

# SHERIFF'S SALE OF REAL ESTATE

## NOTICE OF SHERIFF'S SALE OF REAL ESTATE

TAKE NOTICE that I, Jeffrey C. Krieg, Sheriff of Elk County will expose at public sale the following described real estate in the Attorney Conference Room on the First Floor of the Elk County Courthouse, Ridgway, Pennsylvania on **Thursday, February 2<sup>nd</sup>, 2012 at 1:10 P.M.**, prevailing time. This sale is being held on a Judgment in Mortgage Foreclosure filed by Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP against James A. Armstrong. This Writ of Execution being issued upon a Judgment in Mortgage Foreclosure at No. 10-429 in the amount of \$ 68,447.41 plus costs.

## DESCRIPTION OF REAL ESTATE TO BE SOLD

ALL those certain pieces, parcels of lots of land situate, lying and being in the Township of Ridgway, County of Elk and State of Pennsylvania, bounded and described as follows:-

### FIRST THEREOF:

BEGINNING at  $\frac{3}{4}$  inch iron pipe marker at the southwest corner of Lot No. 24 and the northwest corner of Lot No. 25 in the easterly right-of-way margin of a fifty (50) foot wide future street (now Ely Road), according to survey of lots for Emma B. Greiner, Ridgway Township, Elk County, by C. Keeler Gifford, Engineering Company, Inc., Civil and Mining Engineers, dated July 1955, as revised September 1956 and June 1957, said place of beginning also being South nineteen degrees sixteen minutes fifteen seconds West (S. 19 degrees 16 minutes 15 seconds W.) along said future easterly right-of-way margin (now Ely Road) a distance of two hundred (200) feet from the southwest corner of Lot No. 22 heretofore conveyed by Emma B. Greiner, Widow, to Chester A. Maddelena and Stella J. Maddelena, his wife, by deed dated April 22, 1957 and recorded in the Recorder's Office of Elk County on April 24, 1957 in Deed Book 135, at Page 517; thence South eighty-seven degrees twenty-five minutes East (S. 87 degrees 25 minutes E.) along the boundary line common of Lots Nos. 24 and 25, two hundred fifty-five and twelve one-hundredths (255.12) feet to an iron pipe marker in the westerly margin of the Pennsylvania Electric Company right-of-way at the southeast corner of Lot No. 24 and northeast corner of Lot No. 25; thence South one degree forty-nine minutes West (S. 1 degree 49 minutes W.) along said Westerly right-of-way margin ninety-five and eighty one-hundredths (95.80) feet to a marker at the southeast corner of Lot No. 25 and northeast corner of Lot No. 26; thence North eighty-seven degrees twenty-five minutes West (N. 87 degrees 25 minutes W.) along the boundary line common to Lots Nos. 25 and 26, two hundred eighty-five and eleven one-hundredths (285.11) feet to an iron pipe marker in the aforesaid future street (now Ely Road) easterly right-of-way margin at the southwest corner of Lot No. 25 and the northwest corner of Lot No. 26; thence North nineteen degrees sixteen minutes fifteen seconds East (N. 19 degrees 16 minutes 15 seconds E.) along said future street (now Ely Road) easterly right-of-way margin, one hundred (100) feet to THE PLACE OF BEGINNING.

CONTAINING twenty-five thousand eight hundred seventy-four (25,874) square feet, and being all of Lot No. 25, according to the last revision of the aforesaid map or plan recorded in Map File 1979, Page 20, on September 12, 1979.

SUBJECT to all exceptions, reservations, conditions, restrictions, rights-of-way and easements as fully and to the same extent as contained in all prior deeds, instruments, or writings, or in any other manner touching or affecting the premises hereby conveyed.

AS A PART of the consideration hereof, the Grantee covenants and agree with the Grantors that this conveyance is expressly subject to the following agreement, covenant and restriction, as contained in deed of Emma B. Greiner, Widow, to Robert E. DeVallance and Caroline M. DeVallance, husband and wife, recorded on November 7, 1958, in Volume 142, at Page 443, which agreements, covenants and restrictions run with the land, to-wit:- that said property shall be used only for residential purposes and not be used for commercial purposes of any kind whatsoever.

**SECOND THEREOF:**

BEGINNING at a pipe marker at the southwest corner of Lot No. 25 in the easterly right-of-way margin of a fifty (50) foot wide public road or street (now Ely Road) according to survey of lots for Emma B. Greiner, Ridgway Township, Elk County, by C. Keeler Gifford Engineering Company, Inc., Civil and Mining Engineers, dated July 1955 as revised September 1956 and June 1957, and Lots Nos. 26 and 27 surveyed May, 1961, said place of beginning also being the northwest corner of Lot No. 26 and said Lot No. 25 being the same premises heretofore conveyed by deed of Emma B. Greiner, Widow, to Robert E. DeVallance and Caroline M. DeVallance, husband and wife, by deed dated October 15, 1958 and recorded in the Recorder's Office of Elk County in Deed Book Volume 142, Page 443 on November 7, 1958; thence South nineteen degrees sixteen minutes fifteen seconds West (S. 19 degrees 16 minutes 15 seconds W.) along said public road (now Ely Road) easterly right-of-way margin fifty (50) feet to a marker; thence South eighty-seven degrees twenty-five minutes East (S. 87 degrees 25 minutes E.) three hundred (300) feet, more or less, to a marker in the westerly margin of the Pennsylvania Electric Company right-of-way; thence North one degree forty-nine minutes East (N. 1 degree 49 minutes E.) along said Pennsylvania Electric right-of-way forty-eight and seventy-three hundredths (48.73) feet, more or less, to the southeast corner of Lot No. 25 and the northeast corner of Lot No. 26; thence North eighty-seven degrees twenty-five minutes West (N. 87 degrees 25 minutes W.) along the common boundary line between Lots Nos. 25 and 26, two hundred eighty-five and eleven hundredths (285.11) feet to the PLACE OF BEGINNING.

CONTAINING fourteen thousand five hundred twenty-eight (14,528) square feet of land, more or less, and being the northerly half of Lot No. 16 according to the last revision of the aforesaid map or plan recorded in Map File 1979, Page 20, on September 12, 1979.

AS A PART of the consideration hereof, the Grantees covenant and agree with the Grantor that this conveyance is expressly subject to the following agreement, covenant and restriction as contained in deed of Madellyn Greiner, Frederick K. Greiner and Paul B. Greiner, Executors of the Estate of Emma B. Greiner, Deceased, to Robert E. DeVallance and Caroline M. DeVallance, husband and wife, recorded March 5, 1968 in Volume 175, Page 669, which agreements, covenants and restrictions run with the land, to wit:- that said property shall be used only for residential purposes and not to be used for commercial purposes of any kind whatsoever.

SUBJECT to all exceptions, reservations, conditions, restrictions, rights-of-way and easements as fully and to the same extent as contained in all prior deeds, instruments, or writings, or in any other manner touching or affecting the premises hereby conveyed.

TITLE TO SAID PREMISES IS VESTED IN James A. Armstrong, single, by deed from James A. Armstrong, single, and Teresa A. Reynolds, single, dated 07/11/2006, recorded 07/14/2006 in Elk County Deed Book 554, Page 825.

Tax Map No.: 09-12-233-1541

Control No.: 09-011558

PROPERTY ADDRESS: 65 Ely Road, Ridgway, PA 15853

IMPROVEMENTS BEING: A one-story framed dwelling (1,218 sq. ft.) unfinished basement, built in 1959, with open porch (20 sq. ft.) and attached one-car garage (312 sq. ft.)

ATTORNEY: Allison F. Wells, Esq.  
Phelan, Hallinan & Schmieg, LLP

ADDRESS: One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103

TELEPHONE: (215) 563-7000

All claims against the above property must be filed at the Office of the Sheriff prior to the above sale date. Claims to the proceeds must be made with the Office of the Sheriff before distribution. The Sheriff will file a Schedule of Distribution in his office, no later than 30 days after the sale. Exceptions to distribution or a Petition to set aside the Sale must be filed with the Office of the Sheriff no later than ten (10) days from the date when the Schedule of Distribution is filed in the Office of the Sheriff.

Date: *The Ridgway Record*  
January 5, 2011  
January 12, 2011  
January 19, 2011

Jeffrey C. Krieg, Sheriff  
Elk County Sheriff's Office  
Ridgway, PA 15853

#### TERMS OF SALE

The successful bidder must pay ten (10%) percent of the bid at the time of the sale in cash, certified check or money order and the balance of within thirty (30) days thereafter, otherwise, the property will be re-exposed for sale on the same date or at a subsequent date at the risk and expense of the first person to whom it was struck off and that person's ten percent bid shall be forfeited to the Sheriff's Office as damages to cover expenses and deficiencies incident to a resale.

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