

BERNSTEIN AND FOX, P. C.

BY: Sidney Bernstein  
GENERAL COUNSEL

ROUTE 1640 - FIVE ACRES ROAD, SUITE 100  
PHILADELPHIA, PA. 19103  
TEL: 481-56727

ATTORNEY FOR

DEFENDANT

LINCOLN BANK

v.

HIGH DRY, INC.

COURT OF COMMON PLEAS  
DIVISION  
COLUMBIA COUNTY  
TERM

No. 2-1977 F.D.  
247, May Ter 1974 J.D.

FILE

AND NOW, \_\_\_\_\_, 1978, upon consideration of the foregoing petition,  
a rule is granted upon the plaintiff to show cause why the writ of execution issued  
should not be stayed and set aside.

Rule returnable \_\_\_\_\_

\_\_\_\_\_, 1978, at \_\_\_\_\_ M. at \_\_\_\_\_

All proceedings to stay meanwhile.

BY THE COURT

J.

BERNSTEIN AND FOX, P. C.

BY: Sidney Bernstein  
IDENTIFICATION NO.

ATTORNEY FOR petitioner

1201 N. 10th - PHILADELPHIA SAVING FUND BUILDING  
PHILADELPHIA, PA. 19107  
TEL. WA 5-5127

LINCOLN BANK

v.

STEP SKY, INC.

COURT OF COMMON PLEAS  
DIVISION

COLUMBIA COUNTY

TERM,

No. 2-1937 E.D.

247, May Term 1976 C.C.

ORDER

AND NOW, \_\_\_\_\_, 1978, it appearing that the rule to show cause has been duly served and after hearing thereon, it is ORDERED that sale of the real estate levied upon on this this execution in this action be and is hereby stayed until further order of this Court.

BY THE COURT

\_\_\_\_\_  
J.

ERDMAN AND FOX, P. C.

BY: Sidney Bernstein

CONFIRMATION NO.

ATTORNEY FOR petitioner

SUITE 1540 - PHILADELPHIA SAVING FUND BUILDING

PHILADELPHIA, PA. 19107

TELEPHONE 8727

LINCOLN BANK

v.

HIGH SKY, INC.

COURT OF COMMON PLEAS  
DIVISION  
COLUMBIA COUNTY

TERM.

No. 2-1977 E.D.  
247, May Term 1974 J.D.

PETITION FOR STAY OF SHERIFF SALE EXECUTION

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The petition of defendant, High Sky, Inc., respectfully represents that:

1. It is the defendant in above captioned matter.
2. Pursuant to a Writ of Execution, the Sheriff of Columbia County has levied on certain real estate in Columbia County, and notice has been given by the Sheriff that a sale will take place on September 7, 1978 at 2 PM.
3. The description of the real estate to be sold was furnished to the Sheriff of Columbia County by the plaintiff, Lincoln Bank, and is defective, in that it includes no less than twenty-one parcels of ground which were conveyed by

Hinkley, Inc. with Lincoln Trust's full knowledge and approval and under circumstances which Lincoln Trust furnished releases from the incumbance of its trustees with respect to these parcels.

4. The lot numbers and the names of the owners of the parcels of record are as follows:

<u>No.</u>	<u>Name</u>
20	James Foubale
52	George Edwards
122	Miriam Edwards
96	Matthew Hadek
102	Kenneth Newton
107	Walter Bayliss
109	Rev. John Stevensky
110	John Beaver
113 & 115	Herman Hinkle
13 & 41	R. Hathi
416	George Ryan
442	William Carpenter & Marie Cooper
491	Robert Hampton
497	James Willeoughby
523	John Smith III
117	Dorothy Ide
496	Mildred Kuchta
477	Stephen Laskoski

777	Neil Cornazale
88	Robert Coffey
81	Bar, Jurist

5. Furthermore, the Unit of Execution is defective in that no provisions were made for the rights of third-party purchasers of High Sky, Inc. homesites consisting of approximately sixty to eighty sales, wherein there are outstanding agreements of sale and payments have been completed toward the purchase price in varying amounts.

6. Lincoln Bank has failed to take steps to safeguard the rights of above-mentioned third-party purchasers notwithstanding that at the time it issued its Unit of Execution, it was in possession of copies of all agreements of sale, had full knowledge of deeds delivered by High Sky, Inc., and issued releases thereon, and for a period of approximately two years collected sums due from third-party purchasers, kept record of such receipts, and is fully aware that substantial payments were made on account by such third-party purchasers.

7. Throughout the proceedings, Lincoln Bank has represented in Court, and the Court, in its Opinion, expressed concern that third-party purchasers be protected.

8. If the sale is allowed to proceed as scheduled on September 7, 1978, the successful bidder would purchase property of certain persons who have received deeds and to whom releases were issued by Lincoln Bank and would receive the property free and clear of any of the rights of other High Sky, Inc. purchasers

to have made payments on accounts and with liens thereon outstanding against  
of sale.

9. There is now pending before the Court a Petition to Reconsider Court's  
Order of Defendant's Petition to Open Judgment, and a stay is requested pending  
such determination.

10. There is pending a lawsuit in Philadelphia County as follows:

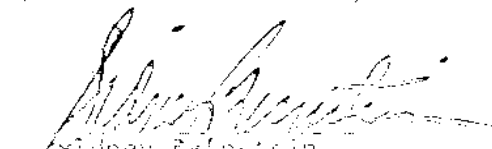
Court of Common Pleas, 1975 October 1960;  
High Sky, Inc., Pan-Am, Inc., Joseph E.  
Fraim, and Gloria J. Fraim v. Lincoln Bank

wherein substantial damages are claimed against Lincoln Bank relative to trans-  
actions involving its mortgage with High Sky and a stay is hereby requested  
pending the outcome of those proceedings.

11. There is pending an appeal to Superior Court of Pennsylvania from the  
Order of the Court denying defendant's Petition to Open Judgment and it is requested  
that the stay be ordered pending the outcome of that appeal.

12. Lincoln Bank would in no way be prejudiced by the issuance of a stay  
because the value of the real estate encumbered by its mortgage is substantially  
in excess of the amount of the judgment, and the defendant hereby avers that from a  
conservative point of view, the property has a value of \$3,275,000, and it is in  
possession of a qualified appraisal which states the property has a value of  
\$3,000,000.; therefore, no further bond should be required for the issuance of a  
stay.

WHEREFORE, for the reasons hereinabove stated, defendant High Sky, Inc.,  
respectfully requests that execution upon said Writ be stayed.

  
Sidney Feinstein

COUNTY OF FERNANDO, FLORIDA:

OF:

COUNTY OF BAY, FLORIDA

Joseph E. Frair being duly sworn, deposes and says that he is petitioner herein and that the facts set forth in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

\_\_\_\_\_

SWORN to and SUBSCRIBED:

Before me this \_\_\_\_\_ day:

at \_\_\_\_\_ 1977 :

\_\_\_\_\_  
Notary Public







# LIST OF LIENS

VERSUS

HIGH SKY INC.

..... Court of Common Pleas of Columbia County, Pennsylvania.

Lincoln Bank

versus

High Sky Inc.

No. 217 of May Term, 1974  
Real Debt ||\$ 400,000.00  
Interest from May 30, 1973 ||  
Commission ||  
Costs ||  
Judgment entered 6-13-74  
Date of Lien  
Nature of Lien Exemplified Record

Mildred Kuchta

versus

High Sky Inc.

No. 156 of September Term, 1974  
Real Debt ||\$ 6200.00  
Interest from 10-15-73 ||  
Commission ||  
Costs ||  
Judgment entered 10-28-74  
Date of Lien 10-15-73  
Nature of Lien Default Judgment

John D. & Barbara Rockefeller

versus

High Sky Inc.

No. 134 of Term, 1976  
Real Debt ||\$ 5300.46  
Interest from 9-24-73 ||  
Commission ||  
Costs ||  
Judgment entered 1-27-76  
Date of Lien 9-24-73  
Nature of Lien Summary Judgment

Robert M Goodspaid &

Richard W. Lowright

versus

High Sky Inc

No. 71 of Term, 1976  
Real Debt ||\$ 1603.09  
Interest from ||  
Commission ||  
Costs ||  
Judgment entered 3-10-77  
Date of Lien  
Nature of Lien Award of Arbitrator

Daniel H. & James Reiner &/a

Reiner Brothers Building Supply Co.

versus

High Sky Inc.

No. 345 of Term, 1977  
Real Debt ||\$ 3999.23  
Interest from 3-1-77 ||  
Commission ||  
Costs ||  
Judgment entered 5-25-77  
Date of Lien 3-1-77  
Nature of Lien Judgment Note

# LIST OF LIENS

## VERSUS

High Sky Inc.

Court of Common Pleas of Columbia County, Pennsylvania.

L.K. Stoner Tile Co., Inc.

versus

High Sky Inc

No. 1444 of ..... Term, 19 75  
Real Debt ..... ||\$ 8052.53  
Interest from ..... || .....  
Commission ..... || .....  
Costs ..... || .....  
Judgment entered 10-14-77  
Date of Lien .....  
Nature of Lien Judgment on Verdict

Bloss Glass Co.

versus

High Sky Inc.

No. 28 of September ..... Term, 19 74  
Real Debt ..... ||\$ 3000.00  
Interest from 11-6-73 ..... || .....  
Commission ..... || .....  
Costs ..... || .....  
Judgment entered 11-2-77  
Date of Lien 11-6-73  
Nature of Lien Default Judgment

Blaine & Susan Hosterman

versus

High Sky Inc

No. 75 of ..... Term, 19 77  
Real Debt ..... ||\$ 1957.50  
Interest from ..... || .....  
Commission ..... || .....  
Costs ..... || .....  
Judgment entered 6-16-78  
Date of Lien .....  
Nature of Lien Award of Arbitrator

Wieand Brothers Well Drilling, Inc

versus

High Sky Inc

No. 1368 of ..... Term, 19 76  
Real Debt ..... ||\$ 1769.14  
Interest from ..... || .....  
Commission ..... || .....  
Costs ..... || .....  
Judgment entered 6-28-78  
Date of Lien .....  
Nature of Lien Default Judgment

versus

No. .... of ..... Term, 19 .....  
Real Debt ..... ||\$ .....  
Interest from ..... || .....  
Commission ..... || .....  
Costs ..... || .....  
Judgment entered .....  
Date of Lien .....  
Nature of Lien .....

Mary Ann Cooper  
William E. Carpenter  
700 PINE ST  
TREASURER, PA 17305

August 24, 1978

VICTOR B. GARDNER  
SHERIFF OF COCOSHA CO.,  
BLOOMSBURG, PA. 17305

DEAR SIR:

WE HAVE BEEN INFORMED THAT THE  
PROPERTY TO KNOW, CONCEALED TRADING,  
KNOWN AS HIGH SKY, INC. WILL BE SOLD AT  
AUCTION ON SEPT 7, 2:00 PM, 1978

WE ARE SORRY AND HOPE THE  
DEED TO LOT 992, AND WITH YOUR OFFICE  
TO BE AWARE THAT THIS PROPERTY IS IN  
DEED WAS OWNED BY JOSEPH FRANK OW  
HIGH SKY THE DEED WAS RECORDED BY  
LUCILLE B. WHITMORE IN DEED BOOK 273,  
PAGE NO 770 AT 2:13 PM ON JULY 28, 1975

WE WOULD LIKE TO BE ADVISED IF  
THE AUCTION IS STILL SCHEDULED TO  
TAKE PLACE SEPT 3, AT 2:00 PM, SO THAT  
WE OR A LEGAL REPRESENTATIVE  
MIGHT BE PRESENT TO PROTECT OUR  
INTERESTS. THANK YOU FOR YOUR TIME  
AND COOPERATION.

SINCERELY,

May Ann Cooper  
William E. Cooper



OFFICE OF  
**SHERIFF OF COLUMBIA COUNTY**  
COURT HOUSE  
BLOOMSBURG, PENNSYLVANIA, 17815

**VICTOR B. VANDLING**

SHERIFF

TEL.: BUSINESS 717-784-5551  
RESIDENCE 717-752-5765

**RAYMOND YACHIMOWSKI, JR.**

CHIEF DEPUTY

JOHN J. O'BRIEN, DEPUTY  
LEE F. MENSINGER, DEPUTY  
LINDA D. MOWERY, DEPUTY

Lincoln Bank

VS

High Sky, Inc.

IN THE COURT OF COMMON PLEAS  
OF COLUMBIA COUNTY, PENNSYLVANIA  
WRIT OF EXECUTION  
No. 2 of 1977 mED

Writ of Execution and Notice  
of Sheriff's Sale and Real Estate

July 28, 1978 at 10:20 A.M. served the within Writ of Execution and Notice of Real Estate upon High Sky, Inc. the within named defendant, by personally handing to Robert Hampton, supervisor of High Sky, Inc., a true and attested copy of the within Writ of Execution and a true copy of the Notice of Sale of Real Estate at R.D.#3 Catawissa, Columbia County State of Pennsylvania, making known unto him the contents thereof.

John J. O'Brien

Sworn and subscribed before me this  
28th day of August, 1978

Frederick J. Peterson,  
Prothonotary, Columbia County, Penna.



OFFICE OF  
**SHERIFF OF COLUMBIA COUNTY**  
COURT HOUSE  
BLOOMSBURG, PENNSYLVANIA, 17815

**VICTOR B. VANDLING**

SHERIFF

T&L: BUSINESS 717-784-5551  
RESIDENCE 717-752-5765

Lincoln Bank

VS

High Sky, Inc.

**RAYMOND YACHIMOWSKI, JR.**

CHIEF DEPUTY

JOHN J. O'BRIEN, DEPUTY  
LEE F. MENSINGER, DEPUTY  
LINDA D. MOWERY, DEPUTY

IN THE COURT OF COMMON PLEAS  
OF COLUMBIA COUNTY, PENNSYLVANIA  
WRIT OF EXECUTION  
No. 2 of 1977

Posting of Property

August 15, 1978 at 2:00 P.M. posted a true and correct copy of the within Sale Bill on the property of High Sky, Inc. R.D.#3, Catawissa, Columbia County, State of Pennsylvania.

John J. O'Brien  
Deputy Sheriff

Sworn and subscribed before me this  
28th day of August, 1978

Frederick J. Peterson  
Prothonotary, Columbia County, Penna.



OFFICE OF  
**SHERIFF OF COLUMBIA COUNTY**  
 COURT HOUSE  
 BLDG. SBURG, PENNSYLVANIA, 17815

**VICTOR B. VANDLING**  
 SHERIFF

TEL.: BUSINESS 717-784-3331  
 RESIDENCE 717-752-5765

**RAYMOND YACHIMOWSKI, JR.**  
 CHIEF DEPUTY

JOHN J. O'BRIEN, DEPUTY  
 LEE F. MENBINGER, DEPUTY  
 LINDA D. MOWERY, DEPUTY

August 30, 1978

John M. Kuchka  
 132 East Front Street  
 Berwick, Pa. 18603

Re: Lincoln Bank  
 Vs: High Sky

Dear John:

As of this morning, Judge Myers has stayed the Sheriff Sale in the above matter. When this occurs, we must receive the cost incurred up to that time. These cost are as follows:

Sheriff.....	160.70	
Henrie Printing.....	60.00	
Berwick Enterprise.....	588.00	
<u>Morning Press.....</u>	<u>588.00</u>	
TOTAL.....	1,396.70	<i>700 5 sent checks</i>

Please remit this to us as soon as possible. Thank you.

Very truly yours,

*(Signature)*  
 Raymond Yachimowski,  
 Chief Deputy Sheriff.

*Received check 9-21-78*

*588  
 588  
 1176 -*





OFFICE OF  
**SHERIFF OF COLUMBIA COUNTY**  
 COURT HOUSE  
 BLOOMSBURG, PENNSYLVANIA, 17815

**VICTOR B. VANDLING**  
 SHERIFF

TEL.: BUSINESS 717-784-5551  
 RESIDENCE 717-752-5765

**RAYMOND YACHIMOWSKI, JR.**  
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<u>Morning Press.....</u>	<u>588.00</u>
TOTAL.....	1,396.70

Please remit this to us as soon as possible. Thank you.

Very truly yours,

Raymond Yachimowski,  
 Chief Deputy Sheriff.

SHERIFF'S SALE

By virtue of Writ of Execution issued out of the Court of Common Pleas of Columbia County, Pennsylvania, and to me directed, I will expose to public sale at the Sheriff's Office, in the Court House, in the Town of Bloomsburg, County of Columbia, and State of Pennsylvania, on

THURSDAY, SEPTEMBER 7, 1978  
at 2:00 o'clock P.M.

*Dear Mr. Friskey,*

*Please send me a tax statement  
for the following property.*

*Thank you,  
Ray Yachnowski  
Chief Deputy*

ALL THAT CERTAIN lot or parcel of ground Situate partly in Cleveland Township Conyngham Township and Locust Township, Columbia County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an old P.K. nail in center line of Pennsylvania Department of Highways old Traffic Route #42, where said center line intersects with the North property line of the Roaring Creek Water Company; thence from the place of beginning along the North property line of the aforementioned Roaring Creek Water Company North eighty two degrees twelve minutes and thirty second West for a distance of four hundred sixty seven and seventy three hundredths feet to an old iron pin in a stone pile; thence further along the same South eight degrees thirteen minutes and no seconds West for a distance of one hundred fifty seven and sixty six hundredths feet to an old iron pin in a stone pile; thence still further along the same North eighty three degrees twenty one minutes and no seconds West for a distance of one thousand six hundred ninety four and eighty hundredths feet to an iron pin in a stone pile; thence still further along the same South eight degrees fifteen minutes and no seconds West for a distance of two hundred eighty three and thirty hundredths feet to an old set stone; thence still further along the same North eighty two degrees forty five minutes and thirty nine seconds West for a distance of three thousand five hundred fifty one and thirteen hundredths feet to an old tack in a stone in a stone pile; thence still further along the same South seven degrees forty nine minutes and no seconds West for a distance of three hundred fifty three and seventy three hundredths feet to an old iron pin in a stone pile; thence still further along the same North eighty two degrees thirty four minutes and no seconds West for a distance of four thousand four hundred fifty six and thirty hundredths feet to an old iron pipe in a stone pile; thence still further along the same South seven degrees forty minutes and ten seconds West for a distance of five hundred twenty one and seven hundredths feet to an old iron pin in a stone pile; thence still further along the same North eighty two degrees forty minutes and no seconds West for a distance of one thousand one hundred thirty three and forty hundredths feet to an old iron pipe in a stone pile; thence still further along the same North eighty two degrees forty three minutes and forty two seconds East for a distance of one thousand one hundred thirty eight and fifty hundredths feet to an old stone pile; thence still further along the same South seven degrees thirty five minutes and no seconds West for a distance of four hundred and forty hundredths feet to an old iron pin in a stone pile; thence still further along the same North eighty two degrees five minutes and no seconds West for a distance of one thousand seven hundred and seventy one and no hundredths feet to an old stone pile; thence still further along the same North eighty one degrees twenty five minutes and no seconds East for a distance of seven hundred nine and no hundredths feet to an old iron pipe in a stone pile; thence along the same North eighty two degrees twenty one minutes and fifty three seconds West for a distance of one thousand one hundred sixty four and twenty one hundredths feet to an old iron pipe in a stone pile; thence along the South eight degrees five minutes and thirty five seconds West for a distance of

for a distance of one thousand two hundred and fifty feet by six and fifty eight hundredths feet to a one and one half inch gas pipe; thence still further along the same North eighty five degrees thirty seven minutes and twenty one seconds East for a distance of one thousand four hundred fifty nine and eighty one hundredths feet to an iron pin; thence still further along the same North seven degrees five minutes and twenty eight seconds East for a distance of three hundred five and twenty five hundredths feet to an old stone pile thence still further along the same North along land of the Same tract and along line of land of the Weisser tract North eighty six degrees thirty eight minutes and thirteen seconds East for a distance of four thousand sixty one and fifty seven hundredths feet to an old iron pin in a stone pile; thence further along lands of the Weisser tract North six degrees nine minutes and no seconds East for a distance of one hundred eighty five and thirty two hundredths feet to an old iron pin in a stone pile; thence still further along the same North eighty six degrees twenty nine minutes and fifty one seconds East for a distance of one thousand five hundred thirty six and twenty four hundredths feet to an old iron pipe in a stone pile; thence still further along the same South eighty six degrees forty five minutes and eleven seconds East for a distance of three hundred forty seven and eighty eight hundredths feet to an old iron pin in a stone pile; thence along the west line of lands of the Weisser tract (East right-of-way line of the PPA& Co. Pole line) South six degrees twenty seven minutes and twenty four seconds East for a distance of one thousand two hundred forty four and eighty hundredths feet to an old iron pipe; thence further along land of the Weisser tract South eighty seven degrees thirty three minutes and no seconds East for a distance of one hundred seventy nine and seventy seven hundredths feet to an old iron pipe; thence along line of lands of the Beltz tract North nineteen degrees forty three minutes and sixteen seconds East for a distance of two hundred eighty two and ninety two hundredths feet to an old set stone; thence along line of lands of the Beltz tract South eighty six degrees twelve minutes and eleven seconds East for a distance of one thousand two hundred thirty eight and forty three hundredths feet to an old set stone; thence still further along the same North ten degrees forty six minutes and no seconds East for a distance of seven hundred seven and fifty three hundredths feet to an old stone pile; thence still further along the same South eighty nine degrees fifty five minutes and no seconds East for a distance of one thousand one hundred thirty seven and eighty hundredths feet to an old P. K. nail in the center line of Pennsylvania Department of Highways old Traffic Route #42; thence along the center line of Pennsylvania Department of Highways old Traffic Route #42 South eighty two degrees thirty six minutes and no seconds East for a distance of three hundred thirty five and sixty four hundredths feet to a point on the South right-of-way line of existing Penn Dot Traffic Route #42; thence along said South right-of-way line of existing Penn Dot Traffic Route #42 South seventy seven degrees nine minutes and no seconds East for a distance of one thousand seventy one and sixty two hundredths feet to a point; thence along the center line of the Pennsylvania Department of Highways old Traffic Route #42 South sixty one degrees no minutes and no seconds East for a distance of two hundred seventy one and forty five hundredths feet to a point; thence further along the same South seventy six degrees seventeen minutes and no seconds East for a distance of two hundred twenty three and thirty one hundredths feet to a point; thence still further along the same South seventy four degrees no minutes and no seconds East for a distance of one hundred eighty three and no hundredths feet to a point; thence still further along the same South eighty seven degrees twenty minutes and no seconds East for a distance of three hundred fifty five and no hundredths feet to a point; thence still further along the same South seventy eight degrees thirty six minutes and no seconds East for a distance of two hundred forty seven and no hundredths feet to a point; thence still further along the same South seventy five degrees thirty seven minutes and twenty seconds East for a distance of four hundred eighty eight and seventeen hundredths feet to a point on the South right-of-way line of existing Penn Dot Traffic Route #42; thence along the said South right-of-way line of existing Penn Dot Traffic Route #42 around a curve having an angle of five degrees thirty minutes and no seconds a radius of two thousand eight hundred fourteen and seventy nine hundredths feet a tangent of one hundred thirty five and twenty three feet and an arc of two hundred seventy and twenty hundredths feet for a distance of South sixty five degrees fourteen minutes and no seconds East for a distance of two hundred seventy and ten hundredths feet to a point; thence along the center line of Pennsylvania Department of Highways old Traffic Route #44 South forty eight degrees six minutes and no seconds East for a distance of three hundred ninety seven and no hundredths feet to a point; thence further along the same South fifty two degrees twenty nine minutes and four seconds East for a distance of two hundred twelve and eight hundredths feet to a point; thence still further along the same

DESCRIPTION AND RECTA. (continued)

South forty seven degrees four minutes and no seconds East for a distance of hundred nine and fifty hundredths feet to the place of beginning.

CONTAINING 435.125 acres and being shown in greater detail on a plan laid out by Merlin J. Jenkins, Registered Surveyor, Pottsville, Penna., dated November 19, 1971 and being designated as Plan #9493.

BEING part of the same premises which High Sky, Inc. (Pa. Corp.) et al by Deed dated January 10, 1972 and recorded in Columbia Co. in Deed Book 256 page 144 granted and conveyed unto High Sky, Inc. (Pa. Corp.)

EXCEPTING AND RESERVING THEREFROM AND THEREOUT THE FOLLOWING FOUR SUBJECTS:

EXCEPTION #1

ALL that certain lot or parcel of ground situate partly in Conyngham and partly in Locust Townships, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at an iron pin on the south line of High Sky Development, Phase 2 (north line of lands of the Roaring Creek Water Company), said iron pin being located South seven degrees and forty nine minutes West (S 7°49'W) a distance of three hundred fifty nine and fifty three hundredths feet (359.53') and North eighty two degrees and thirty four minutes West (N 82°34'W) a distance of one thousand seven hundred and eighty two hundredths feet (1,712.82') from an iron pin located at the intersection of the South line of Evergreen Lane with the eastern line of High Sky, Inc. Development, Phase 1; thence from the place of beginning along the South line of High Sky, Inc. Development, Phase 1 (North line of the Roaring Creek Water Company), North eighty two degrees and thirty four minutes West (N 82°34' W) for a distance of six hundred twenty eight and sixty seven hundredths feet (628.67') to an iron pin; thence along the east line of Lot #156 North ten degrees and twelve minutes East (N 10°12'E) for a distance of one hundred thirty two and fifty seven hundredths feet (132.57') to an iron pin; thence along the South line of Evergreen Lane around a curve having an angle of one degree and twenty eight minutes (1°28'), a radius of six hundred eighty two and eighty six hundredths feet (682.86') a tangent of eight and seventy four hundredths feet (8.74'), an arc of seventeen and forty eight hundredths feet (17.48') for a chord course of South eighty degrees and thirty six minutes East (S 80°36'E) for a chord distance of seventeen and forty eight hundredths feet (17.48') to a point; thence further along the same South seventy nine degrees and fifty two minutes East (S 79°52'E) for a distance of sixty four and no hundredths feet (64.00') to a point; thence still further along the same around a curve having an angle of fourteen degrees and fifty two minutes (14°52') a radius of five hundred fifty three and two hundredths feet (553.02'), a tangent of seventy two and fifteen hundredths feet (72.15'), an arc of one hundred forty three and forty nine hundredths feet (143.49') for a chord course of South eighty seven degrees and eighteen minutes East (S 87°18'E) for a chord distance of one hundred sixty three and nine hundredths feet (163.09') to a point; thence still further along the same North eighty five degrees and sixteen minutes East (N 85°16'E) for a distance of three hundred fifty one and no hundredths feet (351.00') to a point; thence still further along the same around a curve having an angle of eight degrees and fifty two minutes (8°52'), a radius of two hundred seventy seven and two hundredths feet (277.02'), a tangent of twenty one and forty eight hundredths feet (21.48'), an arc of twenty two and eighty seven hundredths feet (22.87') for a chord course of North eighty nine degrees and forty two minutes East (N 89°42'E) for a chord distance of forty two and eighty three hundredths feet (42.83') to an iron pin; thence along the West line of Lot #156 South four degrees and eight minutes West (S 4°08'W) for a distance of one hundred and seventy one and seven one hundredths feet (171.71') to the place of beginning.

CONTAINING 2.125 acres and being shown in greater detail on a plan laid out by Merlin J. Jenkins, Registered Surveyor, Pottsville, Pennsylvania, dated September 17, 1971 and recorded in Columbia Co. in Deed Book 256 page 144 and being designated as Plan #9493.

DESCRIPTION AND RECITAL (continued)

BEING the same premises which High Sky, Inc. (Pa. Corp.) by Deed dated March 23, 1972 and recorded in Deed Book 255 page 692 granted and conveyed unto Penn Am, Incorporated. (Pa. Corp.)

EXCEPTION #2

AND that certain lot or parcel of ground situate in Forest Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at an iron pin on the South line of High Sky Development, Phase 1 (North line of lands of the Rearing Creek Water Company), said iron pin being located South seven degrees and forty-nine minutes West (S 7°49' W) a distance of three hundred fifty-three and seventy-three hundredths feet (353.73') and North eighty-two degrees and thirty-four minutes West (N 82°34' W) a distance of two thousand seven hundred nine and no hundredths feet (2,709.00') from an iron pin located at the intersection of the South line of Evergreen Lane with the Eastern line of High Sky, Inc. Development, Phase 1; thence from the place of beginning along the South line of High Sky, Inc Development Phase 1 (North line of the Rearing Creek Water Company) North eighty-two degrees and thirty-four minutes West (N 82° 34' W) for a distance of four hundred seventy and one hundredths feet (470.01') to an iron pin; thence along the aforementioned South right-of-way line of Evergreen Lane around a curve having an angle of thirty-one degrees and twenty-six minutes (31°26') a radius of one hundred eighty-seven and seventy-three hundredths feet (187.73') , a tangent of fifty-two and eighty-three hundredths feet (52.83'), an arc of one hundred two and ninety-nine hundredths feet (102.99') for a chord course of North eighty-one degrees and forty-three minutes East (N 81°43' E) for a chord distance of one hundred one and seventy hundredths feet (101.70') to a point; thence further along the same North sixty-six degrees and no minutes East (N 66°00'E) for a distance of twenty-four and eighty-two hundredths feet (24.82') to a point; thence still further along the same around a curve having an angle of twenty-three degrees and twenty-two minutes (23°22'), a radius of one hundred ninety and sixty-two hundredths feet (190.62'), a tangent of thirty-nine and forty-two hundredths feet (39.42'), an arc of seventy-seven and seventy-four hundredths feet (77.74') for a chord course of North seventy-seven degrees and forty-one minutes East (N 77°41' E) for a chord distance of seventy-seven and twenty hundredths feet (77.20') to a point; thence further along the same North eighty-nine degrees and twenty-two minutes East (N 89° 22' E) for a distance of one hundred ninety and seventeen hundredths feet (190.17') to a point; thence still further along the same around a curve having an angle of eleven degrees and thirty-eight minutes (11°38') a radius of four hundred seventy-four and thirty-two hundredths feet (474.32'), a tangent of forty-eight and thirty-two hundredths feet (48.32'), an arc of ninety-six and thirty-one hundredths feet (96.31') for a chord course of South eighty-four degrees and forty-nine minutes East (S 84°49' E) for a chord distance of ninety-six and fourteen hundredths feet (96.14') to an iron pin; thence along the West line of Lot No. 150 South eleven degrees and no minutes West (S 11°00' W) for a distance of ninety-seven and twenty-three hundredths feet (97.23') to the place of beginning.

CONTAINING 0.523 acres and being shown in greater detail on a plan filed in the Office of the Clerk of the Board of Supervisors, Pottsville, Pennsylvania, dated September 17, 1971, verified by 22, 1972 and being assigned to Lot No. 160 on Plan No. 3083-1.

BEING the same premises which High Sky, Inc. (Pa. Corp.) by Deed dated September 6, 1972 and recorded in Columbia Co. in Deed Book 258 page 601 granted and conveyed unto Thomas H. McMillan and Rosanna K., his wife.

EXHIBIT 13

ALL THAT CERTAIN lot or parcel of ground Situate partly in Locust and partly in Conyngham Townships, Columbia County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the North line of lands of the Roaring Creek Water Company, said iron pin being located North eighty-two degrees and thirty-four minutes West a distance of one thousand eighteen and twenty-nine hundredths feet from a set stone located at a corner in line of lands of the Roaring Creek Water Company; thence from the place of beginning along the aforementioned North line of lands of the Roaring Creek Water Company North eighty-two degrees and thirty-four minutes West for a distance of one hundred twelve and fifty-six hundredths feet to an iron pin; thence along the West line of Lot #152 North seven degrees and twenty-six minutes East for a distance of two hundred thirty-one and thirteen hundredths feet to an iron pin; thence along the South right-of-way line of a proposed thirty-three foot road South eighty-five degrees and forty-two minutes East for a distance of one hundred twelve and seventy-three hundredths feet to an iron pin; thence along the West line of Lot #150 South seven degrees and twenty-six minutes West for a distance of two hundred thirty-seven and twenty-nine hundredths feet to the place of beginning.

CONTAINING 26,362.00 Square Feet and being shown in greater detail on a plan laid out by Nerlyn J. Jenkins, Registered Surveyor, Pottsville, Pennsylvania, dated January 15, 1973, and being designated as Lot #151 Revised on Plan #9357.

BEING the same premises which High Sky, Inc. by Deed dated Feb 20 1973, 1973 and intended to be recorded in Columbia Co. granted and conveyed unto Arthur W. Brown, Jr. and Jeannette F. Brown, his wife.

EXHIBIT 14

ALL THAT CERTAIN lot or parcel of ground Situate partly in Conyngham and partly in Locust Townships, Columbia County, Penna., bounded and described as follows:

BEGINNING at an iron pin on the South line of High Sky Development, Phase I (North line of lands of the Roaring Creek Water Company), said iron pin being located South seven degrees and forty nine minutes West a distance of three hundred fifty nine and fifty three hundredths feet and North eighty two degrees and thirty four minutes West a distance of two thousand four hundred eighty seven and seventy eight hundredths feet from an iron pin located at the intersection of the South line of Evergreen Lane with the Eastern line of High Sky, Inc. Development, Phase I; thence from the place of beginning along the North line of High Sky, Inc. Development, Phase I (North line of the Roaring Creek Water Company) North eighty two degrees thirty four minutes West for a distance of two hundred twenty one and twenty two hundredths feet to an iron pin; thence along the West line of Lot #160 North eleven degrees and no minute East for a distance of ninety seven and twenty three hundredths feet to an iron pin; thence along the South line of Evergreen Lane South seventy nine degrees and no minutes East for a distance of thirty six and no hundredths feet to a point; thence further along the same around a curve having an angle of thirty two degrees and thirty two minutes a radius of three hundred eighty three and one hundred thirty two hundredths feet a tangent of fifty two and twenty five hundredths feet to a point; thence along the same South eighty six degrees and forty six minutes East for a distance of one hundred three and fifty four hundredths feet to a point; thence along the same South eighty five degrees and twenty eight minutes East for a distance of thirty three and ten hundredths feet to an iron pin; thence along the West line of Lot #153 South four degrees and thirty two minutes West for a distance of one hundred thirteen and ninety one hundredths feet to the place of beginning.

BEING shown in greater detail on a plan laid out by Nerlyn J. Jenkins, Registered Surveyor, Pottsville, Pennsylvania, dated January 15, 1973, and being designated as Lot #152 Revised on Plan #9357.

AND, EXCEPTING AND RESERVING THEREFROM AND THEREOUT THE FOLLOWING FOUR (4) TRACTS OF LAND:

EXCEPTION #5

ALL THAT CERTAIN lot or parcel of ground Situate in Locust Township, Columbia County, Pennsylvania, conveyed by High Sky, Inc., to John C. Bonaparte and Janice Bonaparte, his wife, by deed dated May 15, 1973, and recorded June 25, 1973, in Columbia County Deed Book Volume 262 at Page 451; containing 0.473 acres and designated as Lot No. 158 on Plan No. 9493.

EXCEPTION #6

ALL THAT CERTAIN lot or parcel of ground Situate in Locust Township, Columbia County, Pennsylvania, conveyed by High Sky, Inc., to Joseph W. Grenda and Marie A. Grenda, his wife, by deed dated September 28, 1973, and recorded November 2, 1973, in Columbia County Deed Book Volume 264 at Page 828; containing 0.483 acres and designated as Lot No. 49 on Plan No. 9493.

EXCEPTION #7

ALL THAT CERTAIN lot or parcel of ground Situate in Cleveland Township, Columbia County, Pennsylvania, conveyed by High Sky, Inc., to Joseph A. Fitzgerald and N. Jean Fitzgerald, his wife, by deed dated November 2, 1973, and recorded November 28, 1973, in Columbia County Deed Book Volume 265 at Page 63; containing 0.510 acres and designated as Lot No. 559 on Plan No. 9493-2.

EXCEPTION #8

ALL THAT CERTAIN lot or parcel of ground Situate partly in Locust Township and partly in Conyngham Township, Columbia County, Pennsylvania, conveyed by High Sky, Inc., to Joseph W. Frain by deed dated December 3, 1973, and recorded December 18, 1973, in Columbia County Deed Book Volume 268 at Page 271; containing 0.973 acres and designated as Lot No. 153 on Plan No. 9493.

Taken into execution, etc., at the suit of Lincoln Bank vs High Sky, Inc., and to be sold as the property of High Sky, Inc.

Notice is hereby directed to all parties and claimants that a schedule of distribution will be filed by the Sheriff on September 15, 1978. Distribution will be made in accordance with the Schedule unless exceptions are filed within ten (10) days thereafter.

John M. Kuchka, Attorney

VICTOR B. VANDLING, SHERIFF

Morning Press, Berwick Enterprise: Legal Advertisement,  
Wednesdays, August 16, 23, 30.

Henrie Printing Co.: Print Sale Bills

Tax Collectors, Cleveland Township, Conyngham Township, and  
Locust Township.

LINCOLN BANK,	:	IN THE COURT OF COMMON PLEAS
Plaintiff,	:	OF THE 26TH JUDICIAL DISTRICT
	:	
vs.	:	COLUMBIA COUNTY BRANCH
	:	CIVIL ACTION - LAW
HIGH SKY, INC.,	:	
Defendant.	:	NO. 247 MAY TERM, 1974
	:	IN ASSUMPSIT

NOTICE OF SALE OF REAL PROPERTY

TO: HIGH SKY, INC., Defendant in the above captioned action and owner or reputed owner of the real property more fully described below.

TAKE NOTICE that on the 7th day of September, 1978, at 2:00 o'clock P.M., all that certain piece or parcel of real estate owned or reputedly owned by High Sky, Inc. situate partly in Cleveland Township, Conyngham Township and Locust Township, Columbia County, Pennsylvania, more particularly described in "Exhibit A" attached hereto and made a part hereof, will be sold by the Sheriff of Columbia County pursuant to the Writ of Execution issued to No. 2 of ~~1978~~ <sup>1977</sup> at the suit of Lincoln Bank filed to No. 247 May Term, 1974, in which action judgment was entered against the Defendant, High Sky, Inc., on May 30, 1974.

The aforesaid sale of real property to be held at the Sheriff's Office, Court House, Bloomsburg, Columbia County, Pennsylvania.

To all parties in interest and claimants, TAKE NOTICE that a Schedule of Distribution of the proceeds from the aforesaid sale of real property will be filed by the Sheriff of Columbia County no later than thirty (30) days after the sale, and that



distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days thereafter.

KUCHKA & IREY  
Attorneys for Plaintiff  
132 East Front Street  
Berwick, PA 18603

By: John M. Kuchka  
John M. Kuchka, Esquire

LINCOLN BANK,  
Plaintiff,

vs.

HIGH SKY, INC.,  
Defendant.

: IN THE COURT OF COMMON PLEAS  
: OF THE 26TH JUDICIAL DISTRICT  
: COLUMBIA COUNTY BRANCH  
: CIVIL ACTION - LAW  
: NO. 247 MAY TERM, 1974 - J.D.  
: NO. 2 OF 1977 - E.D.  
: IN ASSUMPSIT

PRINCIPAL, INTEREST AND ATTORNEY'S COMMISSION  
FOR WRIT OF EXECUTION REISSUED ON JUNE 23, 1978

Amount Due	\$329,240.45
Interest as of July 19, 1978 (Interest - \$108.24 per day)	73,237.71
Attorney's Commission - 15%	<u>60,371.72</u>
TOTAL	\$462,849.88 Plus Costs

KUCHKA & IREY

BY: 

LINCOLN BANK,  
Plaintiff,

vs.

HIGH SKY, INC.,  
Defendant.

: IN THE COURT OF COMMON PLEAS  
: OF THE 26TH JUDICIAL DISTRICT  
:  
: COLUMBIA COUNTY BRANCH  
: CIVIL ACTION - LAW  
:  
: NO. 247 MAY TERM, 1974  
: IN ASSUMPSIT

AFFIDAVIT REQUIRED BY PA. R.C.P. 3129 (a)

JOHN M. KUCHKA, Esquire, being duly sworn according to law, doth depose and say that he is the attorney for the Plaintiff, Lincoln Bank; that to the best of his knowledge, information and belief the name and last known address of the Defendant in the above captioned matter against whom a judgment was entered on May 30, 1974, is:

High Sky, Inc.  
R. D. #3  
Catawissa, PA 17820

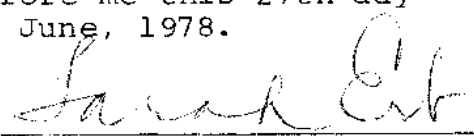
and that the name and last known address of the owner or reputed owner of the real property to be sold in satisfaction of the above mentioned judgment is:

High Sky, Inc.  
R. D. #3  
Catawissa, PA 17820

KUCHKA & IREY  
Attorneys for Plaintiff

BY:   
John M. Kuchka, Esquire

Sworn to and subscribed  
before me this 27th day  
of June, 1978.

  
NOTARY PUBLIC  
My commission expires 1/18/82  
Berwick, Columbia County, PA

LINCOLN BANK,	:	IN THE COURT OF COMMON PLEAS
Plaintiff,	:	OF THE 26TH JUDICIAL DISTRICT
	:	
vs.	:	COLUMBIA COUNTY BRANCH
	:	CIVIL ACTION - LAW
HIGH SKY, INC.,	:	
Defendant.	:	NO. 247 MAY TERM, 1974
	:	IN ASSUMPSIT

NOTICE OF SALE OF REAL PROPERTY

TO: HIGH SKY, INC., Defendant in the above captioned action and owner or reputed owner of the real property more fully described below.

TAKE NOTICE that on the \_\_\_\_\_ day of \_\_\_\_\_, 1978, at \_\_\_\_\_ o'clock \_\_\_\_M., all that certain piece or parcel of real estate owned or reputedly owned by High Sky, Inc. situate partly in Cleveland Township, Conyngham Township and Locust Township, Columbia County, Pennsylvania, more particularly described in "Exhibit A" attached hereto and made a part hereof, will be sold by the Sheriff of Columbia County pursuant to the Writ of Execution issued to No. \_\_\_\_\_ of 1978 at the suit of Lincoln Bank filed to No. 247 May Term, 1974, in which action judgment was entered against the Defendant, High Sky, Inc., on May 30, 1974.

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