

OFFICIAL
LEGAL JOURNAL
OF SUSQUEHANNA COUNTY, PA

34th Judicial District

Vol. 4 ★ May 31, 2019 ★ Montrose, PA ★ No. 9



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CASES REPORTED

Commonwealth of Pennsylvania
vs.
\$4,600.00 U.S. CURRENCY

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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.



The Official Legal Publication of Susquehanna County, Pennsylvania



Legal Journal of Susquehanna County

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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.

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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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A fee of \$10 will be added to all legal notices for the Notarized Proof of Publication.

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Anthony J. Conarton

Auditors

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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**

Commonwealth of Pennsylvania :
:
:
vs. :
:
\$4,600.00 U.S. CURRENCY, : **No. 2018 - 1106 C.P.**

OPINION

I. Findings of Fact

1. On June 19, 2018, Pennsylvania State Trooper Stoud Nicholas Stoud (Stoud) initiated a traffic stop on Interstate 81 of a silver Audi A6 operated by claimant Scott Aubin (Aubin).
2. Stoud initiated the traffic stop based upon a speed limit violation and a window tint violation.
3. As Stoud approached the motor vehicle, he detected the strong odor of marijuana emanating from the inside of the motor vehicle.
4. While standing outside the stopped motor vehicle, Stoud was able to observe several plants sitting on the back seat that Stoud suspected to be marijuana plants.
5. Aubin was unusually nervous and fumbled with his documentation while interacting with Stoud.
6. As a result of viewing the suspected marijuana plants, Stoud requested additional law enforcement assistance.
7. After the arrival of additional law enforcement personnel, Stoud conducted a search of the motor vehicle and recovered 5 live marijuana plants from the backseat area of Aubin's motor vehicle.
8. Stoud located and seized \$4,600.00 in United States currency from the driver side door compartment of Aubin's motor vehicle.
9. Stoud processed the suspected marijuana plants at the Gibson State Police barracks, photographed the plants, took clippings from the plants, and thereafter, pursuant to State Police regulations, destroyed the plants. (Comm. Ex. A.)
10. Stoud did not field test the plant clippings.
11. Stoud did not send the plant clippings for laboratory testing.
12. When questioned, Aubin admitted to Stoud that the plants were marijuana plants.
13. Based upon his professional experience and training, Stoud opined that the

plants recovered from Aubin's motor vehicle were marijuana plants.

14. On August 17, 2018, the Commonwealth through the Pennsylvania Attorney General's Office, filed a petition for forfeiture relating to the \$4,600 in United States currency.
15. Aubin answered the petition and alleged that the \$4,600 in United States Currency was possessed for the purpose of paying his parents' real property taxes in New York State. (Claimant Answer, ¶ 8.)
16. On October 15, 2018, Aubin filed a motion for return of property, namely the \$4,600 in United States currency that had been seized by Stoud.
17. Aubin alleged that the currency had not been received through illegal activities, that the monies were from his lawful employment, and that the money had been possessed for purposes of paying his parents' real property taxes in New York. (Mot. Ret. Prop., ¶¶ 5, 6, 8 & 10.)
18. After federal and state withholdings, Aubin had netted approximately \$41,000 in earnings in 2017. (Def. Ex. B.)
19. Aubin was unemployed at the time of the traffic stop and was receiving \$982 per month in unemployment compensation. (Def. Ex. A.)
20. Aubin was unable to produce any bank record documenting a withdrawal of \$4,600 from his bank account. (Def. Ex. A.)
21. As of May 29, 2018, Aubin had a balance in his checking account in the amount of \$1,280.66. (Def. Ex. A.)
22. Aubin did not produce any bank records for June 2018 that coincided with the time period of the traffic stop.
23. Aubin's assertion that the \$4,600 U.S. currency was proceeds from his prior employment and unemployment compensation was not credible.

II. Discussion

Currency is subject to forfeiture where the currency was connected to a transaction involving controlled substances. See 42 Pa. C.S. § 5802(6)(i)(A) & (B). The Commonwealth bears the burden of demonstrating by a preponderance of the evidence that there is a "substantial nexus" between the currency and a violation of the Controlled Substance Act. See Commonwealth v. \$34,440 U.S. Currency, 174 A.3d 1031, 1039 (Pa. 2017). As it relates to currency, the Commonwealth must specifically prove the following elements in order to obtain forfeiture:

(1) that the money was furnished or intended to be furnished in exchange for a controlled substance, (2) that the money represents proceeds traceable to such an exchange, or (3) that the money was used or intended to be used to facilitate a violation of the Controlled Substance Act.

Id. The Commonwealth may satisfy its initial burden by relying upon the statutory presumption that currency found in close proximity to controlled substances is the proceeds of a transaction involving controlled substances. See 42 Pa. C.S. § 5802(6)(ii) (directing that currency "found in close proximity to controlled substances possessed in

violation of The Controlled Substance, Drug, Device and Cosmetic Act shall be rebuttably presumed to be proceeds from the selling of a controlled substance"); **\$34,440 U.S. Currency**, 174 A.3d at 1040-41. As it relates to this case, the Pennsylvania Supreme Court has concluded that currency was within "close proximity" to a controlled substance where "both were found within arms-length of each other inside the vehicle." **\$34,440 U.S. Currency**, 174 A.3d at 1037.

In this case, the Commonwealth presented no scientific evidence to prove that the plants seized from Aubin's motor vehicle were marijuana plants. Stoud provided his lay opinion that the plants were marijuana plants.¹ There is no specific case law in Pennsylvania that such a lay opinion is competent evidence to prove that a particular substance is a controlled substance. Our sister courts, however, have generally allowed lay witnesses to provide an opinion as to whether an item is a controlled substance provided a sufficient basis for the knowledge has been established. See State v. Youmans, 383 P.3d 142, 147-48 (Id. Ct. App. 2016) (finding that detective's lay testimony that pill was a controlled substance was admissible); State v. McKee, 744 N.E.2d 737, 740 (Ohio) (collecting cases where drug addicts were allowed to provide an opinion identifying controlled substance based upon past experience and usage), reconsideration denied, 747 N.E.2d 254 (Ohio 2001); State v. Stampley, 982 P.2d 447, 486-87 (N.M. 1999) (finding lay testimony that "rocks" were crack cocaine was admissible and that the "State need not introduce scientific evidence to prove the identity of a controlled substance"); United States v. Paiva, 892 F.2d 148, 156-57 (1st Cir. 1989) (allowing admission of lay testimony that substance was cocaine); State v. Doelman, 620 S.W.2d 96, 99 (Tenn. Ct. App. 1981) (allowing trained law enforcement officers to testify that plant was a marijuana plant); cf. State v. Fletcher, 373 S.E.2d 681, 685-86 (N.C. App. Ct. 1988) (permitting law enforcement officer to render expert opinion after visual inspection that substance was marijuana based upon professional training and experience); but see State v. Tryon, 429 P.3d 142 (Id. 2018) (finding police officer's lay testimony that substance was methamphetamine was insufficient and that chemical testing was necessary); State v. Carter, 803 S.E.2d 464, 466-67 (N.C. Ct. App.) (finding that scientific testing is necessary to identify a controlled substance and that identification based solely upon visual inspection is inadmissible), appeal denied, 805 S.E.2d 493 (N.C. 2017); Norman v. State, 968 A.2d 27, 31 (Del. 2009) (holding that police officers could not testify as lay witnesses that item was a controlled substance but could testify as expert witnesses if properly qualified and accepted); Robinson v. State, 702 A.2d 741, 749 (Md. 1997) (finding officer lay testimony that substance was crack cocaine inadmissible and requiring chemical testing).

In this case, Stoud testified that he had specialized training and experience in recognizing marijuana plants as well as identifying the odor and/or smell of marijuana. Stoud likewise testified that he had seized other marijuana plants in previous criminal investigations. Stoud testified that the plants were marijuana plants and submitted

¹ The Commonwealth did not qualify or offer Stoud as an expert witness in the field of identifying marijuana plants. Thus, Stoud's opinion was a lay opinion.

photographic evidence that further confirmed that distinctive characteristics of the leaves from each of the plants. Stoud's visual inspection was buttressed by the strong odor of marijuana that he smelled inside of Aubin's motor vehicle. Finally, when confronted regarding possession of the plants, Aubin admitted that the plants were marijuana plants. When this evidence is considered in its totality, the Commonwealth has demonstrated by a preponderance of the evidence that the plants seized from Aubin's motor vehicle were marijuana plants.

As a result of the close proximity between the 5 live potted marijuana plants and the \$4,600 U.S. currency inside Aubin's motor vehicle, the Commonwealth has demonstrated that it is entitled to application of the statutory presumption under § 5802(b)(6)(ii). After the Commonwealth demonstrates its entitlement to the statutory presumption, the burden shifts to the claimant to demonstrate that the currency was acquired, possessed and used lawfully. See \$34,440 U.S. Currency, 174 A.3d at 1043-44 (finding that the statutory "presumption is rebuttable and, thus, confers an opportunity for claimants to persuade the court that the money has an alternate origin."). In this case, Aubin has presented no evidence that would rebut the presumption that the currency found in the driver door compartment of his motor vehicle was not the proceeds from illegal drug activities. In particular, Aubin's evidence strengthens – not weakens – the application of the statutory presumption.

Aubin was unemployed. Aubin had a little over \$1,200 in his bank account less than 30 days prior to the traffic stop. Aubin was only receiving \$982 per month in unemployment compensation. While Aubin was employed in 2017, there are no records demonstrating that Aubin ever saved more than \$1,500 in his bank account. (Def. Ex. A.) Indeed, the bank records submitted by Aubin demonstrate that he was essentially living from unemployment check to unemployment check. On March 19, 2018, three months prior to the traffic stop, Aubin had a balance of only \$803.52 in his bank account. (Def. Ex. A.) Thus, there are no bank records supporting Aubin's claim that he had saved the \$4,600 from his employment in 2017. Aubin's claim that the \$4,600 U.S. currency was lawfully obtained through his prior employment and unemployment compensation was not supported by his bank records and Aubin's testimony was not credible. For these reasons, the forfeiture petition shall be granted.²

III. Conclusion

The record establishes by a preponderance of the evidence that Aubin possessed five marijuana plants in his motor vehicle on June 19, 2018. The record further

² Aubin filed a motion for return of property under 42 Pa. C.S. § 5806 rather than under Pennsylvania Rule of Civil Procedure 588. Under § 5806(a)(5), the motion for return of property is consolidated with a forfeiture proceeding before the same judge whenever practicable. This particular statutory provision was enacted in 2017 but contains no specific criteria relating to the standards applicable to a § 5806 hearing. Nor has there been any appellate decision relative to this statutory provision. As such, the established procedures applicable to a motion for return of property under Rule 588 shall be applied to this case. The Commonwealth may successfully defeat a motion for return of property under Rule 588 by obtaining a forfeiture of the subject property. See *Singleton v. Johnson*, 929 A.2d 1224, 1227 (Pa. Commw.), appeal granted, 932 A.2d 982 (Pa. 2007), appeal dismissed as improvidently granted, 944 A.2d 754 (Pa. 2008). Given that the court has determined that forfeiture is appropriate, Aubin's motion for return of property will be denied.

demonstrates that the defendant/property (\$4,600 U.S. Currency) was possessed in “close proximity” to the marijuana plants. As a result, the rebuttable presumption under § 5802(b)(6)(ii) is applicable and thereby satisfies the Commonwealth’s initial burden of proof. Aubin has failed to rebut the presumption that the currency was not the proceeds of transactions involving marijuana. Aubin’s testimony was not credible and his documentary evidence further strengthened the conclusion that the currency was connected with marijuana transactions and not obtained through lawful means. Thus, the court finds that the Commonwealth has sustained its burden of proof and that forfeiture is appropriate. The final forfeiture order will not be entered until Aubin has been provided the opportunity to file a proportionality challenge as permitted under 42 Pa. C.S. § 5805(k)(1).



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

Estate of Vladimir Demianovich, Deceased. Late of Clifford Twp., Susquehanna County, PA. D.O.D. 4/1/19. Letters Testamentary on the above Estate have been granted to the undersigned, who request all persons having claims or demands against the estate of the decedent to make known the same and all persons indebted to the decedent to make payment without delay to Carol A. Kelleher, Executrix, 499 Brace Brook Rd., Forest City, PA 18421. Or to her Atty.: Robert T. Kelly, Jr., Myers, Brier & Kelly, LLP, 425 Spruce St., Ste. 200, Scranton, PA 18503.

5/31/2019 • 6/7/2019 • 6/14/2019

NOTICE

IN THE ESTATE OF ROXANNE M. FRASIER, A/K/A ROXANNE MAE FRASIER, late of the Township of New Milford, County

of Susquehanna, 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 having claims against said Estate will present them without delay to:

**Amanda Lynn Frasier, Executrix
8176 SR 29
Montrose, PA 18801**

OR

**Davis Law, P.C.
Raymond C. Davis, Esquire
Attorney for the Estate
181 Maple Street
Montrose, PA 18801**

5/24/2019 • 5/31/2019 • 6/7/2019

EXECUTRIX NOTICE

Estate of Stephen H. Mowry AKA Steve Mowry
Late of Bridgewater Township
EXECUTRIX
Donna Evans AKA Donna Schwartz
16 Stever Drive
Binghamton, NY 13901
ATTORNEY
Briegle Law Offices
4 Chestnut Street
Montrose, PA 18801

5/24/2019 • 5/31/2019 • 6/7/2019

EXECUTOR'S NOTICE

NOTICE IS HEREBY GIVEN that Letters of Testamentary have been granted in the ESTATE OF KATHLEEN M. ESTABROOK late, of the Borough of Hop Bottom, County of Susquehanna, Commonwealth of Pennsylvania, who died on March 14, 2019. All persons indebted to the Estate are required to make payment and those having claims or demands to present the same without delay to Bethany Tyrell, Executrix, c/o Catherine Mihalick, Esquire, Vinsko & Associates, P.C., 37 North River Street, Wilkes-Barre, County of Luzerne, Commonwealth of Pennsylvania 18702

5/17/2019 • 5/24/2019 • 5/31/2019

ESTATE NOTICE

In the Estate of Kevin W. Tingley, late of the Township of New Milford, 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:

Nancy L. Tyler
661 Tyler Road
New Milford, PA 18834

or

Attorney for the Estate
Zachary D. Morahan, Esq.

Coughlin & Gerhart, LLP
21-23 Public Avenue
Montrose, PA 18801

5/17/2019 • 5/24/2019 • 5/31/2019

EXECUTRIX NOTICE

Estate of Richard C. Tyler AKA Richard Clinton Tyler AKA Richard Tyler AKA Rick Tyler Late of Silver Lake Township/Brackney
EXECUTRIX
Marian C. Tyler
1177 Hawleyton Tpke.
Brackney, PA 18812

5/17/2019 • 5/24/2019 • 5/31/2019

OTHER NOTICES

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY, PENNSYLVANIA

CIVIL ACTION - CUSTODY

No. 2019 - 517 C.P.

JOSHUA CARLEY,
Plaintiff

vs.

SHANNON LAY,
Defendant

NOTICE BY PUBLICATION

A civil action has been filed against you seeking custody of the minor child L.S.L.

A Motion seeking to permit Service by Publication has been filed and Granted by the Court and the Following Service is being made by Special Order of Court authorizing the same.

NOTICE TO DEFEND AND CLAIM RIGHTS

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 any other claim or relief requested by the Plaintiff. 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. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO

ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Prothonotary of Susquehanna County, Susquehanna County Courthouse Montrose, PA 18801

Office where Papers may be served upon Plaintiff:

Jason G. Beardsley, Esquire
PA I.D. #315100
Beardsley Law, PLLC
37 Public Avenue
Montrose, PA 18801
570-278-2227

5/31/2019

NOTICE OF FILING OF SHERIFF'S SALES

Individual Sheriff's Sales can be cancelled for a variety of reasons. The notices enclosed were accurate as of the publish date. Sheriff's Sale notices are posted on the public bulletin board of the Susquehanna County Sheriff's Office, located at 105 Maple Street, Montrose, PA.

**SHERIFF'S SALE
MORTGAGE FORECLOSURE
JULY 9, 2019**

IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY, upon Judgment entered therein, there will be exposed to public sale and outcry in the Sheriff's Office, Susquehanna County Courthouse Montrose, Pennsylvania, the following described real estate, to wit:

**SALE DATE AND TIME
July 9, 2019 at 10:00 AM
Writ of Execution No.:
2019-344 CP**

PROPERTY ADDRESS: 216
PROSPECT STREET A/K/A 54
PROSPECT STREET,
SUSQUEHANNA, PA 18847
LOCATION: Susquehanna
Borough
Tax ID # 054.15-2,006.00,000
IMPROVEMENTS: ONE – TWO
STORY WOOD FRAMED
DWELLING
DEFENDANTS: Stanley V. Koziol
ATTORNEY FOR PLAINTIFF:
Peter Wapner, Esq
(215) 563-7000

NOTICE

The Sheriff shall not be liable for loss or damage to the premises sold resulting from any cause whatsoever and makes no representation or warranty regarding the condition of the premises. **Notice** is hereby given and directed to all parties in interest and claimants that a Schedule of Distribution will be filed by the Sheriff no later than 30 days after the sale and that distribution will be made in accordance with that Schedule unless exceptions are filed thereto within ten (10) days thereafter. Full amount of bid plus poundage must be paid on the date of the sale by 4:30 p.m. or deed will not be acknowledged. For details on individual Sheriff Sales please go to: www.susquehannasheriff.com/sheriffsales.html

Lance M. Benedict,
Susquehanna County Sheriff

5/17/2019 • 5/24/2019 • 5/31/2019

**SHERIFF'S SALE
MORTGAGE FORECLOSURE
JULY 23, 2019**

IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY, upon Judgment entered therein, there will be exposed to public sale and outcry in the Sheriff's Office, Susquehanna County Courthouse Montrose, Pennsylvania, the following described real estate, to wit:

**SALE DATE AND TIME
July 23, 2019 at 9:00 AM**

Writ of Execution No.:
2019-378 CP

PROPERTY ADDRESS: 5548
RIDGE ROAD, MONTROSE, PA
18801
LOCATION: Jessup Township
Tax ID # 141.00-1,045.02,000.
IMPROVEMENTS: ONE – TWO
STORY WOOD FRAMED
DWELLING
ONE – 17 X 10 WOOD FRAMED
SHED
DEFENDANTS: Samantha A.
Taylor
ATTORNEY FOR PLAINTIFF:
Kenya Bates, Esq
(215) 563-7000

NOTICE

The Sheriff shall not be liable for loss or damage to the premises sold resulting from any cause whatsoever and makes no representation or warranty regarding the condition of the premises. **Notice** is hereby given and directed to all parties in interest and claimants that a Schedule of Distribution will be filed by the Sheriff no later than 30

days after the sale and that distribution will be made in accordance with that Schedule unless exceptions are filed thereto within ten (10) days thereafter. Full amount of bid plus poundage must be paid on the date of the sale by 4:30 p.m. or deed will not be acknowledged. For details on individual Sheriff Sales please go to: www.susquehannasheriff.com/sheriffsales.html

Lance M. Benedict,
Susquehanna County Sheriff

5/31/2019 • 6/7/2019 • 6/14/2019

**SHERIFF'S SALE
MORTGAGE FORECLOSURE
JULY 23, 2019**

IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY, upon Judgment entered therein, there will be exposed to public sale and outcry in the Sheriff's Office, Susquehanna County Courthouse Montrose, Pennsylvania, the following described real estate, to wit:

SALE DATE AND TIME

July 23, 2019 at 9:30 AM

Writ of Execution No.:

2019-403 CP

PROPERTY ADDRESS: 657

BARTON ROAD F/K/A RR3 BOX 154D, SUSQUEHANNA, PA 18847

LOCATION: Harmony Township
Tax ID # 038.00-1,021.00,000

IMPROVEMENTS: ONE – ONE
AND ONE-HALF STORY WOOD
FRAMED DWELLING
ONE – 24 X 16 WOOD FRAMED

SHED

DEFENDANTS: Eric Barton,
Charles F. Barton and Sandra M.
Barton

ATTORNEY FOR PLAINTIFF:
Rebecca Solarz, Esq
(215) 627-1322

NOTICE

The Sheriff shall not be liable for loss or damage to the premises sold resulting from any cause whatsoever and makes no representation or warranty regarding the condition of the premises. **Notice** is hereby given and directed to all parties in interest and claimants that a Schedule of Distribution will be filed by the Sheriff no later than 30 days after the sale and that distribution will be made in accordance with that Schedule unless exceptions are filed thereto within ten (10) days thereafter. Full amount of bid plus poundage must be paid on the date of the sale by 4:30 p.m. or deed will not be acknowledged. For details on individual Sheriff Sales please go to: www.susquehannasheriff.com/sheriffsales.html

Lance M. Benedict,
Susquehanna County Sheriff

5/31/2019 • 6/7/2019 • 6/14/2019

**SHERIFF'S SALE
MORTGAGE FORECLOSURE
JULY 23, 2019**

IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY, upon Judgment entered therein, there will be exposed to public sale and outcry in the Sheriff's Office, Susquehanna

County Courthouse Montrose, Pennsylvania, the following described real estate, to wit:

SALE DATE AND TIME

July 23, 2019 at 10:00 AM

Writ of Execution No.:

2019-399 CP

PROPERTY ADDRESS: 1760 Ridge Road Montrose, Pa 18801

LOCATION: Bridgewater Township

Tax ID # 161.08-1,006.00,000

IMPROVEMENTS: ONE – ONE STORY WOOD FRAMED DWELLING

ONE – 14 X 22 WOOD FRAMED GARAGE

ONE – 14 X 21 WOOD FRAMED SHED

DEFENDANTS: John J. Sellitto IV, Administrator of the Estate of Ann M. Sellitto, Deceased

ATTORNEY FOR PLAINTIFF:
Michael McKeever, Esq
(215) 627-1322

NOTICE

The Sheriff shall not be liable for loss or damage to the premises sold resulting from any cause whatsoever and makes no representation or warranty regarding the condition of the premises. **Notice** is hereby given and directed to all parties in interest and claimants that a Schedule of Distribution will be filed by the Sheriff no later than 30 days after the sale and that distribution will be made in accordance with that Schedule unless exceptions are filed thereto within ten (10) days thereafter. Full amount of bid plus poundage must be paid on the date of the sale by 4:30 p.m. or deed will not be acknowledged. For details on individual Sheriff Sales please go to: www.susquehannasheriff.com/sheriffsales.html

Lance M. Benedict,
Susquehanna County Sheriff

5/31/2019 • 6/7/2019 • 6/14/2019

MORTGAGES AND DEEDS

RECORDED FROM MAY 16, 2019 TO MAY 22, 2019
ACCURACY OF THE ENTRIES IS NOT GUARANTEED.

MORTGAGES

Information:	Consideration: \$145,000.00
Mortgagor: LOSAPIO, MICHAEL S 2 - SQUIRES, STEPHEN C	Mortgagee: COMMUNITY BANK
Locations: Parcel # 1 - 132.00-3,003.00,000.	Municipality ARARAT TOWNSHIP
Information:	Consideration: \$134,055.00
Mortgagor: FORKER, DAVID 2 - FORKER, CATHLEEN R (AKA) 3 - FORKER, CATHI 4 - SMITH, BONNIE	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC 2 - QUICKEN LOANS INC
Locations: Parcel # 1 - 034.00-2,001.00,000.	Municipality OAKLAND TOWNSHIP
Information:	Consideration: \$50,000.00
Mortgagor: RAMOS, ROBINETTE M 2 - RAMOS, ANNABELLE N	Mortgagee: FIRST NATIONAL BANK OF PENNSYLVANIA
Locations: Parcel # 1 - 249.18-1,007.00,000.	Municipality FOREST CITY 2W
Information:	Consideration: \$102,000.00
Mortgagor: STROHL, MICHAEL A 2 - STROHL, LINDSAY A	Mortgagee: GUARANTEED RATE INC 2 - MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
Locations: Parcel # 1 - 119.00-2,009.00,000.	Municipality FOREST LAKE TOWNSHIP
Information:	Consideration: \$19,000.00
Mortgagor: PARKS, DANIELLE L 2 - PARKS, SHAWN A	Mortgagee: EMPOWER FEDERAL CREDIT UNION
Locations: Parcel # 1 - 031.18-2,007.00,000.	Municipality HALLSTEAD BOROUGH
Information:	Consideration: \$30,000.00
Mortgagor: DANIELS, ROBERT H JR 2 - DANIELS, SUSAN B	Mortgagee: HONESDALE NATIONAL BANK
Locations: Parcel # 1 - N/A	Municipality CLIFFORD TOWNSHIP
Information:	Consideration: \$184,000.00
Mortgagor: PARISOT, WILLIAM L SR 2 - PARISOT, IRENE F	Mortgagee: VISIONS FEDERAL CREDIT UNION
Locations: Parcel # 1 - 227.00-1,002.00,000.	Municipality CLIFFORD TOWNSHIP
Information:	Consideration: \$35,000.00
Mortgagor: JOINES, SHIRLEY (NKA) 2 - COLLINS, SHIRLEY A	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
Locations: Parcel # 1 - 161.11-1,011.00,000.	Municipality BRIDGEWATER TOWNSHIP

★ **LEGAL JOURNAL OF SUSQUEHANNA COUNTY** ★

Information: OPEN-END MTG	Consideration: \$35,000.00
Mortgagor: MOLENKO, CATHERINE	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
Locations: Parcel # 1 - 163.00-2,009.00.000.	Municipality BROOKLYN TOWNSHIP
Information:	Consideration: \$6,000.00
Mortgagor: TROTTER, BERNARD R 2 - TROTTER, MARIA	Mortgagee: PSECU
Locations: Parcel # 1 - 133.00-3,077.00.000.	Municipality ARARAT TOWNSHIP
Information:	Consideration: \$195,200.00
Mortgagor: BLEIER, FRANK PETER	Mortgagee: WELLS FARGO BANK
Locations: Parcel # 1 - 017.00-1,010.00.000.	Municipality HARMONY TOWNSHIP
Information:	Consideration: \$241,000.00
Mortgagor: ZESHONSKI, MICHAEL F JR 2 - ZUPANOVICH, KARL L	Mortgagee: PS BANK
Locations: Parcel # 1 - 245.00-2,045.00.000.	Municipality CLIFFORD TOWNSHIP
Information:	Consideration: \$172,000.00
Mortgagor: DUNN, ROBERT T 2 - DUNN, VERA	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
Locations: Parcel # 1 - 129.00-1,006.00.999. NEW MILFORD TOWNSHIP	Municipality 2 - 129.00-1,006.00.000. NEW
MILFORD TOWNSHIP	
Information:	Consideration: \$56,700.00
Mortgagor: KOHUT, SHAWN	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC 2 - STEARNS LENDING LLC
Locations: Parcel # 1 - 054.12-3,036.00.000. 2 - 054.12-3,036.00.000.	Municipality SUSQUEHANNA SUSQUEHANNA 2W
Information:	Consideration: \$146,000.00
Mortgagor: WHIPPLE, REID 2 - WHIPPLE, JESSICA	Mortgagee: COMMUNITY BANK
Locations: Parcel # 1 - 069.00-2,002.00.000.	Municipality FRANKLIN TOWNSHIP

DEEDS

Information:	Consideration: \$165,000.00
Grantor: ELMORE, RICKY	Grantee: LOSAPIO, MICHAEL S 2 - SQUIRES, STEPHEN C
Locations: Parcel # 1 - 132.00-3,003.00.000.	Municipality ARARAT TOWNSHIP
Information:	Consideration: \$1.00
Grantor: LESJACK, CAROL J	Grantee: FIRST NATIONAL BANK OF PENNSYLVANIA (SUCC TO) 2 - COMMUNITY BANK & TRUST CO
Locations: Parcel # 1 - 031.19-3,097.00.000.	Municipality HALLSTEAD BOROUGH

★ L E G A L J O U R N A L O F S U S Q U E H A N N A C O U N T Y ★

Information:	Consideration: \$1.00
Grantor: MACHELL, MARK	Grantee: MACHELL, MARK 2 - SHOWALTER, PAMELA
Locations: Parcel # 1 - 207.00-2,005.00.000.	Municipality CLIFFORD TOWNSHIP
Information:	Consideration: \$15,500.00
Grantor: TINGLEY, TERRY 2 - TINGLEY, ELIZABETH	Grantee: HELM INVESTMENTS LLC
Locations: Parcel # 1 - N/A	Municipality SUSQUEHANNA
Information:	Consideration: \$1.00
Grantor: HINKLEY, ALAN J 2 - HINKLEY, NANCY A	Grantee: HINKLEY, ALAN J 2 - HINKLEY, NANCY A
Locations: Parcel # 1 - N/A	Municipality GREAT BEND TOWNSHIP
Information:	Consideration: \$1.00
Grantor: HINKLEY, ALAN J 2 - HINKLEY, NANCY A	Grantee: JENKINS, REBECCA M 2 - JENKINS, JOSHUA T
Locations: Parcel # 1 - 031.00-3,043.01.000.	Municipality GREAT BEND TOWNSHIP
Information:	Consideration: \$1.00
Grantor: LANE, KEITH A 2 - DODD-LANE, KAREN A (AKA) 3 - LANE, KAREN A DODD	Grantee: RUNYON, THOMAS E 2 - RUNYON, SARAH R
Locations: Parcel # 1 - N/A	Municipality NEW MILFORD TOWNSHIP
Information:	Consideration: \$62,000.00
Grantor: HECKMAN, BRUCE E 2 - COOPER, ANN D	Grantee: SILVER LAKE COTTAGE LLC
Locations: Parcel # 1 - 065.05-1,023.00.000.	Municipality SILVER LAKE TOWNSHIP
Information:	Consideration: \$100.00
Grantor: LEPKOWSKI, VERONICA A	Grantee: BREMER HOF OWNERS INC
Locations: Parcel # 1 - N/A	Municipality HERRICK TOWNSHIP
Information: QUITCLAIM DEED	Consideration: \$1.00
Grantor: MILLER, JULIE M	Grantee: MILLER, MICHAEL R
Locations: Parcel # 1 - 254.00-1,036.01.000.	Municipality AUBURN TOWNSHIP
Information: OIL, GAS & MINERAL DEED	Consideration: \$68,000.00
Grantor: TEDDICK, MICHAEL	Grantee: TEDDICK GAS LLC
Locations: Parcel # 1 - 163.00-2,020.00.000.	Municipality BROOKLYN TOWNSHIP
Information:	Consideration: \$1.00
Grantor: HERR, DAVID S 2 - HERR, REBECCA J	Grantee: MILLER, KARLYN S 2 - ZDUNCZYK, BRITTNI M
Locations: Parcel # 1 - 159.00-1,060.00.000.	Municipality JESSUP TOWNSHIP
Information:	Consideration: \$1.00
Grantor: HERR, DAVID S 2 - HERR, REBECCA J	Grantee: MILLER, KARLYN S 2 - ZDUNCZYK, BRITTNI M
Locations: Parcel # 1 - 159.00-1,007.00.000.	Municipality JESSUP TOWNSHIP

★ L E G A L J O U R N A L O F S U S Q U E H A N N A C O U N T Y ★

Information:	Consideration: \$10,000.00
Grantor: SUSQUEHANNA FIRE DEPARTMENT INC	Grantee: SUSQUEHANNA DEPOT BOROUGH
Locations: Parcel # 1 - 054.10-3.001.01.000.	Municipality SUSQUEHANNA
Information:	Consideration: \$1.00
Grantor: SUSQUEHANNA DEPOT BOROUGH	Grantee: SUSQUEHANNA FIRE DEPARTMENT INC
Locations: Parcel # 1 - N/A	Municipality SUSQUEHANNA
Information: INT 4 UNIT 40	Consideration: \$100.00
Grantor: LOCEY, JANICE M	Grantee: BREMER HOF OWNERS INC
Locations: Parcel # 1 - N/A	Municipality HERRICK TOWNSHIP
Information:	Consideration: \$1.00
Grantor: NEAL, GENEVA B (AKA) 2 - NEAL, GENEVA E	Grantee: NEAL, GENEVA B (AKA) 2 - NEAL, GENEVA E 3 - BARBER, GENEVA
Locations: Parcel # 1 - 094.00-1,033.00.000.	Municipality JACKSON TOWNSHIP
Information:	Consideration: \$1.00
Grantor: TAGLIAFERRO, CARMINE J	Grantee: YARD, LAURIE A
Locations: Parcel # 1 - N/A	Municipality RUSH TOWNSHIP
Information:	Consideration: \$230,000.00
Grantor: BASCIANO, ANTHONY 2 - BASCIANO, GERALDINE	Grantee: PARISOT, WILLIAM L SR 2 - PARISOT, IRENE F
Locations: Parcel # 1 - 227.00-1,002.00.000.	Municipality CLIFFORD TOWNSHIP
Information:	Consideration: \$20,000.00
Grantor: HOLBERT, HAROLD E JR 2 - HOLBERT, HAROLD E (ESTATE) 3 - HARVEY, TERESA 4 - HOLBERT, LORA 5 - MIDDAUGH, DONNA 6 - LIPARULO, RENEE	Grantee: MILLER, COREY
Locations: Parcel # 1 - N/A	Municipality LATHROP TOWNSHIP
Information:	Consideration: \$1.00
Grantor: RADICCHI, JOANN 2 - RADICCHI, MICHAEL	Grantee: HARGROVE, ALEX RADICCHI
Locations: Parcel # 1 - N/A 2 - 093.16-1,064.00.000.	Municipality JACKSON TOWNSHIP JACKSON TOWNSHIP
Information:	Consideration: \$1.00
Grantor: FARLEY, JANICE 2 - FARLEY, DAVID	Grantee: FARLEY, DAVID W 2 - FARLEY, LORI L
Locations: Parcel # 1 - N/A	Municipality BRIDGEWATER TOWNSHIP
Information:	Consideration: \$1.00
Grantor: FARLEY, JANICE	Grantee: FARLEY, BONNIE J 2 - WOOD, LINDA A 3 - FARLEY, DAVID W
Locations: Parcel # 1 - N/A	Municipality MONTROSE

★ L E G A L J O U R N A L O F S U S Q U E H A N N A C O U N T Y ★

Information: MINERAL DEED	Consideration: \$1.00
Grantor: PENNMARC RESOURCES III LLC	Grantee: LPR ENERGY LLC
Locations: Parcel # 1 - 188.00-1,049.00,000.	Municipality GIBSON TOWNSHIP
Information:	Consideration: \$244,000.00
Grantor: DALE HOWELL ENTERPRISES INC	Grantee: BLEIER, FRANK PETER
Locations: Parcel # 1 - 017.00-1,010.00,000.	Municipality HARMONY TOWNSHIP
Information:	Consideration: \$1.00
Grantor: DIEHL, DIANE S (NBM) 2 - FARNAM, DIANE S 3 - DIEHL, DONALD W	Grantee: FARNAM, DIANE S 2 - DIEHL, DONALD W
Locations: Parcel # 1 - 183.03-1,010.00,000.	Municipality BROOKLYN TOWNSHIP
Information:	Consideration: \$1.00
Grantor: DIEHL, DIANE S (NBM) 2 - FARNAM, DIANE S 3 - DIEHL, DONALD W	Grantee: FARNAM, DIANE S
Locations: Parcel # 1 - 184.00-1,002.00,000.	Municipality BROOKLYN TOWNSHIP
Information: CORRECTIVE DEED	Consideration: \$1.00
Grantor: BARON, MARGARET S (ESTATE) 2 - CANNON, MARIA 3 - STILGER, ANDREA 4 - CANNON, WALTER 5 - STILGER, JOHN	Grantee: AHC PROPERTIES LLC
Locations: Parcel # 1 - 268.07-5,063.00,000. 2 - 268.07-5,064.00,000.	Municipality FOREST CITY FOREST CITY
Information:	Consideration: \$50,000.00
Grantor: WOOD, JOHN A 2 - WOOD, DIANE A	Grantee: JONES, DAVID A 2 - JONES, FLORENCE R
Locations: Parcel # 1 - 239.08-1,018.00,000.	Municipality LATHROP TOWNSHIP
Information:	Consideration: \$88,000.00
Grantor: HOWELL, FREDERICK W JR 2 - HOWELL, LUCINDA L	Grantee: MASIN, WAYNE
Locations: Parcel # 1 - N/A	Municipality LENOX TOWNSHIP
Information: HYDROCARBON	Consideration: \$1.00
Grantor: CRON, JOHN S	Grantee: CRON, JOHN S 2 - CRON, HAZEL E
Locations: Parcel # 1 - 213.00-1,021.01,000.	Municipality AUBURN TOWNSHIP
Information:	Consideration: \$15,000.00
Grantor: BRANNING, DAVID S	Grantee: GROOVER, CHAD 2 - GROOVER, AUTUMN
Locations: Parcel # 1 - 054.15-3,007.00,000.	Municipality SUSQUEHANNA
Information:	Consideration: \$1.00
Grantor: WILBUR, ELAINE MABEN (AKA) 2 - WILBUR, ELAINE M 3 - WILBUR, THOMAS M (AGENT)	Grantee: WILBUR, THOMAS M
Locations: Parcel # 1 - N/A	Municipality BRIDGEWATER TOWNSHIP

Information:	Consideration: \$62,010.00
Grantor: MASTROSIMONE, MARIE T 2 - MASTROSIMONE, THOMAS	Grantee: KOHUT, SHAWN
Locations: Parcel # 1 - 054.12-3,036.00.000. 2 - 054.12-3,036.00.000.	Municipality SUSQUEHANNA SUSQUEHANNA 2W
Information:	Consideration: \$100.00
Grantor: BALDWIN, JANET L	Grantee: CERRONE, MICHAEL 2 - CERRONE, ANGELA
Locations: Parcel # 1 - 089.00-2,042.00.000.	Municipality NEW MILFORD TOWNSHIP
Information:	Consideration: \$156,000.00
Grantor: NATURAL GAS WINDS LLC	Grantee: WHIPPLE, REID 2 - WHIPPLE, JESSICA
Locations: Parcel # 1 - 069.00-2,002.00.000.	Municipality FRANKLIN TOWNSHIP

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