upset Tax Sale under the Pennsylvania Real Estate Tax Sale Law which included the assessment on September 16, 2005.

7. The averments contained in Paragraph 7 constitute contentions or conclusions of law to which no response is required. By way of further answer, the Clearfield County Tax Claim Bureau provided notice of the September 16, 2005 Tax Sale to Brian Bobal who was the record and assessed owner of the assessment sold.

8. The averments contained in Paragraph 8 constitute contentions or conclusions of law to which no response is required.

9. The averments contained in Paragraph 9 constitute contentions or conclusions of law to which no response is required. By way of further answer, Plaintiff/Petitioner, Michael J. Bobal, Sr. had actual notice of the Tax Sale of Brian Bobal's assessment as Michael Bobal signed the mailing receipt for the Notice of Return and Claim for delinquent 2004 taxes sent to Brian Bobal. Also, Michael J. Bobal, Sr. attended the Tax Sale on September 16, 2005 and was an unsuccessful bidder on the assessment sold to Defendant/Respondent Blue Sky.

10. Plaintiff/Petitioner, Michael J. Bobal, Sr. had actual notice of the Tax Sale of Brian Bobal's assessment as Michael Bobal signed the mailing receipt for the Notice of Return and Claim for delinquent 2004 taxes sent to Brian Bobal. Also, Michael J. Bobal, Sr. attended the Tax Sale on September 16, 2005 and was an unsuccessful bidder on the assessment sold to Defendant/Respondent Blue Sky.

11. Admitted.

12. Plaintiff/Petitioner, Michael J. Bobal, Sr. had actual notice of the Tax Sale of Brian Bobal's assessment as Michael Bobal signed the mailing receipt for the Notice of Return and Claim for delinquent 2004 taxes sent to Brian Bobal. Also, Michael J. Bobal, Sr. attended the Tax Sale on September 16, 2005 and was an unsuccessful bidder on the assessment sold to Defendant/Respondent Blue Sky.

13. Admitted.

14. The averments contained in Paragraph 14 constitute contentions or conclusions of law to which no response is required. By way of further answer, Plaintiff/Petitioner, Michael J. Bobal, Sr. had actual notice of the Tax Sale of Brian Bobal's assessment as Michael Bobal signed the mailing receipt for the Notice of Return and Claim for delinquent 2004 taxes sent to Brian Bobal. Also, Michael J. Bobal, Sr. attended the Tax Sale on September 16, 2005 and was an unsuccessful bidder on the assessment sold to Defendant/Respondent Blue Sky.

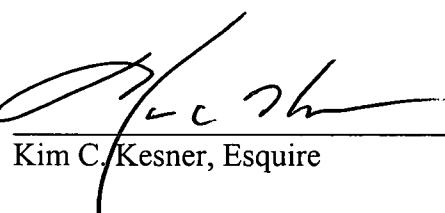
15. Plaintiff/Petitioner, Michael J. Bobal, Sr. had actual notice of the Tax Sale of Brian Bobal's assessment as Michael Bobal signed the mailing receipt for the Notice of Return and Claim for delinquent 2004 taxes sent to Brian Bobal. Also, Michael J. Bobal, Sr. attended the Tax Sale on September 16, 2005 and was an unsuccessful bidder on the assessment sold to Defendant/Respondent Blue Sky.

16. The averments contained in Paragraph 16 constitute contentions or conclusions of law to which no response is required.

17. The averments contained in Paragraph 17 constitute contentions or conclusions of law to which no response is required.

WHEREFORE, Defendant/Respondent Clearfield County Tax Claim Bureau requests this Honorable Court to dismiss Plaintiffs/Petitioners' Complaint to Set Aside and Have Declared Invalid a Tax Sale.

Respectfully submitted:



Kim C. Kesner, Esquire

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 Written Response 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: 12-22-2006

Mary Anne Wesdock
Mary Anne Wesdock, Director
Clearfield County Tax Claim Bureau

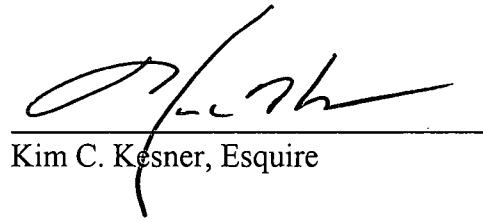
CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on the 27th day of December, 2006, I caused to be served a true and correct copy of the Written Response of the Clearfield County Tax Claim Bureau on the following and in the manner indicated below:

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

Andrew P. Gates, Esquire
Gates & Seaman
2 North Front Street
P.O. Box 846
Clearfield, PA 16830
Counsel for Plaintiffs/Petitioners

Date: 12-27-06



Kim C. Kesner, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a : No. 06 - 1751 - CD
MICHAEL BOBAL, and :
FRANCINE BOBAL, : Type of Case: Civil
Plaintiffs :
vs. :
CLEARFIELD COUNTY TAX : Type of Pleading: NOTICE OF
CLAIM BUREAU and BLUE : SERVICE OF REQUEST FOR
SKY, a partnership, : ADMISSIONS AND ACCOMPANYING
Defendants : INTERROGATORY DIRECTED TO
: DEFENDANT, CLEARFIELD COUNTY
: TAX CLAIM BUREAU
: :
: Counsel of Record for this
: Party: Andrew P. Gates, Esquire
: :
: Supreme Court No.: 36604
: :
: GATES & SEAMAN
: Attorneys at law
: Two North Front Street
: P. O. Box 846
: Clearfield, PA 16830
: (814) 765-1766

FILED
0101607
JAN 16 2007
5

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a	:	No. 06 - 1751 - CD
MICHAEL BOBAL, and	:	
FRANCINE BOBAL,	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
CLEARFIELD COUNTY TAX CLAIM	:	
BUREAU and BLUE SKY, a partnership,	:	
Defendants	:	

**NOTICE OF PLAINTIFFS' REQUEST FOR ADMISSIONS AND
ACCOMPANYING INTERROGATORY DIRECTED TO DEFENDANT,
CLEARFIELD COUNTY TAX CLAIM BUREAU**

Take notice that PLAINTIFFS' REQUEST FOR ADMISSIONS AND ACCOMPANYING INTERROGATORY DIRECTED TO DEFENDANT, CLEARFIELD COUNTY TAX CLAIM BUREAU, have been served on said DEFENDANT by first class mail, postage prepaid, on the 10th day of JANUARY, 2007 to:

Kim C. Kesner, Esquire
15 North Front Street
P. O. Box 1
Clearfield, PA 16830

GATES & SEAMAN

By: _____

Andrew P. Gates, Esquire
Attorney for Plaintiffs



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102068
NO: 06-1751-CD
SERVICE # 1 OF 1
COMPLAINT/SET ASIDE&HAVE DECLARED INVALID

TAX SALE

PLAINTIFF: MICHAEL J. BOBAL SR. aka MICHAEL BOBAL, and FRANCINE BOBAL
VS.

DEFENDANT: CLEARFIELD COUNTY TAX CLAIM BUREAU and
BLUE SKY, A partnership

SHERIFF RETURN

NOW, October 27, 2006, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT/SET ASIDE&HAVE DECLARED INVALID
TAX SALE ON BLUE SKY.

NOW, October 31, 2006 AT 12:00 PM SERVED THE WITHIN COMPLAINT/SET ASIDE&HAVE DECLARED INVALID
TAX SALE ON BLUE SKY, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND
MADE PART OF THIS RETURN.

FILED
013:05 PM
JAN 23 2007
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102068
NO: 06-1751-CD
SERVICES 1
COMPLAINT/SET ASIDE&HAVE DECLARED

INVALID TAX SALE

PLAINTIFF: MICHAEL J. BOBAL SR. aka MICHAEL BOBAL, and FRANCINE BOBAL
vs.

DEFENDANT: CLEARFIELD COUNTY TAX CLAIM BUREAU and
BLUE SKY, A partnership

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GATES	35827	10.00
SHERIFF HAWKINS	GATES	35827	21.00
JEFFERSON CO.	GATES	35830	37.82

Sworn to Before Me This

____ Day of _____ 2007

So Answers,



My Manly Hand

Chester A. Hawkins
Sheriff

No. 06-1751 C.D.

Personally appeared before me, Bill Dombrowski, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on October 31, 2006 at 12:00 o'clock P.M. served the Complaint to Set Aside and Have Declared Invalid Tax Sale upon BLUE SKY, Defendant, at the address of 362 North Park Street, Borough of Sykesville, County of Jefferson, State of Pennsylvania, by handing to the secretary for the business and adult person in charge at time of service, a true copy of the Complaint and by making known to her the contents thereof.

Advance Costs Received:	\$125.00	
My Costs:	35.82	Paid
Prothys:	2.00	
Total Costs:	37.82	
REFUNDED:	\$ 87.18	

So Answers,

Sworn and subscribed
to before me this 2nd
day of Nov. 2006
By Angela J. Sweet
My Commission
Expires the 1st Jan. 2010

Bill Dombrowski Deputy
Thomas A. Demko Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a : No. 06 - 1751 - CD
MICHAEL BOBAL, and :
FRANCINE BOBAL, : Type of Case: Civil
Plaintiffs/Petitioners :
vs. : Type of Pleading: Praecipe
CLEARFIELD COUNTY TAX :
CLAIM BUREAU and :
BLUE SKY, a partnership, :
Defendants/Respondents :
Counsel of Record for this Party:
Andrew P. Gates, Esquire
Supreme Court No.: 36604
GATES & SEAMAN
Attorneys at law
Two North Front Street
P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

FILED
0 2:10P.M. 6K
MAR 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MICHAEL J. BOBAL, Sr., a/k/a	:	No. 06 - 1751 - CD
MICHAEL BOBAL, and	:	
FRANCINE BOBAL,	:	
Plaintiffs/Petitioners	:	
	:	
vs.	:	
	:	
CLEARFIELD COUNTY TAX CLAIM	:	
BUREAU and BLUE SKY, a partnership,	:	
Defendants/Respondents	:	

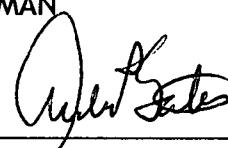
PRAECIPE

TO: WILLIAM A. SHAW, PROTHONOTARY:

Kindly have the Court Administrator's Office schedule a date for an evidentiary hearing in the aforementioned matter. This Praecipe is being filed to comply with Paragraph 5 of the Court's Order of December 7, 2006. Based on the likely number of witnesses to be called by all parties and after discussing the same with the attorney for Defendant/Respondent Clearfield County Tax Claim Bureau, it is anticipated this matter will take no more than one (1) Court day to be heard in its entirety.

GATES & SEAMAN

By:



Andrew P. Gates, Esquire
Attorneys for Plaintiffs/Petitioners,
Michael J. Bobal, Sr., a/k/a Michael Bobal
and Francine Bobal

Two North Front Street
P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

Date: March 1, 2007

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

MICHAEL J. BOBAL, SR., a/k/a :

MICHAEL BOBAL, and :

FRANCINE BOBAL, :

vs. :

CLEARFIELD COUNTY TAX CLAIM : No. 06-1751-CD
BUREAU and BLUE SKY, a partnership :

ORDER

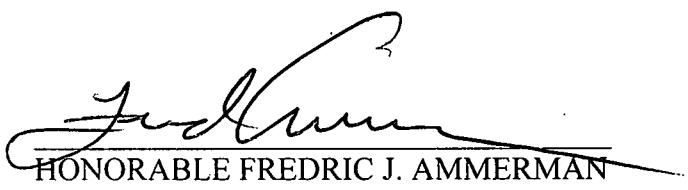
AND NOW, this 6th day of March, 2007, it is the ORDER of the Court
that an Evidentiary Hearing in regards to the above matter has been scheduled for
Thursday, April 5, 2007 at 9:00 A.M. in Courtroom No. 1, Clearfield County
Courthouse, Clearfield, PA. One (1) day has been allotted for this matter.

It is the responsibility of Plaintiff's Counsel to serve certified copies of
said scheduling Order on the Defendant's Counsel.

FILED 3CC
04/06/2007 Atty Gates
MAR 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:


HONORABLE FREDRIC J. AMMERMAN
President Judge

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

MICHAEL J. BOBAL, SR., a/k/a
MICHAEL BOBAL, and
FRANCINE BOBAL

Plaintiffs

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and BLUE SKY, a partnership
Defendants

*
*
*
*
*
*
*
*

No. 06-1751-CD

ENTRY OF APPEARANCE
and
ADOPTION OF PLEADINGS

FILED ON BEHALF OF: Defendant, Blue Sky, a partnership

COUNSEL OF RECORD FOR THIS PARTY:

TIMOTHY E. DURANT, ESQ.
Pa. I.D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711 Telephone

OPPOSING COUNSEL: for plaintiff

ANDREW P. GATES, ESQUIRE
Pa. I.D. No. 36604
GATES & SEAMAN
Two North Front Street, PO Box 846
Clearfield, PA 16830
(814) 765-1766

For Clearfield Co. Tax Claim Bureau:

KIM C. KESNER, ESQUIRE
Pa. I.D. No. 28307
BELIN, KUBISTA & RYAN
15 North Front Street, PO Box 1,
Clearfield, PA 16830
(814) 765-8972

FILED
O 11:35 a.m. 6K
APR 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

3 cc to Atty
(6K)

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

MICHAEL J. BOBAL, SR., a/k/a
MICHAEL BOBAL, and
FRANCINE BOBAL

Plaintiffs

*
*
*

No. 06-1751-CD

vs.

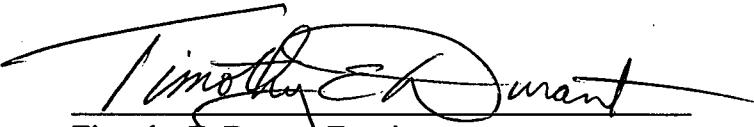
CLEARFIELD COUNTY TAX CLAIM
BUREAU and BLUE SKY, a partnership
Defendants

*
*
*

To: The Prothonotary

ENTRY OF APPEARANCE

Kindly enter my appearance in the above matter on behalf of Blue Sky, a partnership.



Timothy E. Durant, Esquire
201 North Second Street
Clearfield, PA 16830
(814) 765-1711

Dated: April 2, 2007

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

MICHAEL J. BOBAL, SR., a/k/a

*

MICHAEL BOBAL, and

*

FRANCINE BOBAL

*

Plaintiffs

No. 06-1751-CD

vs.

*

*

CLEARFIELD COUNTY TAX CLAIM

*

BUREAU and BLUE SKY, a partnership

*

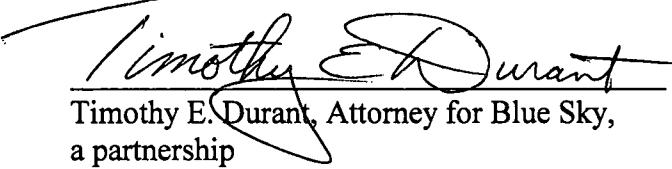
Defendants

*

ADOPTION AND INCORPORATION OF PLEADINGS BY PURCHASER

Defendant, BLUE SKY, by its counsel, Timothy E. Durant, files this Pleading for the purpose of incorporating and adopting on their behalf (by reference as if set out in full herein), the contents of all responses and pleadings filed by CLEARFIELD COUNTY TAX CLAIM BUREAU in this case, in so far as these responses and pleadings can be applied to BLUE SKY, the purchaser of the property which sale and purchase (of parcel described in Clearfield County Instrument No. 200519291) is being contested by MICHAEL J. BOBAL, SR., a/k/a MICHAEL BOBAL, and FRANCINE BOBAL.

Respectfully Submitted,


Timothy E. Durant, Attorney for Blue Sky,
a partnership

Dated: April 2, 2007

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

MICHAEL J. BOBAL, SR.,
a/k/a MICHAEL BOBAL, and
FRANCINE BOBAL

-VS- : No. 06-1751-CD

**CLEARFIELD COUNTY TAX
CLAIM BUREAU and BLUE SKY,
a partnership**

O R D E R

AND NOW, this 5th day of April, 2007, following the conclusion of the evidentiary hearing in the above-captioned matter, it is the ORDER of this Court that counsel for the Petitioners, Andrew Gates, Esquire, and counsel for the Clearfield County Tax Claim Bureau, Kim C. Kesner, Esquire, supply the Court with appropriate brief on the issues by no later than April 30, 2007. The Court notes that Tim Durant, Esquire, representing Blue Sky, may, at his discretion, submit a brief but is not required to do so.

BY THE COURT,

Judie Kammeyer
President Judge

President Judge

FILED 2cc Atty's:
04/05/04
APR 05 2004
Gates
Kesner
Devant
Clerk
William A. Shaw
Notary/Clerk of Courts

FILED

APR 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/5/07

 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 Other

 Special Instructions:

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

MICHAEL J. BOBAL, SR., a/k/a *
MICHAEL BOBAL and FRANCINE BOBAL, *
Plaintiffs *
vs. *
CLEARFIELD COUNTY TAX CLAIM BUREAU *
and BLUE SKY, a partnership, *
Defendants *

NO. 06-1751-CD *cc to Atlys.*

FILED *Gates*
0/11/40cm *Kesner*
MAY 10 2007 *Durant*

(6R)

William A. Shaw

FINDINGS OF FACT Prothonotary/Clerk of Courts

1. Plaintiffs Michael Bobal, Sr. and Francine Bobal filed this action seeking to invalidate a tax sale of an assessment in Burnside Township identified by Map No. 108-D17-000-00007 consisting of a twenty percent (20%) interest in a house, shed, building and 22.25 acres (Assessment).
2. The Assessment consists of Brian Bobal's undivided interest in real property which was deeded on October 1, 1981, to Michael Bobal, Sr., Mary Jane Bobal, his wife who subsequently passed away, and his three sons Michael Jr., Brian and Paul.
3. The Bobals acquired and held the property as tenants in common, each with an undivided twenty percent (20%) interest until Michael Sr. acquired his wife's interest upon her death.
4. Later, he and his present wife, Francine, became record owners of an eighty percent (80%) interest by deed dated April 14, 2005, wherein they acquired the interest of Michael Jr. and Paul.
5. At the tax sale, the Assessment consisting of Brian's undivided twenty percent (20%) interest was sold to Blue Sky for unpaid 2003 and 2004 real estate taxes.
6. The statutory notices required by the Real Estate Tax Sale Law to be given to an owner of the Assessment were given to Brian Bobal.

7. Michael Bobal, Sr. signed the Notice of Return (of delinquency) and Claim sent to Brian on April 12, 2005.
8. None of the notices required to be given by the Real Estate Tax Sale Law to an owner were given to Michael Bobal, Sr. and/or Francine Bobal and/or Michael Bobal, Jr. and/or Paul Bobal.
9. Michael Bobal, Sr. and Francine Bobal attended the September 16, 2005, tax sale.
10. Michael Bobal, Sr. and Francine Bobal were present at the tax sale of the Assessment.
11. Michael Bobal, Sr. and Francine Bobal learned of the scheduled tax sale of the Assessment approximately one-half hour prior to the commencement of the September 16, 2005 tax sale when they read a published notice of sale at their attorney's office.
12. Michael Bobal, Sr. and Francine Bobal attended the September 16, 2005 tax sale with the purpose of bidding on a property which they had previously owned which they had sold subject to their mortgage. ("Other Assessment").
13. Michael Bobal, Sr. and Francine Bobal were advised by their counsel to attend the tax sale and attempt to purchase the Other Assessment so that they would not have to pursue foreclosure against another purchaser.
14. Michael J. Bobal, Sr. and Francine Bobal participated in competitive bidding on the Other Assessment and were the successful bidders.
15. This sale occurred one-half hour to one hour prior to the tax sale of the Assessment.
16. After learning of the impending tax sale of the Assessment, Michael Bobal, Sr. and Francine Bobal made a settled decision to bid on the Assessment.
17. Michael Bobal, Sr. raised his hand and communicated what he intended to be a bid on the property which he believed was recognized by the auctioneer.

18. When the auctioneer closed the bidding and awarded the bid, Michael Bobal, Sr. believed that the bid had been awarded to him but he subsequently learned that the auctioneer had awarded the bid to Blue Sky.
19. After the sale, Michael Bobal, Sr. complained to the auctioneer but the award to Blue Sky was upheld.
20. The sale was confirmed nisi by Order of this Court dated September 29, 2005.
21. A tax sale deed from Clearfield County Tax Claim Bureau to Blue Sky was delivered on November 3, 2005, and was recorded on November 4, 2005, with the Clearfield County Recorder of Deeds.
22. No objection to the bidding process and/or the award by the auctioneer of the bid of Blue Sky was filed by Plaintiffs within the time mandated by the Real Estate Tax Sale Law for the filing of exceptions or objections to a tax sale.

CONCLUSIONS OF LAW

1. Section 602(e)(1) of the Real Estate Tax Sale Law, 72 P.S. Section 5860.602(e)(1) requires that "each owner" must be notified of a tax sale. Appeal of Marshalek, 116 Pa.Cmwlth. 1, 541 A.2d 398 (1988).
2. Each co-tenant of a property constitutes an owner. Id., 541 A.2d at page 400.
3. A tax sale of a separately assessed fractional interest in real estate requires notice to the owners of other fractional interest even though their separately assessed interests are not being exposed to sale.
4. Required notices of the tax sale were not provided to Michael Bobal, Sr. and/or Francine Bobal and/or Michael Bobal, Jr. and/or Paul Bobal.

5. Michael Bobal, Sr. and Francine Bobal are the record and assessed owners of all of the outstanding fractional interests other than the Assessment and they are the sole owners other than Brian entitled to challenge the tax sale.
6. Michael Bobal, Sr. and Francine Bobal had actual notice of the tax sale and sufficient opportunity to participate in the sale.
7. Actual notice of a pending tax sale waives strict compliance with statutory notice requirements and technical deficiencies in those notice requirements do not invalidate a tax sale. Stanford - Gale v. Tax Claim Bureau of Susquehanna County, 816 A.2d 1214, 1217 (Pa. Cmwlth. 2003), appeal denied 828 A.2d 351.
8. As the Bobals had actual notice of the sale of the Assessment, the lack of formal adherence to the notice requirements of the Real Estate Tax Sale Law does not invalidate this sale. Casaday v. Clearfield County Tax Claim Bureau, 156 Pa.Cmwlth. 317, 627 A.2d 257 (1993).

DISCUSSION

Marshalek confirms that even though a co-tenant's undivided interest is separately assessed, statutory notice is required to be given to the other co-tenants even though their interests are not being affected by the sale.

However, it is equally clear from Casaday v. Clearfield County Tax Claim Bureau, 156 Pa.Cmwlth. 317, 627 A.2d 257 (1993), which upheld a decision of this Court, that the formal requirements of the Real Estate Tax Sale Law need not be met where the owner has actual notice of the tax sale.

In Casaday:

It is clear that at least from the spring of 1991, prior to her purchase of the property, Casaday was aware of the tax delinquency. From that period onward she was in frequent communication with the Bureau attempting to negotiate a

satisfaction of the arrearage. The director of the Bureau testified that during the course of her contacts with Casaday prior to the sale, she discussed the exact date of the sale with Casaday at least five times. Moreover, on the day of the sale, Casaday, with apparent full knowledge of the scheduled events, called the Bureau's office twice inquiring about the status of the sale.

Id., 627 A.2d at 257.

In Casaday there were admitted deficiencies with the posting of the property and the advertising. However, in addition to the other evidence, there was testimony that Casaday telephoned the Tax Claim Bureau the morning of the sale and asked whether the property had been sold yet. She was advised that the sale was scheduled to occur later that day at 1 p.m. Casaday again called later that afternoon and was advised that the property had been sold. The Commonwealth Court held that Casaday's actual knowledge of the sale and opportunity to protect her interests trumped any lack of formal adherence to the notice requirements. The Court reasoned that to reject a tax sale under the circumstances ". . . in fact is to exalt form over substance, and ignores the purposes of the requirement." Id., 627 A.2d at 259. In Casaday, this Court's decision upholding the tax sale was affirmed. See also, Cruder v. Westmoreland County Tax Claim Bureau, 861 A.2d 411 (Pa.Cmwlth. 2004) appeal denied 871 A.2d 193; Stanford - Gale v. Tax Claim Bureau of Susquehanna County, 816 A.2d 1214 (Pa.Cmwlth. 2003) appeal denied 828 A.2d 351; Sabbeth v. Tax Claim Bureau of Fulton County, 714 A.2d 514 (Pa. Cmwlth. 1998).

This presents even a stronger case than Casaday. Here the Bobals not only had actual notice of the sale and an opportunity to protect their interest, they were at the sale and - according to them - made a bid. While they now complain that their bid was ignored or rejected, they did not file a timely objection to the bidding process and their Complaint only raises the issue of notice. An allegation of defective notice is jurisdictional and can be raised at any time. However, procedural challenges to the sale

- such as irregularities with bid awards - must be raised within thirty (30) days from confirmation of the sale. 72 P.S. Section 5860.607(2)(b) & (2)(g).

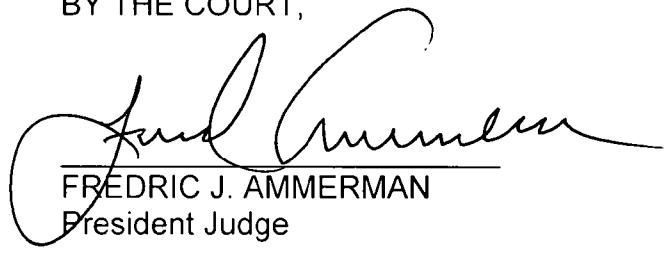
Here the only issue raised is defective notice. The purpose of the notice requirements of the Real Estate Tax Sale Law is to give a person an opportunity to bid to protect his or her interests. Here as in Casaday, the Bobals had that opportunity.

While the Bobals were entitled to notice as co-tenants, their interests were secondary to Brian who received notice and who filed no objections to this sale. Even if the Bobals' interests are treated equivalently to Brian, Casaday controls and invalidating this sale would be an error. Rejecting the sale because of a lack of formal adherence to statutory matter requirements under these facts would exalt form over substance.

ORDER

NOW, this 9th day of May, 2007, following evidentiary hearing held April 5, 2007 and pursuant to the Findings of Fact and Conclusions of Law, it is hereby ORDERED and DECREED that Plaintiffs' Complaint to Set Aside and have declared invalid the tax sale conducted by the Clearfield County Tax Claim Bureau on September 16, 2005, be and is hereby DISMISSED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

DATE: May 10, 2007

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

Other

FILED

MAY 10 2007

William A. Shaw
Prothonotary/Clerk of Courts