

IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY

SHERIFF'S SALE

MORTGAGE FORECLOSURE

Tuesday, August 26th, 2014 at 11:00 A.M.

By virtue of a Writ of Execution No. 2014-729 CP, issued by MANUFACTURERS AND TRADERS TRUST COMPANY to the use of WM CAPITAL PARTNERS XXXIX, LLC, out of the Court of Common Pleas of Susquehanna County, Pennsylvania, upon Judgment entered therein to No. 2014-232 CP, there will be exposed to public sale and outcry on Tuesday, August 26th, 2014 at 11:00 E.S.T., in the Sheriff's Office, Susquehanna County Court House, Montrose, Pennsylvania, the following described real estate, to wit:

Premises:

458.68 acres Lanesboro Quarry Lanesboro Borough Susquehanna County, PA
40 acres Lanesboro Quarry Harmony Township Susquehanna County, PA
81 acres New Milford Quarry New Milford Township Susquehanna County, PA
186.67 acres New Milford Quarry New Milford Township Susquehanna County, PA
11.88 acres New Milford Quarry New Milford Township Susquehanna County, PA
124.40 acres New Milford Quarry New Milford Township Susquehanna County, PA

FIRST PARCEL: Description

ALL THAT CERTAIN piece or parcel of land located in Lanesboro Borough and Harmony Township, Susquehanna County, Pennsylvania, as set forth and depicted on survey map dated December 21, 1988 and filed to Susquehanna County Map File 4548, in the Recorder's of Deeds Office of Susquehanna County.

Being 36.00-1,010 and 55.00-2,006

SECOND PARCEL:

ALL those certain lots, pieces or parcels of land, SITUATE, lying and being in the Township of New Milford, County of Susquehanna and State of Pennsylvania, bounded and described as follows:

PARCEL ONE:

BEGINNING at a point in the right-of-way line of Route 81 Southbound said point of beginning being on the common boundary line of lands now or formerly of Carey and Doran and being on line with a stonewall; thence Leaving the right-of-way line of Route 81 Southbound and along lands now or formerly of Carey the following three (3) courses and distances:

- 1) Along a stonewall South forty-six (46) degrees, fifty-nine (59) minutes seventeen (17) seconds West, two hundred thirty-eight and fifty-seven hundredths (238.57) feet to a corner of stonewall and fence line;
- 2) Along a fence line South six (06) degrees, thirty-three (33) minutes, thirty-five (35) seconds West; four hundred eighty-two and eighty-three hundredths (482.83) feet to an iron pin found;
- 3) Along a fence line South two (02) degrees, twenty-nine (29) minutes, forty-six (46) seconds West, seven hundred five and thirty-four hundredths (705.34) feet to the end of stonewall; thence continuing along lands now or formerly of Carey and along lands now or formerly of Clark, North eighty-eight (88) degrees, zero (00) minutes, zero (00) seconds West, one thousand one hundred twenty-two and no hundredths (1,122.00) feet to an iron pin set on line of lands now or formerly of Doran; thence along lands now or formerly of Doran the following two (2) courses and distances:
 - 1) North sixteen (16) degrees, zero (00) minutes, zero (00) seconds East, one thousand four hundred forty-five and forty-one hundredths (1,445.41) feet to an iron pin set;
 - 2) North thirty-four (34) degrees forty-five (45) minutes zero (00) seconds East two hundred seventy-seven and ninety-four hundredths (277.94) feet to an iron pin set on the right-of-way line of Route 81 Southbound; thence along the right-of-way line of Route 81 Southbound the following nine (9) courses and distances:
 - 1) South eighty-nine (89) degrees thirty-nine (39) minutes six (06) seconds East one hundred fifty-nine and fifty-three hundredths (159.53) feet to a point;
 - 2) South eighty-seven (87) degrees fifty-three (53) minutes seventeen (17) seconds East seventy-five and nineteen hundredths (75.19) feet to a point;
 - 3) South eighty-one (81) degrees forty-four (44) minutes forty-four (44) seconds East fifty-nine and thirty-one hundredths (59.31) feet to a point;
 - 4) South seventy-four (74) degrees fifty-one (51) minutes fifty-three (53) seconds East seventy-one and eighty-nine hundredths (71.89) feet to a point;
 - 5) South sixty-eight (68) degrees thirty-nine (39) minutes eight (08) seconds East sixty-eight and forty-three hundredths (68.43) feet to a point;
 - 6) South sixty-one (61) degrees forty-nine (49) minutes thirty-five (35) seconds East fifty-eight and ninety-one hundredths (58.91) feet to a point;
 - 7) South fifty-six (56) degrees seventeen (17) minutes forty-eight (48) seconds East two hundred thirty-six and ninety-eight hundredths (236.98) feet to a point;
 - 8) South fifty-seven (57) degrees eleven (11) minutes thirty (32) seconds East one hundred one and seventy hundredths (101.70) feet to a point;
 - 9) South fifty-eight (58) degrees thirteen (13) minutes thirty-nine (39) seconds East seventy-five and no hundredths (75.00) feet to the point of beginning.

CONTAINING thirty-four and ninety hundredths (34.90) acres of land more or less as surveyed by Ronald J. Gruzesky, Registered Land Surveyor, March, 1989.

Subject to any easements or rights-of-way of record or visible on the ground.

Hazardous Waste has not been deposited on the subject premises to Grantors' actual knowledge.

PARCEL TWO:

BEGINNING in the center of Legislative Route No. 474, (relocated), said point being in the East line of lands of John Armon; thence along same and old wire fence South 23 degrees 30 minutes West, 1.160 feet to old stone corner, the Southeast corner of John Armon's lands; thence along lands of Martin Chamberlain, South 2 degrees West, 1.360 feet to stone corner; thence along same South 88 degrees East, 890 feet to stone corner on top of ledge of rocks; thence along lands of Leon Van Cott, North 16 degrees East, 1.296 feet to stones corner; thence along lands now or formerly of E. Abbott, along wire fence North 55 degrees 30 minutes West, 269 feet to post corner; thence along same North 34 degrees 45 minutes East, 385 feet, more or less, to the center of limited access to Legislative Route 1001; thence along center of same on curve to the right, 206 feet, more or less; thence along land now or formerly of Joseph Witkoski, partly along a stone wall, North 69 degrees West, 291 feet, more or less, to stones, corner in wall; thence along same, North 24 degrees 15 minutes East, 210 feet, more or less, to the center of Legislative Route 474 (relocation); thence along same curve to right 507.4 feet, more or less, to the place of beginning.

The above description taken from a Survey made by James S. Wheaton, September 8, 1961.

One-half acre lot, Tax Map No. 46-182-7, North Highway, South Deyo, East Abbott, West Dahlander, and formerly assessed to Evelyn Fedrick.

CONTAINING 45.6 acres of land, more or less.

Parcel One and Parcel Two being 109.00-1,013

PARCEL THREE:

BEGINNING at a heap of stones in the North line formerly of Robert Gillespie, it being a corner for a lot of the late Evi DeWitt's land; thence by land of said DeWitt and lands late of David Warner, North 1 1/2 degrees East, 87 and 5/10 perches to stones; thence by lands formerly of Ira D. Foote, South 87 1/2 degrees East fifty-six perches to a stone heap; thence by land of the same, North 2 degrees East, 42 perches to stones; thence South 44 1/2 degrees East sixty-two perches to stones; thence by lands late of Harrison VanCott, South 87 1/2 degrees East 28 and 2/10 perches to stones; thence by lands formerly of Charles Leech, South 46 1/2 degrees West, 3 and 4/10 perches to stones; thence by lands of the same South 62 1/2 degrees East 63 perches to stones in line of former Clymar lands; thence by said Clymar lands, South 48 1/2 degrees West, 84 perches to post and stones; thence by lands of the same and by lands formerly of J. B. McKeeby, South 46 1/2 degrees West 52 perches to stones; thence by lands formerly of Robert Gillespie, North 37 and 8/10 perches to a post and stones in the North line of the said Gillespie lands; thence along said North line, North 87 1/4 degrees West, 85 perches to the place of beginning.

CONTAINING ninety-three acres and eighty perches strict measure be the same more or less.

Providing and excepting and excepting nevertheless and it is the true intent and meaning of the present that the said parties of the second part (Grantees), their heirs and assigns shall forever maintain a good and sufficient fence on the West side of a triangle containing four acres and fifty-two perches of land purchased by A. S. Walker of said Gillespie and conveyed to W. L. Weston by deed dated December 11, 1854, and said triangle being a part of the above described premises and being same land conveyed to William H. Stuart by William L. Weston by deed dated September 25, 1886, and recorded in Deed Book No. 70, Page 317.

PARCEL FOUR:

BEGINNING at a chestnut tree, the Southeast corner hereof, the same being a corner of lands of the late W. H. Stuart; thence along said Stuart's lands North five and three-quarters degrees West, 38 and 2/10 perches to a corner; thence along same South 87 1/2 degrees West, 93 and 6/10 perches to a corner in line of lands of the estate of Evi DeWitt, deceased, at a point three rods West of said DeWitt's Southeast corner; thence along lands formerly of Patrick E. Houlihan, South 33 and 4/10 perches to a corner; thence along said lands late of said Houlihan, South 81 1/4 degrees West, 87 perches to the line of land formerly of Wm. Carey; thence along same, North 41 1/4 degrees East 16 and 8/10 perches to the place of beginning.

CONTAINING twenty-five acres of land be the same more or less. The above bearings arc by true meridian.

PARCEL FIVE:

BEGINNING at a point, the Northwest corner hereof, and line of lands of Mary Stuart and a corner of lands of Ray Walworth; thence running Easterly two hundred and seventy-four feet to an iron pin set for a corner; thence running Southerly along other lands of Paul Walworth five hundred and fifty-one feet to an iron pin set for a corner; thence running Easterly one hundred and two feet to an iron set for a corner; thence running Southerly two hundred and eighty-one feet to an iron pin set for a corner; thence Westerly five hundred and sixty-one feet to an iron pin set for a corner; thence Northerly eight hundred and thirty-two feet to the place of beginning.

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 Grantor or to the Grantor's actual knowledge.

PARCEL SIX:

North West - formerly Leon VanCott now John Cosmello

North East - Penn Can Highway

South East - by Kathryn Norton

South West - by Paul Walworth

CONTAINING about 25 acres more or less.

PARCEL SEVEN:

BEGINNING at the Southerly right-of-way line of Rt. 81, said point being in the Easterly line of lands of Leon VanCott; thence along same South forty-five (45) degrees forty-five (45) minutes West, two hundred (200.0) feet more or less to a corner; thence along same South one (1) degree thirty (30) minutes West, twenty seven (27.0) rods to a corner of Paul Mikolon; thence along same South forty-four (44) degrees East sixty-two (62.0) rods to a corner; thence along same South eighty-nine (89) degrees thirty (30) minutes East, thirty (30.0) rods to a corner; thence along lands of John Coccimiglio North forty-five (45) degrees forty-five (45) minutes East, six hundred (600.0) feet more or less, to said Rt. 81; thence along same Northwesterly one thousand seven hundred fifty (1,750) feet more or less to the place of beginning.

CONTAINS 17.5 acres of land more or less.

Excepting and reserving to the Grantors, their heirs and assigns, right to exclusive use of spring at Northeast corner of parcel conveyed, right to take the water of said spring and pipe the same to the dwelling of Leon VanCott as now piped, right to maintain

pipe and spring and spring house, and rights of ingress, egress and regress to and from said spring along said pipe. Also excepting and reserving to the Grantors, their heirs and assigns, the right to the exclusive use of a spring in approximately the center of the above described property, right to take water from said spring and pipe the same to their dwelling and barn as now piped, right to maintain pipe, spring house, and rights of ingress, egress and regress to and from said spring as now piped.

PARCEL EIGHT:

North - Route 81

East - Robert Carey and Paul Walworth, Jr.

South - Paul Walworth, Jr. and Don Carey

West-Robert Carey

CONTAINING: 22 acres more or less.

Excepting and reserving to the Grantors, their heirs and assigns, any and all lands that were included in the above recited deed lying on the North and Easterly sides of Route 81.

Subject to any and all easements, rights-of-ways and agreements for public utilities and public highways as contained in prior deeds forming the chain of title.

Parcel Three, Parcel Four, Parcel Five, Parcel Six, Parcel Seven and Parcel Eight being 109.00-1,050

NINTH PARCEL:

Lot 1 Survey Description of 11.78 acres of Ran Apple, LLC:

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 division line between lands of Rag Apple, LLC as described in Inst. No. 200509556 of the East, and lands of Ronald C. Goff and Jae Lynne B. Goff as described in Deed Book 560 at Page 578 on the West;

THENCE along said division line, the following two courses and distances:

1) North 32 degrees 56 minutes 55 seconds West, through a 1/2-inch rebar found at the roadside, a distance of 801.13 feet to a found 1/2-inch rebar;

2) North 57 degrees 15 minutes 34 seconds East a distance of 355.82 feet to a 1/2- inch rebar and cap found in the division line between said lands of Rag Apple, LLC on the South, and lands of TNT Partnership of PA as described in Inst. No. 200410119 on the North;

THENCE along said division line, North 56 degrees 21 minutes 07 seconds East, through a 1/2-inch iron found at the roadside, a distance of 367. 12 feet to a point in the centerline of Township Road 686;

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

1) South 10 degrees 53 minutes 37 seconds East a distance of 100.33 feet to a point;

2) South 14 degrees 53 minutes 20 seconds East a distance of 103.96 feet to a point;

3) South 16 degrees 23 minutes 56 seconds East a distance of 182.09 feet to a point;

4) South 15 degrees 14 minutes 17 seconds East a distance of 524.45 feet to a point;

5) South 15 degrees 51 minutes 01 seconds East a distance of 124.22 feet to a point in said centerline of Township Road 611;

THENCE along said centerline of Township Road 611, South 81 degrees 03 minutes 13 seconds West a distance of 443.42 feet to the point of place of beginning.

CONTAINING 11.78 acres of land more or less, as shown as 'Lot 1' on a map entitled "Subdivision- Lands of Rag Apple, LLC" by Butler Land Surveying, LLC, Map No. 2230, dated January 14, 2006.

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:

Lot 2 Survey Description of 11.08 acres of Rag Apple, LLC:

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 686 in the division line between lands of Rag Apple, LLC as described in Inst. No. 200509556 on the South, and lands of TNT Partnership of PA as described in Inst. No. 200410119 on the North;

THENCE along said division line, the following two courses and distances:

1) North 56 degrees 21 minutes 07 seconds East, through a 1/2-inch rebar found at the roadside, a distance of 343.72 feet to a found 1/2-inch rebar;

2) South 32 degrees 49 minutes 14 seconds East a distance of 834.99 feet to a found 1/2-inch rebar;

THENCE through said lands of Rag Apple, LLC, South 09 degrees 46 minutes 07 seconds West a distance of 329.40 feet a 5/8-inch rebar and cap set in the division line between said lands of Rag Apple, LLC on the North, and lands of Robert L. Nichols and Brenda J. Nichols as described in Deed Book 293 Page 389 on the South;

THENCE along said division line, through a 5/8-inch rebar and cap set at the roadside, South 84 degrees 24 minutes 50 seconds West a distance of 450.03 feet to a point in said centerline of Township Road 685;

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

1) North 15 degrees 14 minutes 17 seconds West a distance of 524.45 feet to a point;

2) North 16 degrees 23 minutes 56 seconds West a distance of 182.09 feet to a point;

3) North 14 degrees 53 minutes 20 seconds West a distance of 103.96 feet to a point;

4) North 10 degrees 53 minutes 37 seconds West a distance of 100.33 feet to the point or place of beginning.

CONTAINING 11.08 acres of land more or less, as shown as 'Lot 2' on a map entitled "Subdivision- Lands of Rag Apple, LLC" by Butler Land Surveying, LLC, Map No. 2230, dated January 14, 2006.

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.

Lot 3 Survey Description of 24.57 acres of Rag Apple, LLC:

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 division line between lands of Rag Apple, LLC as described in Inst. No. 200509556 on the East, and lands of Robert L. Nichols and Brenda J. Nichols as described in Deed Book 293 at Page 389 on the West;

THENCE along said division line, North 17 degrees 27 minutes 46 seconds West, through a railroad spike set at the roadside, a distance of 121.94 feet to a set 5/8- inch rebar and cap;

THENCE through said lands of Rag Apple, LLC, North 09 degrees 46 minutes 07 seconds East a distance of 329.40 feet to a 1/2- inch rebar found in the division line between said lands of Rag Apple, LLC on the South, and lands of TNT Partnership of PA as described in Inst. No. 200410119 on the North;

THENCE along said division line, the following six courses and distances:

- 1) North 50 degrees 38 minutes 49 seconds East a distance of 561.12 feet to a double maple tree;
- 2) North 56 degrees 48 minutes 29 seconds West a distance of 597.90 feet to a found 1/2- inch rebar and cap;
- 3) North 51 degrees 17 minutes 11 seconds West a distance of 42.61 feet to a found 1/2- inch rebar and cap;
- 4) North 40 degrees 04 minutes 57 seconds West a distance of 188.19 feet to a found 1/2- inch rebar;
- 5) North 57 degrees 23 minutes 27 seconds East a distance of 599.02 feet to a found 1/2- inch rebar;
- 6) North 57 degrees 36 minutes 14 seconds East a distance of 500.98 feet to a set 5/8- inch rebar and cap;

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

- 1) South 11 degrees 03 minutes 23 seconds East a distance of 784.89 feet to a set 5/8- inch rebar and cap;
- 2) South 19 degrees 58 minutes 14 seconds West a distance of 915.00 feet to a 5/8- inch rebar and cap set in the division line between said lands of Rag Apple, LLC on the West, and lands of Richard H. Osborne, et al as described in Deed Book 588 at Page 14 on the East;

THENCE along said division line, South 38 degrees 23 minutes 31 seconds West, through a 1/2- inch rebar found at the roadside, a distance of 292.00 feet to a point in said centerline of Township Road 611;

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

- 1) North 86 degrees 03 minutes 75 seconds West a distance of 58.70 feet to a point;
- 2) South 87 degrees 39 minutes 30 seconds West a distance of 40.87 feet to a point;
- 3) South 84 degrees 25 minutes 26 seconds West a distance of 98.21 feet to a point;
- 4) South 83 degrees 58 minutes 33 seconds West a distance, of 186.59 feet to the point or place of beginning.

CONTAINING 24.57 acres of land more or less, as shown as 'Lot 3' on a map entitled "Subdivision- Lands of Rag Apple, LLC" by Butler Land Surveying, LLC, Map No. 2230, dated January 14, 2006.

SUBJECT TO a 20-foot wide Easement to reserved to Joan Walworth as described in Inst. No. 200509556.

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.

Lo 4 Survey Description of 25.73 acres of Rag Apple, LLC:

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 division line between lands of Rag Apple, LLC as described in Inst. No. 200509556 on the East, and lands of Richard H. Osborne, et al as described in Deed Book 588 at Page 14 on the West;

THENCE along said division line, the following two courses and distances:

- 1) North 36 degrees 54 minutes 00 seconds East, through a 5/8- inch rebar and cap set at the roadside, a distance of 236.51 feet to a set 5/8- inch rebar and cap;
- 2) North 44 degrees 47 minutes 11 seconds West a distance of 130.00 feet to a set 5/8- inch rebar and cap;

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

- 1) North 19 degrees 58 minutes 14 seconds East a distance of 915.00 feet to a set 5/8- inch rebar and cap;
- 2) North 11 degrees 03 minutes 23 seconds West a distance of 784.89 feet to a 5/8- inch rebar and cap set in the division line between said lands of Rag Apple, LLC on the South, and lands of TNT Partnership of PA as described in Inst. No. 200410119 on the North;

THENCE along said division line, the following two courses and distances:

- 1) North 57 degrees 36 minutes 14 seconds East a distance of 670.83 feet to a found 1/2- inch rebar;
- 2) South 32 degrees 29 minutes 52 seconds East a distance of 302.18 feet to a set 5/8- inch rebar and cap;

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

- 1) South 08 degrees 40 minutes 15 seconds west a distance of 828.97 feet to a set 5/8- inch rebar and cap;
- 2) South 17 degrees 29 minutes 21 seconds West a distance of 917.64 feet to a set 5/8- inch rebar and cap;
- 3) South 26 degrees 40 minutes 02 seconds West a distance of 416.06 feet to a set 5/8- inch rebar and cap;
- 4) South 37 degrees 51 minutes 20 seconds West, through a 5/8- inch rebar and cap set at the roadside, a distance of 199.84 feet to a point in said centerline of Township Road 611;

THENCE along said centerline the following three courses and distances:

- 1) North 46 degrees 11 minutes 33 seconds West a distance of 75.27 feet to a point;
- 2) North 48 degrees 04 minutes 54 seconds West a distance of 196.74 feet to a point;
- 3) North 51 degrees 05 minutes 00 seconds West a distance of 39.01 feet to the point or place of beginning.

CONTAINING 25.73 acres of land more or less, as shown as 'Lot 4' on a map entitled "Subdivision- Lands of Rag Apple, LLC" by Butler Land Surveying, LLC, Map No. 2230, dated January 14, 2006.

SUBJECT TO spring rights to Richard H. Osborne, et al as described in Deed Book 173 at Page 300.

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.

Lot 6 Survey Description of 21.39 acres of Rag Apple, LLC.

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 Northerly 1900 feet, more or less, measured along said centerline from the division line between said lands of Rag Apple, LLC on the North, and lands of Theodore Kazmierczak as described in Deed Book 519 at Page 889 on the South;

THENCE along said centerline, North 47 degrees 43 minutes 30 seconds West a distance of 267.70 feet to a point;

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

- 1) North 24 degrees 15 minutes 21 seconds East, through a 5/8- inch rebar and cap set at the roadside, a distance of 222.67 feet to a

set 5/8-inch rebar and cap;

2) North 51 degrees 07 minutes 42 seconds West a distance of 149.51 feet to a set 5/8-inch rebar and cap;

3) North 26 degrees 40 minutes 02 seconds East a distance of 416.06 feet to a set 5/8-inch rebar and cap;

4) North 17 degrees 29 minutes 21 seconds East a distance of 917.64 feet to a set 5/8-inch rebar and cap;

5) North 08 degrees 40 minutes 15 seconds East a distance of 828.97 feet to a 5/8-inch rebar and cap set in the division line between said lands of Rag Apple, LLC on the West and lands of TNT Partnership of PA as described in Inst. No. 200410119 on the East; THENCE along said division line, South 32 degrees 29 minutes 52 seconds East a distance of 783.08 feet to a set 5/8-inch rebar and cap;

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

1) South 21 degrees 35 minutes 03 seconds West a distance of 1957.73 feet to a set 5/8-inch rebar and cap;

2) South 46 degrees 06 minutes 52 seconds West, through a 5/8-inch rebar and cap set at the roadside, a distance of 90.21 feet to the point or place of beginning.

CONTAINING 21.39 acres of land more or less, as shown as 'Lot 6' on a map entitled "Subdivision- Lands of Rag Apple, LLC" by Butler Land Surveying, LLC, Map No. 2230, dated January 14, 2006.

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.

Lot 7 Survey Description of 14.54 acres of Rag Apple, LLC.

ALL THAT CERTAIN piece or parcel of land, SITUATE, lying and being in the Township of New Milford, County of Susquehanna end 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, Northerly 1710 feet, more or less, measured along said centerline from the division line between said lands of Rag Apple, LLC on the North, and lands of Theodore Kazmierczak as described in Deed Book 519 at Page 889 on the South;

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

1) North 48 degrees 54 minutes 49 seconds West a distance of 94.79 feet to a point;

2) North 48 degrees 44 minutes 50 seconds West a distance of 93.30 feet to a point;

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

1) North 46 degrees 06 minutes 52 seconds East, through a 5/8-inch rebar and cap set at the roadside, a distance of 90.21 feet to a set 5/8-inch rebar and cap;

2) North 21 degrees 35 minutes 03 seconds East a distance of 1957.73 feet to a 5/8-inch rebar and cap set in the division line between said lands of Rag Apple, LLC on the West, and lands of TNT Partnership of PA as described in Inst. No. 200410119 on the East;

THENCE along said division line, South 32 degrees 29 minutes 52 seconds East a distance of 480.00 feet to a set 5/8-Inch rebar and cap;

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

1) South 26 degrees 23 minutes 17 seconds West a distance of 958.96 feet to a set 5/8-inch rebar and cap;

2) South 17 degrees 19 minutes 33 seconds West a distance of 456.35 feet to a set 5/8 inch rebar and cap;

3) South 47 degrees 50 minutes 36 seconds West, through a 5/8-inch rebar and cap set at the roadside, a distance of 457.83 feet to the point or place of beginning.

CONTAINING 14.54 acres of land more or less, as shown as "Lot 7" on a map entitled "Subdivision- Lands of Rag Apple, LLC" by Butler Land Surveying, LLC, Map No. 2230, dated January 14, 2006.

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.

Lot 8 Survey Description of 15.31 acres of Rag Apple, LLC:

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 described in Inst. No. 200509556, said point being Northerly 1192 feet, more or less, measured along said centerline from the division line between said lands of Rag Apple, LLC on North, and lands of Theodore Kazmierczak as described in, Deed Book 519 at Page 889 on the South;

THENCE along said center line, the following five courses and distances:

1) North 51 degrees 31 minutes 43 seconds West a distance of 40.27 feet to a point;

2) North 52 degrees 52 minutes 53 seconds West a distance of 179.30 feet to a point;

3) North 49 degrees 44 minutes 05 seconds West a distance of 111.86 feet to a point;

4) North 47 degrees 53 minutes 48 seconds West a distance of 142.55 feet to a point;

5) North 48 degrees 54 minutes 49 seconds West a distance of 43.89 feet to a point;

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

1) North 47 degrees 50 minutes 36 seconds East, through a 5/8-inch rebar and cap set at the roadside, a distance of 457.83 feet to a set 5/8-inch rebar and cap;

2) North 17 degrees 19 minutes 33 seconds East a distance of 456.35 feet to a set 5/8-inch rebar and cap;

3) North 26 degrees 23 minutes 17 seconds East a distance of 958.96 feet to a 5/8-inch rebar and cap set in the division line between said lands of Rag Apple, LLC on the West, and lands of TNT Partnership of PA as described Inst. No. 200410119 on the East;

THENCE along said division line, South 32 degrees 29 minutes 52 seconds East a distance of 551.72 feet to a set 5/8-inch rebar and cap;

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

1) South 38 degrees 17 minutes 02 seconds West a distance of 768.18 feet to a set 5/8-inch rebar and cap;

2) South 20 degrees 31 minutes 24 seconds West, through a 5/8-inch rebar and cap set at the roadside, a distance of 922.14 feet to the point or place of beginning.

CONTAINING 15.31 acres of land more or less, as shown as 'Lot 8' on a map entitled "Subdivision- Lands of Rag Apple, LLC" by Butler Land Surveying, LLC, Map No. 2230, dated January 14, 2006.

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

BEING ALL OF Lot No. 1, 2, 3, 4, 6, 7 and 8 of Rag Apple LLC, Subdivision and being 109.00-1,051.03

THIS PROPERTY is currently enrolled, in the Clean and Green Program recorded in Instrument Number 200411779.

EXCEPTING AND RESERVING from the hereinabove conveyed premises a certain 0.04 acre parcel conveyed by grantor herein to Richard H. Osborne, et deed dated March 10, 2006 and recorded April 11, 2006 in Susquehanna County Instrument Number 200603395.

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 the property conveyed herein by the Grantors or to the Grantors' actual knowledge.

This deed a given under end subject to the express condition and covenant to be assumed by the Grantee herein, its successor and assigns, that at no time shall the owner of the above described parcel of land permit of allow more than one (1) unlicensed motor vehicle or any other equipment or materials of the type commonly denominated junk to accumulate on or about the premises which are not intended for immediate incorporation in a structure or improvements upon said premises. This condition and covenant shall run with the land and be expressly enforceable by the Grantor herein, its successors and assigns.

No single-wide housetrailers or single wide mobile homes shall be located or placed on any part of this tract at any time.

See Map File No. 5737.

TENTH PARCEL:

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 Northerly 818 feet, more or less, measured along said centerline from the division line between said lands of Rag Apple, LLC, on the North, and lands of Theodore Kazmierczak as described in Deed Book 519 at Page 889 on the South;

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

- 1) North 30 degrees 25 minutes 17 seconds West, through a 5/8-inch rebar and cap set at the roadside, a distance of 116.65 feet to a point;
- 2) North 32 degrees 01 minutes 53 seconds West, a distance of 58.19 feet to a point;
- 3) North 38 degrees 44 minutes 16 seconds West, a distance of 77.45 feet to a point;
- 4) North 46 degrees 19 minutes 02 seconds West, a distance of 78.60 feet to a point;
- 5) North 51 degrees 31 minutes 43 seconds West, a distance of 43.40 feet to a point;

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

- 1) North 20 degrees 31 minutes 24 seconds East, a distance of 922.14 feet to a set 5/8-inch rebar and cap;
- 2) North 38 degrees 17 minutes 02 seconds East, a distance of 768.18 feet to a 5/8- inch rebar and cap set in the division line between said lands of Rag Apple, LLC on the West, and lands of TNT Partnership of PA as described in Inst. No. 200410119 on the East;

THENCE along said division line, South 32 degrees 29 minutes 52 seconds East, a distance of 218.28 feet to a 5/8-inch rebar and cap found in the division line between said lands of Rag Apple, LLC, on the West, and lands of Theodore Kazmierczak as described in Deed Book 519 at Page 889 on the East;

THENCE along said division line, South 37 degrees 06 minutes 52 seconds East, a distance of 260.00 feet to a set 5/8-inch rebar and cap;

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

- 1) South 52 degrees 08 minutes 32 seconds West, a distance of 785.09 feet to a set 5/8-inch rebar and cap;
- 2) South 14 degrees 13 minutes 25 seconds West, through a 5/8-inch rebar and cap set at the roadside, a distance of 912.96 feet to the point or place of beginning.

CONTAINING 11.88 ACRES of land, more or less, as shown as Lot No. 9 on a map entitled "Subdivision of Lands of Rag Apple, LLC", by Butler Land Surveying, LLC, Map No. 2230, dated January 14, 2006.

THIS PROPERTY is currently enrolled in the Clean and Green Program recorded in Instrument Number 200411779.

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 properly conveyed herein by the Grantor or to the Grantor's actual knowledge.

This deed is given under and subject to the express condition and covenant to be assumed by the Grantee herein, its successors and assigns, that at no time shall the owner of the above described parcel of land permit or allow more than one (1) unlicensed motor vehicle or any other equipment or materials of the type commonly denominated junk to accumulate on or about the premises which are not intended for immediate incorporation in a structure or improvements upon said premises. This condition and covenant shall run with the land and he expressly enforceable by the Grantor herein, its successors and assigns.

No single-wide housetrailers or single-wide mobile homes shall be located or placed on any part of this tract at any time.

EXCEPTING AND RESERVING unto the Grantor herein, its successors and assigns, the right to establish rights-of-way across the above described premises within fifty (50) feet of the center line of the public highway for the furnishing of utility services to other lands of Grantor herein.

See Map File No. 5737.

Being Parcel 109.00-1-051.05

TITLE TO SAID PREMISES IS VESTED IN TNT I Limited Partnership, a Pennsylvania general partnership by Deed from Montrose Area Industrial Development Agency, Inc., a Pennsylvania corporation dated 3/14/2007 and recorded 4/18/2007 in the County of Susquehanna in Instrument # 200703552. (as to parcels 055.00-2,006, 036.000-1,010, 109.00-1,050, 109.00-1,013 and 109.00-1,051.03)

TITLE TO SAID PREMISES VESTED IN TNT I Limited Partnership, a Pennsylvania general partnership by Deed from Rag Apple, LLC dated 4/20/2007 and recorded 4/23/2007 in the County of Susquehanna in Instrument # 200703673. (covers parcel 109.00-1,051.05)

APPURTENANCES:

Parcel Number: 036.00-1,010.00,000.

40 Acres of Vacant Commercial Land accessible from Jefferson Street, Susquehanna, Harmony Township, Susquehanna County, Pennsylvania

Parcel Number: 055.00-2,006.00,000.

403 Jefferson Street, Susquehanna, PA 18847
458.68 Acres of Commercial Land
One-40' X 48' Steel Framed Garage

Parcel Number: 109.00-1,013.00,000.

490 State Route 492, New Milford, PA 18834
81.00 Acres of Commercial Land
One-One and One-Half Story Wood Framed Dwelling with Six Apartments
One-One Story Wood Framed Dwelling with Five Apartments
One-9' X 14' Metal Framed Building with Cellular Tower
One-Five Acre Quarry

Parcel Number: 109.00-1,050.00,000.

379 Carey Road, New Milford, PA 18834
186.67 Acres of Industrial Land
Two-72' X 290' One Story Steel Framed Compressor Stations
One-32' X 40' One Story Steel Framed Compressor Station
One-20' X 63' One Story Modular Office
One-12' X 20' One Story Block Service Building with Cellular Tower
One-30' X 61' One Story Steel Framed Warehouse
One-100' X 275' One Story Steel Framed Warehouse
One-61' X 125' One Story Steel Framed Warehouse
One-100' X 118' One Story Steel Framed Warehouse
One-22 Acre Quarry
Two-15 Acre Quarries

Parcel Number: 109.00-1,051.03,000.

124.40 Acres of Land
1225 Sutton Road, New Milford, PA 18834
One-30' X 72' Metal Framed Shed
One-300' X 300' Well Pad with 2 Well Heads

Parcel Number: 109.00-1,051.05,000.

11.88 Vacant Acres of Land Across the Road from 1136 Sutton Road,
New Milford Township, Susquehanna County, Pennsylvania

APPURTENANCES: See Listing Above

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 Timothy M. Smith, Thomas J. Bolles, B.S. Rocks, Inc., TNT Services Corp., TNT I Limited Partnership., AJN Tumblers, LLC, M&S Blasting, LLC, JAAM Maintenance Company

Jeffrey Kurtzman, Esq., Scott P. Sheckman, Esq.
Klehr Harrison Harvey Branzburg LLP
1835 Market Street
Philadelphia, PA 19103
215.569.2700

LANCE BENEDICT, SHERIFF
SUSQUEHANNA COUNTY
MONTROSE, PA 18801