

08-2031-CD

William Garman vs Clfd City Tax Claim

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM GARMAN,

Plaintiff

Vs.

CLEARFIELD COUNTY TAX CLAIM  
BUREAU and WILLIAM O'SHALL,

Defendants

CIVIL DIVISION

No. 2008 - 2031 - CD

PETITION TO SET ASIDE TAX  
SALE

Filed on Behalf of:

Plaintiff, WILLIAM GARMAN

Counsel of Record for This  
Party:

PAUL COLAVECCHI, ESQUIRE  
Pa. I.D. #83274

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

*S*  
**FILED** 3CC  
OCT 23 2008  
Attn: P. Colavecchi  
William A. Shaw  
Prothonotary/Clerk of Courts  
*No fee*

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

WILLIAM GARMAN :  
Plaintiff :  
:  
vs. : No. 2008 - - CD  
:  
CLEARFIELD COUNTY TAX CLAIM :  
BUREAU and WILLIAM O'SHALL, :  
:  
Defendants :  
:

PETITION TO SET ASIDE TAX SALE

NOW COMES, WILLIAM GARMAN, by and through his Attorney, Paul Colavecchi, Esquire, and files the following Petition to Set Aside Tax Sale.

1. Your Petitioner is William Garman, an adult individual residing at 49 White Oak Street, Smoke Run, Pennsylvania, 16681.
2. The Defendants are the Clearfield County Tax Claim Bureau and William O'Shall, an individual who resides at 1051 Dakota Ridge Road, Fallentimber, Pennsylvania, 16639.
3. William Garman and Kathleen Garman, his wife, were the owners of a house and two lots, #11 and #12, located in the Village of Smoke Run, Beccaria Township, Clearfield County, Pennsylvania, identified as Tax Map Number K15-503-00004.

4. The aforementioned tracts of land were conveyed to William Garman and Kathleen Garman, husband and wife, by deed dated December 4, 1996, recorded at Clearfield County in Volume 1810, Page 459.

5. The said Kathleen Garman is deceased having passed away on March 13, 2005. All of her right, title and interest passed to her husband, William Garman.

6. The aforementioned property was subject to a Tax Sale on September 12, 2008 for delinquent taxes that occurred in the year 2006.

7. The property was exposed to the taxes on September 12, 2008 and Petitioner was informed and believes that the property was purchased by William O'Shall.

8. Petitioner objects to said sale as follows:

a. Petitioner advises that he is partially illiterate and cannot fully understand what he reads.

b. Petitioner admits that he did receive notice by mail, however, he did not fully understand the notice and the deadlines imposed.

c. Petitioner obtained assistance as to the notice and immediately went to the office of the Clearfield County Tax Claim Bureau with the intention to pay the taxes, at which time he was advised the property had been sold.

WHEREFORE, your Petitioner requests that the sale of the house and two lots, #11 and #12, situated in the Village of Smoke Run, Beccaria Township, Clearfield County, having Tax Map Number K15-503-00004, be set aside.



PAUL COLAVECCHI, ESQUIRE  
COLAVECCHI & COLAVECCHI  
221 East Market Street  
Clearfield, PA 16830

10-21-08

DATE

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

WILLIAM GARMAN,

Plaintiff

Vs.

CLEARFIELD COUNTY TAX CLAIM  
BUREAU and WILLIAM O'SHALL,

Defendants

CIVIL DIVISION

No. 2008 - 2031 - CD

**RULE**

Filed on Behalf of:

Plaintiff, WILLIAM GARMAN

Counsel of Record for This  
Party:

PAUL COLAVECCHI, ESQUIRE  
Pa. I.D. #83274

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**

01/31/08  
OCT 28 2008

30C  
Amy  
Colavecchi

William A. Shaw  
Prothonotary/Clerk of Courts (610)

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

WILLIAM GARMAN, :  
Plaintiff :  
:  
vs. : No. 2008 - - CD  
:  
CLEARFIELD COUNTY TAX :  
CLAIM BUREAU and WILLIAM :  
O'SHALL, :  
Defendants:

R U L E

AND NOW, this 28<sup>th</sup> day of October, 2008,  
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 William O'Shall 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 14<sup>th</sup> day of November,  
2008 at 9:00 o'clock A.M. in Courtroom Number  
1 for an Evidentiary Hearing.

BY THE COURT:



JUDGE

FILED

OCT 28 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 10/28/08

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Attorney  Other

Plaintiff(s)  Attorney  Other

Defendant(s)  Defendant(s) Attorney  Other

Special Instructions: \_\_\_\_\_

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

WILLIAM GARMAN :  
Plaintiff :  
:  
vs. : No. 2008 - 2031 - CD  
:  
CLEARFIELD COUNTY TAX CLAIM :  
BUREAU and WILLIAM O'SHALL, :  
:  
Defendants :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 31st day of October, 2008, a true and correct copy of a Petition to Set Aside Tax Sale and Rule in 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:

William O'Shall Clearfield County Tax Claim Bureau  
1051 Dakota Ridge Rd. Clearfield County Courthouse  
Fallentimber, PA 16639 Clearfield, PA 16830

DATE: 10-31-08

BY: Paul C. Colavecchi  
PAUL C. COLAVECCHI, ESQUIRE  
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

5  
**FILED** NOCC  
01/05/2014  
NOV 03 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

WILLIAM GARMAN, : No. 2008-2031-CD

Plaintiff :

Vs.

CLEARFIELD COUNTY TAX CLAIM : WRITTEN RESPONSE BY  
BUREAU and WILLIAM O'SHALL, : CLEARFIELD COUNTY  
Defendants : TAX CLAIM BUREAU TO  
: PETITION TO SET ASIDE  
: TAX SALE

Filed on Behalf of:  
DEFENDANT – CLEARFIELD  
COUNTY TAX CLAIM BUREAU

Counsel of Record for This Party:

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

Other Counsel of Record:

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

300  
FILED  
9/23/08  
NOV 13 2008  
S  
Atty Kesner  
GIO  
William A. Shaw  
Prothonotary/Clerk of Courts

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

|                             |   |                  |
|-----------------------------|---|------------------|
| WILLIAM GARMAN,             | : | No. 2008-2031-CD |
| Plaintiff                   | : |                  |
|                             | : |                  |
| Vs.                         | : |                  |
|                             | : |                  |
| CLEARFIELD COUNTY TAX CLAIM | : |                  |
| BUREAU and WILLIAM O'SHALL, | : |                  |
| Defendants                  | : |                  |

**WRITTEN RESPONSE BY  
CLEARFIELD COUNTY TAX CLAIM BUREAU  
TO PETITION TO SET ASIDE**

AND NOW, comes the Clearfield County Tax Claim Bureau by and through its attorney, Kim C. Kesner, Esquire, and files this written response to Plaintiff, William Garman's Petition to Set Aside Tax Sale:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. No evidence of Kathleen Garman's death is of record in Clearfield County.

However, the Clearfield County Tax Claim Bureau does not deny that she is deceased.

6. Admitted.
7. Admitted.
8. (a) The Clearfield County Tax Claim Bureau is without sufficient knowledge to form a belief as to the truth of the allegations

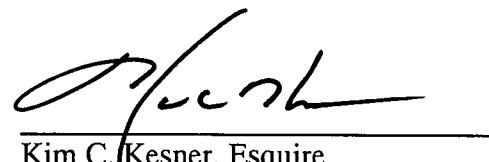
contained in paragraph 8(a) of the Petition to Set Aside Tax Sale.

Proof therefore is requested at hearing.

- (b) The Clearfield County Tax Claim Bureau acknowledges Petitioner's admission that he received all required notices of the tax sale. The Clearfield County Tax Claim Bureau is without sufficient knowledge or information to form a belief as to the level of his understanding of the notices.
- (c) The Clearfield County Tax Claim Bureau is without sufficient knowledge or information to form a belief as to what is meant by the allegation that "Petitioner obtained assistance as to the Notice (sic)..." In addition, the Clearfield County Tax Claim Bureau is without sufficient knowledge or information to form a belief as to the balance of the allegations contained in paragraph 8(c) and proof thereof is requested at hearing.

WHEREFORE, the Clearfield County Tax Claim Bureau respectfully requests this Honorable Court to affirm the tax sale in this matter.

Respectfully submitted,



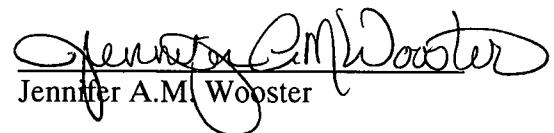
---

Kim C. Kesner, Esquire  
Attorney for Defendant

**VERIFICATION**

I, JENNIFER A.M. WOOSTER, Director of the Clearfield County Tax Claim Bureau, verify that the statements in the foregoing Written Response to Petition to Set Aside Tax Sale are true and correct to the best of my knowledge, information and belief.

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

  
Jennifer A.M. Wooster

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

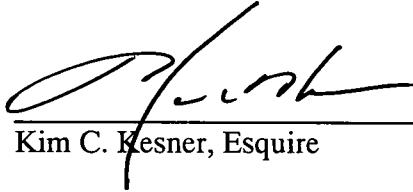
WILLIAM GARMAN, : No. 2008-2031-CD  
Plaintiff :  
: Vs. :  
: :  
CLEARFIELD COUNTY TAX CLAIM :  
BUREAU and WILLIAM O'SHALL, :  
Defendants :  
:

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 13 day of August, 2008, I served a true and correct copy of the within Written Response by Clearfield County Tax Claim Bureau to Petition to Set Aside Sale by first class mail, postage prepaid, on the following:

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

11-13-08  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kim C. Kesner, Esquire

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

WILLIAM GARMAN

-VS-

No. 08-2031-CD

CLEARFIELD COUNTY TAX  
CLAIM BUREAU & WILLIAM  
O'SHALL

O R D E R

AND NOW, this 14th day of November, 2008,  
following hearing on the Plaintiff's Petition to Set Aside  
Tax Sale, it is the ORDER of this Court that counsel for both  
parties supply the Court with letter brief within no more  
than fifteen (15) days from this date.

BY THE COURT,



President Judge

FILED <sup>(610)</sup>  
01/4/2008 2CC Attns:  
NOV 14 2008 P. Colavecchi  
S William A. Shaw 1CC W. O'Shall  
Prothonotary/Clerk of Courts 1051 Dakota Ridge Rd.  
Fallentimber, PA  
16639

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM GARMAN,

Plaintiff

Vs.

CLEARFIELD COUNTY TAX CLAIM  
BUREAU and WILLIAM O'SHALL,

Defendants

CIVIL DIVISION

No. 2008 - 2031 - CD

PRAECIPE TO WITHDRAW PETITION  
TO SET ASIDE TAX SALE

Filed on Behalf of:

Plaintiff, WILLIAM GARMAN

Counsel of Record for This  
Party:

PAUL COLAVECCHI, ESQUIRE  
Pa. I.D. #83274

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

814/765-1566

FILED *EW*

DEC 12 2008

013:15/

William A. Shaw  
Prothonotary/Clerk of Courts

No Cents.

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

WILLIAM GARMAN :  
Plaintiff :  
:  
vs. : No. 2008 - 2031 - CD  
:  
CLEARFIELD COUNTY TAX CLAIM :  
BUREAU and WILLIAM O'SHALL, :  
:  
Defendants :  
:

PRAECIPE TO WITHDRAW PETITION TO SET ASIDE TAX SALE

TO: WILLIAM A. SHAW, PROTHONOTARY

William Garman, through his Attorney, Paul Colavecchi, Esquire hereby withdraws the Petition to Set Aside Tax Sale as filed with the Court to the above term and number.

  
PAUL COLAVECCHI, ESQUIRE  
Attorney for Plaintiff  
221 East Market Street  
Clearfield, PA 16830

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

December 12, 2008