

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

: No. 2008-2073-CD

:
Joseph C. Spingola
Karen L. Spingola
Objectors

:
vs.

:
Clearfield County Tax
Claim Bureau,
Respondent

:
: FILED 6CC ATT mollica
: 01/24/2008 Lm (nakes)
: OCT 29 2008
: S William A. Shaw
: Prothonotary/Clerk of Courts

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

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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. :
Clearfield County Tax :
Claim Bureau, :
Respondent :
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OBJECTIONS AND EXCEPTIONS TO CLEARFIELD COUNTY
UPSET TAX SALE OF SEPTEMBER 12, 2008

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:

1. Objectors are Joseph C. and Karen L. Spingola who are record
owners of two parcels known as 116 Collar Alley, in Clearfield,
Pennsylvania.
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
SALE IMMEDIATELY, BUT NO LATER THAN THIRTY (30) DAYS
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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SEPTEMBER 29, 2008

JOSEPH C SPINGOLA
116 COLLAR ALLEY
CLEARFIELD PA 16830

LAWRENCE TOWNSHIP
CLAIM # 2006-006978
CTRL # 123091853
MAP # K08-241-00014
DESCRIPTION - L #43

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Clearfield County Tax Claim Bureau



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SEPTEMBER 29, 2008

KAREN L SPINGOLA
116 COLLAR ALLEY
CLEARFIELD PA 16830

LAWRENCE TOWNSHIP
CLAIM # 2006-006978
CTRL # 123091853
MAP # K08-241-00014
DESCRIPTION - L #43

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Clearfield County Tax Claim Bureau



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SEPTEMBER 29, 2008

KAREN L SPINGOLA
116 COLLAR ALLEY
CLEARFIELD PA 16830

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

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Jeffrey C. Graham, Asst. Tax Administrator

IN THE COURT OF COMMONPLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA CIVIL ACTION – LAW

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

:
Joseph C. Spingola :
Karen L. Spingola :
Objectors :
:

vs.

:
Clearfield County Tax :
Claim Bureau, :
Respondent :
:

VERIFICATION

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.

Dated: 10/29/08

Joseph C. Spingola

Dated: 10/29/08

Karen L. 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

0 12:20/2008

William A. Shaw
Prothonotary/Clerk of Courts
GHD

1 CEN to ATT

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 :
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vs.
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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 Kim Kesner, Esquire,
Court House Annex 15 North Front St.
230 E. Market Street Clearfield PA 16830
Clearfield PA 16830

This mailing was completed on the 30th 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 / 100
Carl Mollica, Esq.

**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-CJ*

Joseph C. Spingola :
Karen L. Spingola :
Objectors :

vs. :
Clearfield County Tax :
Claim Bureau, :
Respondent :

**Type of Pleading:
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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

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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.
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(800) 326-9177 ext. 1126

Clearfield County Tax Claim Bureau



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SEPTEMBER 29, 2008

**KAREN L SPINGOLA
116 COLLAR ALLEY
CLEARFIELD PA 16830**

**LAWRENCE TOWNSHIP
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

IN THE COURT OF COMMONPLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA CIVIL ACTION – LAW

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

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Karen L. Spingola
Objectors

:
vs.

:
Clearfield County Tax
Claim Bureau,
Respondent

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VERIFICATION

I hereby certify that I am an adult individual who is authorized to
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Objections and Exceptions are true and correct to the best of my
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herein are made subject to the penalties of 18 Pa. C.S. § 4904 relation to
unsworn falsification to authorities.

Dated: 10/29/08

Joseph C. Spingola

Dated: 10/29/08

Karen L. Spingola

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
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: No. 2008-2073-CD

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Joseph C. Spingola
Karen L. Spingola
Objectors

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vs.

:
Clearfield County Tax
Claim Bureau,
Respondent

ORDER

AND NOW, this 30th day of October, 2008, upon

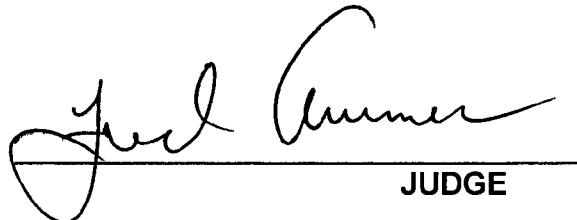
consideration of the foregoing petition, it is hereby ordered that:

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 21st day of November, 2008, at 3:00 o'clock p.m. in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

FILED 6cc
013:58 AM OCT 31 2008 Atty Mollica
S OCT 31 2008 C610
William A. Shaw
Prothonotary/Clerk of Courts

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.

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

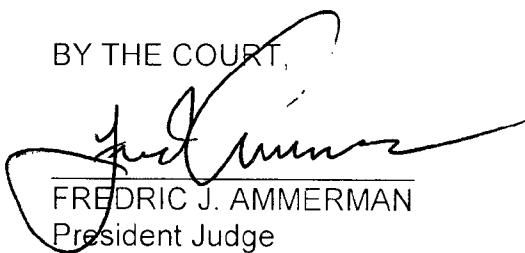
IN RE: SALE OF DELINQUENT PROPERTIES * No. 08-2073-CD
EXPOSED FOR SALE SEPTEMBER 12, 2008 *

Joseph C. Spingola *
Karen L. Spingola *
Objectors *
vs. *
Clearfield County Tax Claim Bureau *
Respondent *

O R D E R

AND NOW, this 12th day of January, 2009, following evidentiary hearing on the Objections and Exceptions to Upset Tax Sale of September 12, 2008 filed on behalf of Petitioners Joseph C. and Karen L. Spingola; it is the ORDER of this Court that the said Objections/Exceptions be and are hereby granted and the tax sales to assessment numbers K08-241-00013 and K08-241-00014 are vacated, due to insufficient posting of the property. The Petitioners shall pay all outstanding amounts due for 2006 within no more than 45 days from this date.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 01/12/2009
014:00 PM
200 Attn: Notice
200 Def

S William A. Shaw
Prothonotary/Clerk of Courts

610