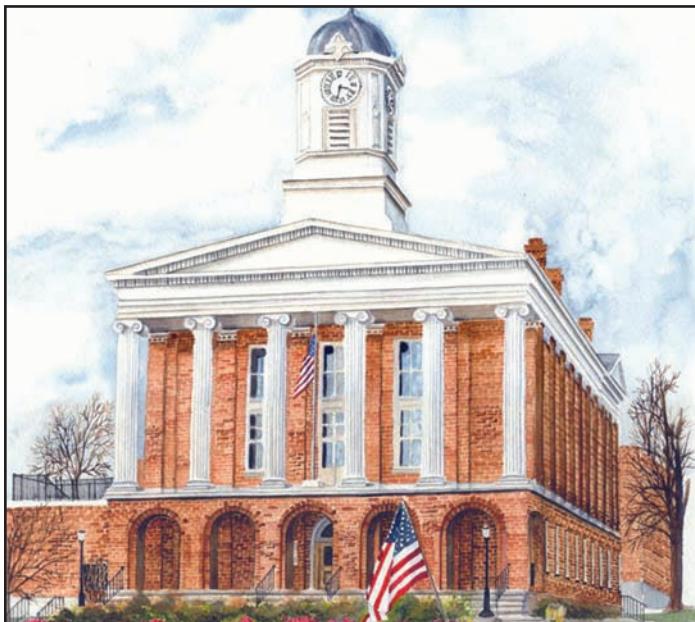


**OFFICIAL  
LEGAL JOURNAL  
OF SUSQUEHANNA COUNTY, PA**

34th Judicial District

Vol. 1 ★ January 13, 2017 ★ Montrose, PA ★ No. 41



**IN THIS ISSUE**

COURT OPINION, PT. 2 . . . . .	4
LEGAL NOTICES . . . . .	10
SHERIFF'S SALES . . . . .	12
MORTGAGES & DEEDS . . . . .	16

**CASES REPORTED**

Kayla M. Supancik, a Minor, by April Supancik, Guardian  
and April Supancik, Individually  
vs.  
Tyler M. Robinson, Defendant.

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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  
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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.*

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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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## 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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Susan Jennings

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**

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**No. 2011 - 374 C.P.**

**Kayla M. Supancik, a Minor, by April Supancik, Guardian  
and April Supancik, Individually**

**vs.**

**Tyler M. Robinson, Defendant**

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*Opinion continued from the January 6, 2017 issue*

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In reviewing the cases submitted by the parties in support of their respective positions, very few of the cases involve the grant of summary judgment for a plaintiff or defendant in a child-pedestrian accident case. Moreover, as will be highlighted herein, the cases where judgment was entered as a matter of law generally involve factual situations where (1) the motorist had no notice, knowledge or ability to perceive that a child was near a roadway; and (2) the motorist had no opportunity or chance to reduce his speed or otherwise alter his or her driving prior to the striking the child-pedestrian. The courts generally refer to these types of factual scenarios as “dart out” cases where the child is never seen by the motorist prior to the accident. As to the other class of pedestrian-child accident cases where the motorist actually observed a child prior to the collision, these cases were all submitted to a jury for consideration as to whether the motorist’s driving response was reasonable in light of the circumstances that the motorist observed.

In Geiger v. Schneyer, 157 A.2d 56 (Pa. 1959), the motorist observed a child run from a driveway area, run across the opposite lane of traffic before entering into the motorist’s lane of traffic where the motorist struck and killed the child-pedestrian. Id. at 58. The Pennsylvania Supreme Court noted that the motorist was able to observe this child for approximately 20 feet prior to impact such that there was time for the motorist to bring her motor vehicle under control. Id. (“This is not a case where a person steps off a curb and is immediately struck.”). In response to the motorist’s appeal to reverse the judgment and enter a verdict in her favor, the Supreme Court stated simply: “Under the circumstances described, it was entirely reasonable for the jury to find that the accident resulted from the negligence of the defendant. Of course, if the jury were not convinced of that fact by the preponderance of the evidence, they could not conclude that negligence was the cause. **But that decision was for the jury, and neither the trial judge nor this Court may assume it.**” Id. at 59 (emphasis added); see also Van Buren v. Eberhard, 104 A.2d 98 (Pa. 1954) (“[W]e believe there was sufficient testimony to justify the jury in concluding that defendant was inattentive and failed to observe what was before his eyes until it was too late to avoid the accident.”); Lindner v. Friedel, 200

A.2d 771 (Pa. 1964) (finding record established that “jury was justified in reaching the verdict” against motorist who struck a 6 1/2 year old pedestrian); Berk v. LeQuin, 194 A.2d 136 (Pa. 1963) (reversing a defense jury verdict and finding that plaintiff was entitled to a new trial based on erroneous “dart out” jury instruction); Schneider v. Sheldon, 110 A.2d 226, 228 (Pa. 1955)(reversing trial court grant of a compulsory nonsuit and determining question of negligence in child pedestrian case should have been submitted to jury); Haney v. Bobish, 33 A.2d 268 (Pa. Super. Ct. 1943)(finding sufficient evidence to support jury verdict where 4-year old pedestrian was struck by motorist even where motorist contended that child had darted out).<sup>6</sup>

Likewise, in Jones v. Spidle, 245 A.2d 677 (Pa. Super. Ct. 1968), a 3-year old child was struck by a delivery truck and injured. At trial, there was evidence that the child had been “playing on the left side of the street about ten to fifteen minutes before the accident.” *Id.* at 678-79. The only evidence presented as to how the accident occurred was the testimony of the truck driver who stated that he was traveling 20 to 25 miles per hour, that he never saw the child until he was a foot from the front of his truck at which point he applied his brakes but it was too late to avoid striking the child. *Id.* at 679. The plaintiff had called the truck driver as a witness in their case-in-chief, and upon plaintiff resting, the trial court granted the defendant’s motion for a compulsory nonsuit. In reversing this decision, the Superior Court stated: “[T]he crucial question is whether the child suddenly came into the pathway of the truck and immediately in front of it, and the defendant . . . in the exercise of due care, did not have a reasonable opportunity to avoid the accident, or whether or not the minor plaintiff was in the roadway for a sufficient period of time before the accident that the defendant in the exercise of due care should have seen him and avoided the accident. **Under the evidence the question of defendant’s negligence was clearly a factual one for determination by the jury.**” *Id.* at 680 (emphasis added); see also Fedorovich v. Glenn, 9 A.2d 358, 360 (Pa. 1939) (finding that question of driver’s negligence in striking a 11-year old pedestrian should have been submitted to jury); Lucas v. Bushko, 171 A. 460, 461 (Pa. 1934)(finding child-pedestrian presented sufficient evidence “to warrant submitting to the jury the question of [motorist’s] negligence”); Frank v. Cohen, 135 A. 624 (Pa. 1927) (reversing trial court’s application of “darting out” doctrine where the motorist was driving near a school where a greater standard of care is applicable); Silberstein v. Showell, Fryer &

6 In Haney, the Superior Court made the following statement: “Although the testimony on behalf of the plaintiff was vague and apparently contradictory in places, there were sufficient facts stated to permit the submission of the case to the jury for its determination as to whether the [defendant] had used due care under the circumstances and as to whether she had sufficient control of the automobile to stop within the proper distance to avoid hitting the child.” 33 A.2d at 271. In this case, the testimony is not vague or contradictory: Robinson observed K.S. and her Father from approximately 400 to 500 feet away, he slowed his automobile to 40 miles per hour, he continued to watch K.S. for another 8 to 10 seconds as he approached them, he observed another child on the other side of the road as he approached K.S. but did not slow his vehicle any further, K.S. attempted to cross the road when Robinson was approximately 70 to 100 feet away, and Robinson was unable to stop and stuck K.S. As in Haney, there is sufficient evidence on this record from which a jury must determine whether Robinson used due care given the circumstances observed by him.

Co., 109 A. 701 (Pa. 1920) (finding that question of negligence in case involving a 3-year old pedestrian accident case was properly submitted to jury but that trial court's instruction was erroneous).<sup>7</sup>

Similarly, in McAuliffe v. Constantine, 323 A.2d 158 (Pa. Super. Ct. 1974), a 7-year old boy was struck by a motorist while attempting to cross the street. The motorist testified that she was traveling 25 miles per hour and that she did not see the child until she struck him. The child had crossed the opposite lane of traffic before being struck by the motorist. Id. at 159. Upon the conclusion of the plaintiff's case, the trial judge granted the defendant's motion for a compulsory nonsuit. Id. In reversing the compulsory nonsuit, the Superior Court rejected the trial court's conclusion and stated: "**The question of negligence in this instance is clearly a factual one for the jury to determine.**" Id. (emphasis added).<sup>8</sup>

In a similar case to the present one, Smith v. Waldman, 164 A.2d 20 (Pa. Super. Ct. 1960), the motorist observed two small boys (5 and 6 years of age) on a curb from approximately 100 to 150 feet away and continued to travel at 25 to 30 miles per hour. Id. at 21. When the motorist was approximately a block away, the boys started to run across the road, the motorist applied his brakes but was unable to stop and struck the boys. Id. The matter was submitted to a jury and the jury found in favor of the children and against the adult motorist. In rejecting the motorist's appeal, the Superior Court stated simply:

Where there is a reasonable apprehension that children might run into a place of danger, there is a duty imposed on the operator of an automobile to exercise a higher degree of care than under ordinary circumstances and to have the car under such control that it can be stopped on the shortest possible notice that harm may be inflicted.

#### **Under the evidence, the case was properly left to the jury.**

Id. at 22 (emphasis added). Likewise in this case, Robinson observed K.S. and her Father from approximately 400 to 500 feet away from her location, he observed her for 8

<sup>7</sup> In Derr v. Rich, 200 A. 599 (Pa. 1938), the evidence demonstrated that the motorist observed a 5-year old child playing near a roadway and that the motorist saw the child from approximately 300 feet away. Id. at 599-600. The motorist continued to travel at 25 to 30 miles per hour and the 5-year old child ended up running out in front of the motor vehicle, was struck and died. Id. The Court noted that the 5-year old child had crossed 30 feet of the street prior to being struck by the motorist. The jury found in favor of the plaintiff and awarded monetary damages. The trial court granted the defendant's motion for a judgment notwithstanding the verdict. Id. at 600. In reversing the trial court and reinstating the jury's verdict, the Supreme Court stated: "In this case the verdict of the jury has determined that the defendant failed to exercise [the necessary] degree of care. . . . [I]t was error [for the trial court] to enter judgment in favor of defendant." Id. at 601. Likewise in this case, there is evidence that Robinson observed not one – but two – children from a significant distance away, that one of the children entered the highway while Robinson was still 70 to 100 feet away and that Robinson was unable to stop his motor vehicle. There is certainly enough evidence from which a jury could conclude – as it did in Derr – that Robinson did not meet his heightened duty of care.

<sup>8</sup> Robinson relies upon Burrell v. Philadelphia Elec. Co., 265 A.2d 516 (Pa. 1970) to support his contention that he had no duty to anticipate that K.S. would run into the roadway. (Def. S.J. Br., at 5.) Burrell, however, involved a case that went to a jury trial and the Pennsylvania Supreme Court was affirming the "jurors' conviction" that the motorist had not been negligent. Id. at 518. The

to 10 seconds prior to impact, he observed another small child directly across the roadway from K.S. without any adult supervision and standing only 4 to 5 feet away from the lane of traffic, and he was still 70 to 100 feet from K.S. when she made her attempt to cross SR 92 into the path of Robinson's motor vehicle. Robinson contends that the expert evidence verifies that there was no way that he could have stopped his motor vehicle at the point where K.S. decided to attempt to cross SR 92. Based upon this argument, Robinson argues that he is entitled to summary judgment because K.S. "darted out" in front of his motor vehicle. As in Smith, however, the facts in this case require the matter to be submitted to a jury to determine whether Robinson exercised the appropriate heightened level of care given the circumstances that he observed prior to the accident, i.e., whether a reasonable person would have been operating at a slower speed in order to avoid making contact with K.S. (or the other small child) in the event that they decided to attempt to cross the street. The reasonableness of Robinson's conduct is quintessentially a jury question as highlighted by all the published decisions that involve the submission of the question of the reasonableness of a motorist's response to the circumstances presented by a child-pedestrian to a jury – not a judicial determination as a matter of law on a summary judgment motion.

Conversely, K.S. contends that summary judgment is appropriate simply because the evidence demonstrates that Robinson failed to stop his motor vehicle – and it was his duty to maintain control of his motor vehicle in such a manner as to be able to stop in the event that K.S. (or the other younger child on the other side of the highway) decided

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Supreme Court's opinion reversed the trial court's decision to grant a new trial because the verdict was against the weight of the evidence. In other words, Burrell does not support Robinson's contention that he is entitled to summary judgment; rather, it further demonstrates that questions regarding alleged negligence should be submitted to a jury.

Robinson likewise cites Piccolo v. Weisenberger, 352 A.2d 116 (Pa. Super. Ct. 1975) for the proposition that he is entitled to summary judgment because this is a "dart out" case. (Def. S.J. Br., at 6.) Piccolo involved a case where a 3-year old boy ran out from between two cars into the path of the defendant's motor vehicle. At the conclusion of plaintiff's case in chief, the trial court granted a compulsory nonsuit and the plaintiff appealed. In affirming the grant of the compulsory nonsuit, the Superior Court stated: "this is not the same situation as where a child is struck in the middle of the street, or where he can and should have been seen if the driver had looked, and the automobile could and should have been stopped in time to avoid the accident." Id., at 118. Robinson also relied upon two Court of Common Pleas decisions where summary judgment was granted for the defendant motorist and against the child-pedestrian. See Velez v. Miller, 49 Lehigh Co. L.J. 834 (2001); McKee v. Sheasley, 20 Lycoming 403 (1999). Velez is a pure "dart out" case where the 10 year old child ran into the side of the defendant's motor vehicle – not the front of it. Further, there was no evidence whatsoever that suggested that the motorist ever even saw the 10-year old child prior to the child striking the side of her car as he darted into the roadway. Likewise, McKee is another pure "dart out" case where the motorist never saw the child prior to the child entering the roadway.

Obviously, the facts in this case are markedly different: K.S. was stuck past the middle of the road after traversing an entire lane of traffic, Robinson observed K.S. from 400 to 500 feet away and watched her for 8 to 10 seconds prior to the accident, K.S. entered the roadway when Robinson's motor vehicle was still 70 to 100 feet away from her, and expert reports indicated that if Robinson had simply slowed his motor vehicle down further than he did then accident would have been avoided. The suggestion that this is a pure "dart out" case is misplaced and Robinson's reliance upon Piccolo, Velez and McKee is unwarranted.

to attempt to cross SR 92. K.S. has not cited to a single case that would grant summary judgment simply because a motorist struck a child-pedestrian after being on notice that a child-pedestrian was standing near a roadway.

In support of her position, however, K.S. has cited Fama v. Smith, 449 A.2d 755 (Pa. Super. Ct. 1982). (Plf. S.J. Mot., ¶ 54.) Fama is similar to the facts involved in this litigation. Two girls, one 6 years of age and the other 9 or 10 years of age, had stepped over a guardrail and began to cross a four lane divided limited access highway. The motorist rounded a curve and observed the girls from approximately 1/4 mile, saw them step over the guardrail and start to cross the highway. Id. at 756. The girls stopped in the middle of the right-hand lane, and the motorist pulled into the passing lane (left hand lane) and reduced his speed from 55 miles per hour to 40 miles per hour. The youngest child then bolted in front of the motorist, was struck and injured. The motorist testified “that he did not consider stopping because the children were standing still and the eldest child was watching traffic.” Id. The matter was submitted to a jury which returned a verdict in favor of the pedestrian-child and the motorist appealed contending that the jury was improperly instructed. Id. In reversing the verdict and granting a new trial, the Superior Court stated:

The lower court should have directed the jury to first determine whether [the child-pedestrian] was in a place of danger or whether she was in a place of safety where there was a reasonable apprehension that the child might run into a place of danger. The jury should have then been instructed that if they found [the child pedestrian] was in either place, the next question to be resolved would be whether the evidence indicated that [the child-pedestrian] was in that place for a sufficient amount of time for the driver to observe her and, in the exercise of due care, bring his vehicle under control, so as to avoid striking or injuring the child.

Id. at 758 (footnote omitted).

If K.S.’s argument were accurate, the Superior Court in Fama would not have reversed the jury’s verdict, granted a new trial, and provided specific instruction as to how the new jury was to be instructed. The facts in Fama were undisputed: (1) the motorist observed the children from 1/4 mile away; (2) the children were waiting for traffic to clear prior to crossing the highway; (3) the motorist slowed his speed from 55 to 40 miles per hour upon seeing the children; (4) the motorist changed his lane of traffic to avoid striking the girls, and (5) the youngest child ran into the motorist’s lane of traffic and was struck. While K.S. argues that there are no material facts in dispute, the ultimate questions of fact relative to Robinson’s response to the circumstances which he observed, as in Fama, must be determined by a jury: (1) whether K.S. was in a place of danger or place of safety; (2) if in a place of safety, whether there was a reasonable apprehension that K.S. (or her sister) might run into a place of danger; and (3) whether

K.S. was in that place for a sufficient amount of time for Robinson to bring his vehicle under control and avoid striking K.S. 449 A.2d at 758.9 Plainly, summary judgment is not appropriate in this case.

### III. Conclusion

For the reasons set forth herein, Robinson's motion for summary judgment will be denied and K.S.'s motion for summary judgment will also be denied.



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9 K.S. effectively argues to a standard of strict liability whenever a motorist observes a small child near a highway and thereafter fails to avoid a collision with the small child after the small child enters the highway. There is no support for this position in the case law; rather, the case law demonstrates that it is the function of a jury to determine whether a motorist properly exercised the heightened standard of care applicable when a small child is near or around a roadway. In *Stackhouse v. Stepanian*, 101 A.2d 151 (Pa. Super. Ct. 1953), a case relied upon by K.S. (Plf. S.J. Mot., ¶ 56), the Superior Court specifically noted that it is the providence of a jury to determine whether a motorist satisfied his or her duty of care to a child-pedestrian:

The question of negligence was properly for the jury in this case. Should the defendant have seen or did he see the children playing on both sides of the street? Did he take the proper precautions to keep his car under control, considering the potential danger? What was his speed, and was it reasonable? When did he first see the plaintiff and how far did he travel thereafter? These questions are eminently for the trier of facts.

Id. at 153. Likewise in this case, the question of the reasonableness of Robinson's speed and precautions in the face of what he observed are "eminently for the trier of facts." Id.

## **LEGAL NOTICES**

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

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#### **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.*

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#### **EXECUTOR NOTICE**

Estate of Rosemary A. Wilcox  
Late of Clifford Township  
EXECUTOR  
Mark Wilcox  
1133 Lyon Street  
Clifford Township, PA 18421  
EXECUTOR  
Wayne Wilcox  
3644 Dresher Road  
Bensalem, PA 19020  
ATTORNEY  
David F. Bianco, Esquire  
707 Main Street, P.O. Box 84  
Forest City, PA 18421

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**1/13/2017 • 1/20/2017 • 1/27/2017**

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#### **EXECUTOR NOTICE**

Estate of Priscilla Carey AKA  
Priscilla M. Carey  
Late of Township of Springville  
EXECUTOR  
Robert R. Carey  
c/o Catherine J. Garbus, Esq., 24 E.

Tioga St.  
Tunkhannock, PA 18657  
ATTORNEY  
Catherine J. Garbus, Esq.  
24 E. Tioga St.  
Tunkhannock, PA 18657

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**1/13/2017 • 1/20/2017 • 1/27/2017**

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#### **EXECUTRIX NOTICE**

Estate of Thomas J. Shields  
Late of Liberty Township  
EXECUTRIX  
Barbara J. Shields  
1371 Baptist Hill Road  
Hallstead, PA 18822  
ATTORNEY  
Jami Layao Hearn, Esq.  
181 W. Tioga St.  
Tunkhannock, PA 18657

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**1/13/2017 • 1/20/2017 • 1/27/2017**

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#### **EXECUTOR NOTICE**

Estate of Raymond E. Hackel  
Late of Great Bend Township  
EXECUTOR  
John R. Hackel  
912 Harmony Road  
Susquehanna, PA 18847  
ATTORNEY  
Sam W. Lewis  
212 Church Street  
Montrose, PA 18801

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**1/13/2017 • 1/20/2017 • 1/27/2017**

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## **EXECUTOR NOTICE**

Estate of Salli Ann Warner AKA  
Salli A. Warner  
Late of Liberty Township  
EXECUTOR  
Mark D. Berry  
1649 Liberty Park Rd.  
Hallstead, PA 18822  
ATTORNEY  
John R. Dean, Esq.  
72 Public Ave.  
Montrose, PA 18801

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**1/13/2017 • 1/20/2017 • 1/27/2017**

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## **EXECUTOR NOTICE**

Estate of June Barbara Keller  
Late of Hop Bottom Borough  
EXECUTOR  
Brian Keller  
239 Greenwood Street  
Hop Bottom, PA 18824  
ATTORNEY  
Sam W. Lewis, Esq.  
212 Church Street  
Montrose, PA 18801

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**12/30/2016 • 1/6/2017 • 1/13/2017**

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## **OTHER NOTICES**

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### **NOTICE**

Notice is hereby given that on February 6, 2017, at 7:00p.m., at its regularly scheduled meeting in the municipal building, 1350 Lewis Lake Road, Union Dale, Pennsylvania, the Township of Herrick Supervisors will consider and act on five (5) proposed amendments to existing Ordinance No. 41: An ordinance requiring all

persons, partnerships, businesses, and corporations to obtain a permit for any construction or development, providing for the issuance of such permits, setting forth certain minimum requirements for new construction and development within areas of the Township of Herrick which are subject to flooding; and establishing penalties for any persons who fail, or refuse to comply with the requirements and provisions of the ordinance. Three (3) of the proposed amendments to existing Ordinance No. 41 are intended to remove ambiguity from the ordinance by clarifying that it shall only apply in identified floodplain areas so as to avoid unnecessary costs for permits of Township of Herrick residents outside of floodplain areas. It is additionally proposed that existing Ordinance No. 41 be updated to (1) no longer require permits for minor repairs to existing buildings and structures; and (2) increase the minimum floor area of structures accessory to a principal building not needing to be elevated or floodproofed to remain dry to no greater than six hundred (600) feet.

The proposed ordinance would take effect on February 11, 2017. Full text of the proposed ordinance may be examined at 34 Harv Farm Road, Thompson, Pennsylvania.

Nancy Harvatine, Secretary  
Herrick Township

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**1/13/2017**

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## ORPHANS' COURT DIVISION ESTATE NOTICE

Public notice is hereby given to all persons interested in the following named Estate. The accountant of said Estate has filed in the Register's Office of Susquehanna County the accounting which has been certified to the Clerk of the Orphans' Court Division, Court of Common Pleas:

First and Final Accountings:

Estate of  
BARBARA A SECHRIST a/k/a  
BARBARA SECHRIST, deceased  
Richard Charles Sechrist a/k/a  
Richard C. Sechrist, Executor

Estate of DAVID L WERT SR,  
deceased  
Dorothy M Wert, Administratrix

Estate of  
BOYD H STRICKLAND,  
deceased  
David A Thorne, Executor

The above accounting will be presented to the Judge of the Court of Common Pleas on Tuesday, January 17, 2017, and if no exceptions have been filed thereto the account will be Confirmed Final.

MICHELLE ESTABROOK  
CLERK OF ORPHANS' COURT

1/13/2017 • 1/20/2017

## 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 24, 2017

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**  
**1-24-2017 9:00 AM**  
Writ of Execution No.:  
2016-826 CP  
PROPERTY ADDRESS: 430 Lackawanna Street  
Forest City, Pa 18421  
LOCATION: Forest City Borough  
Tax ID #: 268.0-2,040.00,000.  
IMPROVEMENTS: ONE – TWO STORY WOOD FRAME DWELLING  
DEFENDANTS: Kevin M. Wagner  
ATTORNEY FOR PLAINTIFF:  
Michael Carleton, 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](http://www.susquehannasheriff.com/sheriffsales.html)

Lance M. Benedict,  
Susquehanna County Sheriff

**12/30/2016 • 1/6/2017 • 1/13/2017**

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**SHERIFF'S SALE  
MORTGAGE FORECLOSURE  
JANUARY 24, 2017**

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**  
**1-24-2017 9:30 AM**  
Writ of Execution No.:  
2016-860 CP  
PROPERTY ADDRESS: 10013 SR

267 a/k/a RR 4 Box 107  
Montrose, Pa 18801  
LOCATION: Rush Township  
Tax ID #: 157.00-1,065.01,000.  
IMPROVEMENTS: ONE - 2  
STORY WOOD FRAMED  
DWELLING  
ONE - 20 X 30 WOOD FRAMED  
SHED  
ONE - 8 X 8 WOOD FRAMED  
SHED  
ONE - 10 X 12 METAL SHED  
DEFENDANTS: William Magdin  
and Jacqueline A Magdin a/k/a  
Jacqueline Magdin  
ATTORNEY FOR PLAINTIFF:  
Matthew Fissle, Esq  
(215) 825-6344

**NOTICE**

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Lance M. Benedict,  
Susquehanna County Sheriff

**12/30/2016 • 1/6/2017 • 1/13/2017**

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**SHERIFF'S SALE  
MORTGAGE FORECLOSURE  
JANUARY 24, 2017**

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**

**1-24-2017 10:00 AM**

Writ of Execution No.:

2016-801 CP

PROPERTY ADDRESS: Lot 2 Clifford Twp a/k/a 3945 State Route 2023

Union Dale, Pa 18470

LOCATION: Clifford Township  
Tax ID #: 229.00-2,039.02,000.

IMPROVEMENTS: ONE – VACANT PROPERTY

DEFENDANTS: Glenn J. Bay and Bonnie D. Bay

ATTORNEY FOR PLAINTIFF:  
Matthew Curry, Esq  
(614) 220-5611

**NOTICE**

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Lance M. Benedict,  
Susquehanna County Sheriff

**12/30/2016 • 1/6/2017 • 1/13/2017**

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**SHERIFF'S SALE  
MORTGAGE FORECLOSURE  
JANUARY 24, 2017**

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**

**1-24-2017 10:30 AM**

Writ of Execution No.:

2016-834 CP

PROPERTY ADDRESS: RR 2 Box 172G a/k/a 1860 Williams Pond Road

New Milford, Pa 18834

LOCATION: Bridgewater Township

Tax ID #: 107.18-1,002.00,000.

IMPROVEMENTS: ONE - TWO STORY WOODFRAME

DWELLING (LOG)  
ONE - 28 X 42 WOODFRAME  
GARAGE  
ONE - 14 X 18 WOODFRAME  
SHED  
DEFENDANTS: Susan Dean and  
The United States of America c/o  
The United States Attorney for the  
Middle District of PA  
ATTORNEY FOR PLAINTIFF:  
Peter Wapner, Esq  
(215) 563-7000

**NOTICE**

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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:

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Lance M. Benedict,  
Susquehanna County Sheriff

12/30/2016 • 1/6/2017 • 1/13/2017

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**MORTGAGES AND DEEDS**

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**RECORDED FROM DECEMBER 29, 2016 TO JANUARY 4, 2016**  
**ACCURACY OF THE ENTRIES IS NOT GUARANTEED.**

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**MORTGAGES**

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Information: COMMERCIAL MTG	Consideration: \$84,000.00
Mortgagor: CEBULAR, RAYMOND	Mortgagee: FIDELITY DEPOSIT & DISCOUNT BANK
Locations: Parcel #	Municipality
1 - 132.00-1,036.00,000.	JACKSON TOWNSHIP
Information:	Consideration: \$50,000.00
Mortgagor: MATIS, MICHAEL D	Mortgagee: AMERISERV FINANCIAL BANK
2 - MATIS, ELIZABETH E (AKA)	
3 - MATIS, ELIZABETH	
Locations: Parcel #	Municipality
1 - N/A	THOMPSON TOWNSHIP
Information:	Consideration: \$173,700.00
Mortgagor: DEMI, RICHARD S	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
2 - DEMI, VALERIE L	2 - NEW DAY FINANCIAL LLC
Locations: Parcel #	Municipality
1 - 165.00-2,033.00,000.	HARFORD TOWNSHIP
Information:	Consideration: \$112,500.00
Mortgagor: DALY, JOHN J	Mortgagee: PS BANK
2 - DALY, TRACEY A	
Locations: Parcel #	Municipality
1 - 216.00-2,010.00,000.	SPRINGVILLE TOWNSHIP
Information:	Consideration: \$145,000.00
Mortgagor: PATTON, TAMMY (AKA)	Mortgagee: WELLS FARGO BANK
2 - HANRAHAN, TAMMY A WALKER	
Locations: Parcel #	Municipality
1 - 022.00-1,005.00,000.	APOLACON TOWNSHIP
Information:	Consideration: \$100,000,000.00
Mortgagor: THR MARCELLUS I LLC	Mortgagee: RIVERSTONE CREDIT PARTNERS LP
2 - NOBLE, LEWIS L	
3 - NOBLE, IRENE L	
4 - NAYLOR, VIRGINIA A	
5 - KUPSCZNK, STEVEN H	
6 - KUPSCZNK, MARTHA ANN	
7 - CAINES, MARGARET R	
8 - CAINES, TRAVIS H	
9 - JANKOWICZ, ROBERT	
10 - JANKOWICZ, DORIS R	
11 - JANKOWICZ, ROBERT JR	
12 - TRAVER, JOHN	
13 - TRAVER, KATHY	
14 - TRAVER, GARY	
15 - TRAVER, VIRGINIA J	
16 - FORKAL, MARK A (AKA)	
17 - FORKAL, MARK	
18 - FORKAL, LYN (AKA)	
19 - FORKAL, LYNN (AKA)	

20 - FORKAL, LYN L (AKA)  
 21 - FORKAL, LYN R  
 22 - DOBROSIELSKI, EDWARD J  
 23 - DOBROSIELSKI, MARYANNA  
 24 - TGISM LLC  
 25 - PHELPS, DENNIS E  
 26 - FOX, PATRICIA J  
 27 - PHELPS, ELWOOD G  
 28 - PHELPS, SUZANNE C  
 29 - SPRAGUE, MICHAEL S  
 30 - SPRAGUE, KRISTY A  
 31 - EVANS, VIVYENNE R  
 32 - ALBERSTON, MARCIA R  
 33 - ALBERSTON, JAMES  
 34 - BURGERHOFF, JANICE S  
 35 - BURGERHOFF, CARL W  
 36 - JONES, CAROL  
 37 - WILLIAMS, ELWOOD H  
 38 - WILLIAMS, THELMA F  
 39 - TURNER, ALMA  
 40 - GRATER, HERBERT B  
 41 - BURGESS, GERALD  
 42 - BURGESS, MELVINA  
 43 - HILLSDALE CEMETERY

Locations: Parcel #	Municipality
1 - N/A	SPRINGVILLE TOWNSHIP
2 - N/A	LATHROP TOWNSHIP
<hr/>	
Information:	Consideration: \$80,000.00
Mortgagor: WILLIAMS, DALE A	Mortgagee: NBT BANK
2 - WILLIAMS, JUNE MILLER (AKA)	
3 - MILLER-WILLIAMS, JUNE	
<hr/>	
Locations: Parcel #	Municipality
1 - 062.04-2,038.00.00.	FRIENDSVILLE BOROUGH
<hr/>	
Information:	Consideration: \$154,947.00
Mortgagor: BURNS, DAVID WAYNE II	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
	2 - AMERICAN FINANCIAL RESOURCES INC
<hr/>	
Locations: Parcel #	Municipality
1 - 266.01-1,013.00.000.	CLIFFORD TOWNSHIP
2 - 266.01-1,012.00.000.	CLIFFORD TOWNSHIP
<hr/>	
Information:	Consideration: \$30,000.00
Mortgagor: SCHMIDT, SETH K	Mortgagee: TIOGA STATE BANK
2 - DIAZ, BENEDICT JR	
<hr/>	
Locations: Parcel #	Municipality
1 - 031.19-3,020.00.000.	HALLSTEAD BOROUGH
<hr/>	
Information:	Consideration: \$325,000.00
Mortgagor: SUSQUEHANNA COUNTY HOUSING DEVELOPMENT CORPORATION INC	Mortgagee: FIRST NATIONAL BANK OF PENNSYLVANIA
<hr/>	
Locations: Parcel #	Municipality
1 - 268.07-6,058.00.000.	FOREST CITY
<hr/>	
Information:	Consideration: \$95,000.00
Mortgagor: ORD, AUDREY K	Mortgagee: VISIONS FEDERAL CREDIT UNION
2 - ORD, WILLIAM T	
<hr/>	
Locations: Parcel #	Municipality
1 - N/A	BROOKLYN 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 ★

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Information:	Consideration: \$178,000.00
Mortagor: SUPANCIK, ROBERT F 2 - SUPANCIK, DIANE	Mortgagee: HONESDALE NATIONAL BANK
Locations: Parcel # 1 - 147.00-2,001.00,000. 2 - N/A	Municipality HARFORD TOWNSHIP NEW MILFORD TOWNSHIP
Information:	Consideration: \$95,060.00
Mortagor: SANSKY, GEORGE E JR	Mortgagee: WELLS FARGO BANK
Locations: Parcel # 1 - 111.00-2,007.00,000.	Municipality JACKSON TOWNSHIP
Information:	Consideration: \$38,750.00
Mortagor: NARANJO, PAULETTE 2 - NARANJO, JAIME (BY ATT) 3 - NARANJO, JACQUELYN	Mortgagee: VISIONS FEDERAL CREDIT UNION
Locations: Parcel # 1 - 042.19-1,025.00,000.	Municipality CHOCONUT TOWNSHIP
Information:	Consideration: \$149,475.00
Mortagor: GOLDEN, MARK A 2 - GOLDEN, BRANDY	Mortgagee: WELLS FARGO BANK
No Municipality Information	
Information: OPEN-END MTG	Consideration: \$45,000.00
Mortagor: CALABRO, THEODORE R	Mortgagee: COMMUNITY BANK
Locations: Parcel # 1 - 207.01-1,021.00,000.	Municipality GIBSON TOWNSHIP
Information:	Consideration: \$120,000.00
Mortagor: WHEATON, KATHY J 2 - ROBERTS, RICHARD	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC 2 - QUICKEN LOANS INC
Locations: Parcel # 1 - 124.14-3,013.00,000.	Municipality MONROSE
Information:	Consideration: \$50,000.00
Mortagor: UFBERG, ROBERT 2 - UFBERG, ELAINE	Mortgagee: FNCB BANK
Locations: Parcel # 1 - 209.00-1,096.00,000.	Municipality HERRICK TOWNSHIP
Information:	Consideration: \$92,541.00
Mortagor: SELLITTO, ANN M	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC 2 - ROYAL UNITED MORTGAGE LLC
Locations: Parcel # 1 - 161.08-1,006.00,000.	Municipality BRIDGEWATER TOWNSHIP
Information:	Consideration: \$196,969.00
Mortagor: CRAMPTON, TODD M 2 - CRAMPTON, KIMBERLY J	Mortgagee: ELMIRA SAVINGS BANK
Locations: Parcel # 1 - 069.00-2,009.00,000.	Municipality FRANKLIN TOWNSHIP
Information:	Consideration: \$110,000.00
Mortagor: DAYTON, JERRY (AKA) 2 - DAYTON, JERRY C	Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC 2 - FIRST NATIONAL BANK OF PENNSYLVANIA
Locations: Parcel # 1 - 033.00-1,006.00,000.	Municipality GREAT BEND TOWNSHIP

## DEEDS

Information:	Consideration: \$800.00
Grantor: PERLICK, ZACHARY	Grantee: GLOVER, JASON M
2 - PERLICK, SHEILA A	2 - GLOVER, TAMMY L
Locations: Parcel #	Municipality
1 - 054.00-1,012.00,000.	OAKLAND TOWNSHIP
2 - N/A	SUSQUEHANNA
Information:	Consideration: \$1.00
Grantor: KETTERER, JAMES M	Grantee: KETTERER, JAMES M (TRUST)
Locations: Parcel #	Municipality
1 - 165.00-2,031.00,000.	HARFORD TOWNSHIP
Information:	Consideration: \$1.00
Grantor: KETTERER, JAMES M	Grantee: KETTERER, JAMES M (TRUST)
Locations: Parcel #	Municipality
1 - 165.00-2,035.00,000.	HARFORD TOWNSHIP
Information:	Consideration: \$450,000.00
Grantor: COMMUNITY BANK (DBA)	Grantee: CAMCOL PROPERTIES LLC
2 - FIRST LIBERTY BANK & TRUST	
Locations: Parcel #	Municipality
1 - 180.00-2,031.00,000.	DIMOCK TOWNSHIP
Information:	Consideration: \$1.00
Grantor: SHUTA, DORIS	Grantee: SHUTA, DORIS
	2 - SLAVETSKAS, MATTHEW JOSEPH
Locations: Parcel #	Municipality
1 - N/A	SILVER LAKE TOWNSHIP
Information:	Consideration: \$1.00
Grantor: SHUTA, DORIS	Grantee: SHUTA, DORIS
	2 - SLAVETSKAS, MATTHEW JOSEPH
Locations: Parcel #	Municipality
1 - N/A	FRANKLIN TOWNSHIP
Information:	Consideration: \$1.00
Grantor: NORRIS, RICHARD K	Grantee: SUSQUEHANNA DEPOT BOROUGH
2 - NORRIS, LINDA L	
Locations: Parcel #	Municipality
1 - N/A	SUSQUEHANNA
Information:	Consideration: \$1.00
Grantor: PANZA-OBRIEN, SUSAN (ESTATE AKA)	Grantee: PANZA, MICHAEL R
2 - PANZA-OBRIEN, SUSAN MOAT (AKA)	
3 - OBRIEN, SUSAN	
Locations: Parcel #	Municipality
1 - N/A	GREAT BEND TOWNSHIP
Information:	Consideration: \$143,100.00
Grantor: GUMPERT, DONALD F (ESTATE)	Grantee: BURNS, DAVID II
Locations: Parcel #	Municipality
1 - 266.01-1,013.00,000.	CLIFFORD TOWNSHIP
2 - 266.01-1,012.00,000.	CLIFFORD 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 ★

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Information:		
Grantor:	CROOK, MAUREEN (ESTATE) 2 - HEIER, ALICE (ESTATE) 3 - SIENKO, GARY JR (ESTATE) 4 - SIENKO, KYLEE (ESTATE) 5 - CROOK, JOSEPH M (ESTATE) 6 - CROOK, JOE (ESTATE) 7 - CROOK, JORDAN (ESTATE) 8 - CROOK, ADAM (ESTATE) 9 - GALLAGHER, JULIE SIENKO (ESTATE) 10 - GALLAGHER, MARK (ESTATE)	Consideration: \$1.00 Grantee: HEIER, ALICE
Locations: Parcel #	Municipality	
1 - 031.15-1,028.00,000.	GREAT BEND BOROUGH	
Information:		
Grantor:	EVANS, DONALD 2 - EVANS, TARAH	Consideration: \$1.00 Grantee: JT SPANO LLC
Locations: Parcel #	Municipality	
1 - 268.07-6,015.00,000.	FOREST CITY	
Information:		
Grantor:	KREIDER, J MARK 2 - ADAMS, THERESA L (FKA) 3 - KREIDER, THERESA 4 - ADAMS, SCOTT G	Consideration: \$100,000.00 Grantee: PENNAY, GERALD R 2 - PENNAY, JENNY
Locations: Parcel #	Municipality	
1 - 209.10-1,016.00,000.	HERRICK TOWNSHIP	
Information:		
Grantor:	BENJAMIN, ERNEST III 2 - BENJAMIN, MARGO E 3 - BASA, PAULA 4 - BASA, WAYNE A 5 - KASTEN, JAN M 6 - KASTEN, JAMES J 7 - COOPER, ALICE 8 - COOPER, JOHN T	Consideration: \$15,000.00 Grantee: HUGHES, DAVID L 2 - HUGHES, APRIL M
Locations: Parcel #	Municipality	
1 - N/A	HALLSTEAD BOROUGH	
Information:		
Grantor:	MOUNTAINVIEW TRUST	Consideration: \$98,000.00 Grantee: SANSKY, GEORGE E JR
Locations: Parcel #	Municipality	
1 - 111.00-2,007.00,000.	JACKSON TOWNSHIP	
Information:		
Grantor:	CALABRO, THEODORE R	Consideration: \$1.00 Grantee: CALABRO, THEODORE R
Locations: Parcel #	Municipality	
1 - 207.01-1,021.00,000.	GIBSON TOWNSHIP	
Information: MINERAL DEED		
Grantor:	KOWALEWSKI, EDWARD D (AKA) 2 - KOWALEWSKI, EDWARD 3 - KOWALEWSKI, PHILOMENA	Consideration: \$1.00 Grantee: KOWALEWSKI, EDWARD D
Locations: Parcel #	Municipality	
1 - 229.00-2,037.00,000.	CLIFFORD TOWNSHIP	

Information:	Consideration: \$1.00
Grantor: WHITTEMORE, DONNA M	Grantee: WHITTEMORE, ROBURT C
Locations: Parcel #	Municipality
1 - 127.00-1,007.00,000.	NEW MILFORD TOWNSHIP
2 - 127.00-1,005.00,000.	NEW MILFORD TOWNSHIP
Information:	Consideration: \$195,000.00
Grantor: NEWHARD TRUST	Grantee: CRAMPTON, TODD M
Locations: Parcel #	2 - CRAMPTON, KIMBERLY J
1 - N/A	Municipality
FRANKLIN TOWNSHIP	
Information:	Consideration: \$185,000.00
Grantor: LITTS, FLOYD G	Grantee: DAYTON, JERRY
Locations: Parcel #	Municipality
1 - 033.00-1,006.00,000.	GREAT BEND TOWNSHIP



# Susquehanna County **LEGAL JOURNAL**

3305 Lake Ariel Highway, Suite 3  
Honesdale, PA 18431  
Phone: 570-251-1512  
Fax: 570-647-0086

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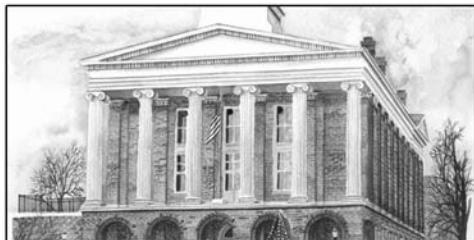
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