

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
William A. Shaw
Prothonotary/Clerk of Courts
No fee
Att. P. Colavecchi

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

CA

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
013:4150
OCT 28 2008

300
Any
Colavecchi

William A. Shaw
Prothonotary/Clerk of Courts @10

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 28th 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 14th 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) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ 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
1051 Dakota Ridge Rd.
Fallentimber, PA 16639

Clearfield County Tax Claim Bureau
Clearfield County Courthouse
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

FILED NO CC
010:5784
NOV 03 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM GARMAN,

Plaintiff

Vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU and WILLIAM O'SHALL,

Defendants

No. 2008-2031-CD

Type of Pleading:

**WRITTEN RESPONSE BY
CLEARFIELD COUNTY
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

5
FILED 302
NOV 13 2008
William A. Shaw
Prothonotary/Clerk of Courts
Amy Kesner
GLO

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,

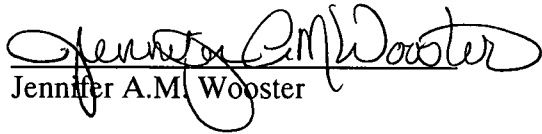
A handwritten signature in black ink, appearing to read "Kim C. Kesner", written over a horizontal line.

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

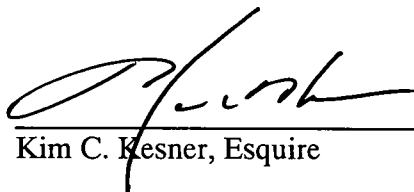
WILLIAM GARMAN,	:	No. 2008-2031-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
CLEARFIELD COUNTY TAX CLAIM	:	
BUREAU and WILLIAM O'SHALL,	:	
Defendants	:	

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

VA

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

WILLIAM GARMAN

-VS-

CLEARFIELD COUNTY TAX
CLAIM BUREAU & WILLIAM
O'SHALL

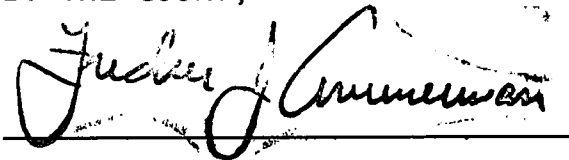
:
:
:
:
:
:
:
:

No. 08-2031-CD

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 ⁶¹⁰
0/4:00/37
NOV 14 2008
2cc Any: P. Colawecchi
Resner
William A. Shaw ICC W. O'Shall
Prothonotary/Clerk of Courts
1051 Dakota Ridge Rd.
Fallentimber, PA
No 639

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

0/3:15/

William A. Shaw
Prothonotary/Clerk of Courts

no cert.


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