

08-2062-CD

John Hockinson vs Tax Claim Bureau

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL DIVISION-LAW

JOHN HOCKINSON,

Petitioner

vs.

CLEARFIELD COUNTY TAX CLAIM  
BUREAU,

Respondent

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\* No. 2008-2062-CD

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\* TYPE OF PLEADING: PETITION TO  
SET ASIDE TAX SALE

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\* FILED ON BEHALF OF:

\* PETITIONER

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\* ATTORNEY FOR PETITIONER:

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David C. Mason, Esquire

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Supreme Court ID #39180

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MASON LAW OFFICE

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P.O. Box 28


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Philipsburg, PA 16866

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(814) 342-2240

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<sup>S</sup> FILED   
OCT 29 2008  
019150/w  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CENT TO ATTY  
2 CENT W/O ORDER

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL DIVISION-LAW**

JOHN HOCKINSON,

Petitioner

vs.

CLEARFIELD COUNTY TAX CLAIM  
BUREAU,

Respondent

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**PETITION TO SET-ASIDE TAX SALE**

**AND NOW**, comes the Petitioner, John C. Hockinson, by and through his counsel, DAVID C. MASON, and petitions the Court to set-aside the sale for non-payment of taxes of certain real estate, and in support thereof avers as follows:

1. Petitioner is John C. Hockinson, an adult individual who resides at 106 Akins Road, Griffin, GA 30224.

2. Respondent is the Clearfield County Tax Claim Bureau, Courthouse Annex, 230 East Market Street, Clearfield, PA, 16830.

3. Petitioner is the owner of an undivided interest in certain premises situate, lying and being in the Township of Bell, Clearfield County, PA, consisting of 11.11% in seven separately described and identified tracts.

4. The parcel numbers and control numbers of the seven tracts of land in which the

Petitioner holds an 11.11% undivided interest are as follows:

	Description	Parcel Number	Control Number
A.	715.73 acres A coal & mins	102-A09-000-00000-MN	2006 - 002109
B.	64 acre Mineral (gas & oil)	102-B10-000-00040-MN	2006 - 002110
C.	20 acres	102-B10-000-00043	2006 - 002111
D.	11.6 ac min (Gas & oil)	102-B10-000-00042	2006 - 002112
E.	65 acres	102-B10-000-00041	2006 - 002113
F.	6.33 ac surface	102-A09-000-00019	2006 - 002114
G.	34.013 acres	102-B10-000-00077	2006 - 002115

5. Petitioner has been notified that all of the subject tracts have been sold for non-payment of real estate tax in violation of the rights of the Petitioner, the proper and lawful owner of these lands.

6. The Clearfield County Tax Claim Bureau failed to comply with the requirements of the Pennsylvania Real Estate Tax Sale Law, title 72 P. S. §5860.602, in that it failed to properly post the premises which were subject to the sale for non-payment of real estate taxes, and otherwise, failed to comply with its obligations to give the Petitioner due process pursuant to the laws of the Commonwealth of Pennsylvania and of the United States.

7. Additionally, the Petitioner, lawful owner of these premises, did attempt to pay these taxes by mailing a check in the amount of the delinquent taxes to the Clearfield County Tax Claim Bureau, 230 East Market Street, Clearfield, PA, 16830. The check was mailed postage paid, first class, to the proper address, but was returned by the United

State Postal Service to the Petitioner on or about October 22, 2008, undelivered.

8. Petitioner is incertain why this letter containing a check for the delinquent taxes was not properly delivered to the named addressee, the Clearfield County Tax Claim Bureau.

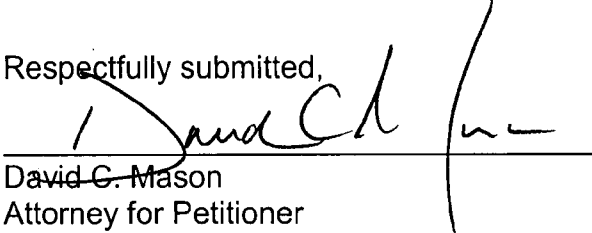
9. It would be unfair and unconscionable for the Petitioner to lose valuable property rights due to a delay in the mail, and in the failure of the postal authorities to deliver the check for the delinquent taxes to the named addressee.

10. Petitioner at all times stood ready and willing, and does stand ready and willing to pay the delinquent taxes to the Clearfield County Tax Claim bureau.

11. Petitioner has only recently became aware that his property was sold for nonpayment of real estate taxes, relying on the fact that he tendered a check to the Tax Claim Bureau well in advance of the actual date of the tax sale. There may be other defects and deficiencies in the procedure employed by Clearfield County of which the Petitioner and his counsel are not yet aware.

**WHEREFORE**, Petitioner prays for the entry of an Order to Set Aside the Tax Sale of the Petitioner's premises, as identified in this Petition, to return to the bidder's any money advanced, and to allow the Petitioner to pay the delinquent taxes in full satisfaction of his obligation.


Respectfully submitted,

  
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David C. Mason  
Attorney for Petitioner

**VERIFICATION**

I do hereby verify that the facts set forth in the foregoing **PETITION TO SET  
ASIDE TAX SALE** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATED: 10-23-2008

  
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John Hockinson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL DIVISION-LAW

JOHN HOCKINSON,

Petitioner

vs.

CLEARFIELD COUNTY TAX CLAIM  
BUREAU,

Respondent

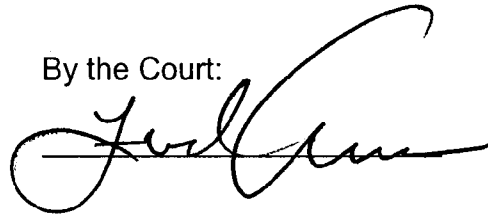
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\* No. 2008-2062-CD  
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ORDER

AND NOW, on this 30 day of October, 2008, upon consideration of the foregoing Petition to Set Aside an Upset Tax Sale, it is the Order of this Court that a Rule is entered upon the Clearfield County Tax Claim Bureau to appear and show cause, if any there be, why the relief prayed for in the foregoing Petition should not be granted.

Rule Returnable the 21<sup>st</sup> day of November, 2008, at 2:00 o'clock  
P. M. In Courtroom No. 1.

By the Court:



**FILED** 100  
01:10:05 PM  
OCT 31 2008  
Ang Mason  
GLC  
S William A. Shaw  
Prothonotary/Clerk of Courts





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

John Hockinson,

Petitioner

vs.

CLEARFIELD COUNTY TAX CLAIM  
BUREAU

Respondent

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\* No. 2008-2062-CD  
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**CERTIFICATE OF SERVICE**

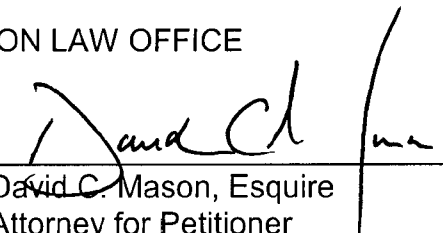
I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of PETITION TO SET ASIDE TAX SALE filed to the above captioned action, by placing the same in the United States mail, postage prepaid and addressed as follows:

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

MASON LAW OFFICE

DATED: 10-30-08

By:

  
David C. Mason, Esquire  
Attorney for Petitioner

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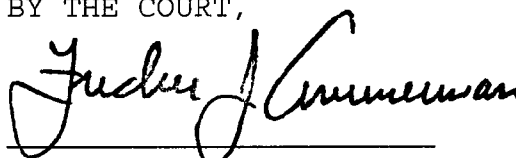
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN HOCKINSON :  
VS. : NO. 08-2062-CD  
CLEARFIELD COUNTY TAX :  
CLAIM BUREAU :

O R D E R

AND NOW, this 21st day of November, 2008, following hearing on the Petition to Set Aside an Upset Tax Sale, it is the ORDER of this Court that counsel have no more than fifteen (15) days to submit letter brief.

BY THE COURT,



President Judge

FILED 2cc Atty Mason  
019:5564 2cc def.  
NOV 25 2008 (610)  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

JOHN HOCKINSON, : No. 2008-2062-CD  
Plaintiff :  
Vs. :  
CLEARFIELD COUNTY TAX CLAIM :  
BUREAU, :  
Defendant :

**ORDER**

AND NOW, this 16<sup>th</sup> day of December, 2008, it is hereby  
ORDERED and DECREED as follows:

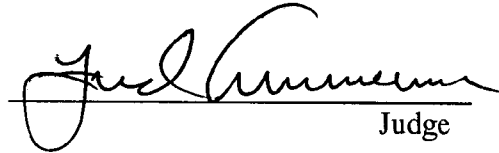
(a) With regard to Tax Claim 2006-2115, being the upset sale of Petitioner's 11.11% interest in 34.013 acres, identified by Tax Assessment Map No. 102-B10-77 sold to Blue Sky, this Court having been advised immediately prior to hearing on November 21, 2008, that Petitioner and the purchaser had reached settlement, a provision of which was the request by Blue Sky that the sale be vacated, and the Clearfield County Tax Claim Bureau having confirmed its consent to the settlement and vacation of the tax sale, it is hereby ordered and decreed that the upset sale in Claim No. 2006-2115 of an 11.11% interest in 34.013 acres, identified by Tax Assessment Map No. 102-B10-77 be and is hereby vacated. Petitioner shall make payment to the Clearfield County Tax Claim Bureau of all delinquent taxes, interest, and costs, collectible under Claim No. 2006-2115 as well as unpaid 2007 taxes in the total amount of \$5,302.82 within ten (10) days from the date of this Order. Thereupon, the Clearfield County Tax Claim Bureau shall make a full refund of the purchase price received to Blue Sky.

**FILED** 2cc Atty Mason  
4:00 PM 2cc Def.  
DEC 16 2008 611

William A. Shaw  
Prothonotary/Clerk of Courts

(b) With regard to Tax Claim 2006-2109, Clearfield County Tax Claim Bureau having acknowledged that the upset sale of an 11.11% interest in 715.73 acres coal and minerals, identified by Tax Assessment Map No. 102-A9-0MN was insufficient and should be invalidated, it is hereby ORDERED and DECREED that the upset sale in Claim No. 2006-2109 of an 11.11% interest in 715.73 acres coal and minerals, identified by Tax Assessment Map No. 102-A9-0MN be and is hereby vacated. Petitioner shall pay to the Clearfield County Tax Claim Bureau all delinquent taxes, interest, and costs, collectible under Claim No. 2006-2109 as well as unpaid 2007 taxes in the amount of \$5,634.72 within ten (10) days from the date of this Order. Therefore, the Clearfield County Tax Claim Bureau shall make a full refund of the purchase price received to Hemlock Hunting Club.

BY THE COURT:

  
Judge

(3)

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

JOHN HOCKINSON,  
Plaintiff

vs.


CLEARFIELD COUNTY TAX CLAIM BUREAU,  
Defendant

\* No. 08-2062-CD  
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**ORDER**

AND NOW, this 18<sup>th</sup> day of December, 2008, following hearing it is the ORDER of this Court that the Petition to Set Aside Upset Tax Sale filed on behalf of John Hockinson be and is hereby GRANTED to the extent that the upset sales in the following claims are hereby vacated: 2006-2110; 2006-2111; 2006-2112; 2006-2113; 2006-2114. It is the further ORDER of this Court that the Petitioner pay in full all delinquent taxes, interests and costs due on each claim within no more than 30 days from this date. In the event of failure to make appropriate payment in full, the Court will confirm the sales and dismiss Mr. Hockinson's Petition. Upon timely payment by the Petitioner, the Tax Claim Bureau shall refund payments made by the respective purchasers.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

**FILED**

DEC 18 2008

William A. Shaw  
Prothonotary/Clerk of Courts

2cc Amy Mason  
01/22/09  
2cc Def.  
(610)