

08-2091-CD
In RE: Curwensville Borough Council

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

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FILED

OCT 31 2008
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William A. Shaw
Prothonotary/Clerk of Courts
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PETITION OF BOROUGH COUNCIL
OF THE BOROUGH OF
CURWENSVILLE OF CLEARFIELD
COUNTY, PENNSYLVANIA FOR
AUTHORITY TO FUND UNFUNDED
DEBT IN THE AMOUNT OF
\$50,000.00

No. 2008 - 2091 - CD

Type of Case: Civil

Type of Pleading: Petition

Filed on behalf of:
Curwensville Borough Council
Curwensville Borough, Clearfield
County, Pennsylvania

Counsel of Record for this Party:
Laurance B. Seaman, Esq.

Supreme Court No.: 19620

GATES & SEAMAN
Attorneys at law
Two North Front Street
P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: PETITION OF BOROUGH COUNCIL :
OF THE BOROUGH OF CURWENSVILLE OF :
CLEARFIELD COUNTY, PENNSYLVANIA : No. 2008 - - CD
FOR AUTHORITY TO FUND UNFUNDED DEBT :
IN THE AMOUNT OF \$50,000.00 :
:

PETITION

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE OF SAID COURT:

The Petition of Borough Council of Curwensville Borough, Clearfield County, Pennsylvania, by and through its Solicitor, Laurance B. Seaman, Esquire, Gates & Seaman, respectfully represents:

1. That Curwensville Borough, a local government unit of the Commonwealth of Pennsylvania, has, inter alia, an unfunded debt in the amount of \$50,000.00 which consists of current expenses, including, but not limited to, payroll, payroll taxes, utilities, employee health insurance, equipment repairs and worker's compensation insurance.
2. That in the opinion of Borough Council, Curwensville Borough cannot meet and pay for the aforesaid debt of \$50,000.00 within the fiscal year without an unreasonable curtailment of services to an extent endangering the public health and safety or the levy of an excessive tax.
3. Borough Council proposes to relieve the present burden of said debt by funding the said unfunded debt by an issue of a general obligation note maturing within the period of two (2) years from the date thereof as authorized by Section 8130 of the Local Government Unit Debt Act, as amended.

4. That said debt in the amount of \$50,000.00 was within the debt incurring powers of Curwensville Borough Council when incurred and is a valid outstanding obligation of Curwensville Borough. The proposed issuance of a funding note will not cause Curwensville Borough to exceed its debt limits as set forth in Section 8022 of the Local Government Unit Debt Act.

WHEREFORE, your Petitioner prays Your Honorable Court that an Order be made granting authority to fund the aforesaid unfunded debt by the issuance of a general obligation note pursuant to the provisions of Section 8130 of the Local Government Unit Debt Act, as amended.

Respectfully submitted,

GATES & SEAMAN
By:



Laurance B. Seaman, Esquire
Solicitor for Curwensville Borough

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Before me, the undersigned authority, personally appeared Mark A. Curulla, President of Curwensville Borough Council, Clearfield County, Pennsylvania, who being duly sworn according to law depose and say that the facts hereinbefore set forth are true and correct and that he has been duly authorized by Curwensville Borough Council to make this Petition on behalf of the said Borough Council.

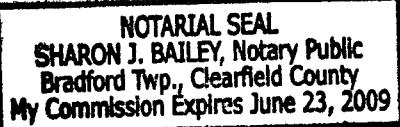
Mark A. Curulla

Mark A. Curulla, President,
Curwensville Borough Council

Sworn to and subscribed before me

this 31st day of October, 2008.

Sharon J. Bailey



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

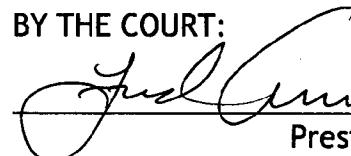
IN RE: PETITION OF BOROUGH COUNCIL
OF THE BOROUGH OF CURWENSVILLE OF
CLEARFIELD COUNTY, PENNSYLVANIA :
FOR AUTHORITY TO FUND UNFUNDED DEBT :
IN THE AMOUNT OF \$50,000.00 :
: No. 2008-2091-CD

S **FILED**
OCT 31 2008
0/2/2008
William A. Shaw
Prothonotary/Clerk of Courts
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N/A

ORDER

AND NOW, this 31st day of October, 2008, upon presentation and due
consideration of the within Petition requesting authority to fund an unfunded debt,
IT IS ORDERED that a hearing on said Petition be held in open court in Courtroom No.
1, Clearfield County Courthouse, Clearfield, Pennsylvania, on the 7th day of
November, 2008, at 2:30 p.m., prevailing time, and that notice to the local
government unit and taxpayers thereof be given by publication of this Order of Court
in The Progress at least five (5) days before the time of hearing.

BY THE COURT:



President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: PETITION OF BOROUGH COUNCIL :
OF THE BOROUGH OF CURWENSVILLE OF :
CLEARFIELD COUNTY, PENNSYLVANIA : No. 2008- 2091 - CD
FOR AUTHORITY TO FUND UNFUNDED DEBT :
IN THE AMOUNT OF \$150,000.00 :
:

O R D E R

AND NOW, this 7th day of November, 2008, after hearing, on due notice to the local government unit and the taxpayers thereof, the Court finds:

That the Borough of Curwensville, a local government unit of the County of Clearfield, Commonwealth of Pennsylvania, has unfunded debt incurred for current expenses, including, but not limited to, payroll, payroll taxes, utilities, health insurance, equipment repairs and worker's compensation insurance, as defined in Section 8129 of the Local Government Unit Debt Act, as amended, in the amount of \$50,000.00;

That the said unfunded debt of Curwensville Borough was lawfully incurred; that there has been an unforeseeable decline in revenues; that taxes levied have not produced the revenues anticipated; that it was not reasonable to foresee such unfunded debt obligations; that paying such debt by curtailing services may be dangerous to the public health and safety; that it is not feasible to levy additional taxes in the current fiscal year, and that additional taxes would be seriously regressive and not in the public interest;

That the requested funding of said unfunded debt, and the proposed maturities and interest, will not endanger the rendering of services or require the levying of excessive taxes; and

That the debt is within the statutory limitations of Section 8022 of the Local Government Unit Debt Act, as amended, and all such debt shall be charged against the nonelectoral debt limitations of said section.

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5 01/30/09 BCL Atty Seaman
NOV 09 2008 (will serve)

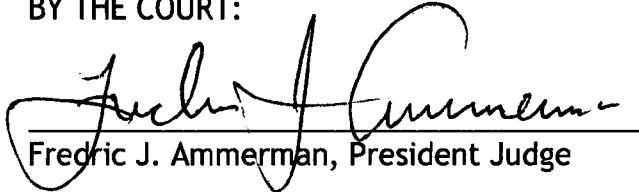
William A. Shaw
Prothonotary/Clerk of Courts *(6K)*

NOW THEREFORE, IT IS HEREBY ORDERED:

1. That the Borough of Curwensville be and it is hereby authorized to fund unfunded debt by the issuance of a General Obligation Note in the amount of \$50,000.00.
2. That this General Obligation Note shall mature within a period of two (2) years from the date of issue, as follows:

<u>PAYMENTS</u>	<u>DATE</u>	<u>PRINCIPAL</u>	<u>INTEREST</u>	<u>PAYMENT AMT</u>
1 st	May 31, 2009	\$ 12,161.62	\$ 925.11	\$ 13,086.73
2 nd	November 30, 2009	\$ 12,378.90	\$ 707.83	\$ 13,086.73
3 rd	May 31, 2010	\$ 12,613.07	\$ 473.66	\$ 13,086.73
4 th	November 30, 2010	\$ 12,846.41	\$ 240.32	\$ 13,086.73

BY THE COURT:



Fredric J. Ammerman
Fredric J. Ammerman, President Judge

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

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OF THE BOROUGH OF
CURWENSVILLE OF CLEARFIELD
COUNTY, PENNSYLVANIA FOR
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No. 2008 - 2091 - CD

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Type of Case: Civil

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Type of Pleading: Affidavit of
Publication of Notice
Of Hearing

⋮

Filed on behalf of:
Curwensville Borough Council
Curwensville Borough, Clearfield
County, Pennsylvania

⋮

Counsel of Record for this Party:
Laurance B. Seaman, Esq.

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Supreme Court No.: 19620

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Attorneys at law
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: PETITION OF BOROUGH COUNCIL :
OF THE BOROUGH OF CURWENSVILLE OF :
CLEARFIELD COUNTY, PENNSYLVANIA : No. 2008 - 2091 - CD
FOR AUTHORITY TO FUND UNFUNDED DEBT :
IN THE AMOUNT OF \$150,000.00 :
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AFFIDAVIT OF PUBLICATION OF NOTICE OF HEARING

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :
:

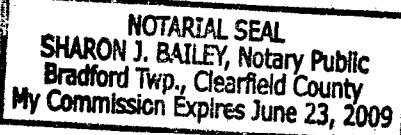
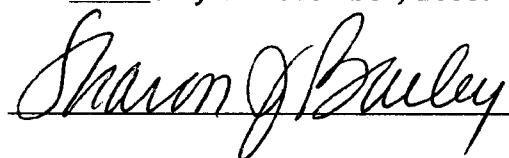
I, LAURANCE B. SEAMAN, ESQUIRE, being the attorney of record for the Petitioner in the above-captioned matter, being duly sworn according to law, depose and say that the Order of October 31, 2008 was published in The Progress on November 1, 2008, more than five (5) days before the Hearing. Attached hereto and made a part hereof as Exhibit "A" is the Proof of Publication from The Progress.



Laurance B. Seaman, Esquire

Sworn to and subscribed before me

this 6th day of November, 2008.



PROOF OF PUBLICATION

NOTICE
IN THE COURT OF COMMON
PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA
No. 2008-CD

IN RE: PETITION OF BOROUGH
COUNCIL OF THE BOROUGH OF
CURWENSVILLE OF CLEAR-
FIELD COUNTY, PENNSYLVANIA
FOR AUTHORITY TO FUND UN-
FUNDED DEBT IN THE AMOUNT
OF \$50,000.00

ORDER

AND NOW, this 31st day of October, 2008, upon presentation and due consideration of the within Petition requesting authority to fund an unfunded debt, IT IS ORDERED that a hearing on said Petition be held in open court in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania, on the 7th day of November, 2008, at 2:30 p.m., prevailing time, and that notice to the local government unit and taxpayers thereof be given by publication of this Order of Court in The Progress at least five (5) days before the time of hearing.

BY THE COURT:
Fredric J. Ammerman,
President Judge

11:1-1d-b

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 5th day of November, A.D. 20 08, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of November 1, 2008. And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison
Notary Public
Clearfield, Pa.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2011
Member, Pennsylvania Association of Notaries