

08-2057-CD

Paul Kasper al vs Tax Claim Bureau

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

PAUL D. KASPER and DONNA
MARIE KASPER

vs.

TAX CLAIM BUREAU OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO. 2008-2057-CD

Type of Case: Civil

Type of Pleading: Objections and
Exceptions to Tax Sale

Filed on behalf of: Paul D. Kasper
and Donna Marie Kasper
Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED 2CC AM
0/12:35pm (no fee)
OCT 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

PAUL D. KASPER and DONNA
MARIE KASPER

vs.

TAX CLAIM BUREAU OF
CLEARFIELD COUNTY,
PENNSYLVANIA

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NO. _____ C.D.

OBJECTIONS AND EXCEPTIONS

AND NOW, come PAUL D. KASPER and DONNA MARIE KASPER, through their Attorney, David P. King, and files the following Objections and Exceptions to the actions of the TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, and its recent Tax Sale, and in support thereof aver as follows:

1. Objectors are PAUL D. KASPER and DONNA MARIE KASPER, and they reside at 3550 West 105 Street, Apt. 201, Cleveland, OH 44111.
2. The said PAUL D. KASPER and DONNA MARIE KASPER are husband and wife, and together they jointly own those premises situated in the Treasure Lake Subdivision to Sandy Township, Clearfield County, PA, known as Lots 318 and 319, Section 15 "Bimini".
3. Said properties are "lake front properties", and are unoccupied, with no buildings or structures thereon.
4. The said PAUL D. KASPER and DONNA MARIE KASPER acquired such lots by Deed dated the 23rd day of July , 1993, and as recorded in Deed Book Volume 1547, at Page 429, in the Office of the Recorder of Deeds of Clearfield County, PA. Copy of Deed attached and marked as Exhibit "A".

5. The subject matter property was recently sold for non-payment of 2006 real estate taxes by the TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, whose office is at 230 East Market Street, Suite 121, Clearfield, PA 16830.

6. The Tax Sale for the subject matter lots was held on September 12, 2008.

7. PAUL D. KASPER and DONNA MARIE KASPER hereby object and except to the validity of such Tax Sale for the following reasons:

(a) A statutory notice was not given to them in accordance with the notice requirements of 72 Pa.S. § 5860.602, et seq., by proper mailings, as required.

(b) The properties were not properly posted for the Sale.


8. PAUL D. KASPER and DONNA MARIE KASPER'S first knowledge that their property had been sold came through a phone call by a person that they had engaged to maintain the property. He had spoken to a surveyor surveying both lots who indicated to him that a third party had purchased the same.

9. Thereafter, PAUL D. KASPER and DONNA MARIE KASPER did receive the proper mailings indicating that their lots had been sold.

10. Because the subject matter properties were not properly

exposed for sale by the TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, for its Tax Sale of September 12, 2008, for the reasons as set forth above, it is the position of PAUL D. KASPER and DONNA MARIE KASPER that such Tax Sale was illegal, invalid and improper, and of no consequence to their continued ownership and title.

WHEREFORE, PAUL D. KASPER and DONNA MARIE KASPER respectfully pray your Honorable Court to issue an appropriate Order declaring such Tax Sale invalid, illegal and improper, and of no consequence to their continued ownership and title, and they will so ever pray.

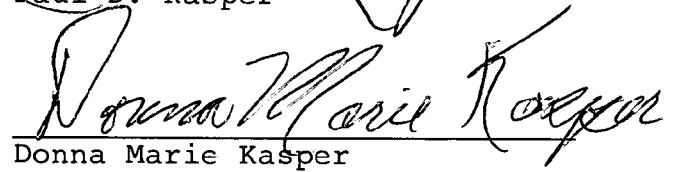


David P. King, Esquire

We verify that the statements made in this Objections and Exceptions are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: October 23, 2008


Paul D. Kasper


Donna Marie Kasper

This Deed,

MADE the 23rd day of July
in the year nineteen hundred and ninety-three (1993)

BETWEEN FRANCIS J. ROERIG, an single adult individual, whose address is
52 Welsh DRG, Lancaster, Pennsylvania 17601, party of the first part, herein-
after referred to as "grantor";

A N D

PAUL D. KASPER and DONNA MARIE KASPER, husband and wife, as tenants by the entirety,
whose address is 3550 West 105 Street, Apt. 201, Cleveland, Ohio 44111, parties of
the second part, hereinafter referred to as "grantees".

WITNESSETH, That in consideration of - - Twenty Thousand 00/100 - - - - -
- - - - - (\$20,000.00) - - - - - Dollars,

in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant
and convey to the said grantees, their heirs, successors and assigns, forever,

ALL that certain tract of land designated as Lot No. 318, Section No. 15 in the
Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania
recorded in the Recorder of Deeds Office in Miscellaneous Docket Map File No. 25.
Excepting and reserving therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations
shown or contained in prior instruments of record and in the aforesaid
recorded plan.
2. The Declaration of Restrictions, Treasure Lake of Pennsylvania, Inc. recorded
in Miscellaneous Book Volume 237, Page 431, as amended, Miscellaneous Book
Volume 239, Page 468; all of said restrictions being covenants which run with
the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Recreation
Land Corporation or Treasure Lake Property Owners Association, Inc.; which
lien shall run with the land and be an encumbrance against it.
5. The right of the owner and/or operator of any recreational facilities within
the said Treasure Lake Subdivision to assess fees and charges against Grantee,
its heirs, administrators, executors, successors and assigns for the use and/
or maintenance of any such facilities which if unpaid shall become a lien
upon the land and be an encumbrance against it.

A N D

ALL that certain tract of land designated as Lot No. 319, Section No. 15 in the
Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania
recorded in the Recorder of Deeds Office in Miscellaneous Docket Map File No. 25.
Excepting and reserving therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations
shown or contained in prior instruments of record and in the aforesaid
recorded plan.

Exhibit "A"

2. The Declaration of Restrictions, Treasure Lake of Pennsylvania, Inc. recorded in Miscellaneous Book Volume 237, Page 431, as amended, Miscellaneous Book Volume 239, Page 468; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Recreation Land Corporation or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.
5. The right of the owner and/or operator of any recreational facilities within the said Treasure Lake Subdivision to assess fees and charges against Grantee, its heirs, administrators, executors, successors and assigns for the use and/or maintenance of any such facilities which if unpaid shall become a lien upon the land and be an encumbrance against it.

BEING the same premises which Recreation Land Corporation granted and conveyed to Francis J. Roerig under a deed dated July 25, 1991 which was recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania on September 27, 1991 in Deeds and Records Book Volume 1421, Page 33.

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 12:37 PM 8-2-93
BY *[Signature]*
FEES 3.00
Karen L. Starck, Recorder

hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



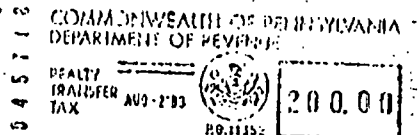
[Signature: Karen L. Starck]

Karen L. Starck
Recorder of Deeds

DUBOIS AREA SCHOOL DISTRICT
1% REALTY TRANSFER TAX

AMOUNT \$ 200.00

PAID 8-2-93 KAREN L. STARCK
Date Agent



NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1903", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Paul D. Kasper

Donna Marie Kasper

This 26th day of July, 1993.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1903, as amended.)

AND the said grantor will GENERALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said grantor has hereunto set his hand and seal, the day and year first above-written.

Scaled and delivered in the presence of

Francis J. Roerig (SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

CERTIFICATE OF RESIDENCE

I hereby certify, that the precise residence of the grantee is
3550 West 105 Street, Apt. 201,
Cleveland, OH 44111

herein is as follows:

Attorney or Agent for Grantee

Commonwealth of Pennsylvania

County of BERKS } SS:

On this, the 23rd day of July, 1993, before me a notary public,
the undersigned officer, personally appeared Francis J. Roerig

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within
instrument, and acknowledged that he executed the same for the purpose therein
contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial

seal.

My Commission Expires

NOTARIAL SEAL

KAREN A. CEDAR, Notary Public
Wyomissing, Berks County, PA
My Commission Expires 6-27-95

Commonwealth of Pennsylvania

County of } SS:

On this, the _____ day of _____, 19____, before me
the undersigned officer, personally appeared
known to me (or satisfactorily proven) to be the person whose name subscribed to the within
instrument, and acknowledged that he executed the same for the purpose therein
contained.

IN WITNESS WHEREOF, I have hereunto set my hand and

seal.

My Commission Expires

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

PAUL D. KASPER and DONNA
MARIE KASPER

vs.

TAX CLAIM BUREAU OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO. 2008-2057 C.D.

Type of Case: Civil

Type of Pleading: Acceptance
of Service

Filed on behalf of: Tax Claim
Bureau of Clearfield County,
Pennsylvania

Counsel of Record for this Party:
Kim C. Kesner, Esquire
212 South Second Street
Clearfield, PA 16830
(814) 765-1706

Supreme Court No. 28307

S
FILED ^{NO}cc
m112:4164
NOV 07 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

PAUL D. KASPER and DONNA
MARIE KASPER

vs.

TAX CLAIM BUREAU OF
CLEARFIELD COUNTY,
PENNSYLVANIA

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:

NO. 2008-2057 C.D.

ACCEPTANCE OF SERVICE

Service accepted this 31 day of October,
2008, on behalf of the Tax Claim Bureau of Clearfield County,
Pennsylvania, of Objections and Exceptions to Tax Sale.



Kim C. Kesner, Esquire
Attorney for Tax Claim
Bureau of Clearfield County,
Pennsylvania

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

PAUL D. KASPER and DONNA
MARIE KASPER,

Objectors

Vs.

TAX CLAIM BUREAU OF CLEARFIELD
COUNTY, PENNSYLVANIA,

Respondent

No. 2008-2057-CD

Type of Pleading:

MOTION FOR NON PROS

Filed on Behalf of:

RESPONDENT

Counsel of Record for This Party:

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

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3cc
Atty Kesner
William A. Shaw
Prothonotary/Clerk of Courts

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

PAUL D. KASPER and DONNA	:	No. 2008-2057-CD
MARIE KASPER,	:	
Objectors	:	
	:	
Vs.	:	
	:	
TAX CLAIM BUREAU OF CLEARFIELD	:	
COUNTY, PENNSYLVANIA,	:	
Respondent	:	

MOTION FOR NON PROS

To the Honorable Judges of said Court,

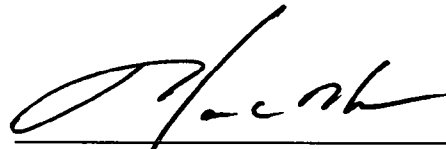
AND NOW, comes the CLEARFIELD COUNTY TAX CLAIM BUREAU by Kim C. Kesner, Esquire, Solicitor of Clearfield County, and in support of this Motion for Non Pros avers as follows:

1. The above captioned matter was commenced by the filing of Objections and Exceptions to a September 12, 2008 tax sale on October 28, 2008.
2. Two (2) years and eight (8) months have expired since their filing and there has been no docket activity and/or any prosecution of the matter by objectors or their counsel subsequently.
3. The purchaser at the tax sale to which the Objections and Exceptions were filed is Spetzer Development Co., LLC, represented by Robert C. Rayman, Esquire. Attached hereto as Exhibit "A" is Mr. Rayman's letter of February 7, 2011 averring that the sole member of Spetzer Development Co., LLC died on November 21, 2009, and title

to the property purchased at Tax Sale needs to be cleared up in order to settle the decedent's estate.

WHEREFORE, the Clearfield County Tax Claim Bureau respectfully requests this Honorable Court to enter a judgment of non pros in this matter and/or dismiss the Objections and Exceptions for lack of prosecution.

Respectfully submitted,

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

Kim C. Kesner, Esquire
Attorney for Clearfield County Tax Claim Bureau

VERIFICATION

I, KIM C. KESNER, Esquire, verify that the statements in the foregoing pleading 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.



Kim C. Kesner

EXHIBIT

“A”

ROBERT C. RAYMAN
ATTORNEY-AT-LAW

1315 West College Ave., Suite 300
State College, Pennsylvania 16801
e-mail rcrayman@restekcorp.com

Telephone
(814) 234-5227

Fax
(814) 234-8413

February 7, 2011

Kim C. Kesner, Esquire
212 South Second Street
Clearfield, PA 16830

**Re: Spetzer Development Co., LLC/
Paul D. and Donna Marie Kasper
Tax Parcel #15-318-21; Section 15,
Lot 319, Treasure Lake**

Dear Mr. Kesner:


Please be advised that I represent Spetzer Development Co., LLC. On September 12, 2008, Spetzer Development purchased the above-described property at tax sale.

On or about October 23, 2008, the reputed owners, Paul D. and Donna Marie Kasper, filed objections and exceptions to the sale by and through their attorney, David P. King. No further action has been taken since the filing of the objections and more than two (2) years have elapsed.

The sole member of Spetzer Development, James Spetzer, died on November 21, 2009. In order to finalize the Estate and his financial affairs, we need to resolve this outstanding matter.

Would you please tell me what is the status of this matter and when we might obtain a deed to the property. If this case has or can be purged from records for lack of prosecution, we would appreciate this being done.

I look forward to your response.

Very truly yours,

Robert C. Rayman

RCR/rap
cc: Mrs. Bonnie Spetzer

*rcr 2-8-11
DM*

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

PAUL D. KASPER and DONNA : No. 2008-2057-CD
MARIE KASPER, :
Objectors :
Vs. :
TAX CLAIM BUREAU OF CLEARFIELD :
COUNTY, PENNSYLVANIA, :
Respondent :

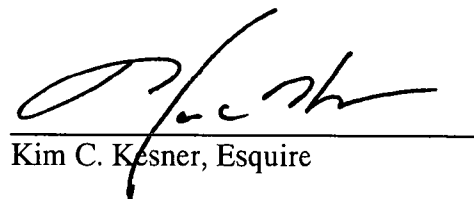
CERTIFICATE OF SERVICE

I do hereby certify that on the ____ day of May, 2011, I served a true and correct copy of the within Motion for Non Pros by first class mail, postage prepaid, on the following:

David P. King, Esquire
Counsel of Record for Objectors
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801

Robert C. Rayman, Esquire
1315 West College Ave., Suite 300
State College, PA 16801

5-12-11
Date


Kim C. Kesner, Esquire

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

PAUL D. KASPER and DONNA	:	No. 2008-2057-CD
MARIE KASPER,	:	
Objectors	:	
	:	
Vs.	:	
	:	
TAX CLAIM BUREAU OF CLEARFIELD	:	
COUNTY, PENNSYLVANIA,	:	
Respondent	:	

ORDER

AND NOW, this ____ day of _____, 2011, there having been no docket activity in this matter since the Objections and Exceptions were filed on October 28, 2008, the Objectors having failed to prosecute this matter diligently,

IT IS HEREBY ORDERED AND DECREED that this matter is terminated for lack of activity and the Objections and Exceptions be and are hereby dismissed. The Clearfield County Tax Claim Bureau is authorized and directed to deliver its deed to Spetzer Development Co., LLC forthwith.

BY THE COURT,

Judge

ct

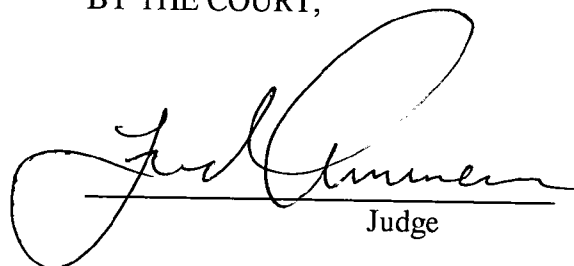
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

PAUL D. KASPER and DONNA	:	No. 2008-2057-CD
MARIE KASPER,	:	
	:	
Objectors	:	
	:	
Vs.	:	
	:	
TAX CLAIM BUREAU OF CLEARFIELD	:	
COUNTY, PENNSYLVANIA,	:	
Respondent	:	

ORDER

AND NOW, this 16 day of May, 2011, upon consideration of the Clearfield County Tax Claim Bureau's Motion for Non Pros, a Rule is hereby issued, directed to Objectors, Paul D. Kasper and Donna Marie Kasper, to show cause why the Motion should not be granted. Rule Returnable by written answer only by June 6th 2011. If a written answer is filed, the Clearfield County Court Administrator shall schedule this matter for argument/hearing consistent with the Court's schedule. Notice of any such argument/hearing shall also be given to Robert C. Rayman, Esquire, attorney for Spetzer Development Co., LLC. This Rule shall be served by Counsel for the Clearfield County Tax Claim Bureau by regular mail upon David P. King, Esquire, Counsel for Objectors.

BY THE COURT,


Judge

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MAY 17 2011
William A. Shroyer
Prothonotary/Clerk of Courts

5 FILED ^{RCA}

MAY 25 2011

W/10:45h
William A. Shaw
Prothonotary/Clerk of Courts

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

PAUL D. KASPER and DONNA
MARIE KASPER,

Objectors

vs.

TAX CLAIM BUREAU OF
CLEARFIELD COUNTY,
PENNSYLVANIA,

Respondent

NO. 2008-2057 C.D.

Type of Case: Objections/
Exceptions to Tax Sale

Type of Pleading: Response to
Motion

Filed on behalf of: Objectors,
Paul D. Kasper and Donna Marie
Kasper
Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

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

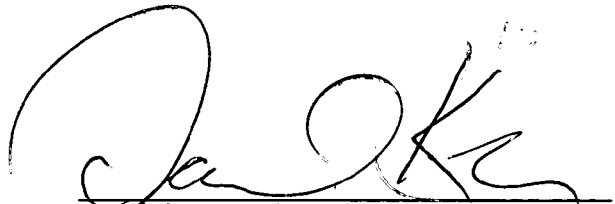
PAUL D. KASPER and DONNA	:	
MARIE KASPER,	:	
Objectors	:	
	:	
vs.	:	NO. 2008-2057 C.D.
	:	
TAX CLAIM BUREAU OF	:	
CLEARFIELD COUNTY,	:	
PENNSYLVANIA,	:	
Respondent	:	

RESPONSE TO MOTION

AND NOW, come PAUL D. KASPER and DONNA MARIE KASPER, by their Attorney, David P. King, and answers the Motion of the TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, and responds as follows:

1. Admitted.
2. It is admitted that there has been a passage of time, but discussions did take place with the TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, regarding this matter, and it was anticipated that the matter would be scheduled in due course.
3. The letter referred to speaks for itself, but until the within Motion was filed, there was no communication from or on behalf of the TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, that something had to be done for the matter to be scheduled. Had that been communicated, this would have been done.

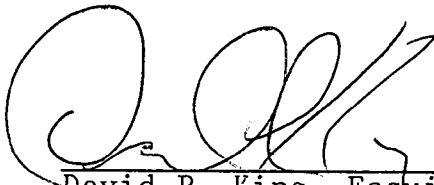
WHEREFORE, as this matter involves the forfeiture of real property, it is prayed to your Honorable Court that the matter simply be scheduled on the merits for a hearing as to the validity of the Tax Sale for purposes of clarifying title and ownership.



David P. King
Attorney for Objectors

I verify that the statements made in this Response to Motion 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.

Date: May 24, 2011



David P. King, Esquire
Attorney for Paul D. Kasper
and Donna Marie Kasper

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

PAUL D. KASPER and DONNA MARIE KASPER

Objectors

vs.

TAX CLAIM BUREAU OF CLEARFIELD COUNTY,
PENNSYLVANIA,

Respondent

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*
*

NO. 08-2057-CD

ORDER

NOW, this 1st day of June, 2011, upon consideration of the Response to Motion for Non Pros filed by David P. King, Esquire, it is the ORDER of this Court that a hearing on the merits shall be and is hereby scheduled for the 1st day of JULY, 2011 at 2:30p m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, PA 16830.

Thirty minutes has been reserved for this proceeding.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

013:58 PM
JUN 01 2011

William A. Shaw
Prothonotary/Clerk of Courts

(62)

FILED

JUN 01 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/1/11

- ☒ 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:

CA

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

PAUL D. KASPER and DONNA
MARIE KASPER,

Objectors

Vs.

TAX CLAIM BUREAU OF CLEARFIELD
COUNTY, PENNSYLVANIA,

Respondent

No. 2008-2057-CD

Type of Pleading:

MOTION FOR CONTINUANCE

Filed on Behalf of:
RESPONDENT

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 4cc
01/24/09
JUN 15 2011
Atty Kesner
William A. Shaw
Prothonotary/Clerk of Courts

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

PAUL D. KASPER and DONNA	:	No. 2008-2057-CD
MARIE KASPER,	:	
	:	
Objectors	:	
	:	
Vs.	:	
	:	
TAX CLAIM BUREAU OF CLEARFIELD	:	
COUNTY, PENNSYLVANIA,	:	
Respondent	:	

MOTION FOR CONTINUANCE

To the Honorable Fredric J. Ammerman, President Judge,

AND NOW, comes the CLEARFIELD COUNTY TAX CLAIM BUREAU by Kim C. Kesner, Esquire, Solicitor of Clearfield County, and in support of this Motion for Continuance avers as follows:

1. The subject matter of this proceeding is a tax sale held on September 12, 2008.
2. On May 12, 2011, the Clearfield County Tax Claim Bureau filed a Motion for Non Pros on which this Court issued a Rule Returnable date May 16, returnable by written answer only by June 6, 2011.
3. On May 25, 2011, Objectors filed a response to the Motion upon which this Court entered its Order dated June 1, 2011 scheduling a "hearing on the merits" for July 1, 2011 at 2:30 o'clock p.m. Attached hereto is a copy of that order.
4. The Director of the Clearfield County Tax Claim Bureau is on vacation on July 1, 2011.

5. It is the belief of both this counsel and counsel for Objectors, David P. King, Esquire, is that the hearing to be held is on the merits of the original Objections and Exceptions to Tax Sale filed on October 28, 2008.

6. If so, the Clearfield County Tax Claim Bureau has the burden of going forward with the evidence.

7. To do so, Ms. Wooster is a necessary and appropriate witness.

8. Counsel has conferred with Mr. King prior to filing this Motion and he has no objection to the granting of a continuance.

WHEREFORE, the Clearfield County Tax Claim Bureau respectfully requests this Honorable Court to reschedule the hearing on an earlier or later date when the Director of the Clearfield County Tax Claim Bureau will be available.

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 Clearfield County Tax Claim Bureau

VERIFICATION

I, KIM C. KESNER, Esquire, verify that the statements in the foregoing pleading 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.



Kim C. Kesner

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

PAUL D. KASPER and DONNA : No. 2008-2057-CD
MARIE KASPER, :
Objectors :
Vs. :
TAX CLAIM BUREAU OF CLEARFIELD :
COUNTY, PENNSYLVANIA, :
Respondent :

CERTIFICATE OF SERVICE

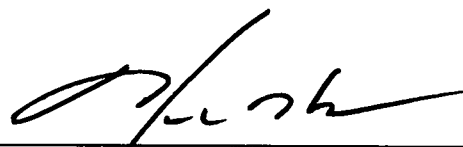
I do hereby certify that on the 15 day of June, 2011, I served a true and correct copy of the within Motion for Continuance by first class mail, postage prepaid, on the following:

David P. King, Esquire
Counsel of Record for Objectors
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801

Robert C. Rayman, Esquire
1315 West College Ave., Suite 300
State College, PA 16801

Jennifer Wooster
Director of Tax Claims & Assessments
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

6-15-11
Date


Kim C. Kesner, Esquire

CA

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

PAUL D. KASPER and DONNA : No. 2008-2057-CD
MARIE KASPER, :
Objectors :
Vs. :
TAX CLAIM BUREAU OF CLEARFIELD :
COUNTY, PENNSYLVANIA, :
Respondent :

FILED

JUN 17 2011
0112-2011
William A. Shaw
Notary Public/Clerk of Courts
4 2nd to 1st

ORDER

AND NOW, this 17th day of JUNE, 2011, upon
consideration of the Motion for Continuance of the Clearfield County Tax Claim Bureau,

IT IS HEREBY ORDERED AND DECREED that said Motion is granted and the
hearing scheduled for July 1, 2011, is rescheduled on the 4th day of
August, 2011, at 9:00 A.M. in Courtroom No. 1 of the
Clearfield County Courthouse, Clearfield, Pennsylvania, 16830.

BY THE COURT,

Frederick J. Zimmerman
Judge

CA

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

PAUL D. KASPER and DONNA
MARIE KASPER,

Objectors

Vs.

TAX CLAIM BUREAU OF CLEARFIELD
COUNTY, PENNSYLVANIA,

Respondent

No. 2008-2057-CD

Type of Pleading:

MOTION FOR CONTINUANCE

Filed on Behalf of:
RESPONDENT

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

07/10/2011
JUL 20 2011

William A. Shaw
Prothonotary/Clerk of Courts

500
Atty Kesner

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

PAUL D. KASPER and DONNA	:	No. 2008-2057-CD
MARIE KASPER,	:	
Objectors	:	
	:	
Vs.	:	
	:	
TAX CLAIM BUREAU OF CLEARFIELD	:	
COUNTY, PENNSYLVANIA,	:	
Respondent	:	

MOTION FOR CONTINUANCE

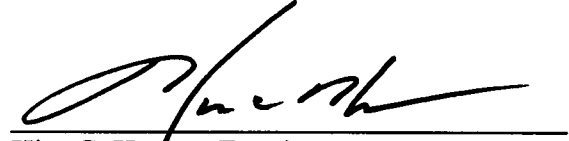
To the Honorable Fredric J. Ammerman, President Judge,

AND NOW, comes the CLEARFIELD COUNTY TAX CLAIM BUREAU by Kim C. Kesner, Esquire, Solicitor of Clearfield County, and in support of this Motion for Continuance avers as follows:

1. There was a Non Pros hearing scheduled for July 1, 2011.
2. On June 15, 2011, the undersigned requested a continuance because Jennifer Wooster, Director of Tax Claims, was not available on July 1.
3. The hearing was continued to August 4, 2011.
4. The undersigned is scheduled to be out of the country on August 4 on vacation.
5. Therefore, we are requesting a continuance to another date.
6. Counsel has conferred with Mr. King prior to filing this Motion and he has no objection to the granting of a continuance.

WHEREFORE, the Clearfield County Tax Claim Bureau respectfully requests
this Honorable Court to reschedule the hearing on another date.

Respectfully submitted,

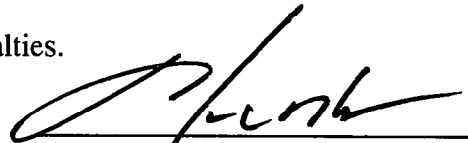
A handwritten signature in black ink, appearing to read 'Kim C. Kesner', is written over a horizontal line.

Kim C. Kesner, Esquire
Attorney for Clearfield County Tax Claim Bureau

VERIFICATION

I, KIM C. KESNER, Esquire, verify that the statements in the foregoing pleading 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.



Kim C. Kesner

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

PAUL D. KASPER and DONNA	:	No. 2008-2057-CD
MARIE KASPER,	:	
	:	
Objectors	:	
	:	
Vs.	:	
	:	
TAX CLAIM BUREAU OF CLEARFIELD	:	
COUNTY, PENNSYLVANIA,	:	
Respondent	:	

CERTIFICATE OF SERVICE

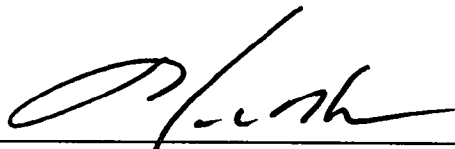
I do hereby certify that on the 20th day of July, 2011, I served a true and correct copy of the within Motion for Continuance by first class mail, postage prepaid, on the following:

David P. King, Esquire
Counsel of Record for Objectors
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801

Robert C. Rayman, Esquire
1315 West College Ave., Suite 300
State College, PA 16801

Jennifer Wooster
Director of Tax Claims & Assessments
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

7-20-2011
Date



Kim C. Kesner, Esquire

CA

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

PAUL D. KASPER and DONNA
MARIE KASPER,

Objectors

Vs.

TAX CLAIM BUREAU OF CLEARFIELD
COUNTY, PENNSYLVANIA,

Respondent

No. 2008-2057-CD

FILED

JUL 26 2011

01/10/2011
William A. Shaw
Prothonotary/Clerk of Courts
5 CENT P. 11

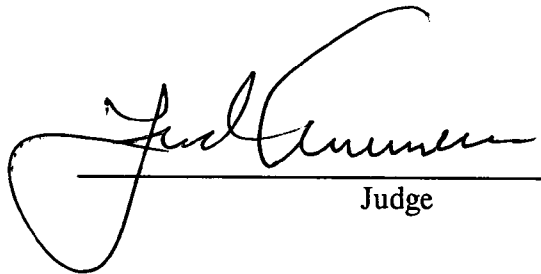
GK

ORDER

AND NOW, this 25 day of July, 2011, upon
consideration of the Motion for Continuance,

IT IS HEREBY ORDERED AND DECREED that said Motion is granted and the
hearing scheduled for August 4, 2011, is rescheduled on the 29th day of
August, 2011, at 10:30 A.M. in Courtroom No. 1 of the
Clearfield County Courthouse, Clearfield, Pennsylvania, 16830.

BY THE COURT,


Judge

FILED

JUL 26 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: _____
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) _____ Defendant(s) Attorney

_____ Defendant(s) _____

_____ Special Instructions:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

PAUL D. KASPER and
DONNA MARIE KASPER

-VS-

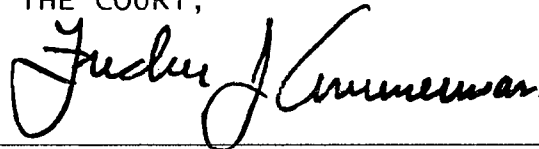
TAX CLAIM BUREAU OF
CLEARFIELD COUNTY

:
:
:
: No. 08-2057-CD
:
:
:

O R D E R

AND NOW, this 29th day of August, 2011, upon agreement of the parties, it is the ORDER of this Court that the sale to Spitzer Development Company, LLC, that took place on September 12, 2008, is hereby vacated. The Tax Claim Bureau shall refund to Spitzer Development Company, LLC, the upset price the company paid at the time of purchase. Paul D. Kasper and Donna M. Kasper shall have no more than thirty (30) days from this date in which to pay the upset price on the properties to the Tax Claim Bureau.

BY THE COURT,



President Judge

FILED

014:0030
AUG 30 2011

William A. Shanley
Prothonotary/Clerk of Courts

2 cc: Kings:
King
Kasper

1 cc: Tax Claim
(without memo)