

OFFICIAL
LEGAL JOURNAL
OF SUSQUEHANNA COUNTY, PA

34th Judicial District

Vol. 4 ★ December 6, 2019 ★ Montrose, PA ★ No. 36



IN THIS ISSUE

COURT OPINION, PT. 1	4
LEGAL NOTICES	9
SHERIFF'S SALES.	9
MORTGAGES & DEEDS	14

CASES REPORTED

Laurel Lake Association, Inc., Plaintiff
vs.
Robert Hutchinson Rose, his Heirs, successors, and assigns, et al, 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.



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

COURT OPINION

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

LAUREL LAKE ASSOCIATION, INC.	:	
Plaintiff	:	
	:	
vs.	:	
	:	
ROBERT HUTCHINSON ROSE, his Heirs, successors, and assigns, generally executors, administrators, legatees, grantees, and all other persons interested in said property, et al,	:	
Defendants	:	No. 2015-1162 C.P.

OPINION

I. Procedural History

On October 20, 2015, plaintiff, the Laurel Lake Association, Inc. (“the Association”), filed this action to quiet title to approximately 42 acres of real property situated beneath the waters of Laurel Lake, Silver Lake Township, Susquehanna County, Pennsylvania. The Association contends that it owns 42 acres of land lying beneath the waters of Laurel Lake by way of adverse possession because it has controlled the level of the lake waters since 1941 through a dam located on Association property. Defendants, the heirs and successors of Robert Hutchinson Rose (“Roses”), are the legal title holders of the 42-acre lake bed submerged beneath the waters of Laurel Lake and contend that the Association has failed to establish the requisite elements necessary to support the acquisition of title to the lake bed through adverse possession.¹

On November 18, 2015, the Roses filed preliminary objections to the Association’s complaint. By order dated May 19, 2016, the court overruled those objections.² The

¹ The identified descendants of Robert Hutchinson Rose are Laurie Rose Leach and Sharon Rose, two sisters who are fifth generation descendants of Robert Hutchinson Rose. The Rose sisters assert that there are more than 130 living heirs of Robert Hutchinson Rose. (Def. Prelim. Obj. ¶ 14.) There is no dispute that the Roses hold legal title to the 42-acre lake bed of Laurel Lake.

In addition to the adverse possession claim against the Roses to the submerged lake bed of Laurel Lake itself, the Association also filed an adverse possession count against the descendants of Asher H. Hill, Mabel Hill and Michael Hill in connection with real property near the Association’s dam. On February 23, 2016, default judgment was entered against the Hill defendants based upon a failure to respond to the Association’s complaint. As a result of the default judgment, the Association was granted title to the real property surrounding the dam which includes the discharge area where the waters of Laurel Lake are discharged in Laurel Lake Creek.

² The court determined that the Association had alleged sufficient facts to set forth an arguable

Roses filed an Answer and New Matter on June 8, 2016. Thereafter, the parties completed discovery.

On March 4, 2019, the Association filed a motion for summary judgment contending that the record established that it had gained legal title to the 42 acre lake bed through adverse possession primarily as a result of controlling the water level of the lake coupled with acts associated with maintaining water quality, vegetation, and policing the use of Laurel Lake itself. On the same date, the Roses filed a motion for summary judgment asserting the record failed to support the Association's adverse possession claim. Oral argument was held on the motions on April 22, 2019 and the parties have submitted their respective briefs. The parties both agree that the material facts are not disputed but both differ as to how those undisputed facts impact upon the Association's adverse possession claim. The matter is now ripe for disposition.

II. Statement of Facts

In 1835, Robert Hutchinson Rose received title to the land situated under the waters of Laurel Lake and title to those acres has passed to his heirs. (Cmp. ¶¶ 11, 19.) The 42-acre parcel of real property has been submerged by the waters of Laurel Lake since Robert Hutchinson Rose owned the parcel. (Id. Ex. A.)³

The Association is an entity comprised of various lake property owners but not every lake property owner is a member of the Association. There are approximately 120 lake property owners of which 80 are currently Association members. (Id. at 8.) Lake property owners have rights to use of the lake pursuant to their deeds. (Joanne Burr Dep. 26; Cmp. Ex. G.) There are numerous property owners who use the lake but have no connection or membership with the Association, i.e., 40 property owners with lake rights are not members of the Association. In addition to those individuals with lake front property, there are also second tier owners without lake front property who have deeded rights to utilize the waters of Laurel Lake for recreational purposes. (David Berti Dep. 7.)

The Association owns the real property upon which a dam is constructed that assisted in maintaining the water levels of Laurel Lake. (Pl. S.J. Mot. Ex. B, C, D, E; Berti Dep. 67.)⁴ The Association has owned the dam since 1941. (Cmp. Ex. F.) Since 1959, the Association has applied annually for a permit from the Pennsylvania Fish and Boat Commission to lower the water level of Laurel Lake for maintenance. (Pl. S.J. Mot. Ex. B, C.) The Association is required to obtain a permit from the Pennsylvania Fish and Boat Commission prior to raising or lowering the water level through the use of its dam.

claim for adverse possession and found that the Association should be permitted to proceed with developing the record to demonstrate that its actions toward the lake bed of Laurel Lake were sufficient to convey legal title of the lake bed by adverse possession to the Association.

³ The Rose deed does not contain a description conveying a "lake" but on September 2, 1880, William H. Jessup, as trustee of the estate of Robert H. Rose, conveyed a parcel alongside Laurel Lake (known then as "Mud Lake") to John O'Day. (Cmp. Ex. A.) The record reflects that Robert Hutchinson Rose sold off the real property surrounding Laurel Lake but not the real property that was submerged under Laurel Lake itself. Since the late 1800s, the real property surrounding Laurel Lake has been subdivided and developed.

⁴ The dam is a concrete dam with valves and is located at the south end of Laurel Lake. (Pl. S.J. Mot. Ex. N: Adams Dep. 26.)

(Pl. S.J. Mot. Ex. B, C.)⁵ The Association lowers the lake level between one and two feet in October and then in April they close the dam to raise the water level back to the high-water level. (Berti Dep. 22.)⁶

The Association spearheaded the installation of a sewer system in the 1980s but lake property owners funded that project while the Silver Lake Township Municipal Authority installed the sewer lines and operates the sewer. (Pl. S.J. Mot. Ex. F, G, H, I, Burr Dep. 29, 31, 32, 42; Paul Adams Dep. 12, 25.) The Association owns the real property where the sewer plant is located and leases that property to the Municipal Authority. (Burr Dep. 43, 45.)

The Association manages the weed and algae growth in Laurel Lake. (Pl. S.J. Mot. Ex. I, J, Burr Dep. 48-50).⁷ The Association initially placed copper sulfate in the water in the 1960s to manage the water quality. (Pl. S.J. Mot. Ex. O: Kim Fruehan Dep. 19.) Volunteers of the Association treated the water for algae and removed lake vegetation until 1990 when the Association hired a professional company to treat the water and control the vegetation in Laurel Lake. (Berti Dep. 27, 28, 57.)

The Pennsylvania Fish and Boat Commission regulates the use of motor boats on Laurel Lake and boating is restricted to lake property owners but not solely to Association members. (Pl. S.J. Mot. Ex. K.) Laurel Lake also has a boat ramp the use of which is restricted to owners of lake property but not solely to Association members. (Pl. S.J. Mot. Ex. K.) The Association posts “No Trespassing” signs at the boat ramp and has periodically maintained the portion of the boat ramp that is under the water. (Berti Dep. 31, 37.) Every year, pursuant to a Fish and Boat Commission requirement, the Association places floating buoys to mark the speed zone for boaters on the lake. (Burr Dep. 54, 55.)

The Association has paid the real estate taxes on the 42-acre lake property since 2007. (Pl. S.J. Mot. Ex. L; Burr Dep. 35.) Prior to 2007, no taxes had been assessed against the submerged 42 acres of real property under the waters of Laurel Lake. (Berti Dep. 24.)

III. Standard of Review

Summary judgment is appropriate “where the record clearly demonstrates that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law.” *Summers v. Certainteed Corp.*, 997 A.2d 1152, 1159 (Pa. 2010) (citing Pa.R.C.P. No. 1035.2(1)). In reviewing a motion for summary judgment, the court must consider all facts (and any reasonable inferences deducible therefrom) in a “light most favorable to the non-moving party.” *Id.* Any doubts must be resolved in favor of the non-moving party and, for this reason, summary judgment is only proper where the record is

⁵ See 30 Pa.C.S.A. § 3506 (providing that “[n]o person shall draw off dam waters inhabited by fish without first applying for written permission from the commission....”)

⁶ The Association lowers the water level of the lake to prevent ice from damaging docks and to help control the lakeshore vegetation which freezes when the water level is lowered. (Berti Dep. 64.)

⁷ The Association is required to obtain a permit from the Fish and Boat Commission prior to treating the lake water with an algicide. (Pl. S.J. Mot. Ex. J.)

“clear and free from all doubt.” *Id.* This is not to suggest that the non-moving party bears no burden; rather, the non-moving party must still “adduce sufficient evidence on an issue essential to his case and on which he bears the burden of proof such that a jury could return a verdict in his favor.” Burlington Coat Factory of Pennsylvania, LLC v. Grace Const. Mgmt. Co., LLC, 126 A.3d 1010, 1017-18 (Pa. Super. Ct. 2015). A record that supports summary judgment will either (1) show the material facts are undisputed or (2) contain insufficient evidence of facts to make out a *prima facie* cause of action or defense and, therefore, there is no issue to be submitted to the fact-finder. Yenchi v. Ameriprise Financial, Inc., 123 A.3d 1071, 1077 (Pa. Super. 2015) (*citing DeArmitt v. N.Y. Life Ins. Co.*, 73 A.3d 578, 586 (Pa. Super. 2013)). If a non-moving party failed to present such evidence demonstrating a question of material fact, then summary judgment will be granted to the moving party. *Id.*

IV. Discussion

The Association asserts that the uncontested evidence of its control of the water levels of Laurel Lake, coupled with its water maintenance efforts and policing of use of the lake, satisfies the requirements of adverse possession so as to find that legal title to the 42-acres of real property submerged under the waters of Laurel Lake has passed to the Association. The Roses argue that the Association has not presented sufficient evidence to establish adverse possession of the submerged real property.

Adverse possession is an extraordinary doctrine which permits one to achieve ownership of another’s property by operation of law and the grant of this extraordinary privilege must be based upon clear evidence. See Edmondson v. Dolinich, 453 A.2d 611, 614 (Pa. Super. Ct. 1982) (“It is a serious matter indeed to take away another’s property. That is why the law imposes such strict requirements of proof on one who claims title by adverse possession.”) In order to establish title by adverse possession, the claimant must prove actual, continuous, exclusive, visible, notorious, distinct and hostile possession of the land for twenty-one years. See Baylor v. Soska, 658 A.2d 743, 744 (Pa. 1995). Each of these elements must exist, otherwise the possession will not confer title. See Conneaut Lake Park, Inc. v. Klingensmith, 66 A.2d 828, 829 (Pa. 1949).

Actual possession of land means dominion over the land but is not equivalent to occupancy. See Reed v. Wolyniec, 471 A.2d 80, 85 (Pa. Super. Ct. 1983). Actual possession of property may be established in connection with the maintenance of a residence, by cultivation of the land, by enclosure of the land, or by making improvements to the land and paying property taxes. See Glenn v. Shuey, 595 A.2d 606, 611 n. 5 (Pa. Super. Ct. 1991). The determination of what constitutes actual possession of property for purposes of adverse possession depends on the specific facts of each case and the character of the premises. *Id.* “Such occupation must be exclusive, and of such a character as compels the real owner to take notice of the possession of the disseisor.” See Bigham v. Wenschhof, 295 Pa. Super. 146, 150, 441 A.2d 391, 393 (1982).

Distinct and exclusive possession can be established “by acts, which at the time, considering the state of the land, comport with ownership; viz., such acts as would ordinarily be exercised by an owner in appropriating land to his own use and the

exclusion of others.” Lyons v. Andrews, 313 A.2d 313, 315-16 (Pa. Super. Ct. 1973)(citing Family Land & Investment Co., Inc. v. Williams, 138 So.2d 696, 699 (1961.)) However, “exclusive” possession does not need to be absolutely exclusive. See Reed v. Wolyniec, 471 A.2d 80, 84 (Pa. Super. Ct. 1983)(finding that exclusive character of plaintiff’s possession was not destroyed because other persons occasionally passed over fifty foot wide lot adjacent to their residence).

The term “visible and notorious possession” relating to claims of adverse possession means that “the claim of ownership must be evidenced by conduct sufficient to place a reasonable person on notice that his or her land is being held by the claimant as his own.” In re Rights of Way & Easements Situate in Twp. of Mt. Pleasant, 47 A.3d 166, 173-74 (Pa. Commw. Ct. 2012)(finding that fencing in area, installing drainage pipes and keeping grazing animals throughout the property placed titled owners on notice establishing visible and notorious possession).

Finally, “a person is in hostile possession when he acts with reference to the land in the same way that the owner would act.” Zeglin v. Gahagen, 571 Pa. 321, 328, 812 A.2d 558, 562 (2002). Hostile does not mean ill will or hostility, but indicates an assertion of ownership rights adverse to that of the true owner and all others. See In re Rights of Way & Easements, 47 A.3d at 174 (explaining that where plaintiffs were aware that they were not rightful owners of property yet treated the property as their own, “hostile” possession was supported). If all the elements of adverse possession are established, the element of hostility is implied. Brennan v. Manchester Crossings, Inc., 708 A.2d 815, 822 (Pa. Super. Ct. 1998).

As previously indicated, a determination as to what constitutes actual possession of property for purposes of adverse possession depends on the nature of the property. Here, the property in question constitutes 42-acres of submerged real property under the waters of Laurel Lake. The Rose deeds demonstrate that this real property was submerged when Robert Hutchinson Rose began selling off the real property that surrounded and abutted Laurel Lake. Thus, the question becomes what conduct is sufficiently open, notorious, adverse, exclusive and hostile so as to warrant acquisition of title to submerged real property through adverse possession.

The Court Opinion will continue in the next issue.

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 Paul W. Herzog, deceased, late of Borough of Thompson, Susquehanna County, Pennsylvania.

Letters of Administration on the above estate having been granted to Bonita Stanton and Shelly Ronk, all persons indebted to the said estate are requested to make payment, and those having claims to present the same without delay to them c/o Christopher J. Osborne, Sr., Esquire, 201 Lackawanna Avenue, Suite 313, Scranton, PA 18503.

11/29/2019 • 12/6/2019 • 12/13/2019

EXECUTRIX NOTICE

Estate of James W. Cantone
Late of Jessup Township
EXECUTRIX
Kathleen L. Kelley Cantone
971 Prospect Hill Rd.
Montrose, PA 18801

ATTORNEY

John R. Dean
Attorney at Law
72 Public Avenue
Montrose, PA 18801

11/22/2019 • 11/29/2019 • 12/6/2019

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 JANUARY 14, 2020

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

01-14-2020 9:30 AM

Writ of Execution No.:

2019-1086 CP

PROPERTY ADDRESS: 65

Church Street f/k/a 15 Church
Street

Hallstead, PA 18822

LOCATION: Hallstead Borough

Tax ID #: 031.19-3,093.00,000
IMPROVEMENTS: ONE – TWO
STORY WOOD FRAME
DWELLING WITH ATTACHED
GARAGE
DEFENDANTS: Shane Benjamin
ATTORNEY FOR PLAINTIFF:
Edward McKee, Esq
(215) 572-8111

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

11/22/2019 • 11/29/2019 • 12/6/2019

**SHERIFF'S SALE
MORTGAGE FORECLOSURE
JANUARY 14, 2020**

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

01-14-2020 10:00 AM

Writ of Execution No.:

2019-1045 CP

PROPERTY ADDRESS: RR 2 Box 2614, A/K/A 770 Stark Road Nicholson, PA 18446

LOCATION: Springville Township
Tax ID #: 257.00-1,005.01,000
IMPROVEMENTS: ONE - ONE
STORY DOUBLE WIDE WOOD
FRAMED DWELLING
ONE - 8 X 10 CLOSED FRAMED
SHED

ONE - 36 X 40 METAL FRAMED
POLE BARN

DEFENDANTS: Douglas R. Staff
and Mary Beth Staff

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

11/22/2019 • 11/29/2019 • 12/6/2019

**SHERIFF'S SALE
MORTGAGE FORECLOSURE
JANUARY 14, 2020**

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
01-14-2020 10:30 AM**
Writ of Execution No.:
2019-1093 CP
PROPERTY ADDRESS: RR 1 Box 1480 A/K/A 870 Keech Road

Rushville, PA 18828
LOCATION: Rush Township
Tax ID #: 136.00-2,014.00,000
IMPROVEMENTS: ONE - TWO STORY WOOD FRAMED DWELLING
ONE - 30 X 30 WOOD FRAMED GARAGE
DEFENDANTS: Gregory Myer, in His Capacity as Administrator of The Estate of Theodore Ahrends aka Theodore G. Ahrends aka Theodore Gorgetta Ahrends aka Theodora Ahrends aka Theodora Georgette Ahrends, Elizabeth Ahrends, in Her Capacity as Heir of The Estate of Theodore Ahrends aka Theodore G. Ahrends aka Theodore Gorgetta Ahrends aka Theodora Ahrends aka Theodora Georgette Ahrends, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Association claiming Right, Title or interest From or Under Theodore G. Ahrends aka Theodore Ahrends aka Theodore Georgetta Ahrends aka Theodora Ahrends Aka Theodora Georgette Ahrends, Deceased
ATTORNEY FOR PLAINTIFF:
Peter Wapner, Esq



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For A Free Consultation

(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

11/22/2019 • 11/29/2019 • 12/6/2019

**SHERIFF'S SALE
MORTGAGE FORECLOSURE
JANUARY 28, 2020**

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

01-28-2020 9:00 AM

Writ of Execution No.:

2019-1214 CP

PROPERTY ADDRESS: 204

Owego Street

Montrose, PA 18801

LOCATION: Montrose Borough

Tax ID #: 124.13-1,074.00,000

IMPROVEMENTS: ONE – TWO

STORY WOOD FRAMED

DWELLING

ONE – 12 X 10 WOOD FRAMED

SHED

DEFENDANTS: Paul J. Henry

ATTORNEY FOR PLAINTIFF:

Edward McKee, Esq

(215) 572-8111

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

12/6/2019 • 12/13/2019 • 12/20/2019

**SHERIFF'S SALE
MORTGAGE FORECLOSURE
JANUARY 28, 2020**

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

01-28-2020 9:30 AM

Writ of Execution No.:

2019-1230 CP

PROPERTY ADDRESS: 253

Antler Drive

Meshoppen, PA 18630

LOCATION: Auburn Township

Tax ID #: 232.00-1,030.00,000

IMPROVEMENTS ONE - TWO

STORY WOOD FRAMED

DWELLING

ONE - 12 X 40 CLOSED FRAME

SHED

ONE - 10 X 20 CLOSED FRAME

SHED

DEFENDANTS: John A.

Wagner(Deceased); Dorothy M.

Bartashus

ATTORNEY FOR PLAINTIFF:
Meredith Wooters, Esq
(614) 222-4921

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

12/6/2019 • 12/13/2019 • 12/20/2019

MORTGAGES AND DEEDS

*RECORDED FROM NOVEMBER 19, 2019 TO NOVEMBER 26, 2019
ACCURACY OF THE ENTRIES IS NOT GUARANTEED.*

MORTGAGES

Information:	Consideration: \$75,244.00
Mortgagor: SAGER, RYAN	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
2 - KRUGER, KEVIN	2 - STEARNS LENDING LLC
Locations: Parcel #	Municipality
1 - 109.09-1,001.00,000.	NEW MILFORD BOROUGH
2 - 109.00-1,002.00,000.	NEW MILFORD TOWNSHIP
Information:	Consideration: \$23,100.00
Mortgagor: PRICE, KATHRYN	Mortgagee: WAYNE BANK
Locations: Parcel #	Municipality
1 - 172.00-1,070.01,000.	ARARAT TOWNSHIP
Information:	Consideration: \$75,082.00
Mortgagor: GRANAN, SEAN	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
Locations: Parcel #	2 - SUMMIT MORTGAGE CORPORATION
1 - 115.09-1,083.00,000.	Municipality
	THOMPSON BOROUGH
Information:	Consideration: \$600,000.00
Mortgagor: LUDWIG, JONATHAN K	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
2 - LUDWIG, PAMELA E	2 - M&T BANK
Locations: Parcel #	Municipality
1 - 065.05-1,004.00,000.	SILVER LAKE TOWNSHIP
Information:	Consideration: \$51,000.00
Mortgagor: STEVEN CHAMPANG	Mortgagee: CITIZENS & NORTHERN BANK
2 - TIFFANIE CHAMPANG	
Locations: Parcel #	Municipality
1 - 110.00-2,036.00,000.	NEW MILFORD TOWNSHIP
Information:	Consideration: \$100,000.00
Mortgagor: SICKLER, ELWOOD	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
2 - SICKLER, KIMBERLY	
Locations: Parcel #	Municipality
1 - 221.00-1,007.00,000.	LATHROP TOWNSHIP
Information:	Consideration: \$75,000.00
Mortgagor: DEW, KENNETH	Mortgagee: METROACTION INC
2 - JENKINS, MATTHEW DUANE	
Locations: Parcel #	Municipality
1 - 264.02-1,017.00,000.	CLIFFORD TOWNSHIP
Information:	Consideration: \$503,000.00
Mortgagor: SICKLER, ELWOOD	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
2 - SICKLER, KIMBERLY	
Locations: Parcel #	Municipality
1 - 221.00-1,007.00,000.	LATHROP TOWNSHIP

Information:	Consideration: \$161,029.00
Mortgagor: RIORDAN, MOLLY K	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
2 - RIORDAN, MICHAEL G	2 - EMBRACE HOME LOANS INC
Locations: Parcel # 1 - 124.09-2,006.00,000.	Municipality MONTROSE
Information: OPEN-END MTG	Consideration: \$471,065.00
Mortgagor: CBH INVESTMENTS LLC	Mortgagee: FIRST NATIONAL BANK OF PENNSYLVANIA
Locations: Parcel # 1 - 126.00-1,027.00,000.	Municipality BRIDGEWATER TOWNSHIP
Information:	Consideration: \$111,919.00
Mortgagor: KIRKPATRICK, ERIC M	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
Locations: Parcel # 1 - 124.11-2,007.00,000.	2 - SUMMIT MORTGAGE CORPORATION Municipality MONTROSE
Information:	Consideration: \$25,000.00
Mortgagor: PEET, NOEL E	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
2 - PEET, DOROTHY A	Municipality LATHROP TOWNSHIP
Locations: Parcel # 1 - 220.00-2,016.00,000.	Municipality LATHROP TOWNSHIP
Information:	Consideration: \$175,000.00
Mortgagor: MCKEE, VERNON D	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
2 - MCKEE, SHARON A	Municipality APOLACON TOWNSHIP
Locations: Parcel # 1 - 060.00-1,001.01,000.	Municipality APOLACON TOWNSHIP
Information:	Consideration: \$137,600.00
Mortgagor: HALL, LARISSA	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
2 - HALL, JEFFREY 3 - HALL, CAROLYN	Municipality JACKSON TOWNSHIP
Locations: Parcel # 1 - 132.00-1,068.00,000.	Municipality JACKSON TOWNSHIP
Information:	Consideration: \$345,600.00
Mortgagor: MACK, LUCAS D	Mortgagee: TIOGA STATE BANK
2 - MACK, AMBER	Municipality BROOKLYN TOWNSHIP
Locations: Parcel # 1 - 165.00-1,012.01,000.	Municipality BROOKLYN TOWNSHIP
Information:	Consideration: \$40,000.00
Mortgagor: FOSTER, REESE C	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
2 - FOSTER, DOLORES V	Municipality MONTROSE
Locations: Parcel # 1 - 124.18-1,053.01,000.	Municipality MONTROSE
Information:	Consideration: \$67,550.00
Mortgagor: SEVERS, RONALD D	Mortgagee: COMMUNITY BANK
2 - SEVERS, CATHY L	Municipality RUSH TOWNSHIP
Locations: Parcel # 1 - 157.15-1,030.00,000.	Municipality RUSH TOWNSHIP

★ **LEGAL JOURNAL OF SUSQUEHANNA COUNTY** ★

Information:	Consideration: \$138,750.00
Mortgagor: SQUIER, WILLIAM B	Mortgagee: PEOPLES SECURITY BANK AND TRUST COMPANY
2 - SQUIER, LAURA A	
Locations: Parcel # 1 - 104.00-1,040.00,000.	Municipality BRIDGEWATER TOWNSHIP
Information:	Consideration: \$655,000.00
Mortgagor: BROWNLOW, JAMES C	Mortgagee: AMERICAN HERITAGE FEDERAL CREDIT UNION
2 - BROWNLOW, SHERYL D	
Locations: Parcel # 1 - 172.00-1,001.00,000.	Municipality ARARAT TOWNSHIP
Information:	Consideration: \$212,600.00
Mortgagor: ROWE, MARK J	Mortgagee: NBT BANK
Locations: Parcel # 1 - N/A	Municipality HARMONY TOWNSHIP
Information:	Consideration: \$123,300.00
Mortgagor: TAVARES, FELICIA	Mortgagee: NBT BANK
Locations: Parcel # 1 - 161.07-1,003.00,000.	Municipality BRIDGEWATER TOWNSHIP
Information:	Consideration: \$68,000.00
Mortgagor: CAMP, ASHLEY	Mortgagee: TIOGA STATE BANK
Locations: Parcel # 1 - 002.03-1,019.00,000. 2 - 002.03-1,023.00,000.	Municipality LITTLE MEADOWS BOROUGH LITTLE MEADOWS BOROUGH
Information:	Consideration: \$130,000.00
Mortgagor: STEPHENS, ANGIE J	Mortgagee: FIRST NATIONAL BANK OF PENNSYLVANIA
Locations: Parcel # 1 - 175.00-1,070.01,000.	Municipality RUSH TOWNSHIP

DEEDS

Information:	Consideration: \$87,000.00
Grantor: KRUGER, GERARD 2 - KRUGER, CATHERINE	Grantee: SAGER, RYAN 2 - KRUGER, KEVIN
Locations: Parcel # 1 - 109.09-1,001.00,000.	Municipality NEW MILFORD BOROUGH 2 - 109.00-1,002.00,000.
<u>NEW MILFORD TOWNSHIP</u>	
Information:	Consideration: \$1.00
Grantor: HALL, KARL TON 2 - LEGG, BEVERLY 3 - LEGG, GERALD 4 - DAVIS, RAYMOND C (MASTER IN PARTITION)	Grantee: LEGG, BEVERLY
Locations: Parcel # 1 - N/A	Municipality CHOCONUT TOWNSHIP
Information:	Consideration: \$1.00
Grantor: HALL, KARL TON 2 - LEGG, BEVERLY 3 - LEGG, GERALD 4 - DAVIS, RAYMOND C (MASTER IN PARTITION)	Grantee: HALL, KARL TON
Locations: Parcel # 1 - N/A	Municipality CHOCONUT TOWNSHIP

★ LEGAL JOURNAL OF SUSQUEHANNA COUNTY ★

Information:	Consideration: \$1.00
Grantor: HALL, KARL TON 2 - LEGG, BEVERLY 3 - LEGG, GERALD 4 - DAVIS, RAYMOND C (MASTER IN PARTITION)	Grantee: HALL, KARTON
Locations: Parcel # 1 - N/A	Municipality CHOCONUT TOWNSHIP
Information:	Consideration: \$76,468.00
Grantor: SHONTZ, SUSAN W	Grantee: GRANAN, SEAN
Locations: Parcel # 1 - 115.09-1,083.00,000.	Municipality THOMPSON BOROUGH
Information:	Consideration: \$1.00
Grantor: CARPENETTI, LELIA M	Grantee: CARPENETTI, DAVIN J
Locations: Parcel # 1 - N/A	Municipality SPRINGVILLE TOWNSHIP
Information:	Consideration: \$1.00
Grantor: DISTANT VENTURES LIMITED PARTNERSHIP	Grantee: EPSILON ENERGY USA INC
Locations: Parcel # 1 - 157.00-1,090.00,000.	Municipality RUSH TOWNSHIP
Information:	Consideration: \$750,000.00
Grantor: FITZSIMMONS, JOHN T 2 - FITZSIMMONS, COLLEEN C	Grantee: LUDWIG, JONATHAN K 2 - LUDWIG, PAMELA E
Locations: Parcel # 1 - N/A	Municipality SILVER LAKE TOWNSHIP
Information:	Consideration: \$1.00
Grantor: VERY, ELEANOR L	Grantee: VERY, DANNY E
Locations: Parcel # 1 - N/A	Municipality LATHROP TOWNSHIP
Information:	Consideration: \$1.00
Grantor: ANTOL, JEAN G	Grantee: ANTOL, DAVID L 2 - ANTOL, JOAN K
Locations: Parcel # 1 - N/A	Municipality BRIDGEWATER TOWNSHIP
Information:	Consideration: \$1.00
Grantor: JONES, MARGARET ANN 2 - FLYNN, SHIRLEY	Grantee: FLYNN, JULIE 2 - LORD, JOEY
Locations: Parcel # 1 - 119.00-2,003.00,000.	Municipality FOREST LAKE TOWNSHIP
Information:	Consideration: \$164,000.00
Grantor: FOLLERT, THOMAS G 2 - BUTLER, KRISTEN N (NBM) 3 - FOLLERT, KRISTEN N	Grantee: RIORDAN, MICHAEL G 2 - RIORDAN, MOLLY K
Locations: Parcel # 1 - N/A	Municipality MONTROSE
Information:	Consideration: \$1.00
Grantor: SCHERMERHORN, SUZANNE	Grantee: SCHERMERHORN, TROY 2 - SCHERMERHORN, NICOLE
Locations: Parcel # 1 - 148.00-2,022.01,000.	Municipality HARFORD TOWNSHIP
Information: INT NO 28 WK OF UNIT 25	Consideration: \$100.00
Grantor: BREMER HOF OWNERS INC	Grantee: AGNEW, VINCENT R 2 - AGNEW, ISTRElda M
Locations: Parcel # 1 - N/A	Municipality HERRICK TOWNSHIP

Information: INT NO 20 WK OF UNIT 25	Consideration: \$100.00
Grantor: BREMER HOF OWNERS INC	Grantee: LAMACCHIA, LOIS
Locations: Parcel #	Municipality
1 - N/A	HERRICK TOWNSHIP
Information: INT NO 20 WK OF UNIT 25	Consideration: \$100.00
Grantor: BREMER HOF OWNERS INC	Grantee: LAMACCHIA, LOIS
Locations: Parcel #	Municipality
1 - N/A	HERRICK TOWNSHIP
Information: INT NO 26 WK OF UNIT 39	Consideration: \$100.00
Grantor: BREMER HOF OWNERS INC	Grantee: BAGLEY, ELDRED
Locations: Parcel #	Municipality
1 - N/A	2 - WORTHY-BAGLEY, JANET
Information: INT NO 36 WK OF UNIT 39E	Consideration: \$100.00
Grantor: BREMER HOF OWNERS INC	Grantee: BROWN-CAGE, DEBORAH LEE
Locations: Parcel #	Municipality
1 - N/A	2 - CAGE, HERBERT JR
Information:	Consideration: \$1.00
Grantor: ROE, CRAIG (AKA)	Grantee: ROE, CRAIG T
2 - ROE, CRAIG T	2 - ROE, KYRA D
3 - ROE, KYRA (AKA)	
4 - ROE, KYRA D	
Locations: Parcel #	Municipality
1 - N/A	LIBERTY TOWNSHIP
Information:	Consideration: \$110,800.00
Grantor: TATOR, RYAN	Grantee: KIRKPATRICK, ERIC M
2 - TATOR, CHERIE	
Locations: Parcel #	Municipality
1 - 124.11-2.007.00.000.	MONROSE
Information:	Consideration: \$1.00
Grantor: STEPHENS, CHRISTOPHER M	Grantee: STEPHENS, ANGIE J
Locations: Parcel #	Municipality
1 - 175.00-1,070.00.000.	RUSH TOWNSHIP
Information:	Consideration: \$1.00
Grantor: LEET, GENEVIEVE K	Grantee: LEET, JOHN D
Locations: Parcel #	Municipality
1 - 095.00-1,035.00.000.	2 - LEET, JACQUELINE
Information:	Consideration: \$280,000.00
Grantor: STEPHENS, LOLA J	Grantee: MCKEE, VERNON D
Locations: Parcel #	Municipality
1 - N/A	2 - MCKEE, SHARON A
Information:	Consideration: \$172,000.00
Grantor: PRICE, NEIL N	Grantee: HALL, JEFFREY
Locations: Parcel #	Municipality
1 - N/A	2 - HALL, CAROLYN
Information:	Consideration: \$102,500.00
Grantor: YEAGER, JOHN M	Grantee: MEAD, WILLIAM STUART
2 - YEAGER, LOUISE M	2 - MEAD, JODI LOU
Locations: Parcel #	Municipality
1 - N/A	MONROSE

★ 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: \$44,000.00
Grantor: CHIARITO, SHARON L (FKA) 2 - ANDERSON, SHARON L 3 - CHIARITO, KENNETH R	Grantee: AMPARAN, GLORIA D
Locations: Parcel # 1 - N/A	Municipality NEW MILFORD BOROUGH
Information:	Consideration: \$14,500.00
Grantor: BROWN, TERESA MARIE HULL	Grantee: STORR, RICHARD M
Locations: Parcel # 1 - 031.15-1,016.00,000.	Municipality GREAT BEND BOROUGH
Information:	Consideration: \$10,000.00
Grantor: PHILLIPS, NICHOLAS LEE 2 - BENEDICT, MARIAH	Grantee: KANARIS, KITRINA 2 - KANARIS, SHAWN
Locations: Parcel # 1 - N/A	Municipality NEW MILFORD TOWNSHIP
Information:	Consideration: \$1,106.50
Grantor: MCVEY, ANNE (BY SHERIFF)	Grantee: CNB REALTY TRUST (ASSIGNEE OF) 2 - NBT BANK (FKA) 3 - PENNSTAR BANK -A DIV OF NBT BANK
Locations: Parcel # 1 - 068.00-2,017.00,000.	Municipality FRANKLIN TOWNSHIP
Information:	Consideration: \$1.00
Grantor: BRADLEY, JAY	Grantee: BRADLEY, JAY 2 - BRADLEY, VERONICA
Locations: Parcel # 1 - 222.10-1,006.00,000.	Municipality HOP BOTTOM BOROUGH
Information:	Consideration: \$1.00
Grantor: REMUS, ANTHONY FRANK	Grantee: REMUS, ANTHONY J 2 - REMUS, SYLVIA L
Locations: Parcel # 1 - N/A	Municipality HERRICK TOWNSHIP
Information:	Consideration: \$185,000.00
Grantor: SPROUT, JOHN 2 - SPROUT, RUTH A (AKA) 3 - TEN HOEVE, RUTH	Grantee: SQUIER, WILLIAM B 2 - SQUIER, LAURA A
Locations: Parcel # 1 - N/A	Municipality BRIDGEWATER TOWNSHIP
Information:	Consideration: \$1.00
Grantor: DRAZBA, TINA LOUISE	Grantee: DRAZBA, TINA LOUISE
Locations: Parcel # 1 - N/A	Municipality DIMOCK TOWNSHIP
Information:	Consideration: \$36,500.00
Grantor: HOOKER, GEORGE E (TRUST BY TRUSTEE) 2 - HOOKER, HAZEL L (TRUST BY TRUSTEE)	Grantee: KLACH, ROBERT 2 - KLACH, SHIRLEEN
Locations: Parcel # 1 - N/A	Municipality SPRINGVILLE TOWNSHIP
Information: CORRECTIVE DEED	Consideration: \$1.00
Grantor: GILDEA, PAUL J 2 - GILDEA, BARBARA K	Grantee: GERCHMAN, MATTHEW RYAN
Locations: Parcel # 1 - 153.00-1,061.00,000.	Municipality ARARAT TOWNSHIP
Information:	Consideration: \$265,750.00
Grantor: IRIS, MARLENE	Grantee: ROWE, MARK J
Locations: Parcel # 1 - N/A	Municipality HARMONY TOWNSHIP

Information:	Consideration: \$40,000.00
Grantor: TYLER, ELTON (ESTATE)	Grantee: LEE, ROBERT E
Locations: Parcel # 1 - 050.00-3.009.00.000.	Municipality <u>GREAT BEND TOWNSHIP</u>
Information: SUBSURFACE	Consideration: \$1.00
Grantor: MANNING, KANISHA 2 - RACE, CHRISTOPHER	Grantee: WHITETAIL RIDGE PROPERTIES LLC
Locations: Parcel # 1 - 161.08-2,027.00.000.	Municipality <u>BRIDGEWATER TOWNSHIP</u>
Information:	Consideration: \$137,000.00
Grantor: MALLOY, BARBARA A (NBM) 2 - MONKS, BARBARA A 3 - MONKS JR, ALBA J	Grantee: TAVARES, FELICIA
Locations: Parcel # 1 - 161.07-1,003.00.000.	Municipality <u>BRIDGEWATER TOWNSHIP</u>
Information:	Consideration: \$85,000.00
Grantor: HASTINGS, ROBERT P (TRUST) 2 - HASTINGS, ELEANOR E	Grantee: CAMP, ASHLEY
Locations: Parcel # 1 - 002.03-1,023.00.000. 2 - 002.03-1,019.00.000.	Municipality <u>LITTLE MEADOWS BOROUGH</u> <u>LITTLE MEADOWS BOROUGH</u>
Information:	Consideration: \$30,000.00
Grantor: HELLER, TAMMY L 2 - HELLER, TODD W 3 - CANFIELD, LISA R 4 - CANFIELD, TIMOTHY S 5 - CANFIELD, LORI A 6 - SILFEE, JUDITH E	Grantee: FRYE, JOSEPH 2 - FRYE, JAYNE
Locations: Parcel # 1 - N/A	Municipality <u>SUSQUEHANNA</u>
Information:	Consideration: \$11,500.00
Grantor: FEKETTE, DONNA 2 - LOPATOFSKY, THOMAS J	Grantee: SCOTT & LONGACRE TRUCKING LLC
Locations: Parcel # 1 - N/A	Municipality <u>FRANKLIN TOWNSHIP</u>



SUSQUEHANNA COUNTY BAR ASSOCIATION

Susquehanna County LEGAL JOURNAL

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