

07-1702-CD
G. Brosky vs Clfd Cty Tax Bureau

UA

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

GEORGE BROSKY and YVONNE
BROSKY,

Owners,

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and WILSHIRE, LLC,

Respondents.

) NO. 07-1702-CD
)
) Type of Case: CIVIL ACTION
)
) Type of Pleading: OBJECTIONS AND
) EXCEPTIONS TO TAX SALE HELD ON
) SEPTEMBER 14, 2007
)
) Filed on Behalf of: George Brosky and
) RESPONDENTS, ~~HENRY S. GOSCH~~ and Yvonne Brosky
) ~~JOYCE T. GOSCH~~
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730
)

FILED 5 CC AM
9/11/55 am
OCT 19 2007 Blakley

(M)
William A. Shaw
Prothonotary/Clerk of Courts

1. a Rule is hereby issued upon Respondents to Show Cause why the Owners are not entitled to the relief requested;
2. the Respondents shall file an Answer to the Objections and Exceptions to Tax Sale Held on September 14, 2007, within twenty (20) days of service upon the Respondents;
3. The Objections and Exceptions to Tax Sale Held on September 14, 2007, shall be decided under PA. R.C.P. No. 206.7;
4. an evidentiary hearing on disputed issues of material facts shall be held on the 20 day of December, 2007, in Courtroom 1 of the Clearfield County Courthouse; and @ 9:00 A.M.

5. notice of the entry of this Order shall be provided to all parties by the Owners.

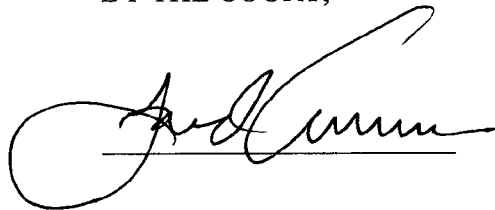
NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING 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 PETITIONER OR MOVANT. 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 TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Daniel J. Nelson, Court Administrator
Clearfield County Courthouse
230 east Market Street
Clearfield PA 16830
(814) 765-2641, Ext. 5982

BY THE COURT,

A handwritten signature in black ink, appearing to read "Daniel J. Nelson", is written over a horizontal line. The signature is stylized with a large, looping initial "D".

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

GEORGE BROSKY and YVONNE) NO.
BROSKY,)
)
Owners,)
)
vs.)
)
CLEARFIELD COUNTY TAX CLAIM)
BUREAU and WILSHIRE, LLC,)
)
Respondents.)
)

**OBJECTIONS AND EXCEPTIONS
TO TAX SALE HELD ON SEPTEMBER 14, 2007**

AND NOW, comes Respondents, **GEORGE BROSKY and YVONNE BROSKY**, by
and through their attorneys, **BLAKLEY & JONES**, and files the following Objections and
Exceptions to Tax Sale held on September 14, 2007:

1. **GEORGE BROSKY and YVONNE BROSKY** are adult individuals
residing at 278 Rattlesnake Road, Brockway, Jefferson County, Pennsylvania.
2. Plaintiffs are the owners of real property located in the City of DuBois,
Clearfield County, Pennsylvania, consisting of two lots and a building known as Lots 173 and
174, Control No. 007216033 and 007216032 and Map Nos. 001-000-00277 and 001-000-00276,
respectively.

3. **CLEARFIELD COUNTY TAX CLAIM BUREAU** is a part of the Clearfield County Government assigned with the duties of collecting tax claims and conducting tax sales fo delinquent properties.

4. **WILSHIRE, LLC**, is a limited liability corporation with its registered place of business being 733 Beechtree Road, Falls Creek, Jefferson County, Pennsylvania, and was the purchaser of Lot 173 and Lot 174 at the upset tax sale held on September 14, 2007.

5. Owners received notice that their property had been sold at an upset tax sale held on September 14, 2007. The Owners believe and therefore allege that they did not receive proper notice of said tax sale as required by the Real Estate Tax Sale Law, Act of July 7, 1947, P.L. 1638, No. 542, as amended, 72 P.S. § 5860.101-5860.803.

6. The Tax Sale Law sets forth the requirements of notice before an owner's property can be sold. The first requirement is that the Tax Claim Bureau advertise the scheduled sale in two (2) newspapers and the County legal journal. The notice will set forth the purposes of the sale, the time, the place, the terms and descriptions of the property to be sold and the name of the owners. This publication must be at least thirty (30) days prior to the sale. Secondly, the Tax Sale Law requires that at least thirty (30) days prior to the sale, notice shall be given to the owners by United States Certified Mail, Restricted Delivery, Return Receipt Requested, postage prepaid. Thirdly, each property must be posted with a notice not less than ten (10) days prior to the sale.

7. With regard to the thirty (30) day certified mail notice to be sent to the owners, it would appear that the Clearfield County Tax Claim Bureau did send out a notice;

however, Owner, **GEORGE BROSKY**, did not receive said notice, as he was employed away from his residence and did not personally sign for the certified mail notice which was to be sent to him by the Clearfield County Tax Claim Bureau.

8. Case law has established that the notice provisions are to be strictly construed and that strict compliance with such provisions are necessary to guard against deprivation of property without due process and if any one notice is defective, the sale is void. See Ban v. Tax Claim Bureau of Washington County, 698 A.2d 1386 (1997).

9. As the result of the failure to properly notify Owner, **GEORGE BROSKY**, said Owner was unable to bring current his tax obligation on the aforesaid real property and therefore was unaware of its exposure to sale until after having received notice of the sale by notice to sent him by the Clearfield County Tax Claim Bureau on September 25, 2007.

10. Additionally, in its notice to Owner **YVONNE BROSKY**, the Clearfield County Tax Claim Bureau advised that if the Owner had any questions as to what he or she must do in order to save his or her property, the Tax Claim Bureau should be contacted.

11. Owner **YVONNE BROSKY** did contact the Clearfield County Tax Claim Bureau on or about September 12, 2007, and was informed by said Tax Claim Bureau that all taxes could be paid no later than September 14, 2007.

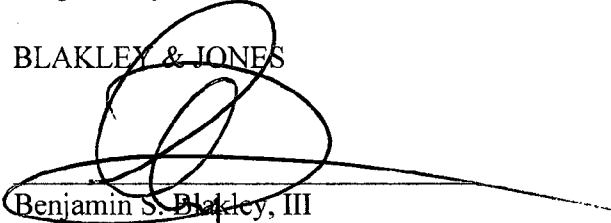
12. Owner **YVONNE BROSKY** did appear at the Clearfield County Tax Claim Bureau on September 14, 2007, with full payment of the taxes due on the aforesaid parcels of real property, but was informed at that time by employees of the Clearfield County Tax Claim

Bureau that the subject properties had already been sold at tax sale and that payment would not be accepted.

WHEREFORE, based upon the failure to give proper notice to the owners of the property and lack of proper information given to the Owners as to payment requirements to be met in order to avoid exposure to a public tax sale, the Owners respectfully request your Honorable Court not confirm the sale as to these lots and building and declare the sale void, return any monies paid by the purchaser and that the Owners be given an opportunity to pay the amounts due on the property and have it restored to them in good standing. Your Honorable Court is Requested to issue a Rule on the Respondents to show cause why the prayer of the Owners' Petition should not be granted.

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Owners, **GEORGE BROSKY**
and **YVONNE BROSKY**

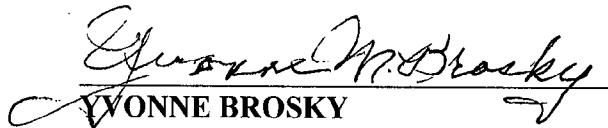
VERIFICATION

We verify that the statements made in this Objections and Exceptions to Tax Sale Held on September 14, 2007 are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

DATE: Oct. 19


GEORGE BROSKY

DATE: Oct. 14, '07


YVONNE BROSKY

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

GEORGE BROSKY and YVONNE
BROSKY,

Plaintiff,

v.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and WILSHIRE, LLC.,

Defendant.

) NO. 07 - 1702 - C.D.
)
) IN DIVORCE
)
) Type of Pleading:
) AFFIDAVIT OF SERVICE
)
) Filed On Behalf Of: PLAINTIFF
)
) Counsel of Record for This Party:
) BENJAMIN S. BLAKLEY, III
)
) Supreme Court I.D. No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois PA 15801
) (814) 371-2730

FILED

OCT 31 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE BROSKY and YVONNE
BROSKY,

Plaintiff,

v.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and WILSHIRE, LLC.,

Defendant.

NO. 07 - 1702 - C.D.

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :

SS.

COUNTY OF CLEARFIELD :

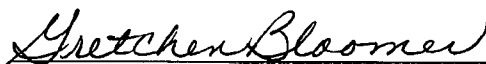
BENJAMIN S. BLAKLEY, III, ESQUIRE, being duly sworn according to law, deposes and says that as attorney for Plaintiff, he did on, October 26, 2007, serve Defendant, Clearfield County Tax Claim Bureau, with a certified copy of Objections and Exceptions to Tax Sale Held on September 14, 2007, via Certified Mail, Return Receipt Requested, said return receipt is being attached hereto.


Benjamin S. Blakley, III, Esquire

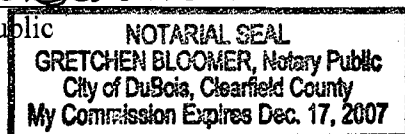
Sworn to and Subscribed

before me this 30th

day of October, 2007.



Notary Public



7006 0810 0001 0124 4275

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.58
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.38

Postmark
PA 15821 STA #2
26
2007
USPS

Clearfield County Tax
Claim Bureau
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

PS Form 3811, February 2004 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Clearfield County Tax
Claim Bureau
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Jean Orr*

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name) *U.S.**Jean Orr*

C. Date of Delivery

*26 Feb 2007*D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒
- Certified Mail
- ☐
- Express Mail
-
- ☐
- Registered
- ☐
- Return Receipt for Merchandise
-
- ☐
- Insured Mail
- ☐
- C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7006 0810 0001 0124 4275

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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

GEORGE BROSKY and YVONNE
BROSKY,

Plaintiffs,

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and WILSHIRE, LLC.,

Defendants

NO. 07-1702-C.D.

Type of Pleading:
ACCEPTANCE OF SERVICE

Filed on Behalf of: PLAINTIFFS
GEORGE BROSKY and YVONNE
BROSKY

Counsel of Record for this Party:
BENJAMIN S. BLAKLEY, III

Supreme Court I.D. No.: 26331

BLAKLEY & JONES
90 Beaver Drive, Box 6
DuBois, PA 15801
(814) 371-2730

FILED No CC.
m/11.25m
NOV 16 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE BROSKY and YVONNE
BROSKY,

Plaintiff,

v.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and WILSHIRE, LLC.,

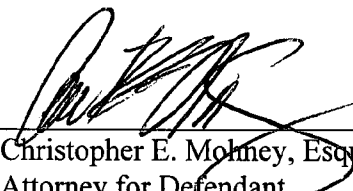
Defendant.

NO. 07 - 1702 - C.D.

ACCEPTANCE OF SERVICE

I hereby accept service of the OBJECTIONS AND EXCEPTIONS TO TAX SALE HELD
ON SEPTEMBER 14, 2007, to the above-captioned action and certify that I am authorized to do so.

Date: 11/7/07


Christopher E. Mohnhey, Esquire
Attorney for Defendant
Wilshire, LLC

FILED

NOV 16 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE BROSKY and YVONNE
BROSKY,

Plaintiffs,

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and WILSHIRE, LLC.,

Defendants.

: NO. 07-1702-C.D.
:
: Type of Pleading: ANSWER TO
: OBJECTIONS AND EXCEPTIONS TO
: TAX SALE HELD ON SEPTEMBER 14,
: 2007
:
: Filed on Behalf of: DEFENDANT
: WILSHIRE, LLC
:
: Counsel of Record for this Party:
: CHRISTOPHER E. MOHNEY, ESQUIRE
:
: Supreme Court I.D. No.: 63494
:
: 25 EAST PARK AVENUE
: SUITE 6
: DuBOIS, PA 15801
: (814) 375-1044

FILED ^{NO CC}
10:43 AM
NOV 28 2007 @

William A. Shaw
Prothonotary/Clerk of Courts

5. Denied. To the contrary, according to records of the Clearfield County Tax Claim Bureau, the owners of the subject premises, namely, George Brosky and Yvonne Brosky were properly served with all necessary advance notices of the upset tax sale to be held on September 14, 2007, in accordance with the applicable provisions of the Real Estate Tax Sale Law.

6. Admitted.

7. Admitted in part, denied in part. It is admitted that with regard to the thirty (30) days certified mail notice to be sent to the owners that the Clearfield County Tax Claim Bureau did send out the notices, and said notices were dated June 7, 2007. It is denied that owner George Brosky failed to receive the aforementioned notices, and, to the contrary, a domestic return receipt card signed June 8, 2007 has Mr. Brosky's name written thereon, giving a reliable presumption that it was signed by him or by another authorized to accept service on his behalf. Attached hereto and marked Exhibit "A" are copies of the aforementioned notices to which Mr. Brosky claims he failed to personally receive.

8. Paragraph 8 of the owner's Objection and Exceptions to Tax Sale Held on September 14, 2007, is a conclusion of law, to which no response is necessary, the same being deemed denied and strict proof thereof being demanded at hearing. By way of further response, to the extent an answer is necessary, Respondent, Wilshire, LLC maintains that the Clearfield County Tax Claim Bureau did adhere to the applicable law governing notices of the upset tax sale to be sent to the owners of the subject premises.

9. Denied. To the contrary, and as pleaded in this filing, owner George Brosky received notice of the upset tax sale, which service of notice was acknowledged and is documented. As to why the owners were unable to bring their tax obligations current in advance of the upset tax sale, after reasonable investigation, this Respondent is without knowledge or information sufficient to form a belief as to why the obligation was not paid, except that by the fact that these properties advanced to upset sale, that the delinquent obligations were not cured.

10. Paragraph 10 of owners' Objections and Exceptions to Tax Sale Held on September 14, 2007, is based on the contents of a written document, which document speaks for itself.

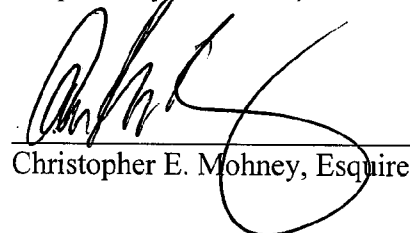
11. Denied. After reasonable investigation, this Respondent is without knowledge or information sufficient to form a belief as to the truth of paragraph 11 of owners' Objections and Exceptions to Tax Sale Held on September 14, 2007, the same being deemed denied and strict proof thereof being demanded at trial.

12. Admitted. Although, by way of further response, this Respondent is not absolutely certain as to whether the owners had full payment of the taxes due on the subject premises, as opposed to another amount sufficient to stay the sale had owners acted to timely cure the delinquency.

WHEREFORE, Respondent, Wilshire, LLC prays this Honorable Court to deny owners George Brosky and Yvonne Brosky's Objections and Exceptions to Tax Sale Held on September 14, 2007, and issue an Order ratifying and otherwise confirming absolutely the sale of the subject premises to Respondent, Wilshire, LLC.

Respectfully submitted,

By:


Christopher E. Mohny, Esquire

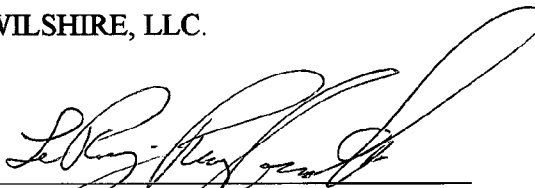
VERIFICATION

We, LeRoy Raybuck and John Raybuck, members of Wilshire, LLC., being duly authorized to make this verification, have read the foregoing Answer to Objections and Exceptions to Tax Sale Held on September 14, 2007. The statements therein are correct to the best of our personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

WILSHIRE, LLC.

By:



LeRoy Raybuck, Member

By:

John Raybuck, Member

VERIFICATION

We, LeRoy Raybuck and John Raybuck, members of Wilshire, LLC, being duly authorized to make this verification, have read the foregoing Answer to Objections and Exceptions to Tax Sale Held on September 14, 2007. The statements therein are correct to the best of our personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

WILSHIRE, LLC.

By:

LeRoy Raybuck, Member

By:

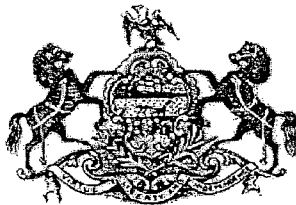
John Raybuck, Member

Clearfield County Tax Claim Bureau - NOTICE OF PUBLIC TAX SALE

Date: June 7, 2007

363

Owner Or Reputed Owner
BROSKY, GEORGE
278 RATTLESNAKE RD
BROCKWAY PA 15824



Claim # 2005-000860

Control # 007216032

Map# 001-000-00276

Property Description

BLDG. & L #174

Delinquent 2005 Real Estate Tax

File Copy

WARNING

YOUR PROPERTY IS ABOUT TO BE SOLD WITHOUT YOUR CONSENT FOR DELINQUENT TAXES. YOUR PROPERTY MAY BE SOLD FOR A SMALL FRACTION OF IT'S FAIR MARKET VALUE. IF YOU HAVE ANY QUESTIONS AS TO WHAT YOU MUST DO IN ORDER TO SAVE YOUR PROPERTY, PLEASE CALL YOUR ATTORNEY, THE TAX CLAIM BUREAU AT THE FOLLOWING TELEPHONE NUMBER: (814)-765-2641 OR THE COUNTY LAWYER REFERRAL SERVICE.

TO: All owners of property described in this notice, and all persons having tax liens and judgements or municipal claims against such properties. Notice is hereby given by the Tax Claim Bureau in and for the County of Clearfield under and by the authority of the provisions of the Act of 1947, P.L. 1368, known as "Real Estate Tax Law", as amended, that the said BUREAU will expose at public sale at the CAST Building, 112 East Locust Street, Clearfield, Pennsylvania, at **10:00 AM on September 14, 2007** or any day to which the sale may be adjourned, re-adjourned or continued, for the purpose of collecting unpaid taxes, municipal claims and all costs incident thereto; the above described real estate for at least the upset price in the amount herein approximately set forth. The sale of this property may, at the option of the Bureau, be stayed if the owner thereof or any lien creditors of the owner, on or before the sale date, enters into an agreement with the BUREAU to pay the taxes and costs owing on said property in the manner provided by said law.

Notice of sale will be published in the Clearfield Progress, the DuBois Courier Express and the Clearfield County Legal Journal the week of: **August 6, 2007**

TERMS OF SALE: Cash or Certified Check payable to "TAX CLAIM BUREAU" at time property is struck down. Personal Checks subject to final payment and at risk of payor.

2. Article Number 7109 2806 6600 0051 3635	
3. Service Type CERTIFIED MAIL	
4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes	
1. Article Addressed to: BROSKY, GEORGE 278 RATTLESNAKE RD BROCKWAY PA 15824	
Claim # 2005-000860	
PS Form 3811, January 2003 Domestic Return Receipt	

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly) George Brosky	B. Date of Delivery 6-8-07
C. Signature <i>George Brosky</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

work fee.

EMENT TO STAY SALE".
25% of total to begin.

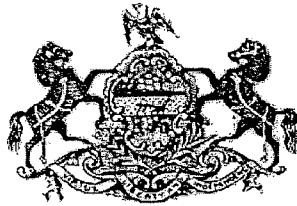
EXHIBIT A.

Clearfield County Tax Claim Bureau - NOTICE OF PUBLIC TAX SALE

Date: June 7, 2007

361

Owner Or Reputed Owner
BROSKY, GEORGE
278 RATTLESNAKE RD
BROCKWAY PA 15824



Claim # 2005-000859

Control # 007216033

Map# 001-000-00277

Property Description

L #173

Delinquent 2005 Real Estate Tax

File Copy

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TO: All owners of property described in this notice, and all persons having tax liens and judgements or municipal claims against such properties. Notice is hereby given by the Tax Claim Bureau in and for the County of Clearfield under and by the authority of the provisions of the Act of 1947, P.L. 1368, known as "Real Estate Tax Law", as amended, that the said BUREAU will expose at public sale at the CAST Building, 112 East Locust Street, Clearfield, Pennsylvania, at **10:00 AM on September 14, 2007** or any day to which the sale may be adjourned, re-adjourned or continued, for the purpose of collecting unpaid taxes, municipal claims and all costs incident thereto, the above described real estate for at least the upset price in the amount herein approximately set forth. The sale of this property may, at the option of the Bureau, be stayed if the owner thereof or any lien creditors of the owner, on or before the sale date, enters into an agreement with the BUREAU to pay the taxes and costs owing on said property in the manner provided by said law.

Notice of sale will be published in the Clearfield Progress, the DuBois Courier Express and the Clearfield County Legal Journal the week of: **August 6, 2007**

TERMS OF SALE: Cash or Certified Check payable to "TAX CLAIM BUREAU" at time property is struck down. Personal Checks accepted subject to final payment and at risk of payor.

2. Article Number

7109 2806 6600 0051 3611

COMPLETE THIS SECTION ON DELIVERY

check fee.

B. Date of Delivery **6-8-07**

C. Signature *George Brosky*

X *George Brosky* ☐ Agent ☒ Addressee

D. Is delivery address different from item? ☒ Yes ☐ No
If YES, enter delivery address below:

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☒ Yes

1. Article Addressed to: **361**

BROSKY, GEORGE
278 RATTLESNAKE RD
BROCKWAY PA 15824

Claim # 2005-000859

REEMENT TO STAY SALE".
of 25% of total to begin.

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

GEORGE BROSKY and YVONNE
BROSKY,

Plaintiffs,

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and WILSHIRE, LLC.,

Defendants.

NO. 07-1702-C.D.

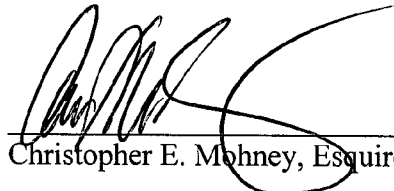
CERTIFICATE OF SERVICE

I, Christopher E. Mohny, Esquire, do hereby certify that on the 22nd day of November, 2007, I served Answer to Objections and Exceptions to Tax Sale Held on September 14, 2007, via First Class United States Mail, postage prepaid on the following:

Benjamin S. Blakley, III, Esquire
BLAKLEY & JONES
90 Beaver Drive, Box 6
DuBois, PA 15801

Kim C. Kesner, Esquire
BELIN, KUBISTA & RYAN
15 N. Front Street
P. O. Box 1
Clearfield, PA 16830

By:


Christopher E. Mohny, Esquire

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

GEORGE BROSKY and YVONNE
BROSKY,

Petitioners,

vs.

CLEARFIELD COUNTY TAX
CLAIM BUREAU and WILSHIRE, LLC,
Respondents,

NO. 07-1702-CD

**ANSWER OF CLEARFIELD
COUNTY TAX CLAIM BUREAU TO
OBJECTIONS AND EXCEPTIONS TO
TAX SALE HELD ON SEPTEMBER
14, 2007**

Filed on behalf of:
Clearfield County Tax Claim Bureau

Counsel of Record for this Party:

Kim C. Kesner, Esquire
I.D. No. 28307
15 North Front Street
Clearfield, PA 16830
(814) 765-8792

Other Counsel of Record:

Benjamin S. Blakley, III
90 Beaver Drive, Box 6
DuBois, PA 15801
(814) 375-2730

Christopher E. Mohny, Esquire
25 East Park Avenue, Suite 6
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(814) 375-1044

FILED 3cc
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NOV 30 2007
Amy Kesner

William A. Shaw
Prothonotary/Clerk of Courts

(GK)

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

GEORGE BROSKY and YVONNE : NO. 07-1702-CD
BROSKY, :
Petitioners, :
vs. :
CLEARFIELD COUNTY TAX :
CLAIM BUREAU and WILSHIRE, LLC, :
Respondents, :

**ANSWER OF CLEARFIELD COUNTY
TAX CLAIM BUREAU TO OBJECTIONS AND
EXCEPTIONS TO TAX SALE HELD ON SEPTEMBER 14, 2007**

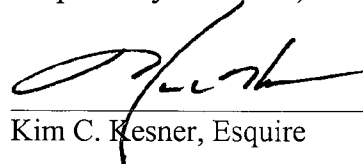
AND NOW COMES, Respondent, Clearfield County Tax Claim Bureau ("Bureau") by Kim C. Kesner, Esquire, Clearfield County Solicitor, and files the following Answer to Objections and Exceptions to Tax Sale Held on September 14, 2007 ("Tax Sale"):

1. Admitted.
2. Admitted in part and denied in part. Petitioners were the owners of the two assessments described in paragraph 2 of Petitioners Objections and Exceptions ("Subject Property") at the Tax Sale.
3. Admitted.
4. Admitted.
5. It is admitted that Petitioners received post sale notice that the Subject Property had been sold at the Tax Sale. The balance of paragraph 5 of the Objections and Exceptions constitutes a contention or conclusion of law to which no response is required. To the extent that a response is required it is specifically denied that Petitioners did not receive proper notice of the Tax Sale.

6. Admitted.
7. It is specifically denied that the thirty (30) day presale certified mail notice was not received by Petitioner George Brosky. To the contrary, such notice was mailed to Mr. Brosky on June 7, 2007, and received and signed by him on June 8, 2007.
8. Admitted.
9. It is specifically denied that the thirty (30) day presale certified mail notice was not received by Petitioner George Brosky. To the contrary, such notice was mailed to Mr. Brosky on June 7, 2007, and received and signed by him on June 8, 2007.
10. Admitted.
11. The averments contained in paragraph 11 of Petitioners' Objections and Exceptions are specifically denied. A Bureau representative spoke with Mrs. Brosky one week before the Tax Sale. Mrs. Brosky acknowledged the impending Tax Sale of the Subject Property and was advised that in order to remove the Subject Property from the Tax Sale, taxes were required to be paid before 10:00 a.m. on September 14, 2007.
12. Admitted in part and denied in part. It is admitted that Mrs. Brosky appeared at the Clearfield County Tax Claim Bureau on September 14, 2007, after the Tax Sale had occurred. Respondent Bureau is without sufficient knowledge or information to form a belief as to the truth of Petitioners allegation that Mrs. Brosky had funds sufficient to pay all delinquent taxes, expenses and penalties.

WHEREFORE, Respondent Clearfield County Tax Claim Bureau respectfully prays your Honorable Court to dismiss Petitioners' Objections and Exceptions to Tax Sale held on September 14, 2007, and confirm the Tax Sale to Wilshire, LLC.

Respectfully submitted,

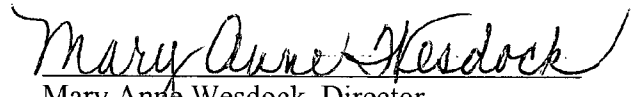
A handwritten signature in black ink, appearing to read 'Kim C. Kesner', is written over a horizontal line.

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 Answer of Clearfield County Tax Claim Bureau to Objections and Exceptions to Tax Sale Held on September 14, 2007, 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: 11-30-2007


Mary Anne Wesdock, Director
Clearfield County Tax Claim Bureau

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

GEORGE BROSKY and YVONNE
BROSKY,

Petitioners,

vs.

CLEARFIELD COUNTY TAX
CLAIM BUREAU and WILSHIRE, LLC,
Respondents,

NO. 07-1702-CD

CERTIFICATE OF SERVICE

Filed on behalf of:
Clearfield County Tax Claim Bureau


Counsel of Record for this Party:

Kim C. Kesner, Esquire
I.D. No. 28307
15 North Front Street
Clearfield, PA 16830
(814) 765-8792

Other Counsel of Record:

Benjamin S. Blakley, III
90 Beaver Drive, Box 6
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(814) 375-2730

Christopher E. Mohny, Esquire
25 East Park Avenue, Suite 6
DuBois, PA 15801
(814) 375-1044

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William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE BROSKY and YVONNE	:	NO. 07-1702-CD
BROSKY,	:	
	:	
Petitioners,	:	
	:	
vs.	:	
	:	
CLEARFIELD COUNTY TAX	:	
CLAIM BUREAU and WILSHIRE, LLC,	:	
Respondents,	:	

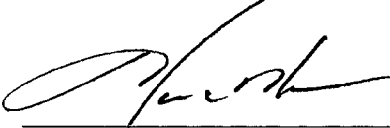
CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on the 3rd day of December, 2007, I caused to be served a certified copy of Answer of Clearfield County Tax Claim Bureau to Objections and Exceptions to Tax Sale Held on September 14, 2007, by United States regular mail on the following:

Benjamin S. Blakley, Esquire
90 Beaver Drive, Box 6
DuBois, PA 15801

Christopher E. Mohny, Esquire
25 East Park Avenue, Suite 6
DuBois, PA 15801

Date: Dec. 3, 2007



Kim C. Kesner, Esquire
Solicitor of Clearfield County

FILED
DEC 03 2007
William A. Shaw
Prothonotary/Clerk of Courts

CLEARFIELD COUNTY
COURT HOUSE
CLEARFIELD, PA 16830
KIM C. KESNER, ESQUIRE
SOLICITOR
(814) 765-2641

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

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William A. Shaw
Prothonotary/Clerk of Courts

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GEORGE BROSKY AND :
YVONNE BROSKY, :
VS : NO. 07-1702-CD
CLEARFIELD COUNTY TAX CLAIM :
BUREAU AND WILSHIRE, LLC :

ORDER

NOW, 20th day of December, 2007, following evidentiary hearing on the objections and exceptions to tax sale, it is the Order of this Court that counsel for the Petitioners and Clearfield County shall supply the Court with appropriate letter brief within no more than Twenty (20) Days from this date. Counsel for Wilshire, LLC, may also submit letter brief if he should choose to do so.

BY THE COURT,



President Judge

DATE: 12-21-01

____ 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 L. Mowall

____ Special Instructions:

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

GEORGE BROSKY and YVONNE BROSKY, *
Plaintiffs *
vs. *
CLEARFIELD COUNTY TAX CLAIM BUREAU *
AND WILSHIRE, LLC. *
Defendants *

NO. 07-1702-CD

ORDER

NOW, this 10th day of January, 2008, following evidentiary hearing and review of the parties' briefs, it is the ORDER of this Court that the Objections and Exceptions filed by the Petitioners, George and Yvonne Brosky, to the tax sale held September 14, 2007 for unpaid 2005 and 2006 taxes be and are hereby granted. The sales are hereby overturned.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

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JAN 10 2008 Kesner
William A. Shaw Mohney
Prothonotary/Clerk of Courts
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JAN 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/10/08

X 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

Defendant(s) X Defendant(s) Attorney

Special Instructions: