

07-34-CD

Larken Hotels vs Clfd Co. Board al

Larken Hotel vs Clfd Co Board of Assess et a  
2007-34-CD

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

LARKEN HOTELS LIMITED  
PARTNERSHIP,

Petitioner,

v.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Respondent.

**CIVIL ACTION - LAW**

No. 07-34-CD

Type of Case: Assessment Appeal

**PETITION FOR APPEAL**

Filed on behalf of: Petitioner

Counsel of Record for this Party:

Ira Weiss, Esquire  
Pa. I.D. #17408

M. Janet Burkardt, Esquire  
Pa. I.D. #85582

**LAW OFFICES OF IRA WEISS**  
445 Fort Pitt Boulevard, Suite 503  
Pittsburgh, PA 15219  
(412) 391-9890

**INTERESTED PARTIES:**

CLEARFIELD COUNTY  
SANDY TOWNSHIP  
DUBOIS AREA SCHOOL DISTRICT

**FILED** Any pd.  
m/2:14/07 85.00  
JAN 08 2007 No cc  
William A. Shaw  
Prothonotary/Clerk of Courts

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

LARKEN HOTELS LIMITED PARTNERSHIP,	)	<b>CIVIL ACTION – (LAW)</b>
	)	
Petitioner,	)	No.
	)	
v.	)	Type of Case: Assessment
	)	Appeal
CLEARFIELD COUNTY BOARD OF	)	
ASSESSMENT APPEALS,	)	
	)	
Respondent.	)	
	)	
INTERESTED PARTIES:	)	
	)	
CLEARFIELD COUNTY, SANDY TOWNSHIP	)	
and DUBOIS AREA SCHOOL DISTRICT	)	

**PETITION FOR APPEAL**

AND NOW comes Petitioner, the Larken Hotels Limited Partnership, by and through its attorneys, Ira Weiss, Esquire and M. Janet Burkardt, Esquire and files the Petition for Appeal as follows:

1. The Petitioner is the owner of property known as: Parcel 128.0-A02-000-003.2, Building G and 8.627 A Surf. (Holiday Inn), hereinafter the ("Subject Property").
2. The Board of Assessment Appeals of Clearfield County is authorized to assess and value real property for the purpose of taxation and to hear appeals from said assessments by aggrieved parties.
3. The Board made an assessment of the subject property. Your Petitioner duly appealed from this assessment to said Board for redress and reduction of said assessment.

4. Following a hearing on October 2, 2006, the Board disposed of the appeal by affirming the assessed value of the subject property without change. A copy of said disposition notice is attached hereto, made a part hereof and marked "Exhibit A."

5. Your Petitioner believes and avers on information and belief that the assessment is unfair, unreasonable and excessive and therefore, prays the Honorable Court to reduce the assessment and further in support of the allegations avers the following:

- A. The assessment is not equal or uniform with other properties similarly located in Clearfield County.
- B. The ratio between the Market Value and the Assessment Value of the subject property is substantially higher than numerous other similar properties located in Clearfield County.
- C. That there is a complete lack of uniformity in the assessment of real estate within the county which makes the subject property's assessment unjust, unreasonable and discriminatory; and
- D. Any other reason which will be developed at the time of hearing including an appraisal of the subject property and/or proof of an arms-length transaction for the sale of the property between unrelated parties for a value much lower than the assessed value assigned by the county.

WHEREFORE, for all the foregoing reasons, Petitioner, the Larken Hotels Limited Partnership requests this Honorable Court to schedule a hearing where evidence may be presented to decrease the assessment to such amount as may be right and proper.

Respectfully submitted by,

By: M. Janet Burkardt  
M. Janet Burkardt, Esquire

**Clearfield County Assessment Office**  
**BOARD OF ASSESSMENT APPEALS**



230 EAST MARKET STREET  
 SUITE 117  
 Clearfield, Pennsylvania 16830

TELEPHONE (814) 765-2641  
 FAX (814) 765-2640  
 Email- cctax@clearfieldco.org

Larken Hotels Limited Partnership  
c/o Bill Krueger  
3330 Southgate Court SW

Cedar Rapids IA 52404

**NOTICE OF BOARD ACTION ON APPEALS**  
**FROM 2007 REAL ESTATE ASSESSMENT**

Appellant Name	: Larken Hotels Limited Partnership
Person Appearing	: Jennifer Ivanelli & greg Kruk
Location	: Sandy Township
Map #	: 128.0-A02-000-003.2
Property Identification	: Bldg., G & 8.627 A Surf. (Holiday Inn)
Original 2007 market valuation	: \$3,331,700.
Original 2007 assessed valuation	: \$ 832,925.
Date of appeal hearing	: October 2, 2006

Dear Property Owner:

The Clearfield County Board of Assessment Appeals, having considered your appeal, has made an Order with reference to your 2007 real estate assessment as follows:

Original 2007	Market value affirmed, without change.
Original 2007	Assessed value affirmed, without change.

Dated: DEcember 7, 2006

Sincerely,

Clearfield County Board of  
 Assessment Appeals

Rita D. Bass

J. Carl Ogden

Jack Green

**CERTIFICATE OF SERVICE**

I, M. Janet Burkardt, Esquire, do hereby certify that a true and correct copy of the foregoing Petition for Appeal was served by First Class Mail, postage prepaid, this 5<sup>th</sup> day of January, 2007, upon the following:

Clearfield County Board of Assessment Appeals  
230 East Market Street, Suite 117  
Clearfield, PA 16830

Clearfield County  
230 East Market Street  
Clearfield, PA 16830

DuBois Area School District  
500 Liberty Boulevard  
DuBois, PA 15801

Sandy Township  
P.O. Box 267  
DuBois, PA 15801

Respectfully submitted,

By: M. Janet Burkardt  
M. Janet Burkardt, Esquire

**FILED**

**JAN 08 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

CA

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

LARKEN HOTELS LIMITED PARTNERSHIP, \*

Petitioner \*

vs. \*

No. 07-34-CD

CLEARFIELD COUNTY BOARD OF \*

ASSESSMENT APPEALS, \*

Respondent \*

INTERESTED PARTIES: \*

CLEARFIELD COUNTY \*

SANDY TOWNSHIP \*

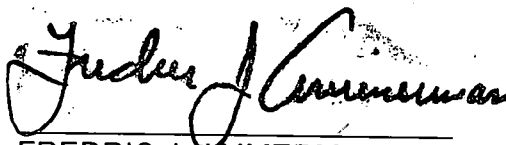
DUBOIS AREA SCHOOL DISTRICT \*

R U L E

NOW, this 10<sup>th</sup> day of January, 2007, upon consideration of the attached  
Petition for Appeal a Rule is hereby issued upon the Respondent to Show Cause why  
the Petition should not be granted. Rule Returnable no later than the 22<sup>nd</sup> day of  
January, 2007, for filing written response by the Respondent.

Petitioner's Attorney shall cause a certified copy of this Order to be served on  
the Respondent.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

**FILED**

01/21/2007  
JAN 11 2007

3cc

Atty

Burhardt

GR

William A. Shaw  
Prothonotary/Clerk of Courts



DATE: 1-11-2007

☒ 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

☐ Special Instructions:

**FILED**

**JAN 11 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

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

LARKEN HOTELS LIMITED PARTNERSHIP  
Petitioner

v.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,  
Respondent

v.

INTERESTED PARTIES:

CLEARFIELD COUNTY, SANDY TOWNSHIP  
and DUBOIS AREA SCHOOL DISTRICT

No. 07-34-CD

Type of Case: Assessment  
Appeal

Type of Pleading: Petition to  
Intervene for Sandy Township  
& DuBois Area School District

Filed on behalf of Interveners

Counsel of Record for these  
Parties:  
**GREGORY M. KRUK, ESQ.**  
Supreme Court No. 27048

FERRARO, KRUK & FERRARO  
Attorneys at Law  
690 Main Street  
Brockway, PA 15824  
814/268-2202

**FILED** 3cc Atty Kruk  
0/3:30pm  
JAN 22 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

LARKEN HOTELS LIMITED PARTNERSHIP  
Petitioner

v.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,  
Respondent

v.

INTERESTED PARTIES:

CLEARFIELD COUNTY, SANDY TOWNSHIP  
and DUBOIS AREA SCHOOL DISTRICT

No. 07-34-CD

Type of Case: Assessment  
Appeal

**PETITION TO INTERVENE**

**TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE OF SAID COURT:**

**AND NOW**, comes the **DuBois Area School District** and **Sandy Township**, by its Attorneys, **Ferraro, Kruk & Ferraro, LLP**, and presents to your Honorable Court a Petition to Intervene of which the following is a concise summary:

1. Petitioners are the DuBois Area School District, a School District properly organized and existing under the laws of the Commonwealth of Pennsylvania, with address of 500 Liberty Boulevard, DuBois, PA (15801) and the Township of Sandy, a municipal subdivision of the Commonwealth of Pennsylvania, with address of PO Box 267, DuBois, PA (15801).

2. Petitioners received the Notice of Appeal from the decision of the Clearfield County Board of Assessment Appeals filed by Appellant Larken Hotels Limited

Partnership, Petitioner, which lists Petitioners as "Interested Parties." Petitioners received the copy of the Petition for Appeal on or about January 8, 2007.

3. Petitioners also subsequently received a copy of the Rule dated January 10, 2007 of your Honorable Court requiring a Response of "Respondent" being the Clearfield County Board of Assessment Appeals on or about January 22, 2007.

4. Pennsylvania Rule of Civil Procedure 2326 et. seq., permits intervention by a party in an action when the determination of such action may affect any legally enforceable interest of such person whether or not such person may be bound by a judgment in the action.

5. Petitioners will be affected by the granting of any request of Larken Hotels Limited Partnership because the request of Larken Hotels Limited Partnership is to effectively reduce the real estate taxes that Larken Hotels Limited Partnership pays to the DuBois Area School District and Sandy Township.

6. Attached is a copy of the Response which Sandy Township and the DuBois Area School District will file in this action if permitted to intervene. The Response is marked Exhibit A.

7. Larken Hotels Limited Partnership will not be prejudiced by the granting of leave to your Petitioners to intervene. No proceedings have occurred in Court subsequent to the filing of the Notice of Appeal and the Rule dated January 10, 2007 requiring a Response of "Respondent." No Status Conference has yet occurred, or has even been scheduled.

**WHEREFORE**, Petitioners request leave of Court to intervene as a party in these proceedings.

FERRARO, KRUK & FERRARO, LLP

BY:   
Attorney for Petitioners

I, SHARON KIRK, as Administrator of the DuBois Area School District, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 1/22/07

  
\_\_\_\_\_  
Sharon Kirk

I, RICHARD A. CASTONGUAY, JR., as Manager of Sandy Township, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 1-22-07

  
Richard A. Castonguay, Jr.

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

LARKEN HOTELS LIMITED PARTNERSHIP  
Petitioner

v.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,  
Respondent

v.

INTERESTED PARTIES:

CLEARFIELD COUNTY, SANDY TOWNSHIP  
and DUBOIS AREA SCHOOL DISTRICT

No. 07-34-CD

Type of Case: Assessment  
Appeal

Type of Pleading:  
Response – Sandy Township  
& DuBois Area School District

**RESPONSE OF SANDY TOWNSHIP and DUBOIS AREA SCHOOL DISTRICT**

**AND NOW**, come **SANDY TOWNSHIP** and the **DUBOIS AREA SCHOOL DISTRICT** by their Attorneys, **FERRARO, KRUK & FERRARO, LLP**, to file this Response of which the following is a concise summary:

1. ADMITTED.
2. ADMITTED.
3. ADMITTED.
4. ADMITTED.

5. The averments contained in paragraph 5 of the Petition for Appeal constitute contentions or conclusions of law to which no response is required. By way of further answer:

(a) Petitioner's Petition does not set forth a cognizable uniformity challenge to the subject assessment. It is specifically DENIED that the assessment is not equal or uniform with other similar properties.

(b) It is specifically DENIED that the ratio between the market value and the assessed value of the property of Petitioner is substantially higher than other similarly

**EXHIBIT A**

situated property in the County. To the contrary, the same predetermined ratio is utilized for all properties in Clearfield County.

(c) It is specifically DENIED that there is a complete lack of uniformity in the assessment of real estate within the County which makes the subject property's assessment unjust, unreasonable, and discriminatory and, on the contrary, there is uniformity in the assessment of real estate within the County.

(d) Sandy Township and the DuBois Area School District object to any attempt by the Petitioner to raise any other issue not raised and preserved in its Petition for Appeal.

**WHEREFORE**, Sandy Township and DuBois Area School District request this Honorable Court sustain or increase the assessment of the subject property as the evidence supports.

Respectfully submitted,

BY: \_\_\_\_\_  
Attorney for DuBois Area School District  
and Sandy Township



**FILED**

**JAN 22 2007**

**William A. Shaw  
Prothonotary/Clerk of Courts**

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

LARKEN HOTELS LIMITED  
PARTNERSHIP,

Petitioner

vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Respondent

INTERESTED PARTIES:

CLEARFIELD COUNTY  
SANDY TOWNSHIP  
DUBOIS AREA SCHOOL DISTRICT

No. 07 - 34 - CD

Type of Pleading:  
**WRITTEN RESPONSE OF  
RESPONDENT**

Filed on behalf of:  
Respondent

Counsel of Record for  
this Party:

Kim C. Kesner  
Attorney at Law

Pa. I.D. 28307

BELIN, KUBISTA & RYAN  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

Counsel of Record for Petitioner:  
Ira Weiss, Esquire  
Pa. I.D. 17408

M. Janet Burkardt, Esquire  
Pa. I.D. 85582

LAW OFFICES OF IRA WEISS  
445 Fort Pitt Boulevard, Suite 503  
Pittsburgh, PA 15219  
(412) 391-9890

**FILED** 5cc  
01/25/07  
JAN 22 2007 Amy Kesner

William A. Shaw  
Prothonotary/Clerk of Courts

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

LARKEN HOTELS LIMITED  
PARTNERSHIP,

Petitioner

No. 07 – 34 - CD

vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Respondent

INTERESTED PARTIES:

CLEARFIELD COUNTY  
SANDY TOWNSHIP  
DUBOIS AREA SCHOOL DISTRICT

**WRITTEN RESPONSE OF CLEARFIELD COUNTY  
BOARD OF ASSESSMENT APPEALS**

TO: FREDRIC J. AMMERMAN, PRESIDENT JUDGE

AND NOW, comes the Respondent, CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS, by Kim C. Kesner, Esquire, Solicitor of Clearfield County, which  
files this written response to this Court's Rule to Show Cause issued on January 10, 2007:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. The averments contained in paragraph 5 of the Petition for Appeal constitute contentions or conclusions of law to which no response is required. By way of further answer, paragraph 5 fails to state a cognizable uniformity challenge. The

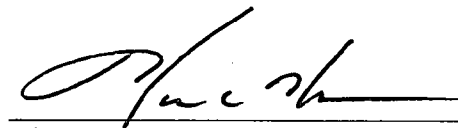
averments are conclusory and contain no facts to which a response can reasonably be made. Also:

- A. It is specifically denied that the assessment is not equal or uniform with other properties similarly located in Clearfield County.
- B. It is specifically denied that the ratio between the Market Value and the Assessed Value of the subject property is unequal with other similar properties. To the contrary, the same predetermined ratio has been applied to the base year market value.
- C. It is specifically denied that there is a "complete lack of uniformity in the assessment of real estate within the county . . ." This conclusory and bare assertion does not support the request for a hearing.
- D. Respondent hereby specifically objects to Petitioner raising "(a)ny other reason which will be developed at the time of the hearing. . ." not preserved in Petitioner's Petition for Appeal. Petitioner also objects to the presentation of any appraisal not presented at the hearing before the Board of Assessment Appeals or disclosed to Respondent at least sixty (60) days before any hearing.

WHEREFORE, Respondent respectfully requests this Honorable Court to deny and dismiss this assessment appeal and affirm the assessed value of the subject property without change.

Respectfully submitted,

BELIN, KUBISTA & RYAN



Kim C. Kesner, Esquire  
Solicitor for Clearfield County  
Board of Assessment Appeals

IN THE COURT OF COMMON PL.EAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

LARKEN HOTELS LIMITED  
PARTNERSHIP,

Petitioner

No. 07 – 34 - CD

vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Respondent

INTERESTED PARTIES:

CLEARFIELD COUNTY  
SANDY TOWNSHIP  
DUBOIS AREA SCHOOL DISTRICT

**CERTIFICATE OF SERVICE**

This is to certify that I have served a true and correct copy of Written Response filed on behalf of CLEARFIELD COUNTY BOARD OF ASSESSMENT APPEALS, Respondent in the above captioned matter, on the following parties party by postage prepaid first-class United States mail, on the 22 day of January, 2007:

Ira Weiss, Esquire  
M. Janet Burkhardt, Esquire  
Law Offices of Ira Weiss  
445 Fort Pitt Boulevard, Suite 503  
Pittsburgh, PA 15219  
Attorney for Petitioner

Sandy Township  
Municipal Building  
R.D. # 3  
Du Bois, PA 15801

DuBois Area School District  
500 Liberty Boulevard  
Du Bois, PA 15801

BELIN, KUBISTA & RYAN

A handwritten signature in black ink, appearing to read 'Kim C. Kesner', written over a horizontal line.

Kim C. Kesner  
Solicitor for Clearfield County  
Board of Assessment Appeals



BELIN, KUBISTA & RYAN  
ATTORNEYS AT LAW  
15 NORTH FRONT STREET  
P. O. BOX 1  
CLEARFIELD, PENNSYLVANIA 16830

**FILED**

**JAN 22 2007**

William A. Shaw  
Prothonotary/Clerk of Courts



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

LARKEN HOTELS LIMITED PARTNERSHIP  
Petitioner

v.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,  
Respondent

v.

INTERESTED PARTIES:

CLEARFIELD COUNTY, SANDY TOWNSHIP  
and DUBOIS AREA SCHOOL DISTRICT

No. 07-34-CD

Type of Case: Assessment  
Appeal

FILED 3cc AH  
01:45 PM  
JAN 23 2007 Kruk  
@GK

William A. Shaw  
Prothonotary/Clerk of Courts

**ORDER**

**AND NOW**, this 23 day of January, 2007, upon Petition of the DuBois Area School District and Sandy Township to intervene in the above-captioned Tax Assessment Appeal matter,

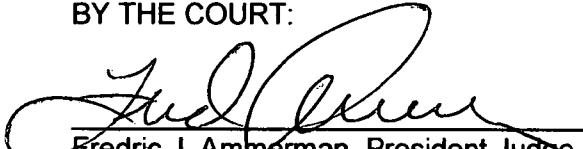
**IT IS HEREWITH ORDERED** that:

1. A Rule is issued upon Larken Hotels Limited Partnership, Petitioner, and Clearfield County Board of Assessment Appeals, Respondent, to show cause, if any they have, why the DuBois Area School District and Sandy Township are not entitled to the relief requested;

2. Larken Hotels Limited Partnership and the Clearfield County Board of Assessment Appeals shall file an Answer to the Petition within twenty (20) days of service upon them if they have cause why Sandy Township and the DuBois Area School District are not entitled to intervene in this matter;

3. A Hearing on the Petition is hereby scheduled for the 16<sup>th</sup> day of February, 2007 at 10:00 o'clock, A.M. in Courtroom No. 1, Clearfield County Courthouse, North Second Street, Clearfield, PA (16830).

BY THE COURT:

  
Fredric J. Amblerman, President Judge

DATE: 1-23-07

☒ 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

☐ Special Instructions:

**FILED**

**JAN 23 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

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

LARKEN HOTELS LIMITED PARTNERSHIP  
Petitioner

v.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,  
Respondent

v.

INTERESTED PARTIES:

CLEARFIELD COUNTY, SANDY TOWNSHIP  
and DUBOIS AREA SCHOOL DISTRICT

No. 07-34-CD

Type of Case: Assessment  
Appeal

Type of Pleading:  
Affidavit of Service

Filed on behalf of Sandy  
Township & DuBois Area  
School District

Counsel of Record for these  
Parties:  
**GREGORY M. KRUK, ESQ.**  
Supreme Court No. 27048

FERRARO, KRUK & FERRARO  
Attorneys at Law  
690 Main Street  
Brockway, PA 15824  
814/268-2202

**FILED** <sup>10</sup>cc  
07-34-CD  
FEB 16 2007 (M)

William A. Shaw  
Prothonotary/Clerk of Courts

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

LARKEN HOTELS LIMITED PARTNERSHIP  
Petitioner

v.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,  
Respondent

v.

INTERESTED PARTIES:

CLEARFIELD COUNTY, SANDY TOWNSHIP  
and DUBOIS AREA SCHOOL DISTRICT

No. 07-34-CD

Type of Case: Assessment  
Appeal

Type of Pleading:  
Affidavit of Service

**AFFIDAVIT OF SERVICE**

**GREGORY M. KRUK, ESQ.**, being duly sworn does hereby certify and attest that he sent by First Class Mail, Postage Prepaid, on January 25, 2007, a copy of the January 23, 2007 Order of Judge Ammerman in the above-captioned matter upon the following two (2) parties through their Attorneys at the addresses indicated:

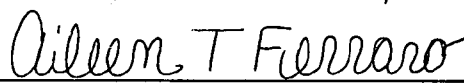
Larkin Hotels Limited Partnerships  
M. Janet Burkardt, Esq.  
Law Offices of Ira Weiss  
445 Fort Pitt Boulevard, Suite 503  
Pittsburgh, PA 15219

Clearfield County Board of Assessment Appeals  
Kim C. Kesner, Esq.  
Belin, Kubista & Ryan  
15 North Front Street  
PO Box 1  
Clearfield, PA 16830

  
\_\_\_\_\_  
Gregory M. Kruk, Esq.

Sworn to and subscribed before me

this 15<sup>th</sup> day of February, 2007

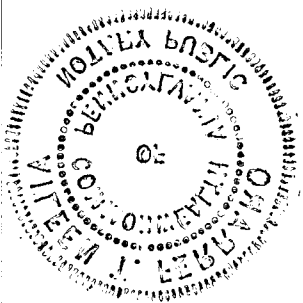
  
\_\_\_\_\_  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Aileen T. Ferraro, Notary Public  
Brockway Boro, Jefferson County  
My Commission Expires Sept. 13, 2009  
Member, Pennsylvania Association of Notaries

FILED

FEB 16 2007

William A. Shaw  
Prothonotary/Clerk of Courts



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

LARKEN HOTELS LIMITED PARTNERSHIP,  
Petitioner

v.

CLEARFIELD COUNTY BOARD OF ASSESSMENT  
APPEALS,

Respondent

v.

INTERESTED PARTIES:

CLEARFIELD COUNTY, SANDY TOWNSHIP and  
DUBOIS AREA SCHOOL DISTRICT

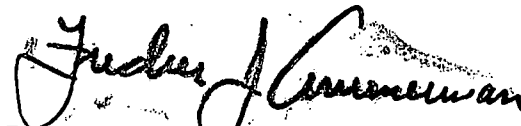
NO. 07-34-CD

ORDER

NOW, this 16<sup>th</sup> day of February, 2007, upon Petition of the DuBois Area School District and Sandy Township to Intervene in the above-captioned Tax Assessment Appeal matter and after a hearing on the Petition was scheduled for the 16<sup>th</sup> day of February, 2007, at 10:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania, 16830;

IT IS HEREWITH ORDERED that the DuBois Area School District and Sandy Township are hereby changed from Interested Parties to Interveners in this case and the Prothonotary is directed to forthwith mark the docket indicating such change.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

**FILED**

01/10:14/201  
FEB 16 2007

ICC Atty. Kruek  
(in person - no memo)

William A. Shaw  
Prothonotary/Clerk of Courts

ICC Atty. Burkhardt  
ICC Cld. Co. Board of Assessment Appeals  
ICC Atty. Resner

FILED

FEB 16 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 2/16/07

\_\_\_\_ 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

☒ Assessment  
\_\_\_\_ Special Instructions:

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

LARKEN HOTELS LIMITED  
PARTNERSHIP,

Petitioner,

v.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Respondent.

INTERESTED PARTY:  
CLEARFIELD COUNTY  
SANDY TOWNSHIP  
DUBOIS AREA SCHOOL DISTRICT

**CIVIL ACTION - LAW**

No. 07-34-CD

Type of Case: Assessment Appeal

**PRAECIPE TO WITHDRAW  
APPEAL**

Filed on behalf of: Petitioner

Counsel of Record for this Party:

Ira Weiss, Esquire  
Pa. I.D. #17408

M. Janet Burkardt, Esquire  
Pa. I.D. #85582

**LAW OFFICES OF IRA WEISS**  
445 Fort Pitt Boulevard, Suite 503  
Pittsburgh, PA 15219  
(412) 391-9890

**FILED** <sup>NO</sup>  
MAR 08 2010 <sup>CC</sup>  
(610)

William A. Shaw  
Prothonotary/Clerk of Courts



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

LARKEN HOTELS LIMITED PARTNERSHIP,	)	<b>CIVIL ACTION – (LAW)</b>
	)	
Petitioner,	)	No. 07-34-CD
	)	
v.	)	Type of Case: Assessment
	)	Appeal
CLEARFIELD COUNTY BOARD OF	)	
ASSESSMENT APPEALS,	)	
	)	
Respondent.	)	
	)	
INTERESTED PARTIES:	)	
	)	
CLEARFIELD COUNTY, SANDY TOWNSHIP	)	
and DUBOIS AREA SCHOOL DISTRICT	)	

**PRACEIPE TO WITHDRAW APPEAL**

AND NOW comes Petitioner, the Larken Hotels Limited Partnership, by and through its attorneys, Ira Weiss, Esquire, M. Janet Burkardt, Esquire and the Law Offices of Ira Weiss and hereby withdraws the appeal in the above-referenced matter.

Respectfully submitted by,

By: M. Janet Burkardt  
M. Janet Burkardt, Esquire

**CERTIFICATE OF SERVICE**

I, M. Janet Burkardt, Esquire, do hereby certify that a true and correct copy of the foregoing Praecipe to Withdraw Appeal was served by First Class Mail, postage prepaid, this 4th day of March, 2010, upon the following:

Clearfield County Board of Assessment Appeals  
230 East Market Street, Suite 117  
Clearfield, PA 16830

Clearfield County  
230 East Market Street  
Clearfield, PA 16830

DuBois Area School District  
500 Liberty Boulevard  
DuBois, PA 15801

Sandy Township  
P.O. Box 267  
DuBois, PA 15801

Respectfully submitted,

By: M. Janet Burkardt  
M. Janet Burkardt, Esquire

FILED

MAR 08 2010

William A. Shaw  
Prothonotary/Clerk of Courts

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PENNSYLVANIA**

LARKEN HOTELS LIMITED  
PARTNERSHIP,

Petitioner,

v.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Respondent.

INTERESTED PARTY:  
CLEARFIELD COUNTY  
SANDY TOWNSHIP  
DUBOIS AREA SCHOOL DISTRICT

**CIVIL ACTION - LAW**

No. 07-34-CD

Type of Case: Assessment Appeal

**PRAECIPE TO WITHDRAW  
APPEAL**

Filed on behalf of: Petitioner

Counsel of Record for this Party:

Ira Weiss, Esquire  
Pa. I.D. #17408

M. Janet Burkardt, Esquire  
Pa. I.D. #85582

**LAW OFFICES OF IRA WEISS**  
445 Fort Pitt Boulevard, Suite 503  
Pittsburgh, PA 15219  
(412) 391-9890

**FILED**

MAR 08 2010

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