

07-1579-CD

Dolores Gilbert vs Cifd Cty Tax

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOLORES A. GILBERT,
Plaintiff

Vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and KIM MOWERY,

Defendants

CIVIL DIVISION

No. 2007 - 1579- CD

PETITION TO SET ASIDE TAX
SALE

Filed on Behalf of:

Plaintiff, DOLORES A. GILBERT

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

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

FILED 3cc
012:45:01 Amy Colavecchi
SEP 26 2007
Att'y pd.
William A. Shaw
Prothonotary/Clerk of Courts 85.00

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

DOLORES A. GILBERT, :
Plaintiff :
 :
vs. : No. 2007 - - CD
 :
CLEARFIELD COUNTY TAX :
CLAIM BUREAU and KIM :
MOWERY, :
Defendants:

PETITION TO SET ASIDE TAX SALE

AND NOW, comes Dolores A. Gilbert, who, through her Attorney,
Joseph Colavecchi, Esquire, files the following Petition to Set
Aside Tax Sale:

1. Petitioner is Dolores A. Gilbert who resides at 231
Substation Road, Madera, Pennsylvania, 16661.

2. Defendants are:

a. Clearfield County Tax Claim Bureau of 230 East Market
Street, Suite 121, Clearfield, Pennsylvania, 16830.

b. Kim Mowery of 362 North Park Street, Sykesville,
Pennsylvania, 15865.

3. Dolores A. Gilbert during her lifetime was the owner of
a certain piece or parcel of land described as house, garage and
three (3) acres, except coal, having Clearfield County Assessment
Map Number K14-000-00023, situated in Bigler Township, Clearfield
County, Pennsylvania.

4. The above-mentioned house, garage and three (3) acres, except coal, was subject to a Tax Sale on September 14, 2007 for delinquent taxes that occurred in the years 2006 and 2007.

5. The aforesaid property was exposed to a Tax Sale on September 14, 2007 and Petitioner was informed and believes that the same was purchased by Kim Mowery.

6. The aforementioned sale was defective and should be set aside pursuant to the applicable Pennsylvania law and for this, your Petitioner is filing objections and exceptions as follows:

a. Petitioner contacted the Clearfield County Tax Claim Bureau concerning the delinquent taxes and entered into an agreement with the Tax Claim Bureau to pay Two Hundred (\$200) Dollars per month until the taxes were paid in full.

b. The original contact was made by Petitioner the latter part of June 2007.

c. Petitioner receives a monthly pension payment from the U.S. Navy in the amount of Five Hundred Twenty-two (\$522) Dollars and monthly Social Security in the amount of One Thousand Four Hundred Two (\$1,402) Dollars.

d. When Petitioner's checks were received by the bank on or about July 2, 2007, she made her first payment of Two Hundred (\$200) Dollars to the Clearfield County Tax Claim Bureau.

e. When Petitioner's checks were received by the bank, she then made her second payment in the amount of Two Hundred (\$200) Dollars to the Clearfield County Tax Claim Bureau on August 3, 2007.


f. When Petitioner's checks were received by the bank on or about August 31, 2007, Petitioner had a minus balance in her bank account and was only able to pay One Hundred (\$100) Dollars to the Clearfield County Tax Claim Bureau.

7. Petitioner received a second notice from the Clearfield County Tax Claim Bureau stating that the property was going to be sold at a sale on September 14, 2007. Petitioner spoke with a representative of the Tax Claim Bureau and asked why she had received the notice since she had entered into an agreement to make payments for the delinquent taxes until they were paid in full?

8. Petitioner was informed by the Clearfield County Tax Claim Bureau that the property would not be sold at the Tax Sale and she should continue to make the monthly payments for taxes.

9. The said sale of the property by the Clearfield County Tax Claim Bureau is in violation of the agreement reached between Petitioner and the Clearfield County Tax Claim Bureau not to place the property for sale.

WHEREFORE, your Petitioner requests that the sale of the above-described property to Kim Mowery be set aside.




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

9/26/07

DATE

VERIFICATION

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



DOLORES A. GILBERT

The diagrams illustrate the crack growth process in a beam under load. From top to bottom, they show: 1) A crack initiating at the top surface. 2) The crack propagating downwards into the beam's depth. 3) The crack reaching the bottom surface. 4) The crack continuing to propagate along the bottom surface. 5) The crack propagating upwards from the bottom surface, eventually meeting the crack from the top, leading to a complete failure of the beam.

SEP 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOLORES A. GILBERT,
Plaintiff

Vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and KIM MOWERY,

Defendants

CIVIL DIVISION

No. 2007 - 1579 - CD

RULE

Filed on Behalf of:

Plaintiff, DOLORES A. GILBERT

Counsel of Record for This
Party:

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

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FILED 300
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SEP 28 2007 Amy Colavecchi
William A. Shaw
Prothonotary/Clerk of Courts

CA

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

DOLORES A. GILBERT, :
Plaintiff :
:

vs. :

No. 2007 - 1579 - CD

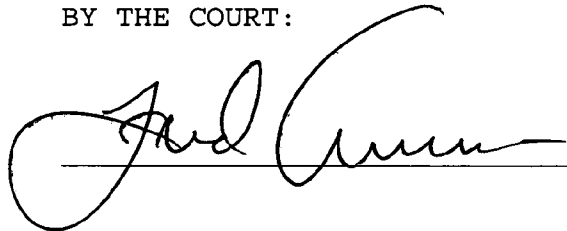
CLEARFIELD COUNTY TAX :
CLAIM BUREAU and KIM :
MOWERY, :
Defendants:

R U L E

AND NOW, this 28 day of September, 2007,
upon consideration of the foregoing Petition to Set Aside Tax Sale,
a Rule is hereby issued and directed to the Clearfield County Tax
Claim Bureau and to Kim Mowery to show cause why the Tax Sale of
this property should not be set aside and title to said property
remain in Petitioner.

This Rule is Returnable on the 11th day of October,
2007 at 9:30 o'clock A.M. in Courtroom Number
1 for an Evidentiary Hearing.

BY THE COURT:



JUDGE

FILED

SEP 28 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/28/07

☒ 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

CIVIL DIVISION

DELORES A. GILBERT

:

VS.

: NO. 07-1579-CD

CLEARFIELD COUNTY TAX CLAIM

:

BUREAU and KIM MOWERY

:

O R D E R

AND NOW, this 11th day of October, 2007, following hearing, it is the ORDER of this Court that counsel for the parties have no more than fifteen (15) days to submit appropriate letter brief.

BY THE COURT,



President Judge

FILED

10/3/07
OCT 11 2007

William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty
J. Colavecchi
ICC Tax Claim
ICC K. Mowery
362 N. Park St.
Sykesville, PA
15865

CK

FILED

OCT 11 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/11/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) X Plaintiff(s) Attorney Ortiz

X Defendant(s) Defendant(s) Attorney

Special Instructions

JA

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

DOLORES A. GILBERT,
Plaintiff

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and KIM MOWERY,
Defendants

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*
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NO. 07-1579-CD

ORDER

NOW, this 31st day of October, 2007, following hearing on the Plaintiff's Petition to Set Aside Tax Sale, it is the Findings and Order of this Court as follows:

1. The Court finds the testimony of the Plaintiff, Dolores A. Gilbert, to be credible;
2. The Plaintiff entered into an enforceable agreement with an unidentified agent of the Tax Claim Bureau whereby she was to pay \$200.00/month in order that the home not be sold at tax sale. The existence of this agreement is evidenced by the payments made by the Plaintiff and the acceptance of the same by the Tax Claim Bureau.
3. The Tax sale of September 14, 2007 is hereby set aside.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

11/20/07
OCT 31 2007

(64)

William A. Shaw
Prothonotary/Clerk of Courts

1CC Atty J. Colavecchi

1CC Ctfd. Co. Tax Claim

1CC Def. Mowery

FILED

OCT 31 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/31/07

____ You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) X Plaintiff(s) Attorney ____ Other

X Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions: