

OFFICIAL
LEGAL JOURNAL
OF SUSQUEHANNA COUNTY, PA

34th Judicial District

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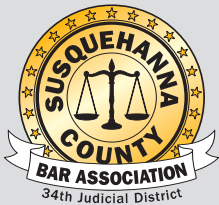
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CASES REPORTED

Gary Marvin, Individually, and as Executor of the Estate of Arthur C. Marvin, Sr.,
and Linda Welsch, Plaintiffs,
vs.
Harry Marvin, Sr., Bradley J. Marvin, Individually and as Executor of the Estate of Arthur C.
Marvin, Jr., Scott D. Marvin, Christopher A. Marvin, and Erik B. Marvin, Defendants.

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**Court of Common Pleas
34th Judicial District:**

The Hon. Jason J. Legg
President Judge

The Hon. Kenneth W. Seamans
Senior Judge

**The Legal Journal of
Susquehanna County** contains
decisions of the Susquehanna
County Court, legal notices,
advertisements & other matters of
legal interest. It is published every
Friday by the Susquehanna County
Bar Association.

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The Legal Journal of Susquehanna County is published and produced by the Susquehanna County Bar Association and Bailey Design and Advertising.

By requirement of Law and Order of Court the *Legal Journal of Susquehanna County* is made the medium for the publication of all Legal Advertisements required to be made in Susquehanna County, and contains all Notices of the Sheriff, Register, Clerk of the Courts, Prothonotary and all other Public Officers, Assignees, Administrators and Executors, Auditors, Examiners, Trustees, Insolvents, the formation and dissolution of Partnerships, affording indispensable protection against loss resulting from want of notice. It also contains the Trial and Argument Lists of all the Courts in Susquehanna County, and selected Opinions and Decisions of the Courts of Susquehanna County.

All legal notices must be submitted either via email or in typewritten form and are published exactly as submitted by the advertiser. *The Legal Journal* assumes no responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in context. As pertains to all content in each issue, all efforts have been made to accurately publish the information provided by court sources, however Publisher and Susquehanna County Bar Association cannot be held liable for any typographical errors or errors in factual information contained therein.

Legal notices must be received before 10:00 AM on the Monday preceding publication or, in the event of a holiday, on the preceding Friday.

MESSAGE FROM THE SUSQUEHANNA COUNTY BAR ASSOCIATION



The Legal Journal of Susquehanna County is a comprehensive weekly guide containing legal decisions of the 34th Judicial District encompassing civil actions filed; mortgages and deeds filed; legal notices; advertisements and other matters of legal interest. On behalf of the Susquehanna County Bar Association, we appreciate the opportunity to serve the legal community by providing a consolidated source of significant matters of legal importance.

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Kenneth W. Seamans, *Senior Judge*

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Lance Benedict

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Susquehanna County Courthouse — 105 Maple Street, Montrose, PA 18801 ★ 570.278.4600

Hours: Monday–Friday, 8:30 a.m.–4:30 p.m.

COURT OPINION

IN THE COURT OF COMMON PLEAS OF
SUSQUEHANNA COUNTY, PENNSYLVANIA

GARY MARVIN, Individually, and as	:	
EXECUTOR of the ESTATE OF	:	
ARTHUR C. MARVIN, SR., and	:	
LINDA WELSCH,	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
HARRY MARVIN, SR., BRADLEY	:	No. 2018 - 1296 C.P.
J. MARVIN, Individually and as	:	
EXECUTOR OF THE ESTATE OF	:	
ARTHUR C. MARVIN, JR., SCOTT	:	
D. MARVIN, CHRISTOPHER A.	:	
MARVIN, and ERIK B. MARVIN,	:	
Defendants.	:	

ORDER

NOW, this 5th day of February, 2019, upon consideration of defendants’ objections to a proposed third-party subpoena under Pennsylvania Rule of Civil Procedure 4009.21, as well as Francis X. O’Connor, Esquire’s Personal Objections to the same proposed subpoena, and after oral argument on said objections, **IT IS HEREBY ORDERED AS FOLLOWS:**

1. Defendants’ objection to the proposed third-party subpoena is **SUSTAINED**.¹

¹ Pennsylvania Rule of Civil Procedure 4003.8(a) provides guidance as to when pre-complaint discovery is permitted: “A plaintiff may obtain pre-complaint discovery where the information is *material and necessary to the filing of the complaint* and the discovery will not cause unreasonable annoyance, embarrassment, oppression, burden or expense to any person or party.” *Id.* (emphasis added). Where a plaintiff has sufficient facts to plead a *prima facie* case without pre-complaint discovery, then pre-complaint discovery will not be granted. *See* Pa. R. Civ. P. 4003.8(b) (noting that court may “require the plaintiff to state with particularity how the discovery will materially advance the preparation of the complaint”); *McNeil v. Jordan*, 894 A.2d 1260, 1278 (Pa. 2006) (Baer, J., joined by Castille, J) (proposing that a plaintiff must aver that “but for the discovery request, he will be unable to formulate a legally sufficient pleading”); *Pelzer v. Wrestle*, 49 A.3d 926, 931 (Pa. Commw. 2012) (upholding the denial of pre-complaint discovery that was unnecessary for the “formulation of a civil complaint”).

Through the briefing and oral argument, it was disclosed that this dispute centers upon the validity of the signature of the decedent, Arthur C. Martin, Sr., upon a deed that conveyed his 200 acres of real property in equal shares to his children. Counsel for plaintiffs indicated that prior to his death decedent repeatedly disclosed that he never signed the deed. As a result of those

2. Francis X. O'Connor's Objection to the proposed subpoena is **DISMISSED AS PREMATURELY FILED.**²

Jason J. Legg
President Judge



representations, plaintiffs' counsel retained a hand-writing expert to review the deed and the expert has concluded that the signature on the subject deed was not the signature of decedent. During oral argument, plaintiffs' counsel conceded that the expert report, coupled with the representations of decedent, constituted sufficient grounds to file a civil complaint challenging the validity of the subject deed. This concession undercuts any further argument that pre-complaint discovery is necessary.

Understandably, plaintiffs' counsel seeks pre-complaint discovery in an effort to obtain as much information as possible as to the circumstances surrounding the execution of the subject deed prior to filing a civil complaint that alleges a forged deed that was notarized by a fellow attorney. Plaintiffs' counsel candidly indicated that he was seeking a reasonable explanation to provide to his clients as to what occurred in connection with the execution of the subject deed, i.e., some facts to demonstrate that the deed was not forged despite the determinations of the handwriting expert. Plaintiffs' counsel's motivation for the third-party subpoena, however, was not based upon a need to obtain additional information necessary for filing a civil complaint; rather, it was motivated by professional courtesy to a colleague in the hopes of avoiding the need to file potentially embarrassing litigation through the exchange of information. While plaintiffs' motivation is commendable, defendants have objected to the pre-complaint discovery. Based upon plaintiffs' counsel's concession that he has sufficient information to allege that decedent's signature was forged on the subject deed, defendants' objection to pre-complaint discovery is sustained.

2 Under Pennsylvania Rule of Civil Procedure 4009.21(c), a party to the action has standing to file an objection to a proposed subpoena. Moreover, Rule 4009.21(b) further provides that the third party is not to be initially provided with a copy of the proposed subpoena. The proposed subpoena is only served upon the third party if there is no objection from any party to the litigation or, if objections are raised, then the third-party subpoena cannot be served until the court has resolved the objections. Pa. R. Civ. P. 4009.21(d)(1)-(2). As such, Francis X. O'Connor, Esquire, lacks standing at this point to file any objections to a proposed third-party subpoena that has not yet been served upon him. Because no party objected to his participation in oral argument, the court allowed Francis X. O'Connor, Esquire to participate in oral argument. Defendants' counsel adopted the arguments made by Francis X. O'Connor and those arguments have been considered solely as they relate to defendants' objections to the proposed subpoena.

LEGAL NOTICES

*IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY
COMMONWEALTH OF PENNSYLVANIA*

ESTATE NOTICES

Notice is hereby given that, in the estate of the decedents set forth below, the Register of Wills, has granted letters testamentary or of administration to the persons named. All persons having claims or demands against said estates are requested to present the same without delay and all persons indebted to said estates are requested to make immediate payment to the executors or administrators or their attorneys named below.

ESTATE NOTICE

In the Estate of Robert F. Fessenden, a/k/a Robert Fessenden, late of the Township of Forest Lake, Susquehanna County, Pennsylvania,

Letters Testamentary in the above estate having been granted to the undersigned, all persons indebted to said estate are requested to make prompt payment and all those having claims against said estate will present them without delay to:

Anna Ziomek
31 Goodrich Road
Owego, NY 13827

or

Attorney for the Estate
Susan L. English, Esq.
Coughlin & Gerhart, LLP
21-23 Public Avenue
Montrose, PA 18801

3/29/2019 • 4/5/2019 • 4/12/2019

EXECUTRIX NOTICE

Estate of Mary H. Adleman
Late of Montrose Borough
EXECUTRIX
Debra Adleman
366 Lake Ave.
Montrose, PA 18801

3/29/2019 • 4/5/2019 • 4/12/2019

EXECUTOR NOTICE

Estate of Florence W. Stone
Late of Bridgewater Township
EXECUTOR
Dale A. Stone
268 Sterling Road
Montrose, PA 18801
ATTORNEY
Michael Briechle, Esq.
4 Chestnut Street
Montrose, PA 18801

3/29/2019 • 4/5/2019 • 4/12/2019

ADMINISTRATRIX NOTICE

Estate of Dorothy A. Terchek AKA Dorothy Terchek
Late of Forest City Borough
ADMINISTRATRIX
Janet Terchek
832 Willis Place
Roselle Park, NJ 07204
ATTORNEY
Michael Briechle, Esquire
4 Chestnut Street
Montrose, PA 18801

3/29/2019 • 4/5/2019 • 4/12/2019

ADMINISTRATRIX NOTICE

Estate of Calvin A. Yoder AKA
Calvin Yoder
Late of Susquehanna Borough
CO-ADMINISTRATRIX
Ashlie Yoder
39 Side Avenue
Susquehanna, PA 18847
CO-ADMINISTRATRIX
Tiffanie Wolf
39 Side Avenue
Susquehanna, PA 18847
ATTORNEY
Michael Briechele, Esq.
4 Chestnut Street
Montrose, PA 18801

3/22/2019 • 3/29/2019 • 4/5/2019

ESTATE NOTICE

Notice is hereby given that letters testamentary have been granted in the ESTATE OF **IRENE W. BROOKS**, late of the Rush Township, Pennsylvania, (died January 3, 2019) to Ronald A. Brooks, Executor. All persons indebted to the estate are required to make payment, and those having claims or demands to present the same without delay to Ronald A. Brooks or to Levene Gouldin & Thompson, LLP, attorneys for the estate, 450 Plaza Drive, Vestal, New York 13850.

3/22/2019 • 3/29/2019 • 4/5/2019

NOTICE

In the Estate of Doris Mae VanCott a/k/a Doris VanCott, deceased, late of New Milford Township, Susquehanna County, Pennsylvania.

Letters Testamentary in the above estate having been issued to Marvin B. VanCott and William J. VanCott, all persons indebted to the said estate are requested to make payment; those having claims to present the same without delay to:

Marvin B. VanCott
157 East Lake Road
New Milford, PA 18834

OR

William J. VanCott
351 East Lake Road
New Milford, PA 18834

OR

Michael J. Gathany
Attorney at Law
PO Box 953
Hallstead, PA 18822

3/22/2019 • 3/29/2019 • 4/5/2019

ADMINISTRATOR NOTICE

Estate of William F. Cacioppo
AKA William Cacioppo
Late of Brooklyn Township
CO-ADMINISTRATOR
William B. Cacioppo
373 Tripps Road
Kingsley, PA 18826
CO-ADMINISTRATRIX
Erin R. Cacioppo
373 Tripps Road
Kingsley, PA 18826
ATTORNEY
Michael J. Giangrieco, Esquire
Giangrieco Law, PC
P.O. Box 126
Montrose, PA 18801

3/22/2019 • 3/29/2019 • 4/5/2019

EXECUTRIX NOTICE

Estate of Eleanor A. Kurosky
Late of Bridgewater Township
EXECUTRIX
Cheryl Kurosky
49 Lori Drive
Apalachia, NY 13732
ATTORNEY
Kelly Law Office
Laurence M. Kelly
65 Public Avenue
Montrose, PA 18801

3/22/2019 • 3/29/2019 • 4/5/2019

ADMINISTRATOR NOTICE

Estate of Irving J. Brown
Late of Great Bend Township
ADMINISTRATOR
Aaron G. Treadway
310 Fourth St.
Hallstead, PA 18822

3/15/2019 • 3/22/2019 • 3/29/2019

EXECUTOR NOTICE

Estate of Thomas Teneralli
Late of Bridgewater Township
EXECUTOR
Frank Teneralli
1059 Alta Vista Drive
Laramie, WY 82072
ATTORNEY
Michael J. Giangrieco, Esquire
Giangrieco Law, PC
P.O. Box 126
Montrose, PA 18801

3/15/2019 • 3/22/2019 • 3/29/2019

MORTGAGES AND DEEDS

*RECORDED FROM MARCH 14, 2019 TO MARCH 20, 2019
ACCURACY OF THE ENTRIES IS NOT GUARANTEED.*

MORTGAGES

Information:	Consideration: \$131,440.00
Mortgagor: HOLLENBECK, PATRICK S	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC 2 - STEARNS LENDING LLC
Locations: Parcel # 1 - 069.00-2,060.00,000.	Municipality FRANKLIN TOWNSHIP
Information:	Consideration: \$1,000,000.00
Mortgagor: RED OAK SAND & GRAVEL LLC	Mortgagee: HONSDALE NATIONAL BANK
Locations: Parcel # 1 - 054.00-1,004.00,000.	Municipality OAKLAND TOWNSHIP
Information:	Consideration: \$102,055.00
Mortgagor: PHINNEY, JOSEPH B 2 - PHINNEY, YVONNE	Mortgagee: LOANDEPOTCOM LLC 2 - MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
Locations: Parcel # 1 - 045.08-1,057.00,000.	Municipality SILVER LAKE TOWNSHIP
Information:	Consideration: \$234,600.00
Mortgagor: WELMON, AIN 2 - WELMON, NICHOLE	Mortgagee: QUICKEN LOANS INC
Locations: Parcel # 1 - 161.08-2,042.00,000.	Municipality BRIDGEWATER TOWNSHIP
Information:	Consideration: \$63,000.00
Mortgagor: CLARK, JORDAN	Mortgagee: TORNEY, MARY L
Locations: Parcel # 1 - 160.00-1,030.03,000.	Municipality JESSUP TOWNSHIP
Information:	Consideration: \$325,000.00
Mortgagor: PAT-MAR REALTY CO INC	Mortgagee: FIRST NATIONAL BANK OF PENNSYLVANIA
Locations: Parcel # 1 - 268.11-1,059.00,000.	Municipality FOREST CITY
Information:	Consideration: \$12,838.73
Mortgagor: ABPLANALP, JACOB E	Mortgagee: UNITED STATES SECRETARY OF HOUSING & URBAN DEVELOPMENT
Locations: Parcel # 1 - 268.06-1,028.00,000.	Municipality FOREST CITY 2W
Information:	Consideration: \$56,745.00
Mortgagor: MONTANO, FELIPE	Mortgagee: NBT BANK
Locations: Parcel # 1 - 054.07-1,059.00,000.	Municipality OAKLAND BOROUGH
Information:	Consideration: \$160,000.00
Mortgagor: AMR SOUTH MONTROSE PROPERTIES LLC	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
Locations: Parcel # 1 - 161.08-1,053.00,000.	Municipality BRIDGEWATER TOWNSHIP

Information:	Consideration: \$25,000.00
Mortgagor: GORICK, DUSTIN	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
2 - GORICK, CHRISTOPHER D	
3 - GORICK, SHARON M	
Locations: Parcel #	Municipality
1 - 032.00-2,043.00,000.	GREAT BEND TOWNSHIP

DEEDS

Information: MINERAL DEED	Consideration: \$5,000.00
Grantor: OSAGE LAND AND MINERALS LLC	Grantee: BALDWIN, P SCOTT SR
	2 - BALDWIN, DEBORAH
Locations: Parcel #	Municipality
1 - 204.00-1,006.00,000.	HARFORD TOWNSHIP
Information:	Consideration: \$1.00
Grantor: KETTERING, THERESE A	Grantee: KETTERING, THERESE A (TRUST)
Locations: Parcel #	Municipality
1 - 107.00-1,018.00,000.	FRANKLIN TOWNSHIP
Information:	Consideration: \$1.00
Grantor: MCCAREY, ALOYSIUS E	Grantee: MCCAREY, ALOYSIUS E
	2 - MCCAREY, LURA L
Locations: Parcel #	Municipality
1 - N/A	DIMOCK TOWNSHIP
Information:	Consideration: \$310,000.00
Grantor: WEIST, DAVID C	Grantee: RINALDI, ROBERT
2 - WEIST, PATRICIA A	2 - RINALDI, WEND I
Locations: Parcel #	Municipality
1 - 163.00-2,015.00,000.	BROOKLYN TOWNSHIP
2 - 163.00-2,015.02,000.	BROOKLYN TOWNSHIP
Information:	Consideration: \$1.00
Grantor: CHANDLER, BRIAN E	Grantee: CHANDLER, BRIAN E
2 - CHANDLER, MINA M (AKA)	
3 - SHAY, MINA M	
Locations: Parcel #	Municipality
1 - N/A	OAKLAND TOWNSHIP
Information:	Consideration: \$3,196.90
Grantor: WAYMAN, MICHAEL J (BY SHERIFF)	Grantee: US BANK NATIONAL ASSOCIATION
	2 - PENNSYLVANIA HOUSING FINANCE AGENCY
Locations: Parcel #	Municipality
1 - 050.07-2,005.00,000.	HALLSTEAD BOROUGH
Information:	Consideration: \$1,089.87
Grantor: CROSS, JOSEPH (BY SHERIFF)	Grantee: PENNSYLVANIA HOUSING FINANCE AGENCY
2 - CROSS, REBECCA (BY SHERIFF)	
Locations: Parcel #	Municipality
1 - 124.00-1,016.00,000.	BRIDGEWATER TOWNSHIP
Information: CORRECTIVE DEED	Consideration: \$1.00
Grantor: RUEBEL, ELSIE MARLENE (ESTATE AKA)	Grantee: RUEBEL TRUST (BY TRUSTEE)
2 - RUEBEL, MARLENE E (ESTATE)	
Locations: Parcel #	Municipality
1 - 065.00-2,003.00,000.	FOREST LAKE TOWNSHIP

Information:	Consideration: \$250,000.00
Grantor: SHAMUS 54 LLC	Grantee: STARRUCCA CREEK B & C LLC
Locations: Parcel #	Municipality
1 - 211.00-2,014.00,000.	UNIONDALE BOROUGH 2 - 192.00-1,027.00,000.
HERRICK TOWNSHIP 3 - 230.00-2,014.00,000.	CLIFFORD TOWNSHIP
Information:	Consideration: \$905,000.00
Grantor: BROWN, RONALD G	Grantee: TALL PINES PLAYERS CLUB LLC
2 - BROWN, KATHY J	
Locations: Parcel #	Municipality
1 - 082.00-1,010.00,000.	FOREST LAKE TOWNSHIP
Information:	Consideration: \$1.00
Grantor: SORBER, ADAM	Grantee: SORBER, SCOTT O
2 - FISHER, HOLLY	2 - SORBER, WENDY
3 - SORBER, BENJAMIN	
4 - SORBER, HALEY	
5 - MICHAELS, AMY	
6 - SORBER, THOMAS	
Locations: Parcel #	Municipality
1 - N/A	SILVER LAKE TOWNSHIP
Information: MINERAL DEED	Consideration: \$150,000.00
Grantor: BROWN, RONALD G	Grantee: DIAZ FAMILY LIMITED PARTNERSHIP
2 - BROWN, KATHY J	
Locations: Parcel #	Municipality
1 - 082.00-1,010.00,000.	FOREST LAKE TOWNSHIP
Information:	Consideration: \$1.00
Grantor: GREGORY, REXFORD SR (ESTATE)	Grantee: GREGORY, REXFORD JR
Locations: Parcel #	Municipality
1 - 234.00-1,014.00,000.	AUBURN TOWNSHIP
Information:	Consideration: \$162,000.00
Grantor: SHAW, LLOYD R	Grantee: WILLIAMS FIELD SERVICES COMPANY LLC
2 - SHAW, JACKIE L	
Locations: Parcel #	Municipality
1 - 218.00-2,020.00,000.	SPRINGVILLE TOWNSHIP
Information:	Consideration: \$53,000.00
Grantor: SHAW, LLOYD R	Grantee: WILLIAMS FIELD SERVICES COMPANY LLC
2 - SHAW, JACKIE L	
Locations: Parcel #	Municipality
1 - 218.00-2,020.00,000.	SPRINGVILLE TOWNSHIP
Information:	Consideration: \$131,440.00
Grantor: EMK RESOURCES LLC	Grantee: HOLLENBECK, PATRICK S
Locations: Parcel #	Municipality
1 - 069.00-2,060.00,000.	FRANKLIN TOWNSHIP
Information:	Consideration: \$1.00
Grantor: SINGH REALTY LLC	Grantee: SUSQUEHANNA COUNTY
Locations: Parcel #	Municipality
1 - N/A	NEW MILFORD TOWNSHIP
Information:	Consideration: \$1.00
Grantor: JOHNSON, JAN (NBM)	Grantee: RUSSO, JAN JOHNSON
2 - RUSSO, JAN JOHNSON	2 - KIEFER, MARIE
3 - KIEFER, KURT W	3 - KIEFER, KURT W
Locations: Parcel #	Municipality
1 - 223.00-1,036.00,000.	LENOX TOWNSHIP

Information:	Consideration: \$1.00
Grantor: TORNEY, MARY S (AKA)	Grantee: CLARK, JORDAN
2 - TORNEY, MARY L	
3 - CIRCLE T FAMILY LIMITED PARTNERSHIP	
Locations: Parcel #	Municipality
1 - 160.00-1,030.03,000.	JESSUP TOWNSHIP
Information:	Consideration: \$90,000.00
Grantor: PABST, WILLIAM R	Grantee: NASH, RONALD W
2 - PABST, SHIRLEY	2 - NASH, MICHAEL J
Locations: Parcel #	Municipality
1 - N/A	LIBERTY TOWNSHIP
Information: CORRECTIVE DEED	Consideration: \$10,310.30
Grantor: MARVIN, KATHLEEN S (BY SHERIFF)	Grantee: PEOPLES SECURITY BANK AND TRUST CO
Locations: Parcel #	Municipality
1 - 050.07-2,026.00,000.	HALLSTEAD BOROUGH
Information:	Consideration: \$58,500.00
Grantor: METHODIST EPISCOPAL CHURCH OF	Grantee: MONTANO, FELIPE
SUSQUEHANNA DEPOT (BY TRUSTEES NKA)	
2 - SUSQUEHANNA UNITED METHODIST CHURCH	
(BY TRUSTEES)	
Locations: Parcel #	Municipality
1 - 054.07-1,059.00,000.	OAKLAND BOROUGH
Information: CORRECTIVE DEED	Consideration: \$1.00
Grantor: WHITMORE, KATHLEEN	Grantee: WHITMORE, STEPHEN R JR
Locations: Parcel #	Municipality
1 - 006.00-1,011.00,000.	SILVER LAKE TOWNSHIP
Information:	Consideration: \$1.00
Grantor: GRIFFITHS, KEVIN M	Grantee: GRIFFITHS, LORA
	2 - BEACH, ERIC TYLER
Locations: Parcel #	Municipality
1 - 184.00-2,032.00,000.	HARFORD TOWNSHIP
Information:	Consideration: \$142,000.00
Grantor: BALZHISER, SANDRA W (TRUST)	Grantee: KETTELL, KERRIE B
Locations: Parcel #	Municipality
1 - 111.06-1,001.00,000.	NEW MILFORD TOWNSHIP
2 - 111.06-1,002.00,000.	NEW MILFORD TOWNSHIP
3 - 111.06-1,003.00,000.	NEW MILFORD TOWNSHIP

Susquehanna County LEGAL JOURNAL

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