

DOCKET NO. 173

NUMBER TERM YEAR

512 February 1961

Commonwealth of Pennsylvania

Department of Public Welfare

VERSUS

Mrs. Doyle Kephart

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF PUBLIC WELFARE

versus

MRS. DOYLE KEPHART

In the Court of Common Pleas

of Clearfield County, Pa.

No. 512 February Term, 19 61

Pl. Fa., No. 19

And now, April 17, A. D. 1961, petition read and considered and a rule is granted on Mrs. Doyle Kephart, to show cause why the sum of One Hundred and Eighty Dollars (\$180.00), being the amount of said Surplus Bond which is due and owing to the above entitled Plaintiff as lien creditor of Paul Kephart, deceased, should not be paid over to the Plaintiff. Service to be made on the Defendant by Registered Mail, Addressee Only with Return Receipt requested.

Returnable April 24, 1961.

By the Court,

HON. JOHN J. PENTZ, P. J.

Certified from the record this 17th

day of April, 1961

John J. Nagarty
Prothonotary

No. 512 February Term, 19 61

Commonwealth of Pennsylvania

Department of Public Welfare

vs

Mrs. Doyle Kephart

RD #1, Osceola Mills, Pa.

Rule 61

Mrs. Doyle Kephart

Attorney for Claimant

Gleason, Cherry & Cherry
Attorney for Plaintiff

Attorney for Defendant

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF PUBLIC WELFARE

versus
MRS. DOYLE KEPHART

In the Court of Common Pleas

of Clearfield County, Pa.

No. 512 February Term, 19 61

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Returnable April 24, 1961.

By the Court,

HON. JOHN J. PENTZ, P. J.

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day of April, 19 61

John J. Pentz
Prothonotary

No. 512 February Term, 19 61

Commonwealth of Pennsylvania

Department of Public Welfare

vs.

Mrs. Doyle Kephart

RD #1, Osceola Mills, Pa.

Rule 10

Mrs. Doyle Kephart

Attorney for Claimant

Gleason, Cherry & Cherry
Attorney for Plaintiff

Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :
-vs- : No. 512 FEBRUARY TERM, 1961
MRS. DOYLE KEPHART :
:

PETITION

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The petition of the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE (formerly the Department of Public Assistance) respectfully represents:

1. That pursuant to an Order of your Honorable Court dated April 17, 1961 a rule was duly issued against the above entitled defendant to show cause why the sum of One Hundred and Eighty (\$180.00) Dollars representing the amount of a surplus bond posted by the said defendant at the time of purchase of premises of Nettie Kephart at Treasurer's Sale, should not be paid to the Department as lien creditor of the said Nettie Kephart.

2. That notice of said rule was duly mailed to the defendant by registered mail return receipt requested on April 18, 1961 and that the said defendant did appear on the return date of said rule and did inform F. Gurney Smith a representative of the Department that she had no objections to make to the same.

WHEREFORE, your Petitioner prays that said rule be made absolute.

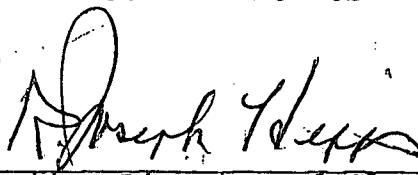
PENNSYLVANIA DEPARTMENT OF PUBLIC
ASSISTANCE

By


Executive Director

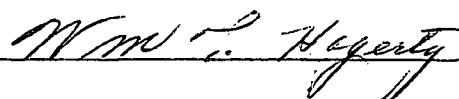
COMMONWEALTH OF PENNSYLVANIA : : SS.
COUNTY OF CLEARFIELD : :

Personally appeared before me the undersigned official, in and for the County and State aforesaid, R. JOSEPH HIPPS, Executive Director of the Clearfield County Board of Assistance, who, being duly sworn according to law, deposes and says that the foregoing Petition is true and correct to the best of his knowledge, information and belief.



Executive Director of Clearfield
County Board of Assistance.

Sworn to and subscribed before me this 5th day of May
_____, 1961.



PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

1 - INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver *ONLY* to
addressee Shown address where
delivered
* *Additional charges required for these services*

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Mrs. Mayle Kephart

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

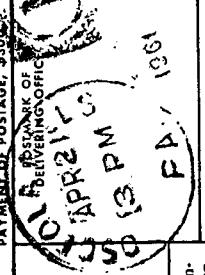
DATE DELIVERED

ADDRESS WHERE DELIVERED (only if requested in item # 1)

4-21-61

CS5-16-71533-4

GPO

POST OFFICE DEPARTMENT Official Business	
<small>PENALTY FOR PRIVATE USE TO VOID PAYMENT OF POSTAGE, \$1.00</small>	
	
<small>STAMP OF DELIVERY OFFICE</small>	
<small>INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.</small>	
<small>REGISTERED NO.</small> 2072	<small>NAME OF SENDER</small> Cherry Cherry
<small>CERTIFIED NO.</small> 5	<small>STREET AND NO. OR P.O. BOX</small> Box 18
<small>INSURED NO.</small> POD Form 3811 Jan. 1958	<small>CITY, ZONE AND STATE</small> DU BONIS PA.
<small>655-16-71546-4</small>	

5072
April 19, 1961

Mrs. Doyle Kephart
R. D. #1 Osceola Mills
Pennsylvania

Dear Mrs. Kephart:

We are enclosing a copy of Petition for Rule to Show Cause which was signed by the Court on April 17, 1961. You will note the Rule is returnable the 24th day of April, 1961, and in event no objection is made, the Court will enter an Order directing that the sum of \$180.00 be paid to the Pennsylvania Department of Public Welfare and you will then be released on the Bond.

If you have any questions, please advise.

Very truly yours,

GLEASON, CHERRY & CHERRY

By

JAC:j

Encl. 1.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :

-vs-

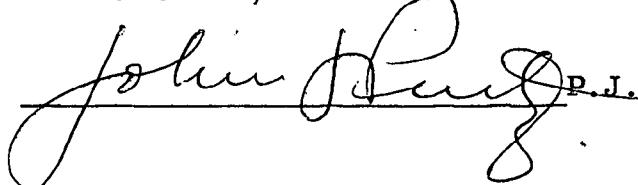
No. _____ FEBRUARY TERM, 1961

MRS. DOYLE KEPHART :

O R D E R

AND NOW, this 5th day of May, 1961, upon consideration of the within Petition, it appearing that a Rule To Show Cause has been issued against the above Defendant, returnable the 24th day of April, 1961; that service of said Rule was duly made on said Defendant by registered mail, addressee only on April 19, 1961 and that no appearance was entered or objection filed by or on behalf of said Defendant, it is hereby ORDERED AND DECREED, that said Rule be made absolute and that upon payment to the said Pennsylvania Department of Welfare of the sum of One Hundred and Eighty (\$180.00) Dollars, which payment is hereby directed to be made, the said Defendant is to be fully released and discharged from her obligation on the surplus bond referred to in said original Petition and Order as well as any claim or demand against the same by the Obligee thereof or any other interested persons whatsoever.

BY THE COURT,


John H. Purdy, P.J.

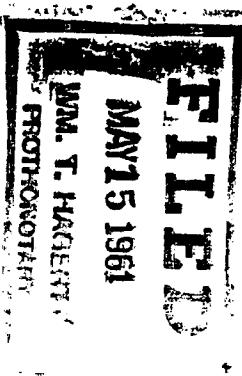
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 512 FEBRUARY TERM, 1961

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

-VS-

MRS. DOYLE KEPHART

PETITION



LAW OFFICES
GLEASON, CHERRY & CHERRY
7-10 DAMUS BUILDING
Du Bois, PENNSYLVANIA
109 N. BRADY STREET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :
-vs- : No. 512 FEBRUARY TERM, 1961.
MRS. DOYLE KEPHART :
:

PETITION FOR RULE TO SHOW CAUSE

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The petition of the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE (formerly the Department of Public Assistance) respectfully represents:

1. That by virtue of deed duly recorded in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book No. 318, page 539, Nettie Kephart became the record owner of certain premises situate in the Township of Decatur, Clearfield County, Pennsylvania, which by reference to the recording thereof the details thereof will more fully and at large appear, and that the said Nettie Kephart died intestate on the 30th day of March, 1946, leaving to survive her, her husband, Paul Kephart and their children as sole heirs at law, and that the said Paul Kephart died intestate on September 18th, 1953.

2. That upon the 18th day of January, 1940, the said Plaintiff did obtain a Judgment against the said Nettie Kephart to No. 269 February Term, 1940, in the sum of Two Thousand Dollars (\$2,000.00), which Judgment has been duly revived against the said decedent, her husband and heirs, the last revival of said Judgment being entered on the 25th day of July, 1960 to No. 624 May Term, 1960.

3. That on the 4th day of August, 1958, said premises

being assessed in the name of Paul Kephart were sold at Clearfield County Treasurer's tax sale to Mrs. Doyle Kephart, of R. D. #1, Osceola Mills, Pennsylvania, for taxes and costs, plus an overbid of One Hundred and Eighty Dollars (\$180.00).

4. That at the time of said tax sale the said Judgment was a valid and subsisting lien on the premises above described and that the amount due and owing on said Judgment was Twenty-Six Hundred and Thirty Dollars and Ten Cents (\$2,630.10).

5. That pursuant to the said overbid, the said Mrs. Doyle Kephart furnished a surplus bond in the said amount of One Hundred and Eighty Dollars (\$180.00), in which R. Curtis Smith, Treasurer of Clearfield County, was named Obligee which Bond was duly entered in the Office of the Prothonotary of Clearfield County, in Surplus Bond Record Book No. 3, page 135, in accordance with the Act of Assembly of May 9, 1895, P. L. 47, 72 P.S. 5891.

6. That by virtue of the provisions of Section 6 of the Act of April 14, 1940, P. L. 349, 72 P.S. 5895, said Plaintiff as a lien creditor to the extent and in the manner hereinabove set forth is entitled to the proceeds of said Bond.

7. That by virtue of said Act of Assembly and the laws of this Commonwealth, and the facts above recited, the full amount of such surplus bond is properly due and owing to the Pennsylvania Department of Public Welfare.

WHEREFORE, your petitioner prays that a rule may issue directed to the above Defendant to show cause why said proceeds should not be collected and distributed to it in accordance with

-3-

law.



JAMES A. GLEASON, ESQ.
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

ss.

Personally appeared before me the undersigned official, in and for the County and State aforesaid, R. JOSEPH HIPPS, Executive Director of the Clearfield County Board of Assistance, who, being duly sworn according to law, deposes and says that the foregoing Petition is true and correct to the best of his knowledge, information and belief.

Executive Director of Clearfield County
Board of Assistance.

Sworn to and subscribed before me this 14th day of

April, 1961.

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF PUBLIC WELFARE :

-vs-

No _____ FEBRUARY TERM, 1961

MRS. DOYLE KEPHART

O R D E R

AND NOW, this 17 day of April, 1961, upon consideration of the foregoing Petition, it is hereby ORDERED AND DECREED, that a rule be issued against the above entitled Defendant to show cause why the sum of One Hundred and Eighty Dollars (\$180.00), being the amount of said Surplus ^Bond which is due and owing to the above entitled Plaintiff as lien creditor of Paul Kephart, deceased, should not be paid over to the Plaintiff. Service to be made on the Defendant by Registered Mail, Addressee Only with Return Receipt requested. Rule returnable the 24 day of April, 1961.

BY THE COURT,

John Reed
President Judge.

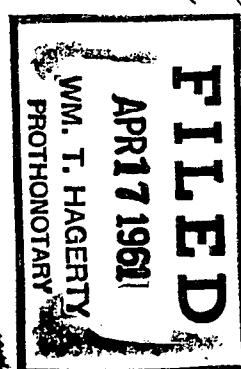
IN THE COURT OF COMMON PLEAS
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No. 512 FEBRUARY TERM, 1961

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

-VS-

MRS. DOYLE KEPHART

PETITION FOR RULE TO SHOW
CAUSE



H. S. Atty.

LAW OFFICES
GLEASON, CHERRY & CHERRY
7-10 DAMUS BUILDING
DU BOIS, PENNSYLVANIA
109 N. BRADY STREET