

PA DEPT. OF REVENUE- INHERITANCE TAX DIVISION
Dept. 280601
Harrisburg, PA 17128-0601

I verify that the statements made in this Affidavit are true and correct to the best of my personal knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

ZUCKER, GOLDBERG & ACKERMAN, LLC

BY: 

Dated: February 15, 2007

Scott A. Dietherick, Esquire; PA I.D. #55650
Kimberly A. Bonner, Esquire; P.A.I.D. #89705
Richard P. Haber, Esquire; P.A.I.D. #202567
200 Sheffield Street, Suite 301
Mountainside, NJ 07092
File No.: XCZ-81707
(908) 233-8500; (908) 233-1390 FAX

IN THE COURT OF COMMON PLEAS OF
COLUMBIA COUNTY, PENNSYLVANIA

M&T MORTGAGE CORPORATION,

Plaintiff,

vs.

GREGORY ALAN HESS; ALEXANDRA L.
HESS, DECEASED

Defendants.

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: Docket No.: 2006-CV-1830
:
: Execution No.:
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AFFIDAVIT PURSUANT TO RULE 3129.1

M&T Mortgage Corporation, Plaintiff in the above action, sets forth as of the date the Praecipe for Writ of Execution was filed the following information concerning the real property located at 2240 Heights Road, Berwick, PA 18603.

1. Name and Address of Owner(s) or Reputed Owner(s):

GREGORY ALAN HESS AND ALEXANDRA L. HESS, HIS WIFE (DECEASED)
2240 Heights Road
Berwick, PA 18603

2. Name and Address of Defendant(s) in the Judgment:

GREGORY ALAN HESS
2240 Heights Road
Berwick, PA 18603

ALEXANDRA L. HESS, DECEASED
2240 Heights Road
Berwick, PA 18603

3. Name and Address of every judgment creditor whose judgment is a record lien on the real property to be sold:

M&T MORTGAGE CORPORATION
Plaintiff

4. Name and Address of the last record holder of every mortgage of record:

M&T MORTGAGE CORPORATION
Plaintiff

M&T BANK
One M&T Plaza
Buffalo, NY 14240

PNC BANK
2730 Liberty Avenue
Pittsburgh, PA 15222

5. Name and Address of every other person who has any record lien on the property:

COLUMBIA COUNTY TAX CLAIM BUREAU
Columbia County Courthouse
P.O. Box 380
Bloomsburg, PA 17815

6. Name and Address of every other person who has any record interest in the property and whose interest may be affected by the sale:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF WELFARE
P.O. Box 2675
Harrisburg, PA 17105

7. Name and Address of every other person of whom the Plaintiff has knowledge who has any interest in the property which may be affected by the sale:

COLUMBIA COUNTY DOMESTIC REALATIONS OFFICE
Columbia County Courthouse
P.O. Box 380
Bloomsburg, PA 17815

UNKNOWN TENANT OR TENANTS
2240 Heights Road
Berwick, PA 18603

UNKNOWN SPOUSE
2240 Heights Road
Berwick, PA 18603

PA DEPT. OF REVENUE- INHERITANCE TAX DIVISION
Dept. 280601
Harrisburg, PA 17128-0601

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M&T MORTGAGE CORPORATION,

Plaintiff,

vs.

GREGORY ALAN HESS; ALEXANDRA L.
HESS, DECEASED;

Defendants.

Docket No.: 2006-CV-1830

Execution No.:

LEGAL DESCRIPTION

ALL that certain parcel of land lying and being situate in the Township of Briar Creek, County of Columbia, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

ALL THAT PARCEL OF LAND IN TOWNSHIP OF BRIAR CREEK, COLUMBIA COUNTY, STATE OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN DEED BOOK 650, PAGE 615, ID# 07-03-009-03, BEING KNOWN AND DESIGNATED AS

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWNSHIP OF BRIAR CREEK, BOUNTY OF COLUMBIA, AND STATATE OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE NORTHWEST CORNER OF LAND HEREAFTER DESCRIBED AT AN IRON ROD SET IN LINE OF LAND OF ANTHONY S. AND KATRINA CAPORALETTI, SAID IRON ROD BEING SOUTH 15 DEGREES ZERO MINUTES EAST 661.84 FEET FROM A STONE FOUND AT THE NORTHWEST CORNER OF THE PARENT TRACT AND PARCEL #3 OF LAND OF GRANTORS HEREIN AND RUNNING THENCE ALONG THE SOUTHERN LINE OF SAID PARCEL #3, NORTH 66 DEGREES 57 MINUTES EAST 789.23 FEET TO AN IRON ROD SET AT THE SOUTHWEST CORNER OF PARCEL #2 OF LAND OF GRANTORS HEREIN:

THENCE ALONG LINE OF SAID PARCEL #2, NORTH 66 DEGREES 57 MINUTES EAST 145.80 FEET TO AN IRON ROD SET IN LINE OF LAND SURVEYED FOR FRANKLIN E. KEPNER JR. AND HIS WIFE, TINE KEPNER; THENCE ALONG LINE OF SAID KEPNER AND CROSSING A PRIVATE ROAD AND 20-FOOT RIGHT-OF-WAY, SOUTH 19 DEGREES 10 MINUTES 40 SECONDS EAST 97.06 FEET TO AN IRON ROD FOUND; THENCE ALONG SAME NORTH 54 DEGREES 52 MINUTES 50 SECONDS EAST 171.58 FEET TO AN IRON ROD SET; THENCE ALONG SAME NORTH 63 DEGREES 21 MINUTES 10 SECONDS EAST 84.21 FEET TO AN IRON ROD FOUND; THENCE ALONG SAME NORTH 69 DEGREES 20 MINUTES 10 SECONDS EAST 166.79 FEET TO AN IRON ROD SET; THENCE ALONG SAME NORTH 74 DEGREES 45 MINUTES 30 SECONDS EAST 24.68 FEET TO AN IRON ROD SET, A CORNER OF PARCEL #4 OF LAND OF GRANTORS HEREIN; THENCE ALONG LINE OF SAID PARCEL #4 ALONG LINE OF LAND OF MARTIN J. HARMON, PASSING THROUGH AN IRON ROD SET 737.30 FEET HEREFROM, SOUTH 17 DEGREES ZERO MINUTES EAST 822.48 FEET TO AN IRON ROD FOUND ON THE NORTHERN SIDE OF A 15-FOOT

ALLEY; THENCE ALONG SAID ALLEY, SOUTH 71 DEGREES 38 MINUTES 20 SECONDS WEST 543.01 FEET TO AN IRON ROD FOUND; THENCE ALONG THE NORTHERN END OF A 20-FOOT ALLEY OR RIGHT-OF-WAY LEADING TO PEARL STREET AND THE NORTHERN LINE OF PARCEL #5 OF LAND OF GRANTORS HEREIN, SOUTH 86 DEGREES 46 MINUTES WEST 518.81 FEET TO AN IRON ROD SET ON SOUTHEASTERN SIDE OF THE AFORESAID PRIVATE ROAD AND A CORNER OF LAND OF CONRAD J. AND JANET E. HEAPS; THENCE ALONG LINE OF LAND OF SAID HEAPS AND BEING THE SOUTHEASTERN SIDE OF SAID PRIVATE ROAD AND RIGHT-OF-WAY, SOUTH 20 DEGREES 09 MINUTES 20 SECONDS WEST 48.62 FEET TO AN IRON ROD SET; THENCE ALONG SAME SOUTH 38 DEGREES 54 MINUTES 20 SECONDS WEST 51.86 FEET TO A MAG NAIL IN THE MACADAM SKIRT LEADING INTO SAID PRIVATE ROAD; THENCE ALONG SAME SOUTH 64 DEGREES 54 MINUTES 10 SECONDS WEST 9.85 FEET TO AN IRON ROD FOUND WITH A RAILROAD SPIKE IN SAID MACADAM SKIRT, THE NORTHWEST CORNER OF SAID HEAPS AND THE EXTENSION OF THE EASTERN SIDE OF JESSUP STREET; THENCE ALONG THE END OF HEIGHTS ROAD, A STREET IN THE BOROUGH OF BERWICK WHICH LEADS INTO SAID PRIVATE ROAD, NORTH 22 DEGREES 11 MINUTES 40 SECONDS WEST 35.05 FEET TO A POINT ON THE SOUTHERN BANK OF GLEN BROOK, THE NORTHEAST CORNER AND END OF SAID STREET CALLED HEIGHTS ROAD; THENCE ALONG THE NORTHERN SIDE OF SAID HEIGHTS ROAD, SOUTH 64 DEGREES 54 MINUTES 20 SECONDS WEST 266.00 FEET TO A DRILL HOLE IN A CUT-STONE MONUMENT, A CORNER OF LAND OF THOMAS L. AND SHARON E. KOWALCHICK; THENCE ALONG LINE OF LAND OF SAID KOWALCHICK, NORTH 15 DEGREES ZERO MINUTES WEST 429.32 FEET TO AN IRON ROD SET 1.78 FEET WESTERLY OF AN IRON PIN FOUND; THENCE ALONG LINE OF LAND OF SAME SOUTH 65 DEGREES 31 MINUTES 30 SECONDS WEST 185.50 FEET TO AN IRON ROD SET, A CORNER OF LAND OF AFORESAID CAPORALETTI; THENCE ALONG LINE OF LAND OF SAID CAPORALETTI, NORTH 18 DEGREES 43 MINUTES 30 SECONDS WEST 96.00 FEET TO AN IRON ROD SET; THENCE ALONG SAME NORTH 48 DEGREES 09 MINUTES 40 SECONDS EAST 212.05 FEET TO AN IRON ROD SET; THENCE ALONG SAME NORTH 15 DEGREES ZERO MINUTES WEST 114.87 FEET TO AN IRON ROD, THE PLACE OF BEGINNING.

CONTAINING 24.817 ACRES OF LAND TOGETHER WITH THE FARMHOUSE AND BARN AND OTHER BUILDINGS AS MORE FULLY SHOWN AS PARCEL #1 ON A DRAFT OF SURVEY MADE BY KEYSTONE SURVEYS, JAMES D. CREAMY, P.L.S., DATED DECEMBER 20, 1996, REVISED FEBRUARY 3 1997, INCORPORATED HEREIN AND RECORDED HERewith IN MAP BOOK 7-1162 ON MARCH 7, 1997.

SUBJECT NEVERTHELESS, TO A PRIVATE ACCESS AND 20-FOOT WIDE RIGHT-OF-WAY AS SHOWN ON SAID SURVEY MAP AND AS MORE FULLY DESCRIBED AS TEN FEET LEFT AND RIGHT OF ITS CENTERLINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN LINE OF PARCEL #1 ABOVE AT THE END OF HEIGHTS ROAD, A PUBLIC STREET IN THE BOROUGH OF BERWICK, SAID POINT BEING NORTH 2 DEGREES 11 MINUTES 40 SECONDS WEST 10.01 FEET FROM AN IRON ROD FOUND ALONGSIDE A RAILROAD SPIKE AT THE NORTHWEST CORNER OF LAND OF CONRAD J. AND JANET E. HEAPS AND RUNNING THENCE PARALLEL WITH AND 10 FEET FROM SAID HEAPS BOUNDARY LINE, NORTH 64 DEGREES 54 MINUTES 10 SECONDS EAST 7.04 FEET TO A POINT;

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NORTH 15 DEGREES 53 MINUTES 30 SECONDS EAST 104.26 FEET; THENCE NORTH 6 DEGREES 39 MINUTES 10 SECONDS EAST 66.25 FEET; THENCE NORTH 1 DEGREE 26 MINUTES EAST 40.57 FEET TO A POINT OVER GLEN BROOK; THENCE NORTH ZERO DEGREES 48 MINUTES 50 SECONDS WEST 56.45 FEET; THENCE NORTH 10 DEGREES 14 MINUTES 50 SECONDS EAST 52.55 FEET; THENCE NORTH 16 DEGREES 50 MINUTES 30 SECONDS EAST 217.09 FEET;

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DEED FROM FRANKLIN E. KEPNER, JR. AND TINE KEPNER, HIS WIFE AND MARY ADELAIDE KEPNER COLLINS AND WILLIAM G. COLLINS, HER HUSBAND AND MARTIN T. KEPNER AND M. PATRICIA MCFARLAND, HIS WIFE AS SET FORTH IN DEED BOOK 650, PAGE 615 DATED 03/21/1997 AND RECORDED 03/21/1997, COLUMBIA COUNTY RECORDS, COMMONWEALTH OF PENNSYLVANIA

PARCEL No. 07-03-009-03

BEING the same premises which Franklin E. Kepner, Jr. and Tine Kepner, his wife, and Mary Adelaide Kepner Collins and William G. Collins, her husband and Martin T. Kepner and M. Patricia McFarland, by Deed dated March 21, 1997 and recorded March 21, 1997 in and for Columbia County, Pennsylvania, in Deed Book Volume 650, Page 615, granted and conveyed unto Gregory Alan Hess and Alexandra L. Hess, his wife (deceased).

Property known as 2240 Heights Road, Berwick, PA, 18603

Exhibit "A"

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DEED FROM FRANKLIN E. KEPNER, JR. AND TINE KEPNER, HIS WIFE AND MARY ADELAIDE KEPNER COLLINS AND WILLIAM G. COLLINS, HER HUSBAND AND MARTIN T. KEPNER AND M. PATRICIA MCFARLAND, HIS WIFE AS SET FORTH IN DEED BOOK 650, PAGE 615 DATED 03/21/1997 AND RECORDED 03/21/1997, COLUMBIA COUNTY RECORDS, COMMONWEALTH OF PENNSYLVANIA

PARCEL No. 07-03-009-03

BEING the same premises which Franklin E. Kepner, Jr. and Tine Kepner, his wife, and Mary Adelaide Kepner Collins and William G. Collins, her husband and Martin T. Kepner and M. Patricia McFarland, by Deed dated March 21, 1997 and recorded March 21, 1997 in and for Columbia County, Pennsylvania, in Deed Book Volume 650, Page 615, granted and conveyed unto Gregory Alan Hess and Alexandra L. Hess, his wife (deceased).

Property known as 2240 Heights Road, Berwick, PA, 18603

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IN THE COURT OF COMMON PLEAS OF
COLUMBIA COUNTY, PENNSYLVANIA

M&T MORTGAGE CORPORATION,

Plaintiff,

vs.

GREGORY ALAN HESS; ALEXANDRA L.
HESS, DECEASED;

Defendants.

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: CIVIL DIVISION
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: NO.: 2006-CV-1830
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**NOTICE OF SHERIFF'S SALE
OF REAL PROPERTY PURSUANT TO
PENNSYLVANIA RULE OF CIVIL PROCEDURE 3129**

Gregory Alan Hess
2240 Heights Road
Berwick, PA 18603

TAKE NOTICE:

That the Sheriff's Sale of Real Property (Real Estate) will be held at the Columbia County Sheriff's Office, P.O. Box 380, Bloomsburg, PA 17815 on
at prevailing local time.

THE PROPERTY TO BE SOLD is delineated in detail in a legal description consisting of a statement of the measured boundaries of the property, together with a brief mention of the buildings and any other major improvements erected on the land.

(SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A").

The LOCATION of your property to be sold is:

2240 Heights Road, Berwick, PA, 18603

The JUDGMENT under or pursuant to which your property is being sold is docketed to:

No. 2006-CV-1830

THE NAME(S) OF THE OWNER(S) OR REPUTED OWNER(S) OF THIS PROPERTY ARE:

Gregory Alan Hess and Alexandra L. Hess, his wife (deceased)

A SCHEDULE OF DISTRIBUTION, being a list of the persons and/or governmental or corporate entities or agencies being entitled to receive part of the proceeds of the sale received and to be disbursed by the Sheriff (for example to banks that hold mortgages and municipalities that are owed taxes), will be filed by the Sheriff thirty (30) days after the sale, and distribution of the proceeds of sale in accordance with this schedule will, in fact, be made unless someone objects by filing exceptions to it, within ten (10) days of the date it is filed. Information about the Schedule of Distribution may be obtained from the Sheriff of the Court of Common Pleas of Columbia County, P.O. Box 380, Bloomsburg, PA 17815.

THIS PAPER IS A NOTICE OF THE TIME AND PLACE OF THE SALE OF YOUR PROPERTY.

It has been issued because there is a Judgment against you. It may cause your property to be held, to be sold or taken to pay the Judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET FREE LEGAL ADVICE.

**Lawyer Referral Service of the Columbia
County Bar Association**

**Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
Phone (800) 692-7375**

THE LEGAL RIGHTS YOU MAY HAVE ARE:

1. You may file a petition with the Court of Common Pleas of Columbia County to open the Judgment if you have a meritorious defense against the person or company that has entered judgment against you. You may also file a petition with the same Court if you are aware of a legal defect in the obligation or the procedure used against you.
2. After the Sheriff's Sale, you may file a petition with the Court of Common Pleas of Columbia County to set aside the sale for a grossly

inadequate price or for other proper cause. This petition must be filed before the Sheriff's Deed is delivered.

3. A petition or petitions raising the legal issues or rights mentioned in the preceding paragraphs must be presented to the Court of Common Pleas of Columbia County. The petition must be served on the attorney for the creditor or on the creditor before presentation to the Court and a proposed order or rule must be attached to the petition. If a specific return date is desired, such date must be obtained from the Court Administrator's Office, Columbia County Courthouse, P.O. Box 380, Bloomsburg, PA 17815, before presentation of the petition to the Court.

ZUCKER, GOLDBERG & ACKERMAN, LLC

BY: 

Dated: February 15, 2007

Scott A. Dieterick, Esquire; PA I.D. #55650
Kimberly A. Bonner, Esquire; P.A.I.D. #89705
Richard P. Haber, Esquire; P.A.I.D. #202567
200 Sheffield Street, Suite 301
Mountainside, NJ 07092
File No.: XCZ-81707
(908) 233-8500; (908) 233-1390 FAX

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
AND
VIA PERSONAL SERVICE BY THE SHERIFF OF COLUMBIA CO.**

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

M&T MORTGAGE CORPORATION,

Plaintiff,

vs.

GREGORY ALAN HESS; ALEXANDRA L.
HESS, DECEASED;

Defendants.

Docket No.: 2006-CV-1830

Execution No.:

LEGAL DESCRIPTION

ALL that certain parcel of land lying and being situate in the Township of Briar Creek, County of Columbia, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

ALL THAT PARCEL OF LAND IN TOWNSHIP OF BRIAR CREEK, COLUMBIA COUNTY, STATE OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN DEED BOOK 650, PAGE 615, ID# 07-03-009-03, BEING KNOWN AND DESIGNATED AS

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWNSHIP OF BRIAR CREEK, BOUNTY OF COLUMBIA, AND STATATE OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE NORTHWEST CORNER OF LAND HEREAFTER DESCRIBED AT AN IRON ROD SET IN LINE OF LAND OF ANTHONY S. AND KATRINA CAPORALETTI, SAID IRON ROD BEING SOUTH 15 DEGREES ZERO MINUTES EAST 661.84 FEET FROM A STONE FOUND AT THE NORTHWEST CORNER OF THE PARENT TRACT AND PARCEL #3 OF LAND OF GRANTORS HEREIN AND RUNNING THENCE ALONG THE SOUTHERN LINE OF SAID PARCEL #3, NORTH 66 DEGREES 57 MINUTES EAST 789.23 FEET TO AN IRON ROD SET AT THE SOUTHWEST CORNER OF PARCEL #2 OF LAND OF GRANTORS HEREIN:

THENCE ALONG LINE OF SAID PARCEL #2, NORTH 66 DEGREES 57 MINUTES EAST 145.80 FEET TO AN IRON ROD SET IN LINE OF LAND SURVEYED FOR FRANKLIN E. KEPNER JR. AND HIS WIFE, TINE KEPNER; THENCE ALONG LINE OF SAID KEPNER AND CROSSING A PRIVATE ROAD AND 20-FOOT RIGHT-OF-WAY, SOUTH 19 DEGREES 10 MINUTES 40 SECONDS EAST 97.06 FEET TO AN IRON ROD FOUND; THENCE ALONG SAME NORTH 54 DEGREES 52 MINUTES 50 SECONDS EAST 171.58 FEET TO AN IRON ROD SET; THENCE ALONG SAME NORTH 63 DEGREES 21 MINUTES 10 SECONDS EAST 84.21 FEET TO AN IRON ROD FOUND; THENCE ALONG SAME NORTH 69 DEGREES 20 MINUTES 10 SECONDS EAST 166.79 FEET TO AN IRON ROD SET; THENCE ALONG SAME NORTH 74 DEGREES 45 MINUTES 30 SECONDS EAST 24.68 FEET TO AN IRON ROD SET, A CORNER OF PARCEL #4 OF LAND OF GRANTORS HEREIN; THENCE ALONG LINE OF SAID PARCEL #4 ALONG LINE OF LAND OF MARTIN J. HARMON, PASSING THROUGH AN IRON ROD SET 737.30 FEET HEREFROM, SOUTH 17 DEGREES ZERO MINUTES EAST 822.48 FEET TO AN IRON ROD FOUND ON THE NORTHERN SIDE OF A 15-FOOT

ALLEY; THENCE ALONG SAID ALLEY, SOUTH 71 DEGREES 38 MINUTES 20 SECONDS WEST 543.01 FEET TO AN IRON ROD FOUND; THENCE ALONG THE NORTHERN END OF A 20-FOOT ALLEY OR RIGHT-OF-WAY LEADING TO PEARL STREET AND THE NORTHERN LINE OF PARCEL #5 OF LAND OF GRANTORS HEREIN, SOUTH 86 DEGREES 46 MINUTES WEST 518.81 FEET TO AN IRON ROD SET ON SOUTHEASTERN SIDE OF THE AFORESAID PRIVATE ROAD AND A CORNER OF LAND OF CONRAD J. AND JANET E. HEAPS; THENCE ALONG LINE OF LAND OF SAID HEAPS AND BEING THE SOUTHEASTERN SIDE OF SAID PRIVATE ROAD AND RIGHT-OF-WAY, SOUTH 20 DEGREES 09 MINUTES 20 SECONDS WEST 48.62 FEET TO AN IRON ROD SET; THENCE ALONG SAME SOUTH 38 DEGREES 54 MINUTES 20 SECONDS WEST 51.86 FEET TO A MAG NAIL IN THE MACADAM SKIRT LEADING INTO SAID PRIVATE ROAD; THENCE ALONG SAME SOUTH 64 DEGREES 54 MINUTES 10 SECONDS WEST 9.85 FEET TO AN IRON ROD FOUND WITH A RAILROAD SPIKE IN SAID MACADAM SKIRT, THE NORTHWEST CORNER OF SAID HEAPS AND THE EXTENSION OF THE EASTERN SIDE OF JESSUP STREET; THENCE ALONG THE END OF HEIGHTS ROAD, A STREET IN THE BOROUGH OF BERWICK WHICH LEADS INTO SAID PRIVATE ROAD, NORTH 22 DEGREES 11 MINUTES 40 SECONDS WEST 35.05 FEET TO A POINT ON THE SOUTHERN BANK OF GLEN BROOK, THE NORTHEAST CORNER AND END OF SAID STREET CALLED HEIGHTS ROAD; THENCE ALONG THE NORTHERN SIDE OF SAID HEIGHTS ROAD, SOUTH 64 DEGREES 54 MINUTES 20 SECONDS WEST 266.00 FEET TO A DRILL HOLE IN A CUT-STONE MONUMENT, A CORNER OF LAND OF THOMAS L. AND SHARON E. KOWALCHICK; THENCE ALONG LINE OF LAND OF SAID KOWALCHICK, NORTH 15 DEGREES ZERO MINUTES WEST 429.32 FEET TO AN IRON ROD SET 1.78 FEET WESTERLY OF AN IRON PIN FOUND; THENCE ALONG LINE OF LAND OF SAME SOUTH 65 DEGREES 31 MINUTES 30 SECONDS WEST 185.50 FEET TO AN IRON ROD SET, A CORNER OF LAND OF AFORESAID CAPORALETTI; THENCE ALONG LINE OF LAND OF SAID CAPORALETTI, NORTH 18 DEGREES 43 MINUTES 30 SECONDS WEST 96.00 FEET TO AN IRON ROD SET; THENCE ALONG SAME NORTH 48 DEGREES 09 MINUTES 40 SECONDS EAST 212.05 FEET TO AN IRON ROD SET; THENCE ALONG SAME NORTH 15 DEGREES ZERO MINUTES WEST 114.87 FEET TO AN IRON ROD, THE PLACE OF BEGINNING.

CONTAINING 24.817 ACRES OF LAND TOGETHER WITH THE FARMHOUSE AND BARN AND OTHER BUILDINGS AS MORE FULLY SHOWN AS PARCEL #1 ON A DRAFT OF SURVEY MADE BY KEYSTONE SURVEYS, JAMES D. CREASY, P.L.S., DATED DECEMBER 20, 1996, REVISED FEBRUARY 3 1997, INCORPORATED HEREIN AND RECORDED HERewith IN MAP BOOK 7-1162 ON MARCH 7, 1997.

SUBJECT NEVERTHELESS, TO A PRIVATE ACCESS AND 20-FOOT WIDE RIGHT-OF-WAY AS SHOWN ON SAID SURVEY MAP AND AS MORE FULLY DESCRIBED AS TEN FEET LEFT AND RIGHT OF ITS CENTERLINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN LINE OF PARCEL #1 ABOVE AT THE END OF HEIGHTS ROAD, A PUBLIC STREET IN THE BOROUGH OF BERWICK, SAID POINT BEING NORTH 2 DEGREES 11 MINUTES 40 SECONDS WEST 10.01 FEET FROM AN IRON ROD FOUND ALONGSIDE A RAILROAD SPIKE AT THE NORTHWEST CORNER OF LAND OF CONRAD J. AND JANET E. HEAPS AND RUNNING THENCE PARALLEL WITH AND 10 FEET FROM SAID HEAPS BOUNDARY LINE, NORTH 64 DEGREES 54 MINUTES 10 SECONDS EAST 7.04 FEET TO A POINT;

THENCE BY SAME NORTH 38 DEGREES 54 MINUTES 20 SECONDS EAST 47.90 FEET TO A POINT; THENCE BY SAME NORTH 20 DEGREES 09 MINUTES 20 SECONDS EAST 44.31 FEET TO A POINT; THENCE CONTAINING THROUGH PARCEL #1 THE FOLLOWING COURSES AND DISTANCES:

NORTH 15 DEGREES 53 MINUTES 30 SECONDS EAST 104.26 FEET; THENCE NORTH 6 DEGREES 39 MINUTES 10 SECONDS EAST 66.25 FEET; THENCE NORTH 1 DEGREE 26 MINUTES EAST 40.57 FEET TO A POINT OVER GLEN BROOK; THENCE NORTH ZERO DEGREES 48 MINUTES 50 SECONDS WEST 56.45 FEET; THENCE NORTH 10 DEGREES 14 MINUTES 50 SECONDS EAST 52.55 FEET; THENCE NORTH 16 DEGREES 50 MINUTES 30 SECONDS EAST 217.09 FEET;

THENCE NORTH 22 DEGREES 23 MINUTES EAST 84.58 FEET; THENCE NORTH 33 DEGREES 04 MINUTES 50 SECONDS EAST 67.38 FEET; THENCE NORTH 40 DEGREES 25 MINUTES EAST 57.57 FEET; THENCE NORTH 47 DEGREES 57 MINUTES EAST 144.83 FEET; THENCE NORTH 52 DEGREES 50 MINUTES 30 SECONDS EAST 81.74 FEET TO A POINT IN LINE OF LAND OF FRANKLIN E. KEPNER JR. AND HIS WIFE TINE KEPNER; THENCE THROUGH LAND OF SAID KEPNER THE FOLLOWING COURSES AND DISTANCES: NORTH 52 DEGREES 50 MINUTES 30 SECONDS EAST 12.92 FEET; THENCE NORTH 55 DEGREES 09 MINUTES 10 SECONDS EAST 85.06 FEET; THENCE NORTH 56 DEGREES 12 MINUTES 20 SECONDS EAST 100.59 FEET; THENCE NORTH 66 DEGREES 27 MINUTES 30 SECONDS EAST 156.61 FEET; THENCE NORTH 74 DEGREES 29 MINUTES 10 SECONDS EAST 117.72 FEET; THENCE NORTH 79 DEGREES 39 MINUTES 10 SECONDS EAST 92.06 FEET; THENCE NORTH 73 DEGREES 05 MINUTES 50 SECONDS EAST 64.99 FEET; THENCE NORTH 46 DEGREES 07 MINUTES EAST 18.50 FEET; THENCE NORTH 10 DEGREES 48 MINUTES EAST 30.35 FEET; THENCE NORTH 42 DEGREES ZERO MINUTES 10 SECONDS WEST 44.71 FEET; THENCE NORTH 66 DEGREES 01 MINUTE 20 SECONDS WEST 41.99 FEET; THENCE NORTH 69 DEGREES 30 MINUTES WEST 151.69 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 30 SECONDS WEST 268.87 FEET; THENCE NORTH 59 DEGREES 33 MINUTES 30 SECONDS WEST 129.83 FEET; THENCE NORTH 58 DEGREES ZERO MINUTES 10 SECONDS WEST 129.68 FEET; THENCE NORTH 56 DEGREES 47 MINUTES 40 SECONDS WEST 71.60 TO THE END POINT IN THE NORTHERN LINE OF SAID KEPNER LAND AND IN LINE OF LAND AND PRIVATE ROAD OF ANTON S. AND BETH ANN YALCH AT ITS INTERSECTION WITH TOWNSHIP ROUTE 750, A.K.A. BOWER'S LANE, SAID END POINT BEING NORTH 67 DEGREES 30 MINUTES EAST 21.23 FEET FROM AN IRON ROD SET ON SAID NORTHERN LINE OF KEPNER AND IN LINE OF LAND OF ROLAND E. HESS AS SHOWN ON SAID SURVEY MAP ABOVE REFERENCED.

DEED FROM FRANKLIN E. KEPNER, JR. AND TINE KEPNER, HIS WIFE AND MARY ADELAIDE KEPNER COLLINS AND WILLIAM G. COLLINS, HER HUSBAND AND MARTIN T. KEPNER AND M. PATRICIA MCFARLAND, HIS WIFE AS SET FORTH IN DEED BOOK 650, PAGE 615 DATED 03/21/1997 AND RECORDED 03/21/1997, COLUMBIA COUNTY RECORDS, COMMONWEALTH OF PENNSYLVANIA

PARCEL No. 07-03-009-03

BEING the same premises which Franklin E. Kepner, Jr. and Tine Kepner, his wife, and Mary Adelaide Kepner Collins and William G. Collins, her husband and Martin T. Kepner and M. Patricia McFarland, by Deed dated March 21, 1997 and recorded March 21, 1997 in and for Columbia County, Pennsylvania, in Deed Book Volume 650, Page 615, granted and conveyed unto Gregory Alan Hess and Alexandra L. Hess, his wife (deceased).

Property known as 2240 Heights Road, Berwick, PA, 18603

Exhibit "A"

IN THE COURT OF COMMON PLEAS OF
COLUMBIA COUNTY, PENNSYLVANIA

M&T MORTGAGE CORPORATION,

: CIVIL DIVISION

Plaintiff,

: NO.: 2006-CV-1830

vs.

GREGORY ALAN HESS; ALEXANDRA L.
HESS, DECEASED;

Defendants.

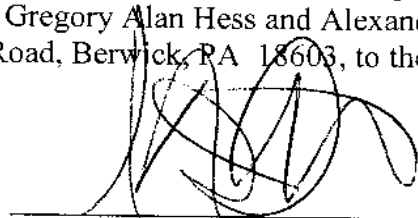
AFFIDAVIT OF LAST KNOWN ADDRESS

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF DAUPHIN

Before me, the undersigned authority, a Notary Public in and for said County and Commonwealth, personally appeared Scott A. Dietterick, Esquire, attorney for Plaintiff, who being duly sworn according to law deposes and says that the owner of the property located at 2240 Heights Road, Berwick, PA 18603 is Gregory Alan Hess and Alexandra L. Hess, his wife, with a last known address of 2240 Heights Road, Berwick, PA 18603, to the best of his knowledge, information and belief.



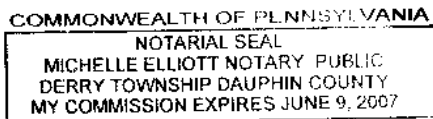
Scott A. Dietterick, Esquire
Kimberly A. Bonner, Esquire
Richard P. Haber, Esquire
Atty File No.: XCZ-81707

SWORN TO AND SUBSCRIBED BEFORE

ME THIS 15th DAY OF February, 2007.

Michelle Elliott

NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF
COLUMBIA COUNTY, PENNSYLVANIA

M&T MORTGAGE CORPORATION,

Plaintiff,

vs.

GREGORY ALAN HESS; ALEXANDRA L.
HESS, DECEASED;

Defendants.

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:
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: Docket No.: 2006-CV-1830
:
: Execution No.:
:
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:

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF DAUPHIN)

SS


Before me, the undersigned authority, a notary public in and for said County and Commonwealth, personally appeared Scott A. Dieterrick, Esquire, attorney for Plaintiff, who being duly sworn according to law deposes and says that the Defendant(s) is(are) not in the military service of the United States of America to the best of his knowledge, information and belief.

ZUCKER, GOLDBERG & ACKERMAN, LLC
BY: 

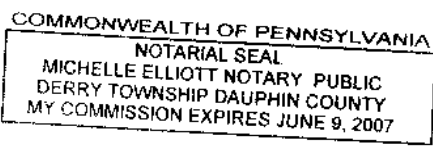
Dated: February 15, 2007

Scott A. Dieterrick, Esquire; PA I.D. #55650
Kimberly A. Bonner, Esquire; P.A.I.D. #89705
Richard P. Haber, Esquire; P.A.I.D. #202567
200 Sheffield Street, Suite 301
Mountainside, NJ 07092
File No.: XCZ-81707
(908) 233-8500; (908) 233-1390 FAX

Sworn to and subscribed before me this
5th day of February, 2007.



Notary Public



IN THE COURT OF COMMON PLEAS OF
COLUMBIA COUNTY, PENNSYLVANIA

M&T MORTGAGE CORPORATION,

Plaintiff,

vs.

GREGORY ALAN HESS; ALEXANDRA L.
HESS, DECEASED;

Defendants.

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: Docket No.: 2006-CV-1830
:
: Execution No.:
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WAIVER OF WATCHMAN/WAIVER OF INSURANCE

Any Deputy Sheriff levying upon or attaching any property under which writ may leave same without a watchman, in custody of whoever is found in possession, after notifying such person of such levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof; and the Sheriff is hereby released from all liability to protect the property described in the above execution by insurance, which insurance is hereby waived.



Scott A. Dietterick, Esquire
Attorney for Plaintiff

DO NOT ACCEPT THIS CHECK UNLESS THE PINK LOCK & KEY ICONS FADE WHEN WARMED AND YOU CAN SEE A PENTAGON-SHAPED TRUE WATERMARK WHEN HELD TO THE LIGHT

ZUCKER, GOLDBERG & ACKERMAN

ATTORNEYS AT LAW
ATTORNEY BUSINESS ACCOUNT
200 SHEFFIELD ST., SUITE 301
MOUNTAINSIDE, NJ 07092

141676

141676

THE BANK OF NEW YORK
MILLBURN, NJ 07041
55-271-212

One Thousand Five Hundred dollars and Zero cents **

PAY TO THE ORDER OF

COLUMBIA COUNTY SHERIFF
P.O. BOX 380
BLOOMSBURG PA 17815

DATE

02/16/2007

AMOUNT

\$1,500.00

ZUCKER GOLDBERG & ACKERMAN
ATTORNEY BUSINESS ACCOUNT

FOR #81707

⑈ 111575⑈ ⑆021202719⑆ ⑆5103803185⑆

RUB OR BREATHE ON THE PINK LOCK & KEY ICONS—COLOR WILL FADE AND THEN REAPPEAR ON AN AUTHENTIC CHECK—IF COLOR DOES NOT FADE DO NOT ACCEPT

12M