

08-2073-CD

Joseph Spingola al vs Tax Claim Bureau



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA CIVIL ACTION – LAW

IN RE: SALE OF TAX DELINQUENT  
PROPERTIES EXPOSED FOR  
SALE SEPTEMBER 12, 2008

Joseph C. Spingola  
Karen L. Spingola  
Objectors

vs.

Clearfield County Tax  
Claim Bureau,  
Respondent

:

: No. 2008-2073-CD

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:

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:

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:

FILED

0/2:42 Lm (note)

OCT 29 2008

5

William A. Shaw

Prothonotary/Clerk of Courts

6CC Atty Mollica

Type of Pleading:

OBJECTIONS TO TAX SALE

Filed on Behalf of Objectors

Counsel of record for Objectors:

Carl Mollica, Esq.

I.D. No. 41277

MidPenn Legal Services, Inc.

2054 East College Avenue

State College PA 16801

814 238-4958, ext 1126

Counsel for Respondent:

Kim Kesner, Esquire

15 North Front Street

Clearfield PA 16830

IN RE: SALE OF TAX DELINQUENT :  
 PROPERTIES EXPOSED FOR :  
 SALE SEPTEMBER 12, 2008 : No.

**VS.**

**Clearfield County Tax  
Claim Bureau,  
Respondent**

**AND NOW come Joseph C. Spingola and Karen L. Spingola, by their attorneys, MidPenn Legal Services, to file the following Objections and Exceptions pursuant to the Real Estate Tax Sale Law, 72 P.S. § 5860.101 et seq., to the Clearfield County Upset Tax Sale of September 12, 2008:**

**2. The subject real estate is also known by Clearfield County tax assessment designations K08-241-00013 and K08-241-00014. See Attached Exhibit 1.**

**3. The above parcels were sold for 2006 taxes by the Clearfield County Tax Claim Bureau ("Tax Claim Bureau") at an upset tax sale on September 12, 2008 to Chris and Tina Barnett of 89 Jones Lane, Clearfield, PA. The Barnetts will be served with a copy of these Objections.**

**4. The sale of the subject parcels was improper and unlawful in that the Tax Claim Bureau failed to post them with the sale notice in a reasonably conspicuous manner as required by § 5860.602(e)(3) of the Act.**

**5. Specifically, Objectors did not see any such posting anywhere on or near the subject parcels or on their dwelling place.**

**6. Additionally, Objectors believe that they had made an agreement with Respondent whereby the parcels would not be sold. Specifically:**

**a.) In or about early August of 2008, Joseph C. Spingola, after having received a letter concerning the sale of the parcels, went to the offices of the Tax Claim Bureau;**

**b.) He was advised by a staff person there that if he did not then make a payment on the taxes due that the parcels would be sold. Mr. Spingola then made payments of \$25.00 towards the taxes due on each lot.**

**c.) He was further advised that he should bring in whatever payment he could each month.**

**7. Objectors are willing to pay the taxes which had been outstanding on the two parcels.**

**WHEREFORE, for the foregoing reasons, Objectors request this  
Honorable Court to void the tax sale of the subject parcels.**

**Respectfully submitted,  
MIDPENN LEGAL SERVICES  
Attorneys for Defendant**

**Date:** 10-29-08

**BY:** Carl J. Mollica  
**Carl J. Mollica, Esq.**  
**PA ID# 41277**  
**2054 East College Ave.**  
**State College PA 16801**  
**(800) 326-9177 ext. 1126**

## *Clearfield County Tax Claim Bureau*



230 EAST MARKET STREET  
SUITE 121  
*Clearfield, Pennsylvania 16830*

TELEPHONE (814) 765-2641  
FAX (814) 765-2640

SEPTEMBER 29, 2008

JOSEPH C SPINGOLA  
116 COLLAR ALLEY  
CLEARFIELD PA 16830

LAWRENCE TOWNSHIP  
CLAIM # 2006-006977  
CTRL # 123091852  
MAP # K08-241-00013  
DESCRIPTION - L #42

### **WARNING**

YOUR PROPERTY HAS BEEN SOLD AT A TAX SALE ON  
SEPTEMBER 12, 2008 FOR THE COLLECTION OF DELINQUENT TAXES  
INCURRED IN 2006.

YOU MAY FILE OBJECTIONS OR EXCEPTIONS TO THE  
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FOLLOWING THE CONFIRMATION NISI OF THE RETURN BY THE  
COURT.

IF YOU HAVE ANY QUESTIONS PLEASE CALL YOUR  
ATTORNEY, OR THIS TAX CLAIM BUREAU AT THE FOLLOWING  
TELEPHONE NUMBER: 814-765-2641 Ext. 5998. OR THE COUNTY  
LAWYER REFERRAL SERVICE.

Tax Claim Bureau

Jeffrey C. Graham, Asst. Tax Administrator

*Ex. 1*

# **Clearfield County Tax Claim Bureau**



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MAP # K08-241-00014  
DESCRIPTION - L #43

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**SEPTEMBER 29, 2008**

**KAREN L SPINGOLA  
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CLAIM # 2006-006978  
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CLAIM # 2006-006977  
CTRL # 123091852  
MAP # K08-241-00013  
DESCRIPTION - L #42**

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**Tax Claim Bureau**

**Jeffrey C. Graham, Asst. Tax Administrator**

Karen G. Spingola

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division

IN RE: SALE OF TAX DELINQUENT  
PROPERTIES EXPOSED FOR  
SALE SEPTEMBER 12, 2008

Joseph C. Spingola  
Karen L. Spingola,  
Objectors

vs.

Clearfield County Tax  
Claim Bureau,  
Respondent

\*  
\* No.: 2008-2073-CD  
\*  
\*  
\* TYPE OF CASE: Civil  
\*  
\*  
\*  
\* TYPE OF PLEADING: Certificate of Service  
\*  
\*  
\* FILED ON BEHALF OF: Joseph and Karen  
\* Spingola  
  
\* COUNSEL OF RECORD FOR THIS PARTY:  
\* Carl Mollica, Esquire  
\*  
\* SUPREME COURT NO.: 41277  
\*  
\* MidPenn Legal Services  
\* 2054 East College Avenue  
\* State College, PA 16801  
\* (814) 238-4958  
\*  
\*

**FILED**

OCT 30 2008

012:20/aw

William A. Shaw  
Prothonotary/Clerk of Courts

1 Clerk to Atty (814)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA CIVIL ACTION – LAW

IN RE: SALE OF TAX DELINQUENT :  
PROPERTIES EXPOSED FOR :  
SALE SEPTEMBER 12, 2008 : No.: 2008-2073-CD  
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Joseph C. Spingola :  
Karen L. Spingola :  
Objectors :  
:  
vs. :  
:  
Clearfield County Tax :  
Claim Bureau, :  
Respondent :  
:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the below stated date, he  
served a true and correct copy of the within document, by mailing same to  
Respondent and its attorney by first-class mail addressed as follows:

Clearfield County Tax Claim Bureau  
Court House Annex  
230 E. Market Street  
Clearfield PA 16830

Kim Kesner, Esquire,  
15 North Front St.  
Clearfield PA 16830

This mailing was completed on the 30<sup>th</sup> day of October, 2008.

Also served on the same date and by certified, first class, U.S. mail:

Chris Barnett and Tina Barnett  
89 Jones Lane  
Clearfield, PA 16830

Respectfully submitted,  
MIDPENN LEGAL SERVICES

Date: 10-30-08

BY: Carl Mollica / do  
Carl Mollica, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA CIVIL ACTION – LAW

IN RE: SALE OF TAX DELINQUENT  
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SALE SEPTEMBER 12, 2008

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Joseph C. Spingola  
Karen L. Spingola  
Objectors

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vs.

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Clearfield County Tax  
Claim Bureau,  
Respondent

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Type of Pleading:  
OBJECTIONS TO TAX SALE

Filed on Behalf of Objectors

Counsel of record for Objectors:

Carl Mollica, Esq.  
I.D. No. 41277  
MidPenn Legal Services, Inc.  
2054 East College Avenue  
State College PA 16801  
814 238-4958, ext 1126

Counsel for Respondent:

Kim Kesner, Esquire  
15 North Front Street  
Clearfield PA 16830

**IN RE: SALE OF TAX DELINQUENT PROPERTIES EXPOSED FOR SALE SEPTEMBER 12, 2008** : No.

**Clearfield County Tax  
Claim Bureau,  
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**4. The sale of the subject parcels was improper and unlawful in that the Tax Claim Bureau failed to post them with the sale notice in a reasonably conspicuous manner as required by § 5860.602(e)(3) of the Act.**

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Attorneys for Defendant**

**Date:** 10-29-08

**BY:** Carl J. Mollica  
**Carl J. Mollica, Esq.**  
**PA ID# 41277**  
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CLAIM # 2006-006977  
CTRL # 123091852  
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**Jeffrey C. Graham, Asst. Tax Administrator**

**IN RE: SALE OF TAX DELINQUENT PROPERTIES EXPOSED FOR SALE SEPTEMBER 12, 2008** : No.

**VS.**

**Clearfield County Tax  
Claim Bureau,  
Respondent**

**I hereby certify that I am an adult individual who is authorized to make this verification and that the facts set forth in the foregoing Objections and Exceptions are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relation to unsworn falsification to authorities.**

John C. Fitzgerald

Karen H. Springala

(X)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA      CIVIL ACTION – LAW

IN RE: SALE OF TAX DELINQUENT  
PROPERTIES EXPOSED FOR  
SALE SEPTEMBER 12, 2008

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: No. 2008-2073-CD

:

Joseph C. Spingola  
Karen L. Spingola  
Objectors

:

:

vs.

:

Clearfield County Tax  
Claim Bureau,  
Respondent

:

:

ORDER

AND NOW, this 30<sup>th</sup> day of October, 2008, upon

consideration of the foregoing petition, it is hereby ordered that:

1. A Rule is issued upon the Respondent to Show Cause why the petitioner is not entitled to the relief requested.
2. The specific relief requested is the voiding of the Upset Tax Sales of the two parcels identified in the objections and exceptions filed.
3. the Respondent shall file an answer to the petition within twenty (20) days of service of this Order upon Respondent.
3. An evidentiary hearing on disputed issues of material facts shall be held on the 21<sup>st</sup> day of November, 2008, at 3:00 o'clock p.m. in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

FILED

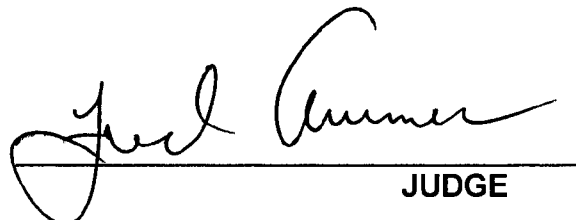
013:58 CD  
OCT 31 2008

William A. Shaw  
Prothonotary/Clerk of Courts

6cc  
Atty Mollica  
610

4. Notice of the entry of this order shall be provided to all parties and the purchasers of the subject parcels at tax sale by the Petitioner and a certificate of service filed.

BY THE COURT:

  
JUDGE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator of Clearfield County  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield PA 16830  
(814) 765-2641, Ext. (5982)

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Centre County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

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## ORDER

BY THE COURT,

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

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610