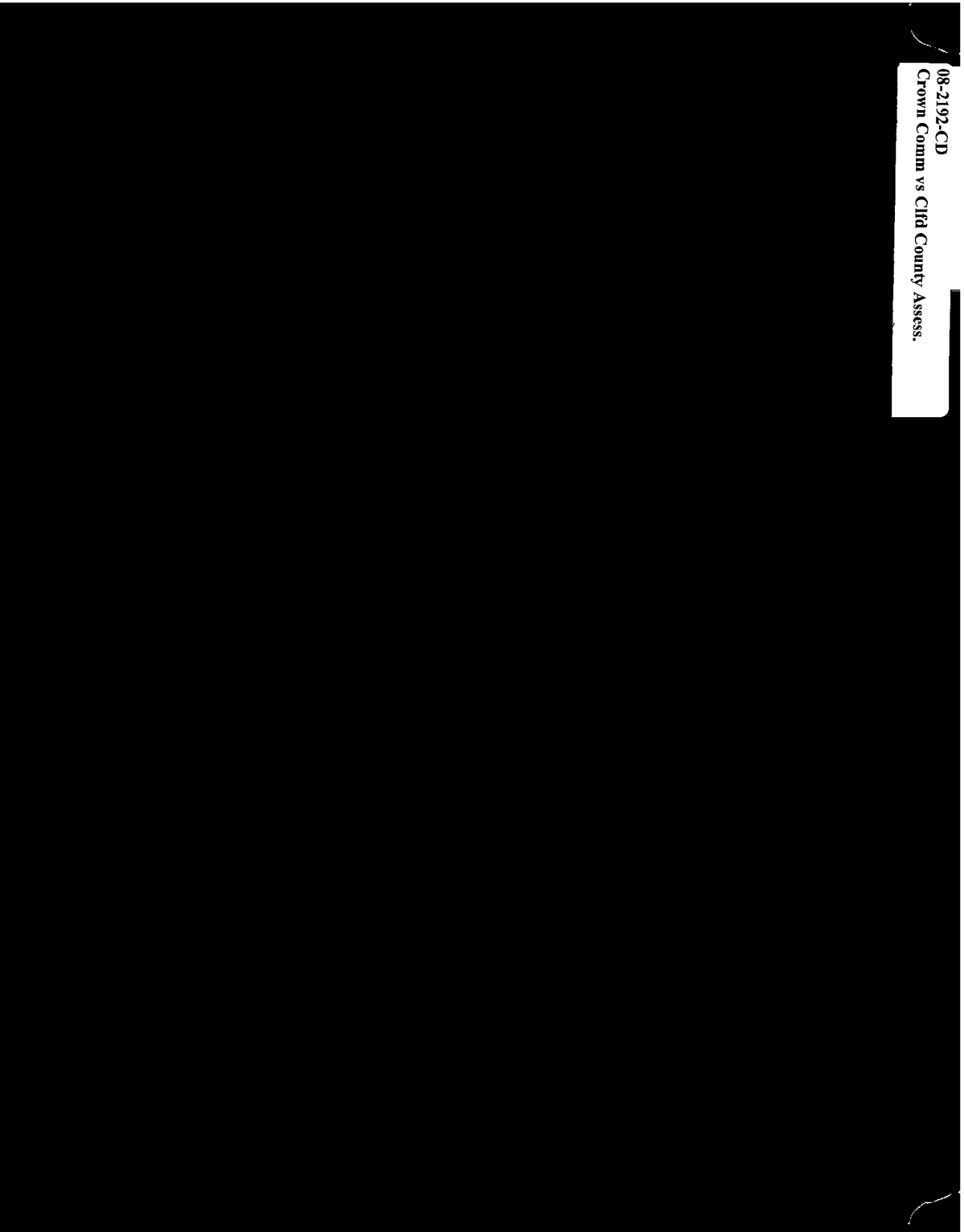


08-2192-CD  
Crown Comm vs Clfd County Asscs.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION INC.,

CIVIL ACTION - LAW

Appellant,

NO. 08-2192-CD

vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

TAX ASSESSMENT APPEAL

Appellee,

APPEAL FROM DECISION OF BOARD  
OF ASSESSMENT APPEALS

vs.

CLEARFIELD COUNTY, COOPER  
TOWNSHIP and WEST BRANCH AREA  
AREA SCHOOL DISTRICT,

Filed on behalf of Appellant,  
Crown Communication Inc.

Interested Parties.

Counsel of Record for this Party:

Dusty Elias Kirk, Esquire  
PA I.D. No. 30702  
Sharon F. DiPaolo, Esquire  
PA I.D. No. 74520  
PEPPER HAMILTON LLP  
Firm No. 143  
One Mellon Center  
500 Grant Street, 50<sup>th</sup> Floor  
Pittsburgh, PA 15219-2502  
(412) 454-5000

Dated: November 12, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION INC.,	)	CIVIL DIVISION
Appellant,	)	
	)	NO. _____
vs.	)	
	)	
CLEARFIELD COUNTY BOARD OF	)	
ASSESSMENT APPEALS,	)	
Appellee,	)	
vs.	)	
	)	
CLEARFIELD COUNTY, COOPER	)	
TOWNSHIP and WEST BRANCH AREA	)	
AREA SCHOOL DISTRICT,	)	
Interested Parties.	)	

NOTICE

AN APPEAL FROM DECISION OF BOARD OF ASSESSMENT APPEALS, 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  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 50-51

BY THE COURT:

\_\_\_\_\_, J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION INC.,	)	CIVIL DIVISION
	)	
	)	NO. _____
Appellant,	)	
	)	
vs.	)	
	)	
CLEARFIELD COUNTY BOARD OF	)	
ASSESSMENT APPEALS,	)	
	)	
	)	
Appellee,	)	
	)	
vs.	)	
	)	
CLEARFIELD COUNTY, COOPER	)	
TOWNSHIP and WEST BRANCH AREA	)	
SCHOOL DISTRICT,	)	
	)	
	)	
Interested Parties.	)	

APPEAL FROM DECISION OF BOARD OF ASSESSMENT APPEALS

AND NOW comes Appellant, Crown Communication Inc., ("Crown"), by and through its attorneys, Pepper Hamilton LLP, Dusty Elias Kirk, Esquire and Sharon F. DiPaolo, Esquire, and hereby files an appeal from the final assessment of the Clearfield County Board of Assessment Appeals, and, in support thereof, states as follows:

1. Alan and Judith Larson and Roger and Cathy Larson are the owners of property situate in Cooper Township, Clearfield County, Pennsylvania (the "Original Property"). The Original Property is identified as Map Number 110.0-R09-000-00104 in the Clearfield County Assessment records.

2. Alan and Judith Larson and Roger and Cathy Larson lease land to Crown upon which Crown placed on the Original Property a telecommunication tower and related structures and equipment.

3. As a result of the lease, the Board created a separate parcel for the improvement component of the tower identified as Map Number 110.0-R09-000-00104-DW-01, Control No. 110.0-49752 ("Tower Parcel") in the Clearfield County Assessment records. The assessment for the land component of the tower remains with the assessment for the Original Property.

4. The rights to the leased land and tower are an integrated equitable interest in the real estate which is undivided and the tower is affixed to the land; therefore, the land and the improvements for the tower should not be assessed on separate parcels.

5. By creating a separate parcel for the improvements associated with the tower, there is a duplicate assessment.

6. Crown has an equitable interest in the Tower Parcel pursuant to a lease with Wendell and Anna Snyder and has a right to challenge the assessment.

7. The County of Clearfield, Cooper Township and the West Branch Area School District are the taxing bodies interested in the taxable status of the Property.

8. The Board of Assessment Appeals of Clearfield County (the "Board") was created pursuant to the Act 254 of 1943, P.L. 571, 72 P.S. § 5453.101 *et. seq.*, and is authorized to assess real property in the County of Clearfield for the purpose of taxation and to hear appeals from said assessments by aggrieved parties.

9. As of August 1, 2008, the Property was described for the 2009 tax year on the official records of Clearfield County as follows:

<u>Description</u>	<u>Assessment</u>
Land	\$0
Building	\$57,125
Total	\$57,125

10. On August 29, 2008, Crown duly appealed the 2009 assessment to the Board for regress and reduction of said assessment. A copy of said Declaration of Intention to Appeal is attached hereto as Exhibit "A."

11. A hearing was held October 13, 2008, before the Board concerning the appeal of the Tower Parcel. Following the hearing, the Board sustained the assessment on the Tower Parcel for the year 2009 by issuing a Decision Letter (the "Decision"), dated October 14, 2008. A copy of the Decision is attached hereto as Exhibit "B."

12. This Petition for Appeal is herewith presented within thirty (30) days from the mailing date of the Board's Decision.

13. Crown is aggrieved by the Board's adjudication. Specifically, Crown avers, on information and belief, that the assessment remains unfair, unreasonable, and excessive. Crown further avers as follows:

a. The assessment is not equal or uniform with other properties similarly located in Clearfield County.

b. There is a complete lack of uniformity in the assessment of real estate within Clearfield County which makes the assessment unjust, unreasonable, and discriminatory.

c. The fair market value upon which the assessment is based is in excess of the actual fair market value of the Tower Parcel.

d. The ratio of assessed value to market value is in excess of the ratio commonly prevailing in Clearfield County.


e. The Board's method of valuation applied to the assessments of cellular communications towers is improper and not in accordance with Pennsylvania Law.

f. There is duplicate assessment as a result of the creation of a separate parcel for the improvements associated with the tower.

g. Other such reasons as will be developed at the time of hearing.

WHEREFORE, Crown being aggrieved by the assessment of the Board, files this Appeal and requests that this Honorable Court allow its appeal and decrease the assessment to such amount as may be right and proper.

Respectfully submitted,



Dusty Elias Kirk  
PA I.D. No. 30702  
Sharon F. DiPaolo  
PA I.D. No. 74520  
PEPPER HAMILTON LLP  
Firm No. 143  
One Mellon Center  
500 Grant Street, 50<sup>th</sup> Floor  
Pittsburgh, PA 15219-2502  
(412) 454-5000

Dated: November 12, 2008

*Attorneys for Appellant, Crown  
Communication Inc.*

All Questions Must  
Be Answered To  
Qualify For Hearing

# DECLARATION OF INTENTION TO APPEAL

ASSESSMENT APPEAL

Clearfield County Board of Assessment Appeals

230 E Market St Suite 117 Clearfield PA 16830

FOR 20 09

Under the provisions of law, any person aggrieved by any assessment desiring to appeal shall file a statement, in writing, with the Board of Assessment Appeals. Such statement shall designate the assessment appealed from and the address to which the Board shall mail notice of when and where to appear for a hearing. NO APPEAL SHALL BE HEARD BY THE BOARD UNLESS APPELLANT SHALL FIRST HAVE FILED THE APPEAL AND REQUIRED DOCUMENTS AS SET FORTH BY LAW.

Phone (814) 765-2641 Ext 5997

(\*) Includes taxing districts

RECORD OWNER(S) NAME: Crown Communication Inc.

MAILING ADDRESS: c/o Dusty Elias Kirk, Esquire, Pepper Hamilton LLP, 500 Grant Street, 50th Floor, Pittsburgh, PA 15219

EMAIL ADDRESS: \_\_\_\_\_

PROPERTY SUBJECT OF APPEAL: \_\_\_\_\_

ASSESSOR'S TAX MAP IDENTIFICATION	NUMBER		STREET		BOROUGH/TOWNSHIP	
	DISTRICT	MAP	SUB-MAP	PARCEL	SUB-PARCEL	LOT/BLK NUMBER
	110.0	R09	000	00104	DW	01 1100-42752

ASSESSMENT APPEALED \$57,125

OPINION OF VALUE OF THIS PROPERTY To be determined

DATE PURCHASED N/A PURCHASE PRICE N/A AMOUNT OF FIRE INSURANCE Not reflective of market value

STATE REASONS FOR FILING THIS APPEAL: The fair market value upon which the assessment is based is in excess of the property's value. The assessment is not uniform with the assessments of other property in the county. The ratio of assessed

value to market value is in excess of the ratio commonly prevailing in Clearfield County.

CURRENT USE OF PROPERTY: Telecommunications Tower

TOTAL ACREAGE: N/A

TOTAL ACRES OF TILLABLE LAND: N/A

TOTAL ACRES OF WOODLAND: N/A

TOTAL ACRES OF WASTELAND: N/A

#1 RESIDENCE: Number of Stories \_\_\_\_\_ Total Rooms \_\_\_\_\_ Bedrooms \_\_\_\_\_ Family Room \_\_\_\_\_ Full Baths \_\_\_\_\_  
Half Baths \_\_\_\_\_ Basement \_\_\_\_\_ Garage(Cars) \_\_\_\_\_ Carport \_\_\_\_\_ Fireplace \_\_\_\_\_ Central Air \_\_\_\_\_  
#2 RESIDENCE: Number of Stories \_\_\_\_\_ Total Rooms \_\_\_\_\_ Bedrooms \_\_\_\_\_ Family Room \_\_\_\_\_ Full Baths \_\_\_\_\_  
Half Baths \_\_\_\_\_ Basement \_\_\_\_\_ Garage(Cars) \_\_\_\_\_ Carport \_\_\_\_\_ Fireplace \_\_\_\_\_ Central Air \_\_\_\_\_

OUT BUILDINGS:

DESCRIPTION/USE

SIZE

#1 \_\_\_\_\_

#2 \_\_\_\_\_

#3 \_\_\_\_\_

#4 \_\_\_\_\_

#5 \_\_\_\_\_

#6 \_\_\_\_\_

#7 \_\_\_\_\_

OTHER: \_\_\_\_\_

## CERTIFICATE OF APPEAL

I/We hereby declare my/our intention to appeal from the assessed valuation of the property described above and do hereby verify that the statements made in this appeal are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. CS Section 4904, relating to known falsification to authorities.

SIGNED: Thomas D. Bone

DATE: 8-28-09

V. J. Taylor

PHONE No. (Home) N/A

Official of Record

EXHIBIT

412-454-5000

ALL NOTICE OF PROCEEDINGS WILL BE MAILED TO

NAME: Dusty Elias Kirk, Esquire

ADDRESS: Pepper Hamilton LLP

500 Grant Street, 50th Floor, Pittsburgh, PA 15219

AND SUCH OTHER AS IDENTIFIED BELOW:

A



Clearfield County Assessment Office  
BOARD OF ASSESSMENT APPEALS



230 EAST MARKET STREET  
SUITE 117  
Clearfield, Pennsylvania 16830

TELEPHONE (814) 765-2641  
FAX (814) 765-2640  
Email- cctax@clearfieldco.org

Crown Communication, Inc.

4017 Washington Rd

McMurray PA 15317

**NOTICE OF BOARD ACTION ON APPEALS  
FROM 2009 REAL ESTATE ASSESSMENT**

Appellant Name	: Crown Communication, Inc.
Person Appearing	: Sean Delaney & Greg Kruk
Location	: See Attached Sheet
Map #	: See Attached Sheet
Property Identification	: See Attached Sheet
Original 2009 market valuation	: See Attached Sheet
Original 2009 assessed valuation	: See Attached Sheet
Date of appeal hearing	: October 13, 2008

Dear Property Owner:

The Clearfield County Board of Assessment Appeals, having considered your appeal, has made an Order with reference to your 2009 real estate assessment as follows:

Original 2009	Market value affirmed, without change.
Original 2009	Assessed value affirmed, without change.

Dated: October 16, 2008

Sincerely,

Clearfield County Board of  
Assessment Appeals

Jack Green

Maggie Elliott

Chris Bohley



## Clearfield County Assessment Office



230 EAST MARKET STREET  
SUITE 117  
Clearfield, Pennsylvania 16830  
FAX (814) 765-2640

October 14, 2008

RE: Appeal for Crown Communication, Inc.

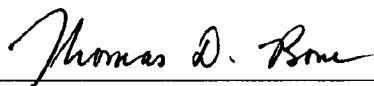
District: Bell Township Map #102.0-D12-000-00051-DW-01 Control #102.0-49532	2009 Market Value \$207,500 affirmed, without change. 2009 Assessed Value \$51,175 affirmed, without change.
District: Cooper Township Map #110.0-R09-000-01104-DW-01 Control #110.0-49752	2009 Market Value \$228,500 affirmed, without change. 2009 Assessed Value \$57,125 affirmed, without change.
District: Lawrence Township Map #123.0-J07-000-00091-DW-01 Control #123.0-96792	2009 Market Value \$187,600 affirmed, without change. 2009 Assessed Value \$46,900 affirmed, without change.
District: Lawrence Township Map #123.0-J08-000-00257-DW-01 Control #123.0-96690	2009 Market Value \$227,300 affirmed, without change. 2009 Assessed Value \$56,825 affirmed, without change.
District: Penn Township Map #125.0-G11-000-00015-DW-01 Control #125.0-85516	2009 Market Value \$294,000 affirmed, without change. 2009 Assessed Value \$73,500 affirmed, without change.
District: Sandy Township Map #128.0-D03-000-00001-DW-01 Control #128.0-97284	2009 Market Value \$230,100 affirmed, without change. 2009 Assessed Value \$37,525 affirmed, without change.
District: Union Township Map #129.0-F05-000-00013-DW-01 Control #129.0-96458	2009 Market Value \$221,500 affirmed, without change. 2009 Assessed Value \$53,375 affirmed, without change.
District: Woodward Township Map #130.0-M14-000-00019-DW-01 Control #130.0-96523	2009 Market Value \$176,900 affirmed, without change. 2009 Assessed Value \$44,225 affirmed, without change.

VERIFICATION

I, Thomas D. Bone, Vice President of Corporate Tax, declare under penalty of perjury that I am a representative of the record owner of the property on appeal; that I am authorized to make this verification of the foregoing Appeal from Decision of Board of Assessment Appeals; that I know the contents thereof as to all matters of fact therein stated and the same are true; and as to all matters therein stated on information and belief, I believe them to be true.

I understand that false statements herein are subject to the penalties 18 Pa. Cons. Stat. § 4904 relating to unsworn falsification to authorities.

Executed on this 11<sup>th</sup> day of November, 2008.

  
\_\_\_\_\_

CERTIFICATE OF SERVICE

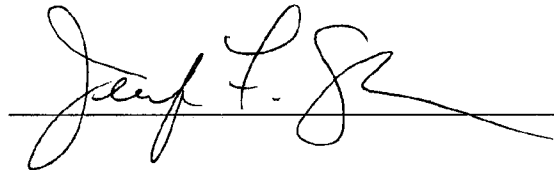
I hereby certify that a true and correct copy of the within Appeal from Decision of Board of Assessment Appeals has been served upon the following parties by first class mail, postage prepaid on this 12<sup>th</sup> day of November, 2008.

Kim C. Kesner, Esquire  
Solicitor, Clearfield County and Board of  
Property Assessments  
212 South Second Street  
Clearfield, PA 16830

Clearfield County Board of Assessment  
Appeals  
230 East Market Street  
Suite 117  
Clearfield, PA 16830

David S. Ammerman, Esquire  
Solicitor, Cooper Township  
Ammerman Law Office  
310 East Cheery Street  
Clearfield, PA 16830

Scott C. Etter, Esquire  
Solicitor, West Branch Area School District  
Miller, Kistler, Campbell, Miller, Williams &  
Benson  
720 S. Atherton Street  
State College, PA 16801

A handwritten signature in black ink, appearing to read "Joseph F. Sklar", is written over a horizontal line.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION INC.,

CIVIL DIVISION

Appellant,

NO. 08-2192-CD

vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Appellee,

vs.

CLEARFIELD COUNTY, COOPER  
TOWNSHIP and WEST BRANCH AREA  
AREA SCHOOL DISTRICT,

Interested Parties.

FILED  
04:00 PM  
NOV 14 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
1cc Amy D. Paolo

ORDER


AND NOW, this 14th day of November, 2008, upon

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

- (1) a rule is issued upon the respondent to show why the petitioner is not entitled to the relief requested;
- (2) the respondent shall file an answer to the petition within 20 days of service upon the respondent;
- (3) the petition shall be decided under Pa.R.C.P. No. 206.7;
- (4) for record purposes only, a pretrial conference/conciliation on this real estate assessment appeal is scheduled to take place on January 7, 2009, at 2:00 am (p.m.) at Judges Chambers; and

(5) notice of the entry of this order shall be provided to all parties by the  
petitioner.

BY THE COURT:

  
\_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

CROWN COMMUNICATION INC.,  
Appellant,

v.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,  
Appellee,

v.

CLEARFIELD COUNTY, COOPER TOWNSHIP,  
and WEST BRANCH AREA SCHOOL DISTRICT:  
Interested Parties.

CIVIL DIVISION

No. 08 – 2192 – CD

TAX ASSESSMENT APPEAL

APPEAL FROM DECISION  
OF BOARD OF  
ASSESSMENT APPEALS

**PRECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:


William A. Shaw  
Prothonotary/Clerk of Courts

Please note our appearance on behalf of West Branch Area School

District in this action.

Respectfully submitted,

Date: 12/2/08

  
Kenneth A. Wise, Esq.  
Levin and Wise  
PA ID 16142  
27 W. 3rd St  
Lewistown, PA 17044  
Tel: 717-247-3577  
Attorneys for West Branch

*S*  
**FILED**

m/12:10pm  
DEC 04 2008

cc Atty  
wise  
copy to  
CIA

**CERTIFICATION OF SERVICE**

I, the undersigned counsel certified that I am in this day serving a true and correct copy of the attached document to the following individuals by first class

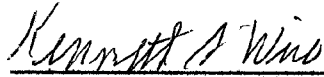
US mail, addressed as follows:

Dusty Elias Kirk, Esq.  
Pepper Hamilton, LLP  
One Mellon Center  
500 Grant St., 50th Floor  
Pittsburgh PA 15219-2502

David S. Ammerman, Esq.  
Ammerman Law Office  
310 E. Cherry St  
Clearfield, PA 16830

Kim C. Kesner, Esq.  
212 S. 2nd St  
Clearfield, PA 16830

Date: 12/2/88

  
Kenneth A. Wise, Esq.  
Levin and Wise  
PA ID 16142  
27 W. 3rd St  
Lewistown, PA 17044  
Tel: 717-247-3577  
Attorneys for West Branch



ADJUDICATED BY THE COURT

IN RE: [Name of Case]

FILED FOR THE COURT

FILED FOR THE COURT

FILED FOR THE COURT

FILED FOR THE COURT

FILED FOR THE COURT

FILED FOR THE COURT

**FILED**

**DEC 04 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

5  
**FILED**

m/12:10Lm  
DEC 04 2008

ICC Atty  
Wise

William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

CROWN COMMUNICATION INC.,  
Appellant,

v.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,  
Appellee,

v.

CLEARFIELD COUNTY, COOPER TOWNSHIP,  
and WEST BRANCH AREA SCHOOL DISTRICT:  
Interested Parties.

CIVIL DIVISION

No. 08 -- 2192 -- CD

TAX ASSESSMENT APPEAL

APPEAL FROM DECISION  
OF BOARD OF  
ASSESSMENT APPEALS

REPLY OF AN INTERESTED PARTY WEST BRANCH AREA SCHOOL  
DISTRICT  
IN OPPOSITION TO APPELLANT'S  
APPEAL FROM DECISION OF THE BOARD OF ASSESSMENT APPEALS

AND NOW comes West Branch Area School District ("West Branch") an interested party in these proceedings, by its undersigned counsel and respectfully responds to the appeal of Appellant, Crown Communication Inc., as follows:

1. Denied. After reasonable investigation, West Branch is without information sufficient to form a belief as to the truth of the averment. Proof is demanded.

2. Denied. After reasonable investigation, West Branch is without information sufficient to form a belief as to the truth of the averment. Proof is demanded.

3. Denied. After reasonable investigation, West Branch is without information sufficient to form a belief as to the truth of the averment. Proof is demanded.

4. The allegation herein is a legal conclusion for which no response is necessary. To the extent a response is necessary, the allegations are specifically denied.

5. The allegation herein is a legal conclusion for which no response is necessary. To the extent a response is necessary, the allegations are specifically denied.

6. The allegation herein is a legal conclusion for which no response is necessary. To the extent a response is necessary, the allegations are specifically denied.

7. Admitted.

8. The allegation herein is a legal conclusion for which no response is necessary. To the extent a response is necessary, the allegations are specifically denied.

9. Denied as stated. In any event, the public records of the County of Clearfield speak for themselves.

10. Admitted and denied. Admitted that Crown filed this action. As to the balance of the allegations, after reasonable investigation, West Branch is without information sufficient to form a belief as to the truth of the averment. Proof is demanded.

11. Admitted and denied. Admitted that a hearing was held before the Board concerning the assessment and that after hearing the board sustained the assessment. As for the balance of the allegations, after reasonable investigation, West Branch is without information sufficient to form a belief as to the truth of the averments. Proof is demanded.

12. Denied. After reasonable investigation, West Branch is without information sufficient to form a belief as to the truth of the averment. Proof is demanded.

13. Denied. To the contrary, the Board's adjudication was fair and reasonable in accordance with law and within the Board's scope of discretion.

a.—c. Denied. To the contrary, the assessment is equal, reasonable and just, uniform, nondiscriminatory, and based on the fair value of the land and improvements.

d. Denied. To the contrary, the ratio of assessed value to market value is consistent with those ratios generally prevailing in Clearfield County.

e. Denied. To the contrary, the method of the valuation applied in this case is consistent with Pennsylvania law.

f. Denied. To the contrary no duplicate assessment has been created as a result of the assessment.

g. Denied. To the contrary, such issues cannot be raised since they have not been raised and preserved before the agency, below

## CERTIFICATION OF SERVICE

I, the undersigned counsel certified that I am this day serving a true and correct copy of the attached document to the following individuals by first class US mail, addressed as follows:

Dusty Elias Kirk, Esq.  
Pepper Hamilton, LLP  
One Mellon Center  
500 Grant St., 50th Floor  
Pittsburgh PA 15219-2502

David S. Ammerman, Esq. at  
Ammerman Law Office  
310 E. Cherry St  
Clearfield, PA 16830

Kim C. Kesner, Esq.  
212 S. 2nd St  
Clearfield, PA 16830

Date: 12/2/08



---

Kenneth A. Wise, Esq.  
Levin and Wise  
PA ID 16142  
27 W. 3rd St  
Lewistown, PA 17044  
Tel: 717-247-3577  
Attorneys for West Branch

RECEIVED

DEPT. OF CORRECTIONS  
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**FILED**

**DEC 04 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION INC.,  
Appellant,

Vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Appellee,

Vs.

CLEARFIELD COUNTY, COOPER  
TOWNSHIP and WEST BRANCH AREA  
SCHOOL DISTRICT,

Interested Parties,

No. 08-2192-CD

STATUTORY APPEAL:  
TAX ASSESSMENT

Type of Pleading:

**ANSWER OF CLEARFIELD  
COUNTY BOARD OF  
ASSESSMENT APPEALS**

Filed on Behalf of:  
APPELLEE

Counsel of Record for This Party:

Kim C. Kesner, Esquire  
Supreme Court No. 28307  
212 South Second Street  
Clearfield, PA 16830  
(814) 765-1706

Other Counsel of Record:

Dusty Elias Kirk, Esquire  
Sharon F. DiPaolo, Esquire  
One Mellon Center  
500 Grant Street, 50<sup>th</sup> Floor  
Pittsburgh, PA 15219-2502

Kim C. Kesner, Esquire  
Solicitor, Cooper Township  
207 E. Market Street  
Clearfield, PA 16830-2411

Scott C. Etter, Esquire  
Solicitor, West Branch School Dist.  
720 S. Atherton Street  
State College, PA 16801

**FILED** 5cc  
DEC 04 2008  
Att'y Kesner  
60

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION INC.,	:	No. 08-2192-CD
Appellant,	:	
	:	
Vs.	:	
	:	
CLEARFIELD COUNTY BOARD OF	:	
ASSESSMENT APPEALS,	:	
Appellee,	:	
	:	
Vs.	:	
	:	
CLEARFIELD COUNTY, COOPER	:	
TOWNSHIP and WEST BRANCH AREA	:	
SCHOOL DISTRICT,	:	
Interested Parties,	:	

**ANSWER OF CLEARFIELD COUNTY  
BOARD OF ASSESSMENT APPEALS**

AND NOW, comes Appellee, Clearfield County Board of Assessment Appeals ("County") by Kim C. Kesner, Esquire, Solicitor of Clearfield County, and files this Answer in accordance with this Court's Order of November 14, 2008:

1. Admitted.
2. After a reasonable investigation, County is without sufficient knowledge or information to form a belief as to the truth of the averments contained in paragraph 2 of Appellants Petition. Proof thereof is demanded.
3. It is admitted that the subject of this appeal is a communication tower assessed to Appellant identified by Clearfield County Assessment Map No. 110.0-R09-000-00104-DW-01. Paragraph 3 also contains contentions and conclusions of law to which no responses are required.



4. The averments contained in paragraph 4 constitute contentions or conclusions of law to which no responses are required. To the extent that responses are required and are relevant, it is specifically denied that Appellant is improperly assessed.

5. The averments contained in paragraph 5 constitute contentions or conclusions of law to which no responses are required. To the extent that responses are required and are relevant, it is specifically denied that Appellant is improperly assessed.

6. The averments contained in paragraph 4 constitute contentions or conclusions of law to which no responses are required.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. Admitted.

13. The averments contained in paragraph 4 constitute contentions or conclusions of law to which no responses are required. To the extent that responses are required and are relevant, it is specifically denied that:

a. The assessment is not equal or uniform with other properties similarly located in Clearfield County.

b. There is a complete lack of uniformity in the assessment of real estate within Clearfield County which makes the assessment unjust, unreasonable, and discriminatory.

c. The fair market value upon which the assessment is based is in excess of the actual fair market value of the assessed interests.

d. The ratio of assessed value to market value is in excess of the ratio commonly prevailing in Clearfield County.

e. The Board's method of valuation applied to the assessments of cellular communications towers is improper and not in accordance with Pennsylvania law.

f. There is a duplicate assessment.

### **OBJECTION**

1. The County objects to any requirement in this proceeding that it be required to file an answer or that it be bound to any answer filed under Pa. R.C.P. 206.7.

2. This is a Statutory Appeal proceeding to which the Pennsylvania Rules of Civil Procedure do not apply.

3. This Court has not adopted any Local Rules governing Statutory Appeals allowing an Appellant to compel an answer to an appeal petition.

4. The Fourth to Eighth Class County Assessment Law provides for a hearing upon the filing of an appeal, but does not specify any pre-hearing procedures, such as a requirement that an Appellee file an answer to an appeal petition.

5. By filing an Answer in strict accordance with this Courts Order of November 14, 2008, the County is not consenting to proceeding under Pa. R.C. P. 206.7.

WHEREFORE, the County respectfully requests, upon hearing, that the County's assessment be affirmed.

Respectfully submitted,

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

Kim C. Kesner, Esquire  
Counsel for Clearfield County

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION INC.,	:	No. 08-2192-CD
Appellant,	:	
	:	
Vs.	:	
	:	
CLEARFIELD COUNTY BOARD OF	:	
ASSESSMENT APPEALS,	:	
Appellee,	:	
	:	
Vs.	:	
	:	
CLEARFIELD COUNTY, COOPER	:	
TOWNSHIP and WEST BRANCH AREA	:	
SCHOOL DISTRICT,	:	
Interested Parties,	:	

**CERTIFICATE OF SERVICE**


I do hereby certify that on the 4<sup>th</sup> day of December, 2008, I served a true and correct copy of the within Answer of Clearfield County Board of Assessment Appeals by first class mail, postage prepaid, on the following:

Dusty Elias Kirk, Esquire  
Sharon F. DiPaolo, Esquire  
One Mellon Center  
500 Grant Street, 50<sup>th</sup> Floor  
Pittsburgh, PA 15219-2502

Kim C. Kesner, Esquire  
Solicitor, Cooper Township  
212 South Second Street  
Clearfield, PA 16830-2411

Scott C. Etter, Esquire  
Solicitor, West Branch Area School District  
720 S. Atherton Street  
State College, PA 16801

12-4-08  
Date

  
\_\_\_\_\_  
Kim C. Kesner, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION, INC.,

CIVIL ACTION – LAW

Appellant,

NO. 08-2192-CD

vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

AFFIDAVIT OF SERVICE

Appellee,

Filed on Behalf of Appellant,  
Crown Communication, Inc.

vs.

CLEARFIELD COUNTY, COOPER  
TOWNSHIP and WEST BRANCH AREA  
SCHOOL DISTRICT,

Counsel of Record for This Party:

Interested Parties.

Dusty Elias Kirk, Esquire  
PA I.D. No. 30702  
Sharon F. DiPaolo, Esquire  
PA I.D. No. 74520  
PEPPER HAMILTON LLP  
Firm I.D. No. 143  
50<sup>th</sup> Floor, One Mellon Center  
500 Grant Street  
Pittsburgh, PA 15219-2502  
(412) 454-5000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION, INC.,

CIVIL ACTION - LAW

Appellant,

NO. 08-2192-CD

vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Appellee,

vs.

CLEARFIELD COUNTY, COOPER  
TOWNSHIP and WEST BRANCH AREA  
SCHOOL DISTRICT,

Interested Parties.

AFFIDAVIT OF SERVICE

I, Sharon F. DiPaolo, being duly sworn according to law, hereby depose and say:

1. I am over eighteen years of age.
2. On the 21st day of November, 2008, I served the following parties with a copy of the Appeal from Decision of Board of Assessment Appeals and Order filed in the above-captioned matter via certified mail (see Exhibit "A") at their respective addresses:

- a. Clearfield County Board of Assessment Appeals  
230 East Market Street  
Suite 117  
Clearfield, PA 16830
- b. Kim C. Kesner, Esquire  
Solicitor, Clearfield County and Board of Property Assessments  
and Cooper Township  
212 South Second Street  
Clearfield, PA 16830

c. Allen J. Levin, Esquire  
Solicitor, West Branch Area School District  
P.O. Box 231  
27 West 3rd Street  
Lewistown, PA 17044-2145

Respectfully submitted,



Dusty Elias Kirk  
PA I.D. No. 30702  
Sharon F. DiPaolo  
PA I.D. No. 74520  
PEPPER HAMILTON LLP  
Firm I.D. No. 143  
50<sup>th</sup> Floor, One Mellon Center  
500 Grant Street  
Pittsburgh, PA 15219-2502  
(412) 454-5000

Dated: December 8, 2008

Attorneys for Appellant,  
Crown Communication, Inc.

## SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:  
Kim C. Kesner, Esquire  
Solicitor, Clearfield County,  
Board of Property Assessments,  
Pine Township, Union Township  
& Cooper Township  
212 South Second Street  
Clearfield, PA 16830

2. Article Number  
(Transfer from service label) 7008 0150 0002 7852 2537

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

## COMPLETE THIS SECTION ON DELIVERY

A. Signature  
☒ *Kim Kesner* ☐ Agent  
☐ Addressee

B. Received by (Printed Name)  
*Kim Kesner* ☐ Yes  
C. Date of Delivery  
*NOV 24 2008* ☐ No

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)For delivery information, visit our website at [www.usps.gov](http://www.usps.gov)

## OFFICIAL USE

Postage \$4.80  
Certified Fee 2.70  
Return Receipt Fee (Endorsement Required) 2.20  
Restricted Delivery Fee (Endorsement Required)  
Total Postage & Fees \$9.70

Sent To  
Street, Apt.  
or PO Box  
City, State

Kim C. Kesner, Esquire  
212 South Second Street  
Clearfield, PA 16830

PS Form

## SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:  
Clearfield County Board of  
Assessment Appeals  
230 East Market Street  
Suite 117  
Clearfield PA 16830

7008 0150 0002 7852 2643

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

A. Signature  
☒ *Jean Orr* ☐ Agent  
☐ Addressee

B. Received by (Printed Name)  
*JEAN ORR* ☐ Yes  
C. Date of Delivery  
*NOV 24 2008* ☐ No

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)For delivery information, visit our website at [www.usps.gov](http://www.usps.gov)

## OFFICIAL USE

Postage \$1.34  
Certified Fee 2.70  
Return Receipt Fee (Endorsement Required) 2.20  
Restricted Delivery Fee (Endorsement Required)  
Total Postage & Fees \$6.24

Sent To  
Street, Apt.  
or PO Box  
City, State

Allen J. Levin, Esquire  
Solicitor, West Branch Area Sch. Dist.  
P.O. Box 231  
27 West 3rd Street  
Lewistown, PA 17044-2145

PS Form

## SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:  
Allen J. Levin, Esquire  
Solicitor, West Branch Area Sch. Dist.  
P.O. Box 231  
27 West 3rd Street  
Lewistown, PA 17044-2145

2. Article Number  
(Transfer from service label) 7008 0150 0002 7852 2612

PS Form 3811, February 2004

Domestic Return Receipt

EXHIBIT

"A"



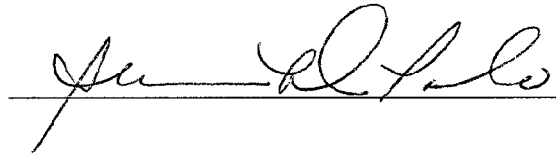
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Affidavit of Service was served upon the following parties by regular mail, on this 8<sup>th</sup> day of December, 2008:

Kim C. Kesner, Esquire  
Solicitor, Clearfield County and Board of  
Property Assessments and Cooper Township  
212 South Second Street  
Clearfield, PA 16830

Clearfield County Board of Assessment  
Appeals  
230 East Market Street  
Suite 117  
Clearfield, PA 16830

Allen J. Levin, Esquire  
Solicitor, West Branch Area School District  
P.O. Box 231  
27 West 3rd Street  
Lewistown, PA 17044-2145

A handwritten signature in cursive script, appearing to read "James R. Sale", is written over a horizontal line.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION, INC.,

Appellant,

vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Appellee,

vs.

CLEARFIELD COUNTY, COOPER  
TOWNSHIP and WEST BRANCH AREA  
SCHOOL DISTRICT,

Interested Parties.

CIVIL ACTION – LAW

NO. 08-2192-CD

REPLY TO NEW MATTER

Filed on Behalf of Appellant,  
Crown Communication, Inc.

Counsel of Record for This Party:

Dusty Elias Kirk, Esquire  
PA I.D. No. 30702  
Sharon F. DiPaolo, Esquire  
PA I.D. No. 74520  
PEPPER HAMILTON LLP  
Firm I.D. No. 143  
50<sup>th</sup> Floor, One Mellon Center  
500 Grant Street  
Pittsburgh, PA 15219-2502  
(412) 454-5000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CROWN COMMUNICATION, INC.,                      CIVIL ACTION - LAW  
Appellant,    NO. 08-2192-CD

vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,  
Appellee,

vs.

CLEARFIELD COUNTY, COOPER  
TOWNSHIP and WEST BRANCH AREA  
SCHOOL DISTRICT,  
Interested Parties.

REPLY TO NEW MATTER

AND NOW comes Appellant, Crown Communication Inc., ("Crown"), by and through its attorneys, Pepper Hamilton LLP, Dusty Elias Kirk, Esquire and Sharon F. DiPaolo, Esquire, and hereby files the within Reply to New Matter, and in support thereof states as follows:

14. Crown hereby incorporates by reference the averments set forth in Paragraphs 1 through 13 of its Appeal from Decision of Board of Assessment Appeals as if the same were fully set forth at length herein.

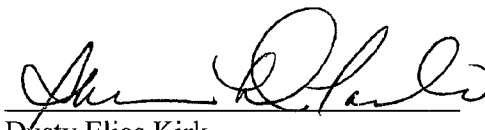
15. The averment set forth in Paragraph 13 of Interested Party, West Branch Area School District's New Matter constitute conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent a response is required, the averment in Paragraph 13 is denied. After reasonable investigation, Crown is without information sufficient to form a belief as to the truth of the averment. Proof is demanded.

16. The averments set forth in Paragraph 14 of Interested Party, West Branch Area School District's New Matter constitute conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent a response is required, the averments in Paragraph 14 are denied. After reasonable investigation, Crown is without information sufficient to form a belief as to the truth of the averment. Proof is demanded.

17. The averments set forth in Paragraph 15 of Interested Party, West Branch Area School District's New Matter constitute conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent a response is required, the averments in Paragraph 15 are denied. After reasonable investigation, Crown is without information sufficient to form a belief as to the truth of the averment. Proof is demanded.

WHEREFORE, Appellant hereby requests judgment in its favor as prayed for in its Petition for Appeal.

Respectfully submitted,



Dusty Elias Kirk  
PA I.D. No. 30702  
Sharon F. DiPaolo  
PA I.D. No. 74520  
PEPPER HAMILTON LLP  
Firm I.D. No. 143  
50<sup>th</sup> Floor, One Mellon Center  
500 Grant Street  
Pittsburgh, PA 15219-2502  
(412) 454-5000

Dated: December 19, 2008

Attorneys for Appellant,  
Crown Communication, Inc.

VERIFICATION

I, Thomas D. Bone, Vice President of Corporate Tax, declare under penalty of perjury that I am a representative of the record owner of the property on appeal; that I am authorized to make this verification of the foregoing Reply to New Matter; that I know the contents thereof as to all matters of fact therein stated and the same are true; and as to all matters therein stated on information and belief, I believe them to be true.

I understand that false statements herein are subject to the penalties 18 Pa. Cons. Stat. § 4904 relating to unsworn falsification to authorities.

Executed on this 18<sup>th</sup> day of December 2008.

Thomas D. Bone

CERTIFICATE OF SERVICE

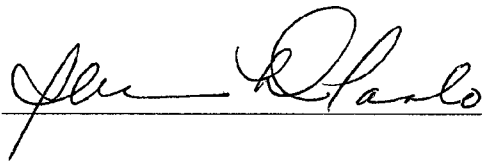
I hereby certify that a true and correct copy of the within Reply to New Matter  
was served upon the following parties by regular mail, on this 19<sup>th</sup> day of December, 2008:

Kim C. Kesner, Esquire  
Solicitor, Clearfield County and Board of  
Property Assessments  
230 East Market Street  
Suite 101  
Clearfield, PA 16830

Clearfield County Board of Assessment  
Appeals  
230 East Market Street  
Suite 117  
Clearfield, PA 16830

David S. Ammerman, Esquire  
Solicitor, Cooper Township  
Ammerman Law Office  
310 East Cheery Street  
Clearfield, PA 16830

Kenneth A. Wise, Esquire  
Solicitor, West Branch Area School District  
Levin and Wise  
27 W. 3<sup>rd</sup> Street  
Lewistown, PA 17044

  
\_\_\_\_\_

**FILED**

**DEC 22 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION, INC.,

CIVIL ACTION – LAW

Appellant,

No. 08-2192-CD

vs.

**SUBSTITUTION OF COUNSEL**

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Filed on behalf of Appellant,  
Crown Communication, Inc.

Appellee,

vs.

Counsel of Record for This Party:

CLEARFIELD COUNTY, COOPER  
TOWNSHIP and WEST BRANCH AREA  
SCHOOL DISTRICT,

Dusty Elias Kirk, Esquire

PA ID No. 30702

Sharon F. DiPaolo, Esquire

PA ID No. 74520

Jeffrey G. Wilhelm, Esquire

PA ID No. 201935

Sean P. Delaney, Esquire

PA ID No. 85996

Reed Smith LLP

Firm No. 234

Reed Smith Centre, 225 Fifth Avenue

Pittsburgh, PA 15222-2716

Telephone: +1 412 288 3131

Interested Parties.

**FILED** *NO CC*  
*MT 11:00 AM*  
**JUL 01 2010**  
*S*  
William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CROWN COMMUNICATION, INC.,                      CIVIL ACTION – LAW  
Appellant,                      No. 08-2192-CD

vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Appellee,

vs.

CLEARFIELD COUNTY, COOPER  
TOWNSHIP and WEST BRANCH AREA  
SCHOOL DISTRICT,

Interested Parties.

**SUBSTITUTION OF COUNSEL**

Pursuant to Pa. R. Civ. P. 1012(b)(2), please withdraw the law firm of Pepper  
Hamilton LLP as counsel of record for Appellant and substitute the law firm of Reed Smith LLP  
as counsel of record for Appellant.

Counsel of record below hereby certify that this change is not intended to, nor will it, delay this proceeding to the best of our knowledge, information, and belief.

DATED this 29<sup>th</sup> day of June, 2010.



Dusty Elias Kirk

PA ID No. 30702

Sharon F. DiPaolo

PA ID No. 74520

Jeffrey G. Wilhelm

PA ID No. 201935

Sean P. Delaney

PA ID No. 85996

Reed Smith LLP

Firm No. 234

Reed Smith Centre, 225 Fifth Avenue

Pittsburgh, PA 15222-2716

Telephone: +1 412 288 3131

*Counsel for Crown Communication, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be served a true and correct copy of the foregoing

Substitution of Counsel and all accompanying papers this 29<sup>th</sup> day of June 2010 by mailing

same via First Class U.S. Mail, postage prepaid, upon the following counsel of record:

Kim C. Kesner, Esquire  
Solicitor, Clearfield County and Board of  
Property Assessments  
212 South Second Street  
Clearfield, PA 16830

Kim C. Kesner, Esquire  
Solicitor, Cooper Township  
212 South Second Street  
Clearfield, PA 16830

Kenneth A. Wise, Esquire  
Solicitor, West Branch Area School District  
P.O. Box 231  
27 West 3rd Street  
Lewistown, PA 17044-2145

REED SMITH LLP

By:   
Attorney for Appellant

CA  
4  
FILED  
FEB 23 2012  
2 0/11:06/11  
William A. Shaw  
Prothonotary/Clerk of Courts  
3 cent to Att

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CROWN COMMUNICATION, INC.,

CIVIL ACTION – LAW

Appellant,

NO. 08-2192-CD

vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

**STIPULATION AND ORDER**

Appellee,

Filed on Behalf of Appellant,  
Crown Communication, Inc.

vs.

CLEARFIELD COUNTY, COOPER  
TOWNSHIP and WEST BRANCH AREA  
SCHOOL DISTRICT,

Counsel of Record for This Party:

Interested Parties.

Dusty Elias Kirk, Esquire  
PA ID No. 30702  
Sean P. Delaney, Esquire  
PA ID No. 85996  
Jeffrey G. Wilhelm, Esquire  
PA ID No. 201935  
Reed Smith LLP  
Firm No. 234  
Reed Smith Centre, 225 Fifth Avenue  
Pittsburgh, PA 15222-2716  
Telephone: +1 412 288 3131

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CROWN COMMUNICATION, INC., CIVIL DIVISION

Appellant, NO. 08-2192-CD

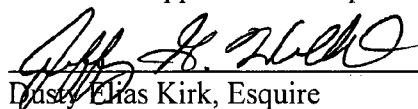
vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Appellee.

**STIPULATION**

AND NOW, comes the Appellant, Crown Communication, Inc., by its counsel, Dusty Elias Kirk, Esquire, Sean P. Delaney, Esquire and Jeffrey G. Wilhelm, Esquire; Appellee, Clearfield County Board of Assessment Appeals, by Kim C. Kesner, Esquire; Interested Party, Clearfield County, by Kim C. Kesner, Esquire; Interested Party, Cooper Township, by Kim C. Kesner, Esquire ; and Interested Party, West Branch Area School District, by David B. Consiglio, Esquire and Scott C. Etter, Esquire, who with full authority from their respective authority to do so, stipulate to the entry of the following Consent Order in disposition of this assessment appeal. This Stipulation may be signed in counterparts.



Dusty Elias Kirk, Esquire  
Sean P. Delaney, Esquire  
Jeffrey G. Wilhelm, Esquire  
Counsel for Appellant

Kim C. Kesner, Esquire  
Solicitor, Clearfield County, Clearfield County  
Board of Assessment Appeals and Cooper  
Township

David B. Consiglio, Esquire  
Scott C. Etter, Esquire  
Solicitors, West Branch Area School District

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CROWN COMMUNICATION, INC., CIVIL DIVISION

Appellant,

NO. 08-2192-CD

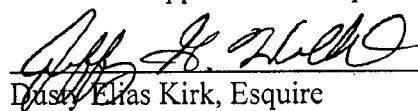
vs.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

Appellee.

STIPULATION

AND NOW, comes the Appellant, Crown Communication, Inc., by its counsel, Dusty Elias Kirk, Esquire, Sean P. Delaney, Esquire and Jeffrey G. Wilhelm, Esquire; Appellee, Clearfield County Board of Assessment Appeals, by Kim C. Kesner, Esquire; Interested Party, Clearfield County, by Kim C. Kesner, Esquire; Interested Party, Cooper Township, by Kim C. Kesner, Esquire ; and Interested Party, West Branch Area School District, by David B. Consiglio, Esquire and Scott C. Etter, Esquire, who with full authority from their respective authority to do so, stipulate to the entry of the following Consent Order in disposition of this assessment appeal. This Stipulation may be signed in counterparts.



Dusty Elias Kirk, Esquire  
Sean P. Delaney, Esquire  
Jeffrey G. Wilhelm, Esquire  
Counsel for Appellant



Kim C. Kesner, Esquire  
Solicitor, Clearfield County, Clearfield County  
Board of Assessment Appeals and Cooper  
Township

David B. Consiglio, Esquire  
Scott C. Etter, Esquire  
Solicitors, West Branch Area School District

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CROWN COMMUNICATION, INC., CIVIL DIVISION

Appellant,

NO. 08-2192-CD

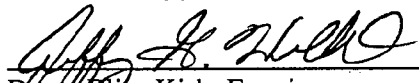
VS.

CLEARFIELD COUNTY BOARD OF  
ASSESSMENT APPEALS,

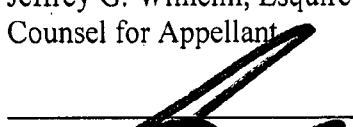
Appellee.

STIPULATION

AND NOW, comes the Appellant, Crown Communication, Inc., by its counsel, Dusty Elias Kirk, Esquire, Sean P. Delaney, Esquire and Jeffrey G. Wilhelm, Esquire; Appellee, Clearfield County Board of Assessment Appeals, by Kim C. Kesner, Esquire; Interested Party, Clearfield County, by Kim C. Kesner, Esquire; Interested Party, Cooper Township, by Kim C. Kesner, Esquire ; and Interested Party, West Branch Area School District, by David B. Consiglio, Esquire and Scott C. Etter, Esquire, who with full authority from their respective authority to do so, stipulate to the entry of the following Consent Order in disposition of this assessment appeal. This Stipulation may be signed in counterparts.

  
\_\_\_\_\_  
Dusty Elias Kirk, Esquire  
Sean P. Delaney, Esquire  
Jeffrey G. Wilhelm, Esquire  
Counsel for Appellant

\_\_\_\_\_  
Kim C. Kesner, Esquire  
Solicitor, Clearfield County, Clearfield County  
Board of Assessment Appeals and Cooper  
Township

  
\_\_\_\_\_  
David B. Consiglio, Esquire  
Scott C. Etter, Esquire  
Solicitors, West Branch Area School District

**CONSENT ORDER**

AND NOW, to-wit, this 22<sup>nd</sup> day of February, 2012, upon consideration and approval of the forgoing Stipulation, it is hereby ORDERED, ADJUDGED and DECREED that:

1. Crown Communication, Inc. ("Appellant") is the record owner of property situate in Cooper Township, Clearfield County, Pennsylvania and identified as Parcel No. 110.0-R09-000-00104-DW-01 in the Clearfield County assessment records (the "Property").

2. The Parties agree that the fair market value and assessment for the Property for the tax years 2009, 2010, 2011 and 2012 shall be as follows:

<u>Year</u>	<u>Ratio</u>	<u>Assessment</u>	<u>Market Value</u>
2009	17.6%	\$42,275	\$240,200
2010	21.1%	\$42,275	\$200,356
2011	18.9%	\$42,275	\$223,678
2012	20.2%	\$42,275	\$209,283

3. Within ninety (90) days of the date of this Consent Order, Clearfield County, Cooper Township and West Branch Area School District shall issue refunds for tax overpayments made on the Property based upon the settlement set forth in paragraph 2 herein.

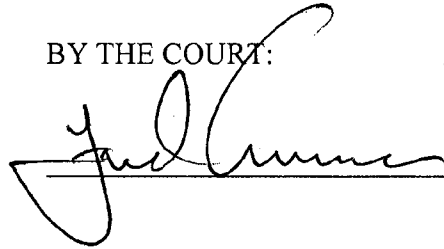
4. In the event that Clearfield County, Cooper Township and West Branch Area School District do not issue the refunds owed within the time frames herein referenced, Appellant shall be entitled to simple interest at the legal rate of 6% on the refunds from the date the refund is to be made per the terms of this Order up to the date the refund is issued.

This Consent Order of Court may be executed in any number of counterparts, and each such counterpart hereof shall be deemed to be an original document, but all such counterparts together shall constitute for all purposes one Consent Order of Court.



The real estate tax appeal filed at No. 08-2192-CD is hereby SETTLED and  
DISCONTINUED with prejudice.

BY THE COURT:

 J.

The undersigned, being counsel for the parties involved in this matter, hereby  
consent, on behalf of their respective clients, to the entry of the foregoing Order.



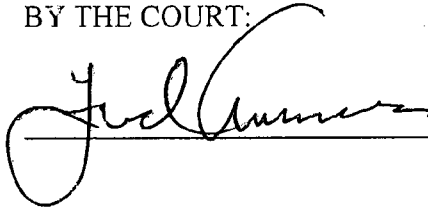
Dusty Ehas Kirk, Esquire  
Sean P. Delaney, Esquire  
Jeffrey G. Wilhelm, Esquire  
Counsel for Appellant

\_\_\_\_\_  
Kim C. Kesner, Esquire  
Solicitor, Clearfield County, Clearfield County  
Board of Assessment Appeals and Cooper  
Township

\_\_\_\_\_  
David B. Consiglio, Esquire  
Scott C. Etter, Esquire  
Solicitor, West Branch Area School District

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Counsel for Appellant

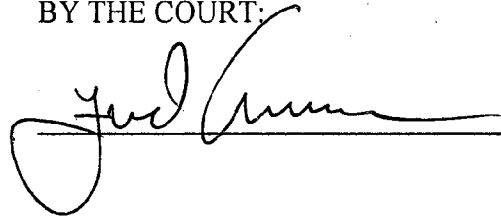


Kim C. Kesner, Esquire  
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Township

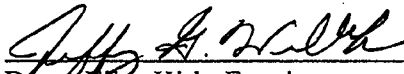
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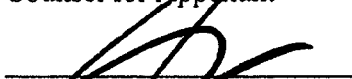
BY THE COURT:

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Dusty Elias Kirk, Esquire  
Sean P. Delaney, Esquire  
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Board of Assessment Appeals and Cooper  
Township

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Wm. A. Shaw  
Prothonotary/Clerk of Courts