

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION**

**IN RE: JUDICIAL SALE, TAX CLAIM UNIT :
OF NORTHAMPTON COUNTY, EASTON, : C-0048-CV-2010-7490
PENNSYLVANIA, HELD JANUARY 27, 2011 :**

ORDER OF COURT

AND NOW, this 17th day of June 2011, upon consideration of the within Petition for Confirmation of Distribution and attached exhibits filed by the Tax Claim Unit of Northampton County in reference to a property located at 1404 Washington Street and identified by Tax Identification Number L9SW2C 26 9 (0310), and objected to by lienholder Angelo R. Ferraro, it is hereby **ORDERED** and **DECREED** that such proposed Schedule of Distribution is confirmed absolutely, as set forth more fully in the attached Statement of Reasons.

STATEMENT OF REASONS

This matter came before the Court via the Miscellaneous Hearing List of June 17, 2011, at which time lienholder Angelo R. Ferraro appeared to lodge an oral objection to the proposed Schedule of Distribution presented by the Tax Claim Unit of Northampton County relative to the property located at 1404 Washington Street and identified by Tax Identification Number L9SW2C 26 9 (0310). By his testimony, Mr. Ferraro identified himself as the mortgagee of the subject property, and he noted his objection to the priority of a municipal lien for unpaid water, sewer and garbage bills, which he believed to be secondary to his mortgage lien. At hearing, the County offered the testimony of Tax Claim Bureau Supervisor Cindy M. Hoffer, who testified that the mortgage lien was secondary to the municipal lien, and therefore the proposed Schedule of Distribution was accurate. At the conclusion of the testimony, the Court took the matter under advisement.

The procedure for objections or exceptions to a tax sale are set forth at 72 P.S. ' 5860.607. Thereunder, only a property owner or a lien creditor has standing to raise an objection. 72 P.S. ' 5860.607(b), and objections must attack the regularity or legality of the bureau=s processes relative to the execution of the tax sale. Appeal of Yardley, 646 A.2d 751 (Pa. Commw. 1994).

Here, Mr. Ferraro is a mortgage lien holder challenging the legality of the priority of liens, and as such, he has standing, and a proper legal foundation, upon which to proceed. However, upon review and consideration, the Court finds that Mr. Ferraro=s mortgage lien is secondary to the municipal lien for unpaid water, sewer and garbage as per the Municipal Claims Act, which provides in pertinent part that:

[a]ll municipal claims, municipal liens, taxes, tax claims and tax liens which may . . . be lawfully imposed or assessed on any property in this Commonwealth . . . shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property, before any other obligation, judgment, claim, lien, or estate with which said property may become charged, or for which it may become liable.

53 P.S. ' 7106; See also Elmore v. City of Philadelphia, 117 A.2d 765 (Pa. Super. 1955); Haspel v. O=Brien, 67 A. 123 (Pa. 1907).

In light of the foregoing, the proposed Petition for Confirmation and Distribution is hereby **GRANTED** as set forth in the attached Order of Court.

BY THE COURT:

CRAIG A. DALLY,

J.