

08-1450-CD

Peggy Graham vs Clfd Cty Tax Claim

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

PEGGY S. GRAHAM,

Plaintiff : No. 08 - 1450- CD

Vs. :

CLEARFIELD COUNTY TAX CLAIM BUREAU, :
Defendant :

**PETITION FOR DISAPPROVAL
OF TAX SALE**

FILED

013:4581
AUG 07 2008

ICC
Atty Colavecchi
Piff Pd. \$95.00

William A. Shaw
Prothonotary/Clerk of Courts

AND NOW, comes Peggy S. Graham, who, through her attorney, Joseph Colavecchi, Esquire, files the following Petition requesting the Court to disapprove tax sale and in support thereof avers as follows:

1. The Petitioner is Peggy S. Graham, an individual residing at 124 South Second Street, Clearfield, Pennsylvania 16830.

2. That notice has been given on June 27, 2008, that the Clearfield County Tax Claim Bureau has given notice of a private sale of a parcel of land in Bradford Township, Clearfield County, Pennsylvania, known as Map No. 106-N08-000-00041 MN, et al, and described as "7.34% INT. IN 104 A. MIN. RT.," and assessed to A. Boaz Shirey.

3. That said sale is scheduled for August 27, 2008, at 9:00 a.m. at the Tax Claim Bureau, said sale being based on a bid of Two Hundred Dollars (\$200.00) for the parcel.

4. That Peggy S. Graham believes that the bid is inadequate and hereby submits a bid of Four Hundred Dollars (\$400.00) which represents twice as much as is being offered for the property.

5. That in the event the Bureau disapproves the sale, Peggy S. Graham will offer Four Hundred Dollars (\$400.00) and will be prepared to bid for the property in the event the Court opens the proposed sale for auction bidding.

WHEREFORE, your Petitioner prays your Honorable Court to disapprove the sale, and either accept the bid of Peggy S. Graham of Four Hundred Dollars (\$400.00) or open the bid on the property for auction bidding.

Respectfully submitted,



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I, Joseph Colavecchi, Esquire, attorney for Peggy S. Graham, verify that the statements made in this Petition for Disapproval of 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.



JOSEPH COLAVECCHI, ESQUIRE

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

PEGGY S. GRAHAM,

Plaintiff : No. 08 - 1450 CD

Vs. :

CLEARFIELD COUNTY TAX CLAIM BUREAU, :
Defendant :


RULE

AND NOW, this 13 day of August, 2008, upon reading and considering the foregoing Petition, a Rule is hereby issued on the Clearfield County Tax Claim Bureau to show cause why the Tax Sale proposed for the parcel of land in Bradford Township, Clearfield County, Pennsylvania, having Map No. 106-N08-000-00041 MN and described as "7.34% INT. IN 104 A. MIN. RT.," for the sum of Two Hundred Dollars (\$200.00), should not be rejected and why said parcel should either be sold to Peggy S. Graham or that said sale should be opened for auctioned bidding of which Peggy S. Graham shall be given notice and an opportunity to bid.

Rule returnable for written response on the 15th day of September, 2008.

Hearing to be held, if necessary, the 12th day of September, 2008, at 9:00 o'clock A.M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


JUDGE

FILED

014:0001
AUG 13 2008

(61)

William A. Shaw
Prothonotary/Clerk of Courts
cc Atty J. Colavecchi

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

FILED

AUG 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/13/08

☒ 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:

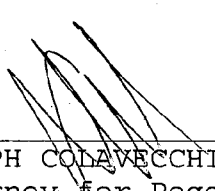
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

PEGGY S. GRAHAM :
Plaintiff :
vs. : No. 08 - 1450 - CD
CLEARFIELD COUNTY TAX CLAIM :
BUREAU, :
Defendant :

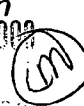
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 14th day of August, 2008, a true and correct copy of a Petition for Disapproval of Tax Sale in regard to the above matter, was served on the following by depositing said copy in the United States Mail, first class, postage prepaid and addressed as follows:

Clearfield County Tax Claim Bureau
Clearfield County Courthouse
Clearfield, PA 16830


JOSEPH COLAVECCHI, ESQUIRE
Attorney for Peggy S. Graham
221 East Market Street
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 No CC
9/4/08
AUG 14 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

PEGGY S. GRAHAM,

Plaintiff

Vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU,

Defendant

No. 08-1450-CD

Type of Pleading:

**RESPONSE OF CLEARFIELD
COUNTY TAX CLAIM BUREAU**

Filed on Behalf of:
DEFENDANT

Counsel of Record for This Party:

Kim C. Kesner, Esquire
Supreme Court No. 28307
212 South Second Street
Clearfield, PA 16830
(814) 765-1706

FILED 3CC
019:36 34 Atty
SEP 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

PEGGY S. GRAHAM,	:	No. 08-1450-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
CLEARFIELD COUNTY TAX CLAIM	:	
BUREAU,	:	
Defendant	:	

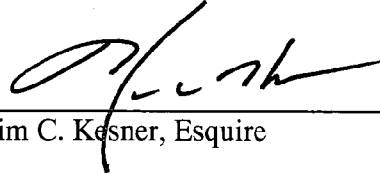
RESPONSE OF CLEARFIELD COUNTY TAX CLAIM BUREAU

AND NOW, comes the CLEARFIELD COUNTY TAX CLAIM BUREAU by Kim C. Kesner, Esquire, Solicitor and in response to this Court's Rule issued on August 13, 2008, files these written responses:

1. Admitted.
2. Admitted.
3. It is admitted that the sale was scheduled for August 27, 2008, based upon a private sale bid of Two Hundred and 00/100 (\$200.00) Dollars for the subject assessment.
4. The averments contained in paragraph 4; that the private sale bid is inadequate is for determination by the Court at Hearing.
5. The averments contained in paragraph 5 require no response. If upon hearing the Court would determine that the private sale should be disapproved, the Court will determine the processes and actions of the Tax Claim Bureau thereafter. The Petition is sufficient on its face to require a hearing in this matter under the Tax Sale Law.

WHEREFORE, Defendant/Respondent Clearfield County Tax Claim Bureau will appear at hearing as scheduled and participate in the proceedings in accordance with the Tax Sale Law.


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, Kim C. Kesner, Esquire, attorney for Defendant, verify that the statements made in this Answer are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.



Kim C. Kesner, Esquire

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

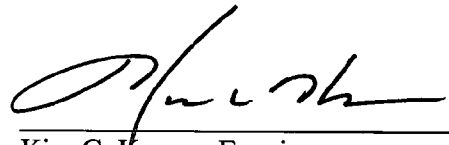
PEGGY S. GRAHAM,	:	No. 08-1450-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
CLEARFIELD COUNTY TAX CLAIM	:	
BUREAU,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 29 day of August, 2008, I served a true and correct copy of the within Answer by first class mail, postage prepaid, on the following:

Joseph Colavecchi, Esquire
221 East Market Street
Clearfield, PA 16830

8-29-08
Date


Kim C. Kesner, Esquire

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

PEGGY S. GRAHAM,

Plaintiff

Vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU,

Defendant

No. 08-1450-CD

Type of Pleading:

ORDER

Filed on Behalf of:
DEFENDANT

Counsel of Record for This Party:

Kim C. Kesner, Esquire
Supreme Court No. 28307
212 South Second Street
Clearfield, PA 16830
(814) 765-1706

ORIGINAL

FILED 3cc
012:51eBdt Amy Kesner
SEP 15 2008 (610)

William A. Shaw
Prothonotary/Clerk of Courts

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

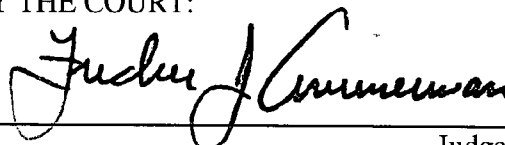
PEGGY S. GRAHAM,	:	No. 08-1450-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
CLEARFIELD COUNTY TAX CLAIM	:	
BUREAU,	:	
Defendant	:	

ORDER

AND NOW, this 12th day of September, 2008, this being the date scheduled for Hearing, if necessary, by this Court's previous Order of August 13, 2008, the Clearfield County Tax Claim Bureau having filed a written response which does not oppose this Court's disapproval of the private sale or the ordering of an auction-style bidding of the property among the parties to the proceedings in accordance with 72 P.S. Section 5860.613(a), It Is Hereby Ordered And Decreed:

1. The proposed private sale of a parcel of land in Bradford Township, Clearfield County, Pennsylvania, known as Map No. 106-NO8-000-00041 MN and described as "7.34% INT. IN 104 A.MIN.RT" and assessed to A. Boaz Shirey, is hereby disapproved.
2. The Tax Claim Bureau shall arrange and conduct an auction-style bidding of the property among the parties to the proceeding.

BY THE COURT:



Judge

FILED

SEP 15 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/15/08

☒ 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: