

07-626-CD
Ashok Datta vs Harbison-Walker et al

Ashok Datta vs Harbison-Walker et al
2007-626-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ASHOK DATTA

Petitioner

CIVIL DIVISION

No. 07 - 626 - CD

Vs.

HARBISON-WALKER REFRACTORIES
COMPANY

Respondent

PETITION TO RECORD TERMINATION
OF MINERAL LEASE

Filed on Behalf of:

Plaintiff,

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

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CLEARFIELD, PA

Original
upstairs

FILED 3CC
04/30/2011 Atty Colavecchi
APR 25 2011
WM Atty pd.
William A. Shaw
Prothonotary/Clerk of Courts
8500

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ASHOK DATTA

Petitioner

Vs.

HARBISON-WALKER REFRACTORIES
COMPANY

Respondent

CIVIL DIVISION

No. 07 - 6260 - CD

PETITION TO RECORD TERMINATION
OF MINERAL LEASE

Filed on Behalf of:

Plaintiff,

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

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APR 23 2011
Atty pd.
William A. Shaw
Prothonotary/Clerk of Courts
85.00

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

ASHOK DATTA :
Petitioner :
:
vs. : No. 07 - - CD
:
HARBISON-WALKER REFRactories :
COMPANY, now known as :
ANH REFRactories FAMILY OF :
COMPANIES, :
Respondent :

**PETITION TO RECORD TERMINATION OF
MINERAL LEASE AGREEMENT**

1. Petitioner is Ashok Datta, an individual residing at 19 Birch Street, Great Neck, New York, 11023.
2. Respondent is Harbison-Walker Refractories Company, now known as ANH Refractories Family of Companies, a corporation authorized to do business under the laws of the Commonwealth of Pennsylvania, having their principal office at Cherrington Corporate Center, 400 Fairway Drive, Moon Township, Pennsylvania, 15108.
3. Harbison-Walker Refractories Company entered into a Mineral Lease Agreement on March 27, 1968 with A.B. Geynet

Lansberry and Grace McKean Lansberry, his wife, said Lease Agreement being recorded at Clearfield in Volume 146, Page 263. A copy of the Mineral Lease Agreement is attached to this Petition marked Exhibit "A".

4. The property which is the subject of this Mineral Lease Agreement was purchased by Petitioner at a Mortgage Foreclosure Sale on July 30, 2003. A copy of the deed of conveyance, recorded at Clearfield as Instrument Number 200313680, is attached hereto marked Exhibit "B".

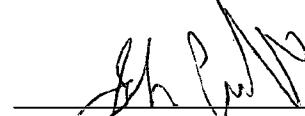
5. Petitioner is negotiating for the sale of the property owned by him to a third party. The proposed buyer has raised the issue of whether the Mineral Lease Agreement dated March 27, 1968 between A.B. Geynet Lansberry and Grace McKean Lansberry is still in full force and effect?

6. The terms of the Mineral Lease Agreement provide for a quarterly royalty of Two Hundred (\$200) Dollars commencing April 1, 1968. It is alleged on information and belief that this royalty has not been paid for at least the last twenty (20) years.

7. It is further alleged on information and belief that Harbison-Walker Refractories Company, now known as ANH Refractories Family of Companies, has no desire to mine this property and does not oppose this Petition.

8. Petitioner is in the process of selling the property and the proposed buyer wants the record to clearly show that the Mineral Lease with Harbison-Walker Refractories Company is of no further legal force and effect.

WHEREFORE, Petitioner is asking that the court issue a Rule directed to Harbison-Walker Refractories Company, now known as ANH Refractories Family of Companies, to show cause why the court should not issue an Order directing that the Mineral Lease Agreement dated March 27, 1968 between A.B. Geynet Lansberry and Grace McKean Lansberry, his wife, said Mineral Lease Agreement being recorded at Clearfield in Volume 146, Page 263, is of no further legal force and effect.



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Petitioner
221 East Market Street
Clearfield, PA 16830

April 18, 2007

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

146-264

State of Pennsylvania
County of Clearfield

On this 27th day of March 1970 before me, the subscriber, a Justice of the Peace
in and for said County and State, personally appeared A. B. Geppert, Langberry and Grace McLean Lansbury

to me known to be the persons described in and who executed the foregoing instrument and acknowledged the foregoing instrument to be
their free act and deed in order that the same might be recorded as such.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in
the day and year first above written.

Alton M. Sherry

JUSTICE OF THE PEACE

My Commission Expires Jan 5, 1970

State of Pennsylvania

County of Clearfield

On this 27th day of March 1970 before me, the subscriber, a

in and for said County and State personally appeared

to be known to be the persons described in and who executed the foregoing instrument and acknowledged the foregoing instrument to be
their free act and deed in order that the same might be recorded as such.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in
the day and year first above written.

SEAL

MINERALEASE

GEPPERT, WALKER & REED STORES COMPANY
DIVISION OF DRESSEL INDUSTRIES INC.

from A. B. Geppert, Lansbury

RECORDED

CC-X

Clearfield

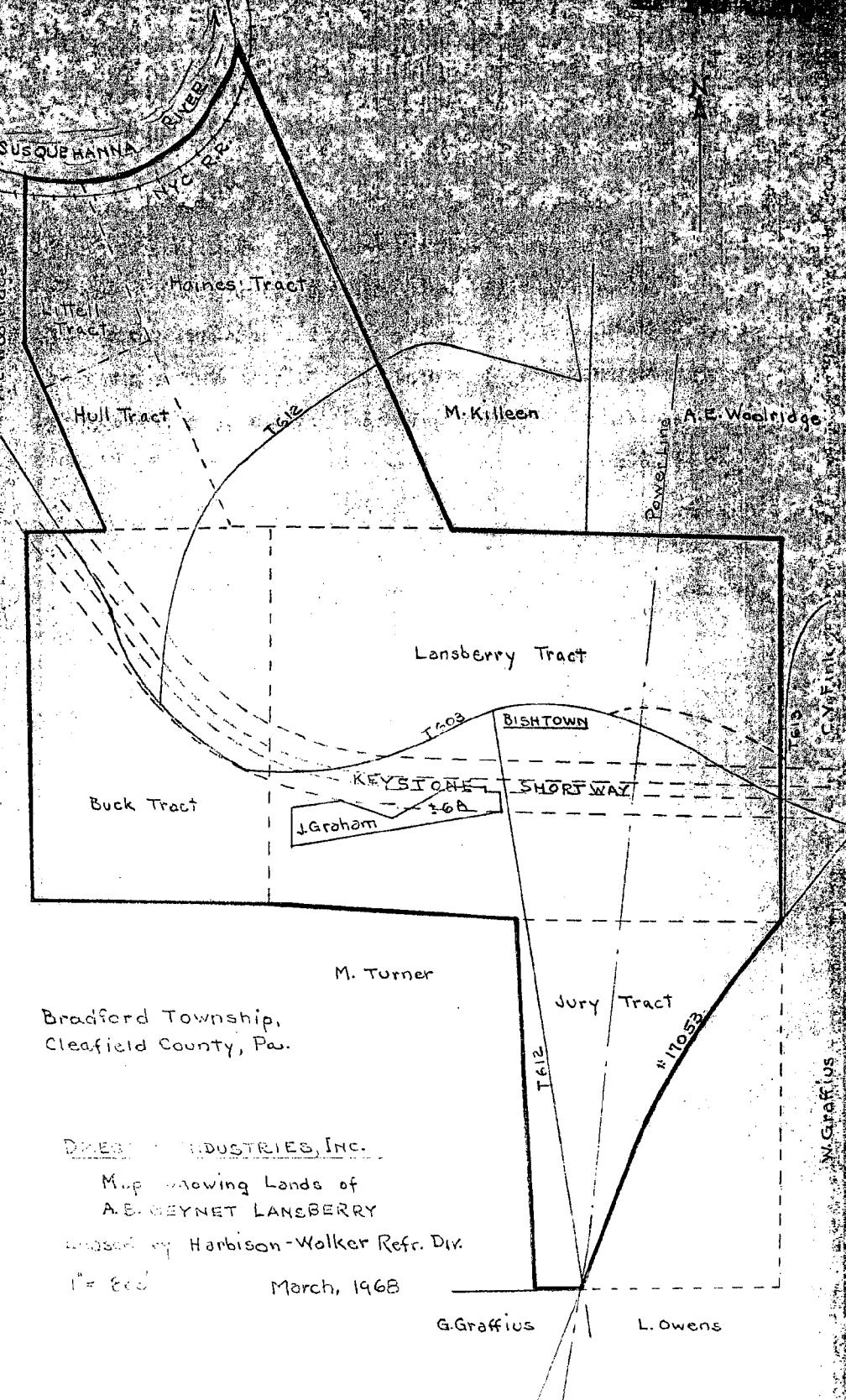
Pennsylvania

March 27, 1970

5372-A

262A

H.W. Refr. Co.



Ked
R.B. & L.
Entered of Record April 11, 1968, 1:30 PM Louise Mahaffey, Recorder

412 261 1160

LANDAMERICA

DEED

MULTIFAMILY MORTGAGE FORECLOSURE

PROJECT NAME: Bradford Heights Mobile Home Park
PROJECT NO.: 033-00071
PROJECT LOCATION: Township Road 150
Bradford Township, PA

This indenture made this 30th day of July 2003.

WHEREAS, on March 1, 2000, a certain Mortgage was executed by Bradford Heights, Inc., as mortgagor in favor of WMF/Huntton, Paige Associates Limited, as mortgagee and was recorded on March 1, 2000 as Document Number 200003548, in the recorder's office of Clearfield County, Bradford Township, Pennsylvania; and

WHEREAS, on June 7, 2002, said mortgage instrument was assigned to the Secretary of Housing and Urban Development and recorded on July 1, 2002 as Document Number 200210458, in the recorder's office of Clearfield County, Bradford Township, Pennsylvania; and

WHEREAS, by virtue of a default in the covenants and conditions of the Mortgage, the Secretary designated R. Darryl Ponton & Associates as Foreclosure Commissioner to conduct a nonjudicial foreclosure of the Mortgage under the provisions of the Multifamily Mortgage Foreclosure Act of 1981 (the Act) 12 U.S.C. § 3701 et seq.; and

WHEREAS, a Notice of Default and Foreclosure Sale was sent by certified or registered mail on May 21, 2003 to Bradford Heights, Inc., the owner of the property secured by the mortgage as shown by the public record on April 8, 2003; and

WHEREAS, the Notice of Default and Foreclosure Sale was published in the Progress on June 4, 2003, June 11, 2003, and June 18, 2003; and

WHEREAS, pursuant to the Notice of Default and Foreclosure Sale and to the Act, a foreclosure sale was held on June 26, 2003 at which Harbans Lal Gera and Ashok Datta submitted the highest bid in the amount of \$230,000.00; and

WHEREAS, the following costs were incurred in conducting the foreclosure sale:

- a. \$149.95 for advertising and postage expenses incurred in mailing and publishing the Notice of Default and Foreclosure Sale.
- b. \$153.28 for mileage expenses incurred in posting the Notice of Default and Foreclosure Sale and for the Commissioner's attendance at the Foreclosure Sale.

07/30/03 09:44 FAX 412 261 1160

LANDAMERICA

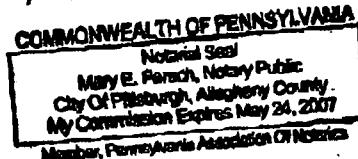
COMMONWEALTH OF PENNSYLVANIA)
 COUNTY OF ALLEGHENY)
) SS:

On this, the 30th day of July, 2003 before me, a Notary Public, the undersigned Officer, personally appeared R. Darryl Ponton, of R. Darryl Ponton & Associates, Foreclosure Commissioner, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

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

Mary E. Fenn
 Notary Public

My Commission Expires:



Certificate of Residence

I the undersigned, do hereby certify that the precise place of business of the within-named Grantee is

19 Birch Street, Great Neck, NY 11023

Mary Fenn

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ASHOK DATTA

Petitioner

Vs.

HARBISON-WALKER REFRACTORIES
COMPANY

Respondent

CIVIL DIVISION

No. 07 - 626 - CD

RULE

Filed on Behalf of:

Plaintiff,

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

FILED 3cc
04/10/07 BY Atty Colavecchi
APR 24 2007
(EK)

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

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

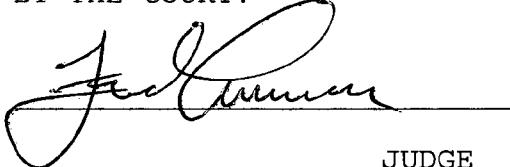
ASHOK DATTA :
Petitioner :
vs. : No. 97 - CD
HARBISON-WALKER REFRactories :
COMPANY, now known as ANH :
REFRACTORIES FAMILY OF :
COMPANIES, :
Respondent :

R U L E

AND NOW, this 23 day of April, 2007, upon consideration of the Petition to Record Termination of Mineral Lease Agreement, it is the ORDER of this Court that a Rule be issued on Harbison-Walker Refractories Company, now known as ANH Refractories Family of Companies, to show cause why an Order should not be issued terminating the Mineral Lease Agreement dated March 27, 1968 between A.B. Geynet Lansberry and Grace McKean Lansberry, his wife, and Harbison-Walker Refractories Company, said Mineral Lease Agreement being recorded at Clearfield in Volume 146, Page 263.

This Rule is Returnable before this Court on the 18th day of May, 2007, at 9:30 o'clock A.M., at the Clearfield County Courthouse, Courtroom Number 1.

BY THE COURT:



JUDGE

FILED

APR 24 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/24/07

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:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ASHOK DATTA,

Petitioner

Vs.

HARBISON-WALKER REFRactories
COMPANY, now known as ANH
Refractories Family of
Companies,

Respondent

CIVIL DIVISION

No. 07 - 626 - CD

PRAECIPE TO WITHDRAW PETITION
TO RECORD TERMINATION OF
MINERAL LEASE

Filed on Behalf of:

Plaintiff,

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

FILED

MAY 14 2007
6/10/2007
William A. Shaw
Prothonotary/Clerk of Courts
u/s
6K

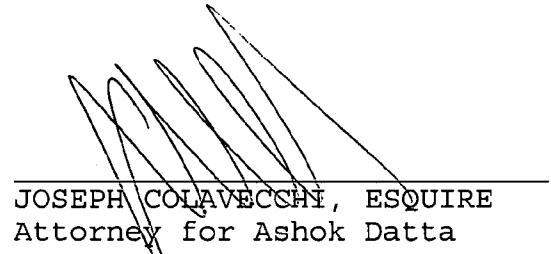
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ASHOK DATTA :
Petitioner :
:
vs. : No. 07 - - CD
:
SECRETARY OF HOUSING AND :
URBAN DEVELOPMENT :
Respondent :

***PRAECIPE TO WITHDRAW PETITION TO RECORD
TERMINATION OF MINERAL LEASE***

TO: WILLIAM SHAW, PROTHONOTARY

Please withdraw the Petition to Record Termination of Mineral Lease filed on behalf of my client, Ashok Datta, said Petition being scheduled for hearing before this Court on May 18, 2007 at 9:30 a.m.


JOSEPH COLAVECCHI, ESQUIRE
Attorney for Ashok Datta