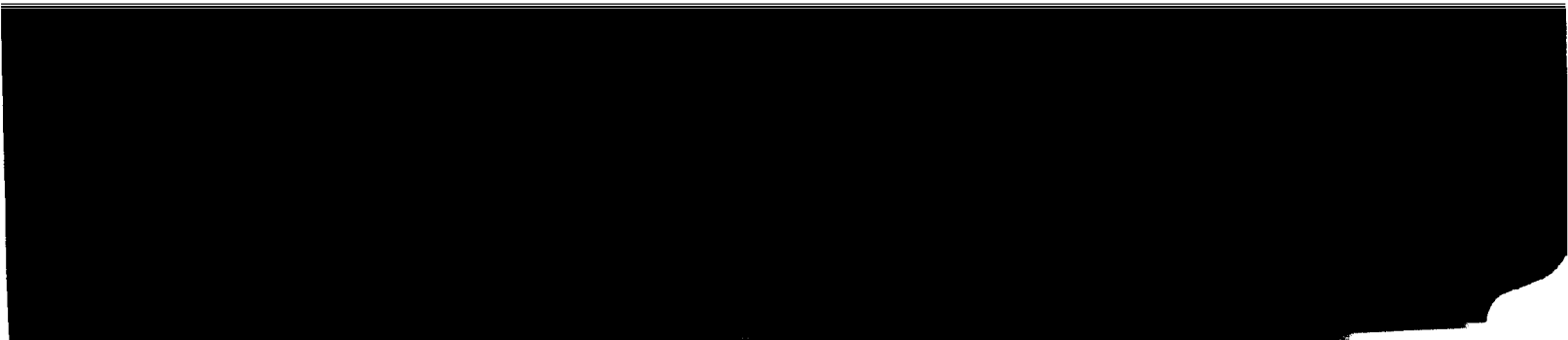


08-2092-CD

Elizabeth Amolsch vs Clfd Tax Bureau



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

ELIZABETH E. AMOLSCH,
Plaintiff

vs.

CLEARFIELD COUNTY TAX
CLAIM BUREAU,
PETER SHAH, and JANUM
MANAGEMENT, LLC,
Defendants

No. 08 - 2092 -CD

Type of Case: Civil

Type of Pleading: Complaint to
Set Aside and have Declared Invalid
Tax Sales Conducted by the Clearfield
County Tax Claim Bureau on
September 12, 2008

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

Supreme Court No.: 19620

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

FILED

OCT 31 2008

William A. Shaw

Prothonotary/Clerk of Courts

YLL Atty

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

ELIZABETH E. AMOLSCH,	:	No. 08 -	-CD
Plaintiff	:		
	:		
vs.	:		
	:		
CLEARFIELD COUNTY TAX CLAIM	:		
BUREAU, PETER SHAH, and JANUM	:		
MANAGEMENT, LLC,	:		
Defendants	:		

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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DANIEL NELSON, COURT ADMINISTRATOR
Clearfield County Court House
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(814) 765-2641, Ext. 1303

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

ELIZABETH E. AMOLSCH,	:	No. 08 -	-CD
Plaintiff	:		
	:		
vs.	:		
	:		
CLEARFIELD COUNTY TAX CLAIM	:		
BUREAU, PETER SHAH, and JANUM	:		
MANAGEMENT, LLC,	:		
Defendants	:		

COMPLAINT TO SET ASIDE AND HAVE DECLARED INVALID
TAX SALES CONDUCTED BY THE
CLEARFIELD COUNTY TAX CLAIM BUREAU ON SEPTEMBER 12, 2008

NOW COMES, Plaintiff, ELIZABETH E. AMOLSCH, by her attorneys, Gates and Seaman and requests that this Honorable Court set aside and declare invalid two (2) tax sales conducted by the Clearfield County Tax Claim Bureau on September 12, 2008 (as it pertains to the sale of real estate hereinafter identified), and in support thereof Plaintiff avers the following:

1. Plaintiff, ELIZABETH E. AMOLSCH (prior to her marriage known as Elizabeth Eshley Erb), is an adult individual, who presently resides at 3332 19th Street, NW, Washington, DC 20010.

2. Defendant, Clearfield County Tax Claim Bureau ("TCB"), is an agency of Clearfield County, Pennsylvania, which maintains an office at the Clearfield County Courthouse Annex, 1 North Second Street, Clearfield, Pennsylvania 16830.

3. Defendant, Peter Shah, is an adult individual believed to have a place of

business at 132 Montfort Drive, Belle Mead, New Jersey 08502.

4. Defendant, Janum Management, LLC, is believed to be a limited liability company with offices at 132 Montfort Drive, Belle Mead, New Jersey 08502.

5. Defendant, Peter Shah, acting individually and/or as agent for and/or manager of Defendant, Janum Management, LLC, was the successful bidder at the September 12, 2008 upset tax sales conducted by the TCB of the following two (2) sales for unpaid 2007 taxes, both being identified by the same tax assessment number, 112-P12-210: (i) 50% interest in 4.13 acres assessed to Elizabeth Eshley Erb; and (ii) 50% interest in 4.13 acres assessed to Winfield Erb.

6. The 4.13 acre assessment is actually an assessment of two (2) separate parcels, one containing 2 1/2 acres and the other containing 1 acre and 154.4 perches.

7. The pertinent record title in the Clearfield County records is as follows:

A. John Abbott acquired the 2 1/2 acre parcel from David Gearhart, et ux, by deed dated June 15, 1889, and recorded in Deed Book 55, Page 18, with said parcel being described therein as set forth on Exhibit "A", which is attached hereto and made a part hereof;

B. John Abbott acquired the 1 acre and 154.4 perches parcel from J. B. Gearhart, et ux, by deed dated June 18, 1901, and recorded in Deed Book 139, Page 221, with said parcel being described therein as set forth on Exhibit "B", which is attached hereto and made a part hereof;

C. Charles W. Erb subsequently acquired both parcels (still separately described) from the heirs of John Abbott, Mrs. William (Blanche) Grebe, Jessie Abbott and Daniel Abbott, by deed dated April 23, 1945 and recorded in Deed Book 409, Page 207;

D. Carmen Montoro, Executrix of the Estate of Winfield L. Erb, by deed dated March 29, 2001, and recorded to Instrument No. 200207524 conveyed to Plaintiff, a parcel of property in Karthaus Township, Clearfield County, and several parcels in Decatur Township, Clearfield County, but said deed did not include the two (2) parcels in question.

E. Corlis R. Erb, Jr. died testate April 15, 1977 a resident of Centre County, and an exemplification of said Estate was filed in Clearfield County, where by his Last Will and Testament, he appointed his wife, Susan Scott Spruance Erb, Executrix and left his entire estate to Plaintiff, his daughter, provided, if she was a minor, that her mother, Susan Scott Spruance Erb, would hold such property as guardian for her;

F. By deed dated May 2, 1983 and recorded on May 9, 1983 in Deeds and Records Book 886, Page 228, Susan Scott Spruance Erb, Executrix of the Estate of Corlis R. Erb, Jr., conveyed to herself and Virginia National Bank, as Co-Guardians of the Estate of Plaintiff, various interests in certain tracts of land in Centre and Clearfield Counties, including an undivided one-half interest in the two (2) parcels in question;

G. By deed dated April 11, 1996, but not recorded until June 19, 2008 to Instrument No. 200809620, NationsBank, N. A. (successor in interest to Sovran Bank - which was apparently a successor in interest to Virginia National Bank) and Susan Scott Spruance Erb, as Co-Guardians of the Estate of Plaintiff, conveyed to Plaintiff, various interests in certain tracts of land in Clearfield and Centre Counties, including an undivided one-half (1/2) interest in the two (2) parcels in question.

7. There does not appear of record in Clearfield County any conveyance of the other undivided one-half (1/2) interest into the name of Winfield Erb.

8. Pursuant to 72 P. S. § 5860.102 an “OWNER” who was entitled to notice of the September 12, 2008 tax sale as mandated by 72 P. S. § 5860.602(e)(1) is defined as follows:

“Owner,” the person in whose name the property is last registered, if registered according to law, or, if not registered according to law, the person whose name last appears as an owner of record on any deed or instrument of conveyance recorded in the county office designated for recording and in all other cases means any person in open, peaceable and notorious possession of the property, as apparent owner or owners thereof, or the reputed owner or owners thereof, in the neighborhood of such property; as to property having been turned over to the bureau under Article VII [FN3] by any county, “owner” shall mean the county. [emphasis added]

9. Although the Tax Claim Bureau had the correct address of Plaintiff, as 3332 19th Street, N.W., Washington, D.C. 20010, the Notices for the 50% interest owned or reputed to be owned by Winfield Erb were sent to the following different addresses:

a. 3339 19th SR SW, Washington, D. C. 15958,

b. 3332 19th, St. SW, Washington, D. C. 20010, and

c. 3339 19th SR SW, Washington, D. C. 20010. [emphasis added]

10. The certified mail return receipt notices sent to the wrong addresses were returned to the TCB marked "No Such Number".

11. 72 P. S. § 5860.602(e)(1) and (2) require the TCB to give the owner, when the certified mail return receipt is not received, notice of the sale at least ten (10) days before the date of the sale at the owner's last known post office address by virtue of the knowledge and information possessed by the TCB, by the tax collector, or the taxing district making the return and by the county office responsible for assessments and revisions of taxes and it is the duty of the TCB to determine the last post office address known to said collector and county assessment office.

12. 72 P. S. § 5860.602(a)(3) requires the Tax Claim Bureau to post each property at least ten (10) days prior to the sale.

13. While there was one assessment for this 4.13 acres, there were actually two (2) separate properties within that assessment as set forth in Paragraphs 6 and 7 hereof, which are incorporated herein by reference, and both parcels are landlocked.

14. It is believed and therefore averred that neither of the two (2) parcels was posted as required.

15. The records maintained by Defendant, Clearfield County Tax Claim Bureau, relative to the upset sales of the two (2) parcels in question, indicate that the prior notice required by 72 P. S. § 5860.602(e)(1) was not given to nor attempted to be given to Susan Scott Spruance Erb and/or Virginia National Bank, Co-Guardians, the record owners of the undivided one-half interest as of the date of said notices.

16. The records maintained by Defendant, Clearfield County Tax Claim Bureau, relative to the upset sales of the two (2) parcels in question, indicate that the prior notice required by 72 P. S. § 5860.602(e)(1) was not given to nor attempted to be given to Charles W. Erb.

17. Since proper notices of the September 12, 2008 tax sale were not sent, in accordance with 72 P. S. § 5860.602(e)(1) and (2), to the record owners, and the posting of notice on “. . . each property scheduled for sale . . . “ as required by 72 P. S. § 5860.602(e)(3) was not done, the tax sales of the two (2) parcels in question must be set aside and declared invalid.

WHEREFORE, Plaintiff prays that this Honorable Court enter an order:

(a) directing that the September 12, 2008 tax sale of the 50% interest of Elizabeth Eshley Erb in 4.13 acres situate in Decatur Township to Defendant, Peter Shah, Janum Management, LLC, be set aside and otherwise declared invalid;

(b) directing that the September 12, 2008 tax sale of the 50% interest of Winfield Erb in 4.13 acres situate in Decatur Township to Defendant, Peter Shah,

Janum Management, LLC, be set aside and otherwise declared invalid;

- (c) awarding Plaintiffs all record costs incurred in these proceedings; and
- (d) such other relief as this Court deems equitable and just.

GATES & SEAMAN

By:

A handwritten signature in black ink, appearing to be 'LBS', written over a horizontal line.

Laurance B. Seaman, Esquire
Attorney for Plaintiff

Two North Front Street
P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

VERIFICATION

The undersigned verifies that he is counsel for Plaintiff, that the Plaintiff is outside the jurisdiction of the Court and her verification cannot be obtained within the time allowed for filing the within pleading, that the statements made in the foregoing document are true and correct to the best of his own knowledge, information and belief, and that Plaintiff is the source of some of the undersigned's information. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in dark ink, appearing to read 'LBS', is written above a horizontal line.

Laurance B. Seaman, Esquire
Attorney for Plaintiff, Elizabeth E. Amolsch

Date: October 31, 2008

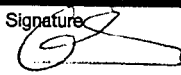
Beginning at a post one hundred and sixty three (163) feet below corner, on line of Campbell Brothers, Thence by land of said Campbell Brothers N. $63\frac{1}{4}^{\circ}$ E Two hundred and sixty four (264) feet to a post, South of Victor No. 1 Coal Dump, Thence by land of said David Gearhart S. $39\frac{3}{4}^{\circ}$ E. Four hundred and sixteen (416) feet to a post near Lancashire No. 1 air shaft, Thence by land of said David Gearhart S. $63\frac{1}{4}^{\circ}$ W. Two hundred and sixty four feet to a post, Thence by land of said David Gearhart N. $39\frac{3}{4}^{\circ}$ W. Four hundred and sixteen (416) feet to place of beginning. Containing two and one half ($2\frac{1}{2}$) acres.

EXHIBIT A

Beginning on the hill above John Abbotts property at corner of Campbell Bros. property, Thence S. 25° 56' E. Four hundred seven and one half (407 1/2) feet to a post, Thence N. 64° 42' E. Two hundred fifty five (255) feet to line of said John Abbotts property, thence along said line N. 38° 13' W. Four hundred eighteen (418) feet to a post on line of Campbell Bros., Thence by said line S. 65° 30' W. One hundred sixty five (165) feet to place of beginning. Containing one acre and one hundred fifty four and four tenths perches.

EXHIBIT B

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 NOV 07 2008
 William A. Shaw
 Prothonotary/Clerk of Courts

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X  <div style="float: right;"> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee </div>	
1. Article Addressed to: Peter Shah 132 Montfort Drive Belle Mead, NJ 08502		B. Received by (Printed Name) GRETIA	C. Date of Delivery 11/3/08
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7007 1490 0005 1485 0809	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	


SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
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1. Article Addressed to: Janum Management, LLC 132 Montfort Drive Belle Mead, NJ 08502		B. Received by (Printed Name) GRETIA	C. Date of Delivery 11/3/08
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7007 1490 0005 1485 0816	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

EXHIBIT "A"

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

ELIZABETH E. AMOLSCH,
Plaintiff

vs.

CLEARFIELD COUNTY TAX
CLAIM BUREAU,
PETER SHAH, and JANUM
MANAGEMENT, LLC,
Defendants

No. 08 - 2092 -CD

Type of Case: Civil

Type of Pleading: ACCEPTANCE OF
SERVICE

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

Supreme Court No.: 19620

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

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NOV 07 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

ELIZABETH E. AMOLSCH,
Plaintiff

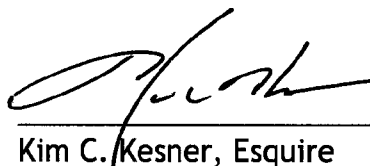
vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU, PETER SHAH, and JANUM
MANAGEMENT, LLC,
Defendants

No. 08 - 2092 -CD

ACCEPTANCE OF SERVICE

I accept service of the COMPLAINT TO SET ASIDE AND HAVE DECLARED INVALID TAX SALES CONDUCTED BY THE CLEARFIELD COUNTY TAX CLAIM BUREAU ON SEPTEMBER 12, 2008 on behalf of Clearfield County Tax Claim Bureau and certify that I am authorized to do so.



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

Date: 11/4/08, 2008

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

ELIZABETH E. AMOLSCH,
Plaintiff/Petitioner

vs.

CLEARFIELD COUNTY TAX
CLAIM BUREAU, PETER SHAH, and
JANUM MANAGEMENT, INC.,
Defendants/Respondents

No. 08-2092-CD

Type of Case: Civil

Type of Pleading: Petition
for Rule to Show Cause
and Order

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

Supreme Court No.: 19620

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

FILED
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JAN 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

SOC *Atty Seaman*

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

ELIZABETH E. AMOLSCH,	:	
Plaintiffs/Petitioners	:	No. 08 - 2092 - CD
	:	
-vs-	:	
	:	
CLEARFIELD COUNTY TAX CLAIM BUREAU,	:	
PETER SHAH, and JANUM MANAGEMENT,	:	
LLC, Defendants/Respondents	:	

PETITION FOR RULE TO SHOW CAUSE

Now comes, Petitioner, ELIZABETH E. AMOLSCH, by her attorneys, Gates & Seaman, and petitions this Honorable Court for a Rule to Show Cause and in support thereof avers the following:

1. On October 31, 2008, Petitioner filed a Complaint in the above-noted matter, a photocopy of which Complaint is attached hereto and made a part hereof as Exhibit "A".

2. Service of a certified copy of the Complaint was effectuated upon Respondents as follows:

(i) upon Defendant/Respondent, Clearfield County Tax Claim Bureau, by virtue of an Acceptance of Service of said Complaint by Kim C. Kesner, Esquire. (See Acceptance of Service, dated November 4, 2008, which has been filed with the Clearfield County Prothonotary); and

(ii) upon Defendants/Respondents, Peter Shah and Janum Management, LLC, by certified mail, return receipt requested, on November 3, 2008. (See Affidavit of Service filed with the Clearfield County Prothonotary).

3. Since Plaintiff's Complaint avers that Defendant/Respondent, Clearfield County Tax Claim Bureau, failed to properly carry out the notice of tax sale requirements as mandated by 72 P.S. §5680.602(e)(1) and the relief sought is to have the tax sale in question declared invalid and otherwise set aside, Plaintiff's Complaint does not technically constitute a "civil action" (as defined in Pa.R.C.P.

\$1001) and thus, the Defendants/Respondents have no obligation to file a response to Plaintiff's Complaint absent a directive from the Court to do so.

4. In order to compel Defendants to file a response to Plaintiff's Complaint and thus "frame" the issues for the Court's consideration, Petitioner prays that this Honorable Court issue a rule upon Respondents to show cause why Petitioner should not be entitled to the relief requested, and directing Respondents to file a response to Plaintiff's Complaint within twenty (20) days of service upon them of a certified copy of this Petition and the Court's Order or suffer the entry of a default judgment without any additional notice for failure to file a response to the Complaint.

5. The prayer of this Petition is consistent with Pa.R.C.P. No. 206.6.

WHEREFORE, Petitioner prays that this Honorable Court issue a Rule to Show Cause upon Defendants/Respondents, Clearfield County Tax Claim Bureau, Peter Shah and Janum Management, LLC, directing them to file a response to Petitioner/Plaintiff's Complaint within twenty (20) days of service upon them of a certified copy of this Petition and the Court's Order, or suffer the entry of a default judgment against them without further notice.

Respectfully submitted,

GATES & SEAMAN

By.



Laurance B. Seaman, Esquire
Attorney for Plaintiff/Petitioner,
Elizabeth E. Amolsch

Date: 1-30-09

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

ELIZABETH E. AMOLSCH,
Plaintiff

vs.

CLEARFIELD COUNTY TAX
CLAIM BUREAU,
PETER SHAH, and JANUM
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No. 08 - 2092 -CD

Type of Case: Civil

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Tax Sales Conducted by the Clearfield
County Tax Claim Bureau on
September 12, 2008

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

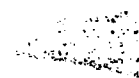
Supreme Court No.: 19620

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

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

OCT 31 2008

Attest.



William A. Brown
Prothonotary/
Clerk of Courts

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

ELIZABETH E. AMOLSCH,
Plaintiff

vs.

CLEARFIELD COUNTY TAX CLAIM
BUREAU, PETER SHAH, and JANUM
MANAGEMENT, LLC,
Defendants

: No. 08 - -CD
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DANIEL NELSON, COURT ADMINISTRATOR
Clearfield County Court House
Clearfield, PA 16830
(814) 765-2641, Ext. 1303

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

ELIZABETH E. AMOLSCH,	:	No. 08 -	-CD
Plaintiff	:		
	:		
vs.	:		
	:		
CLEARFIELD COUNTY TAX CLAIM	:		
BUREAU, PETER SHAH, and JANUM	:		
MANAGEMENT, LLC,	:		
Defendants	:		

COMPLAINT TO SET ASIDE AND HAVE DECLARED INVALID
TAX SALES CONDUCTED BY THE
CLEARFIELD COUNTY TAX CLAIM BUREAU ON SEPTEMBER 12, 2008

NOW COMES, Plaintiff, ELIZABETH E. AMOLSCH, by her attorneys, Gates and Seaman and requests that this Honorable Court set aside and declare invalid two (2) tax sales conducted by the Clearfield County Tax Claim Bureau on September 12, 2008 (as it pertains to the sale of real estate hereinafter identified), and in support thereof Plaintiff avers the following:

1. Plaintiff, ELIZABETH E. AMOLSCH (prior to her marriage known as Elizabeth Eshley Erb), is an adult individual, who presently resides at 3332 19th Street, NW, Washington, DC 20010.

2. Defendant, Clearfield County Tax Claim Bureau ("TCB"), is an agency of Clearfield County, Pennsylvania, which maintains an office at the Clearfield County Courthouse Annex, 1 North Second Street, Clearfield, Pennsylvania 16830.

3. Defendant, Peter Shah, is an adult individual believed to have a place of

business at 132 Montfort Drive, Belle Mead, New Jersey 08502.

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D. Carmen Montoro, Executrix of the Estate of Winfield L. Erb, by deed dated March 29, 2001, and recorded to Instrument No. 200207524 conveyed to Plaintiff, a parcel of property in Karthaus Township, Clearfield County, and several parcels in Decatur Township, Clearfield County, but said deed did not include the two (2) parcels in question.

E. Corlis R. Erb, Jr. died testate April 15, 1977 a resident of Centre County, and an exemplification of said Estate was filed in Clearfield County, where by his Last Will and Testament, he appointed his wife, Susan Scott Spruance Erb, Executrix and left his entire estate to Plaintiff, his daughter, provided, if she was a minor, that her mother, Susan Scott Spruance Erb, would hold such property as guardian for her;

F. By deed dated May 2, 1983 and recorded on May 9, 1983 in Deeds and Records Book 886, Page 228, Susan Scott Spruance Erb, Executrix of the Estate of Corlis R. Erb, Jr., conveyed to herself and Virginia National Bank, as Co-Guardians of the Estate of Plaintiff, various interests in certain tracts of land in Centre and Clearfield Counties, including an undivided one-half interest in the two (2) parcels in question;

G. By deed dated April 11, 1996, but not recorded until June 19, 2008 to Instrument No. 200809620, NationsBank, N. A. (successor in interest to Sovran Bank - which was apparently a successor in interest to Virginia National Bank) and Susan Scott Spruance Erb, as Co-Guardians of the Estate of Plaintiff, conveyed to Plaintiff, various interests in certain tracts of land in Clearfield and Centre Counties, including an undivided one-half (1/2) interest in the two (2) parcels in question.

7. There does not appear of record in Clearfield County any conveyance of the other undivided one-half (1/2) interest into the name of Winfield Erb.

8. Pursuant to 72 P. S. § 5860.102 an “OWNER” who was entitled to notice of the September 12, 2008 tax sale as mandated by 72 P. S. § 5860.602(e)(1) is defined as follows:

“Owner,” the person in whose name the property is last registered, if registered according to law, or, if not registered according to law, the person whose name last appears as an owner of record on any deed or instrument of conveyance recorded in the county office designated for recording and in all other cases means any person in open, peaceable and notorious possession of the property, as apparent owner or owners thereof, or the reputed owner or owners thereof, in the neighborhood of such property; as to property having been turned over to the bureau under Article VII [FN3] by any county, “owner” shall mean the county. [emphasis added]

9. Although the Tax Claim Bureau had the correct address of Plaintiff, as 3332 19th Street, N.W., Washington, D.C. 20010, the Notices for the 50% interest owned or reputed to be owned by Winfield Erb were sent to the following different addresses:

a. 3339 19th SR SW, Washington, D. C. 15958,

b. 3332 19th, St. SW, Washington, D. C. 20010, and

c. 3339 19th SR SW, Washington, D. C. 20010. [emphasis added]

10. The certified mail return receipt notices sent to the wrong addresses were returned to the TCB marked "No Such Number".

11. 72 P. S. § 5860.602(e)(1) and (2) require the TCB to give the owner, when the certified mail return receipt is not received, notice of the sale at least ten (10) days before the date of the sale at the owner's last known post office address by virtue of the knowledge and information possessed by the TCB, by the tax collector, or the taxing district making the return and by the county office responsible for assessments and revisions of taxes and it is the duty of the TCB to determine the last post office address known to said collector and county assessment office.

12. 72 P. S. § 5860.602(a)(3) requires the Tax Claim Bureau to post each property at least ten (10) days prior to the sale.

13. While there was one assessment for this 4.13 acres, there were actually two (2) separate properties within that assessment as set forth in Paragraphs 6 and 7 hereof, which are incorporated herein by reference, and both parcels are landlocked.

14. It is believed and therefore averred that neither of the two (2) parcels was posted as required.

15. The records maintained by Defendant, Clearfield County Tax Claim Bureau, relative to the upset sales of the two (2) parcels in question, indicate that the prior notice required by 72 P. S. § 5860.602(e)(1) was not given to nor attempted to be given to Susan Scott Spruance Erb and/or Virginia National Bank, Co-Guardians, the record owners of the undivided one-half interest as of the date of said notices.

16. The records maintained by Defendant, Clearfield County Tax Claim Bureau, relative to the upset sales of the two (2) parcels in question, indicate that the prior notice required by 72 P. S. § 5860.602(e)(1) was not given to nor attempted to be given to Charles W. Erb.

17. Since proper notices of the September 12, 2008 tax sale were not sent, in accordance with 72 P. S. § 5860.602(e)(1) and (2), to the record owners, and the posting of notice on “. . . each property scheduled for sale . . . “ as required by 72 P. S. § 5860.602(e)(3) was not done, the tax sales of the two (2) parcels in question must be set aside and declared invalid.

WHEREFORE, Plaintiff prays that this Honorable Court enter an order:

(a) directing that the September 12, 2008 tax sale of the 50% interest of Elizabeth Eshley Erb in 4.13 acres situate in Decatur Township to Defendant, Peter Shah, Janum Management, LLC, be set aside and otherwise declared invalid;

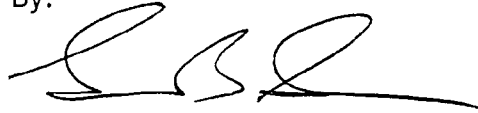
(b) directing that the September 12, 2008 tax sale of the 50% interest of Winfield Erb in 4.13 acres situate in Decatur Township to Defendant, Peter Shah,

Janum Management, LLC, be set aside and otherwise declared invalid;

- (c) awarding Plaintiffs all record costs incurred in these proceedings; and
- (d) such other relief as this Court deems equitable and just.

GATES & SEAMAN

By:

A handwritten signature in black ink, appearing to be 'LBS', written over a horizontal line.

Laurance B. Seaman, Esquire
Attorney for Plaintiff

Two North Front Street
P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

VERIFICATION

The undersigned verifies that he is counsel for Plaintiff, that the Plaintiff is outside the jurisdiction of the Court and her verification cannot be obtained within the time allowed for filing the within pleading, that the statements made in the foregoing document are true and correct to the best of his own knowledge, information and belief, and that Plaintiff is the source of some of the undersigned's information. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

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

Laurance B. Seaman, Esquire
Attorney for Plaintiff, Elizabeth E. Amolsch

Date: October 31, 2008

Beginning at a post one hundred and sixty three (163) feet below corner, on line of Campbell Brothers, Thence by land of said Campbell Brothers N. $63\frac{1}{4}^{\circ}$ E Two hundred and sixty four (264) feet to a post, South of Victor No. 1 Coal Dump, Thence by land of said David Gearhart S. $39\frac{3}{4}^{\circ}$ E. Four hundred and sixteen (416) feet to a post near Lancashire No. 1 air shaft, Thence by land of said David Gearhart S. $63\frac{1}{4}^{\circ}$ W. Two hundred and sixty four feet to a post, Thence by land of said David Gearhart N. $39\frac{3}{4}^{\circ}$ W. Four hundred and sixteen (416) feet to place of beginning. Containing two and one half ($2\frac{1}{2}$) acres.

EXHIBIT A

Beginning on the hill above John Abbotts property at corner of Campbell Bros. property, Thence S. 25° 56' E. Four hundred seven and one half (407 1/2) feet to a post, Thence N. 64° 42' E. Two hundred fifty five (255) feet to line of said John Abbotts property, thence along said line N. 38° 13' W. Four hundred eighteen (418) feet to a post on line of Campbell Bros., Thence by said line S. 65° 30' W. One hundred sixty five (165) feet to place of beginning. Containing one acre and one hundred fifty four and four tenths perches.

EXHIBIT B

VERIFICATION

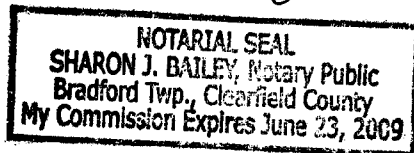
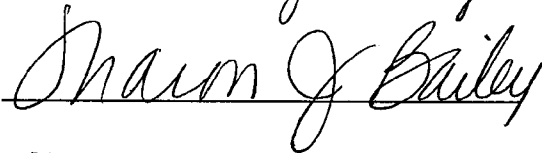
I, Laurance B. Seaman, Esquire, being duly sworn according to law, depose and say that I am the attorney of record in the above-captioned proceedings for Plaintiff/Petitioner, Elizabeth E. Amolsch, and the facts set forth in the foregoing Petition For Rule to Show Cause are true and correct to the best of my knowledge, information and belief.



Laurance B. Seaman, Esquire

Sworn to and subscribed before

me this 30th day of January, 2009.



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

ELIZABETH E. AMOLSCH,
Plaintiffs/Petitioners

No. 08 - 2092 - CD

-VS-

CLEARFIELD COUNTY TAX CLAIM BUREAU,
PETER SHAH, and JANUM MANAGEMENT,
LLC, Defendants/Respondents

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JAN 30 2009 Seaman

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William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 30th day of January, 2009, upon consideration of the foregoing Petition, it is hereby ordered that:

(1) A rule is issued upon Respondents, Clearfield County Tax Claim Bureau, Peter Shah and Janum Management, LLC, to show cause why Petitioner is not entitled to the relief requested;

(2) Respondents, Clearfield County Tax Claim Bureau, Peter Shah and Janum Management, LLC, are each directed to file a response to Plaintiff's Complaint within twenty (20) days of service upon Respondents of the Petition and this Order, or suffer the entry of a default judgment without any additional notice for failure to file a response to the Complaint.

(3) The Petition shall be decided under Pa.R.C.P. No. 206.7;

(4) Should any of the Respondents file a response raising disputed issues of material fact, Petitioner and the responding parties shall have ninety (90) days from the date of service of said response to complete any desired depositions and/or other discovery.

(5) Thereafter, either an evidentiary hearing or argument on the disputed issues of material fact, will be scheduled to take place with the Court upon Petitioner's counsel filing a Praecipe requesting said evidentiary hearing and/or argument; and

(6) Notice of the entry of this Order and a certified copy of the Petition shall

be provided to all parties by Petitioner.

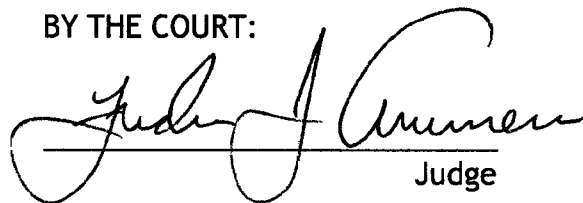
NOTICE

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 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 AND TELEPHONE THE OFFICE SET FORTH BELOW AND FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

BY THE COURT:


Judge

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

ELIZABETH E. AMOLSCH,
Plaintiff/Petitioner

vs.
CLEARFIELD COUNTY TAX
CLAIM BUREAU, PETER SHAH, and
JANUM MANAGEMENT, INC.,
Defendants/Respondents

No. 08-2092-CD

Type of Case: Civil

Type of Pleading: Petition
for Entry of Default Judgment
and To Vacate Sale
and Order

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

Supreme Court No.: 19620

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

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FEB 23 2009 to Amy
William A. Shaw
Prothonotary/Clerk of Courts

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

ELIZABETH E. AMOLSCH,
Plaintiff/Petitioner

No. 08 - 2092 - CD

-VS-

CLEARFIELD COUNTY TAX CLAIM BUREAU,
PETER SHAH, and JANUM MANAGEMENT,
LLC, Defendants/Respondents

PETITION FOR ENTRY OF DEFAULT JUDGMENT
AND TO VACATE SALE

Now comes, Petitioner, ELIZABETH E. AMOLSCH, by her attorneys, Gates & Seaman, and petitions this Honorable Court for an Order entering a Default Judgment against the Defendants/Respondents and vacating the tax sales, and in support thereof avers the following:

1. Upon consideration of Petitioner filing with this Honorable Court a Petition for Rule to Show Cause, this Honorable Court entered an Order dated January 30, 2009, a photocopy of which is attached hereto and made a part hereof as Exhibit "A", directing Respondents, Clearfield County Tax Claim Bureau ("TCB"), Peter Shah and Janum Management, LLC, to file a response to Plaintiff's Complaint within twenty (20) days of service upon Respondents of the Petition and this Order, or suffer the entry of a Default Judgment without any additional notice for failure to file a response to the Complaint.

2. Counsel for Petitioner has been notified by Kim C. Kesner, Esquire, Attorney for the TCB, that, after consultation with the TCB Director, Jennifer Wooster, the TCB will not be filing a response to the Complaint, a photocopy of which letter is attached hereto and made a part hereof as Exhibit "B".

3. Neither of the other two (2) Respondents has filed any response to the Complaint, a certified copy of the Petition for Rule to Show Cause and Order (Exhibit "A") having been served upon Respondents, Peter Shah and Janum Management,

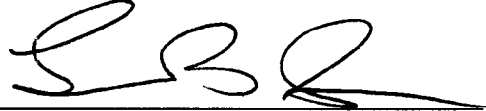
LLC, by Laurance B. Seaman, Esquire, Gates & Seaman, by mailing the same by the U. S. Postal Service regular mail (PS Form 3817), postage prepaid, the original Certificate of Mailing for each Respondent being attached hereto and made a part hereof, collectively, as Exhibit "C".

WHEREFORE, Petitioner prays that this Honorable Court enter an Order directing the entry of a Default Judgment against all Defendants/Respondents without any additional notice for failure to file a response to the Complaint, and vacating, setting aside and otherwise declaring the tax sales in question invalid.

Respectfully submitted,

GATES & SEAMAN

By:

A handwritten signature in dark ink, appearing to be 'LBS', written over a horizontal line.

Laurance B. Seaman, Esquire
Attorney for Plaintiff/Petitioner,
Elizabeth E. Amolsch

Date: 2/23/2009

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

ELIZABETH E. AMOLSCH,
Plaintiffs/Petitioners

No. 08 - 2092 - CD

-vs-

CLEARFIELD COUNTY TAX CLAIM BUREAU,
PETER SHAH, and JANUM MANAGEMENT,
LLC, Defendants/Respondents

ORDER

AND NOW, this 30th day of January, 2009, upon consideration of the foregoing Petition, it is hereby ordered that:

(1) A rule is issued upon Respondents, Clearfield County Tax Claim Bureau, Peter Shah and Janum Management, LLC, to show cause why Petitioner is not entitled to the relief requested;

(2) Respondents, Clearfield County Tax Claim Bureau, Peter Shah and Janum Management, LLC, are each directed to file a response to Plaintiff's Complaint within twenty (20) days of service upon Respondents of the Petition and this Order, or suffer the entry of a default judgment without any additional notice for failure to file a response to the Complaint.

(3) The Petition shall be decided under Pa.R.C.P. No. 206.7;

(4) Should any of the Respondents file a response raising disputed issues of material fact, Petitioner and the responding parties shall have ninety (90) days from the date of service of said response to complete any desired depositions and/or other discovery.

(5) Thereafter, either an evidentiary hearing or argument on the disputed issues of material fact, will be scheduled to take place with the Court upon Petitioner's counsel filing a Praecipe requesting said evidentiary hearing and/or argument; and

(6) Notice of the entry of this Order and a certified copy of the Petition shall

be provided to all parties by Petitioner.

NOTICE

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 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 AND TELEPHONE THE OFFICE SET FORTH BELOW AND FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

BY THE COURT:

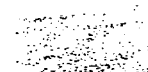
/S/ Fredric J Ammerman

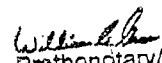
Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JAN 30 2009

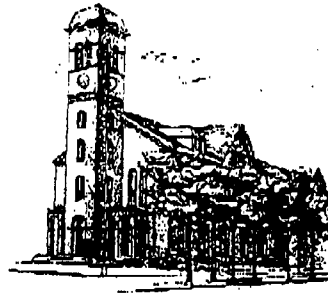
Attest.




Prothonotary/
Clerk of Courts

John A. Sobel
Joan Robinson McMillen
Mark B. McCracken
County Commissioners

Kim C. Kesner
Solicitor
Lisa McFadden
Chief Clerk



Clearfield County

Court House
230 East Market Street
Suite 101
Clearfield, Pennsylvania 16830
PHONE (814) 765-2641
FAX (814) 765-2640

February 19, 2009

Laurance B. Seaman, Esquire
Gates & Seaman
P.O. Box 846
Clearfield, PA 16830

RE: Amolsch vs. Clearfield County Tax Claim Bureau, Peter Shah and Janum Management
No. 08-2092-CD

Dear Larry,

I reviewed your Complaint with Tax Claim Bureau Director Jennifer Wooster and this is to advise you that the Clearfield County Tax Claim Bureau will not be filing a response to it.

The Rule issued by the Court on January 30 provides that in absence of a filed response, a default judgment will be entered. Thus, we understand that if the other Respondents also fail to file a response raising cognizable issues for hearing that a judgment will be entered vacating the sale.

In such event, I would appreciate it if you could discuss with me the form of any default judgment entered.

Should you wish to discuss these matters, please advise.

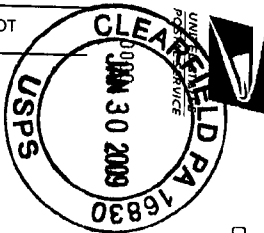
Sincerely,

A handwritten signature in black ink, appearing to read "Kim C. Kesner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

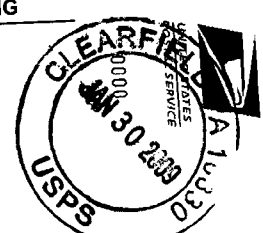
Kim C. Kesner

KCK:tlm

Cc: Jennifer Wooster, Director – Clearfield County Tax Claim Bureau

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:			
<p>GATES & SEAMAN</p> <p>2 North Front Street</p> <p>P.O. Box 846</p> <p>Clearfield, PA 16830</p>			
One piece of ordinary mail addressed to:			
<p>Peter Shah</p> <p>132 Montfort Drive</p> <p>Belle Mead, NJ 08502</p>		<p>U.S. POSTAGE PAID CLEARFIELD, PA 16830 JAN 30 2009 AMOUNT \$1.10 00090512-07</p>	

PS Form 3817, January 2001

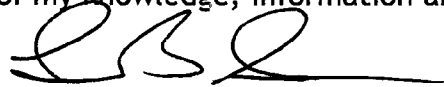
U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:			
<p>GATES & SEAMAN</p> <p>2 North Front Street</p> <p>P.O. Box 846</p> <p>Clearfield, PA 16830</p>			
One piece of ordinary mail addressed to:			
<p>Janum Management, LLC</p> <p>132 Montfort Drive</p> <p>Belle Mead, NJ 08502</p>		<p>U.S. POSTAGE PAID CLEARFIELD, PA 16830 JAN 30 2009 AMOUNT \$1.10 00090512-07</p>	

PS Form 3817, January 2001

EXHIBIT "C"

VERIFICATION

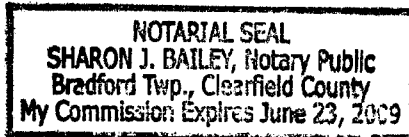
I, Laurance B. Seaman, Esquire, being duly sworn according to law, depose and say that I am the attorney of record in the above-captioned proceedings for Plaintiff/Petitioner, Elizabeth E. Amolsch, and the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief.



Laurance B. Seaman, Esquire

Sworn to and subscribed before

me this 23rd day of February, 2009.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Elizabeth E. Amolsch
Plaintiff(s)

No.: 2008-02092-CD

Real Debt: \$

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Clearfield County Tax Claim Bureau
Peter Shah, Janum Management, LLC
Defendant(s)

Entry: \$

Instrument: Default Judgment by Court Order

Date of Entry: February 23, 2009

Certified from the record this 23rd day of February, 2009.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

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

ELIZABETH E. AMOLSCH,
Plaintiff/Petitioner

No. 08 - 2092 - CD

-vs-

CLEARFIELD COUNTY TAX CLAIM BUREAU,
PETER SHAH, and JANUM MANAGEMENT,
LLC, Defendants/Respondents

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William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 23rd day of February, 2009, upon consideration of the foregoing Petition, **IT IS HEREBY ORDERED AND DECREED** that:

(1) A Default Judgment be and is hereby entered against the Defendants/Respondents, Clearfield County Tax Claim Bureau, Peter Shah and Janum Management, LLC, without any additional notice for failure to file a response to the Complaint;

(2) The following tax sales be and are hereby vacated, set aside and declared invalid:

(a) upset tax sale on September 12, 2008 for unpaid 2007 taxes of a 50% interest in 4.13 acres assessed to Elizabeth Eshley Erb, identified by Clearfield County Tax Assessment Map No. 112-P12-210; and

(b) upset tax sale on September 12, 2008 for unpaid 2007 taxes of a 50% interest in 4.13 acres assessed to Winfield Erb, identified by Clearfield County Tax Assessment Map No. 112-P12-210.

IT IS THE FURTHER ORDER of this Court that:

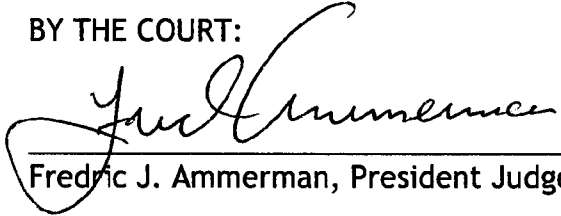
(1) The Clearfield County Tax Claim Bureau shall refund to Peter Shah/Janum Management the amount of the bids and costs paid by the Purchaser at said tax sales; and

(2) Plaintiff shall pay to the Clearfield County Tax Claim Bureau within twenty (20) days of the date of this Order the upset price with costs

collectible at the sale, in the amount of \$308.70 for Control No. 112019544
and in the amount of \$318.08 for Control No. 112096635.

Notice of the entry of this Order and a certified copy of the Petition shall be
provided to all parties by Petitioner by regular mail, postage prepaid, with the U. S.
Postal Service.

BY THE COURT:



Fredric J. Ammerman, President Judge

William A. Shaw
Prothonotary/Clerk of Courts