

IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY

SHERIFF'S SALE

MORTGAGE FORECLOSURE

Tuesday, January 25th, 2011 at 11:30 A.M.

By virtue of a Writ of Execution No. 2010-1212 C.P., issued by Lawrence T. O'Reilly, Christine M. O'Reilly, out of the Court of Common Pleas of Susquehanna County, Pennsylvania, upon Judgment entered therein to No. 2010-807 C.P., there will be exposed to public sale and outcry on Tuesday, January 25th, 2011 at 11:30 E.S.T., in the Sheriff's Office, Susquehanna County Court House, Montrose, Pennsylvania, the following described real estate, to wit:

All that certain piece or parcel of land situate, lying and being in the Township of New Milford, County of Susquehanna and Commonwealth of Pennsylvania., bounded and described as follows:

BEGINNING at a point in the centerline of Township Road 611 in the lands of Rag Apple, LLC, as described in Inst. No. 200509556, said point being located Easterly 779 feet, more or less, as measured along said centerline from the centerline of Township Road 686;

THENCE along said centerline, the following six courses and distances:

- 1) South 86 deg. 03' 25" East a distance of 58.70 feet to a point;
- 2) South 77 deg. 45' 22" East a distance of 58.10 feet to a point;
- 3) South 65 deg. 38' 51" East a distance of 60.77 feet to a point;
- 4) South 51 deg. 05' 00" East a distance of 63.14 feet to a point;
- 5) South 48 deg. 04' 54" East a distance of 196.74 feet to a point;
- 6) South 46 deg. 11' 33" East a distance of 75.27 feet to a point;

THENCE through-said lands of Rag Apple, LLC, the following three courses and distances:

- 1) North 37 deg. 51' 20" East, through a 5/8-inch rebar and cap set at the roadside, a distance of 199.84 feet to a set 5/8-inch rebar and cap;
- 2) South 51 deg. 07' 42" East a distance of 149.51 feet to a set 5/8-inch rebar and cap;
- 3) South 24 deg. 15' 21" West, through a 5/8-inch rebar and cap set at the roadside, a distance of 222.67 feet to a point in said centerline of Township Road 611.

THENCE along said centerline, the following two courses and distances:

- 1) South 47 deg. 43' 30" East a distance of 267.70 feet to a point;
- 2) South 48 deg. 44' 50" East a distance of 93.30 feet to a point;

THENCE through said lands of Rag Apple, LLC, the following five courses and distances:

- 1) South 69 deg. 35' 50" West, through a 5/8 inch rebar and cap set at the roadside, a distance of 351.58 feet to a set 5/8 inch rebar and cap;
- 2) South 89 deg. 26' 05" West a distance of 95.18 feet to a set 5/8 inch rebar and cap;
- 3) South 56 deg. 03' 13" West a distance of 240.22 feet to a set 5/8 inch rebar and cap;
- 4) North 30 deg. 28' 22" West a distance of 443.11 feet to a set 5/8-inch rebar and cap;
- 5) North 01 deg. 21' 34" East, through a 5/8 inch rebar and cap set at the roadside, a distance of 521.16 feet to the Point or Place of Beginning.

CONTAINING 10.00 Acres of land, more or less, as shown as "Lot No. 5" on a map entitled "Subdivision of lands of Rag Apple, LLC" by Butler Land Surveying, LLC, Map No. 2230, dated January 14, 2006.

The within conveyed premises are under and subject to the rights of way of any and all public utilities and public highways which may be over and across the

same.

Hazardous waste is not being disposed of, nor has it ever been disposed of, on the property conveyed herein by the Grantors or to the Grantors' actual knowledge.

BEING all of Lot No.5 of Rag Apple, LLC/Walworth Subdivision.

This parcel is subject to any and all Rights-of-Way, Easements, and/or Agreements that may be over and across, or under the same, whether visible or invisible, or that may be of record for said premises.

UNDER AND SUBJECT TO THE FOLLOWING RESTRICTIONS, COVENANTS AND CONDITIONS:

1. No single wide mobile homes shall be permitted upon the premises. No temporary structure, trailer, shack, tent, garage, basement or other outbuildings shall be used as a residence.
2. No trash, garbage, junk, old automobiles, except those that are licensed, or other wastes shall be permitted to accumulate upon the premises, except if temporarily stored in neat and sanitary conditions prior to disposal. No junk yard shall be operated upon the premises under any circumstances.
3. No dog kennels shall be operated on the premises.
4. The minimum roof pitch on all homes is 5/12. This minimum roof pitch does not apply to dormer roofs, porch roofs, or deck roofs.
5. Minimum enclosed dwelling area shall not be less than one thousand square feet (1,000 sq. ft). Once begun, exterior construction of all residences, garages, and outbuildings must be completed within one year.
6. Outside burning of trash, garbage or household refuse shall not be permitted.

UNDER AND SUBJECT to a certain gas and oil lease between Grantors Herein and Chesapeake Appalachia, L.L.C., dated Feb. 19, 2008 and recorded in Susq. Co. Inst. No. 200803647. Grantors hereby assign all their rights, title and interest In said Lease to Grantors herein; his heirs and assigns.

Being the same premises conveyed to John P. Kelley, Jr. by deed dated 8-13-08 and recorded 4-5-10 as Inst. No. 201004669

Tax Id # 109.00-1,051.01,000

APPURTENANCES: One (1)- 1 Story Wood Frame Dwelling
One (1)- 34'x120' Wood Frame Bank Barn

Full amount of bid plus poundage must be paid on the date of the sale by 4:30 PM or the deed will not be acknowledged.

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 date of sale and that distribution will be made in accordance with that Schedule unless exceptions are filed thereto within ten (10) days thereafter.

Seized and taken into execution as the property of John P. Kelley, Jr.

Raymond C. Davis, Esquire
Raymond C. Davis, Esquire
23 Maple Street
Montrose, PA 18801
570-278-3741

LANCE BENEDICT, SHERIFF
SUSQUEHANNA COUNTY
MONTROSE, PA 18801