

INDEX TO EXHIBITS

Docket No. C-2021-3027093

Hearing Date: September 14, 2021

<u>NUMBER</u>		<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
<u>Complainant's Exhibit:</u>			
1	Statement	12	12
A	Deed	13	13
B	Photos	16	16
C	Photo of Furnace Street	18	18
D	Newspaper Articles (NOT ADMITTED/NOT ATTACHED)	18	--
E	Photos and Biographies (NOT ADMITTED/NOT ATTACHED)	19	--
F	Photos	24	24
G	Emails with Attachments	27	27
H	Maps	34	34
I	Photo	34	35
J	PennDOT Correspondence	35	36



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 ELECTRIC DIVISION
 ONE UGI CENTER
 WILKES-BARRE, PA. 18711

SHICKSHINNY BOROUGH

Rt. 11

Ms. Francene
 Tearpock-Martini's
 House

Property of
 Ms. Francene
 Tearpock-Martini

Property of
 Ms. Francene
 Tearpock-Martini

Furnace St

Legend	
	Property Line
	Right-of-Way Line
	Measurements
	Existing Pole
	Existing Wire
	Anchor Guy
	Road / Building Edges

DRAWN BY: K. HOBAN 09/02/21
 APPROVED BY: W. GRODZKI 09/02/21

1 inch = 25 feet
 Document Name: FurnaceStMainST7x11Revision.pdf

MS. FRANCENE TEARPOCK-MARTINI INQUIRY
 ANCHOR GUY ON POLE # 44024-36283
 INT. OF RT. 11 AND FURNACE ST, SHICKSHINNY, PA

5 x 5 12-1



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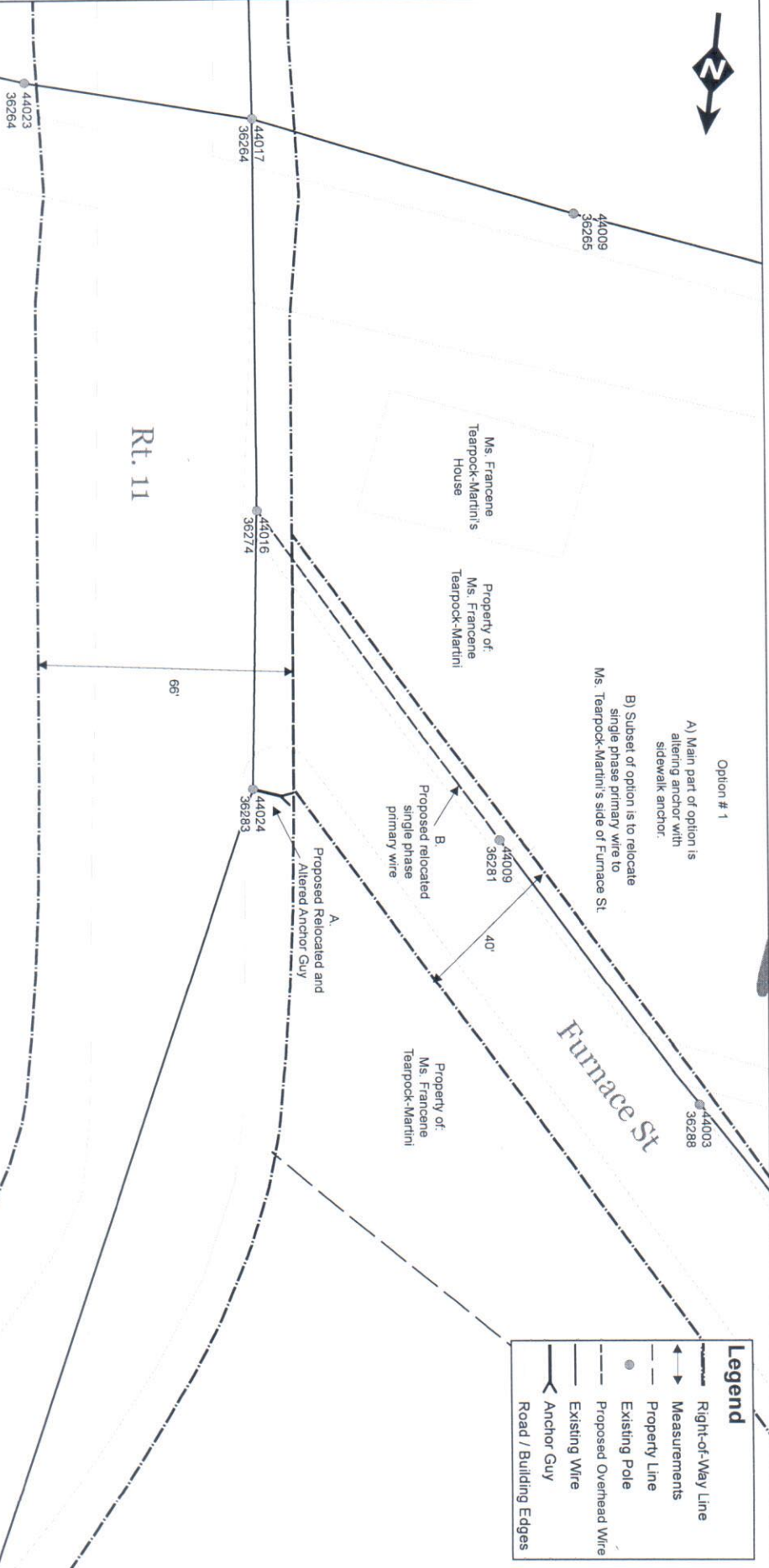
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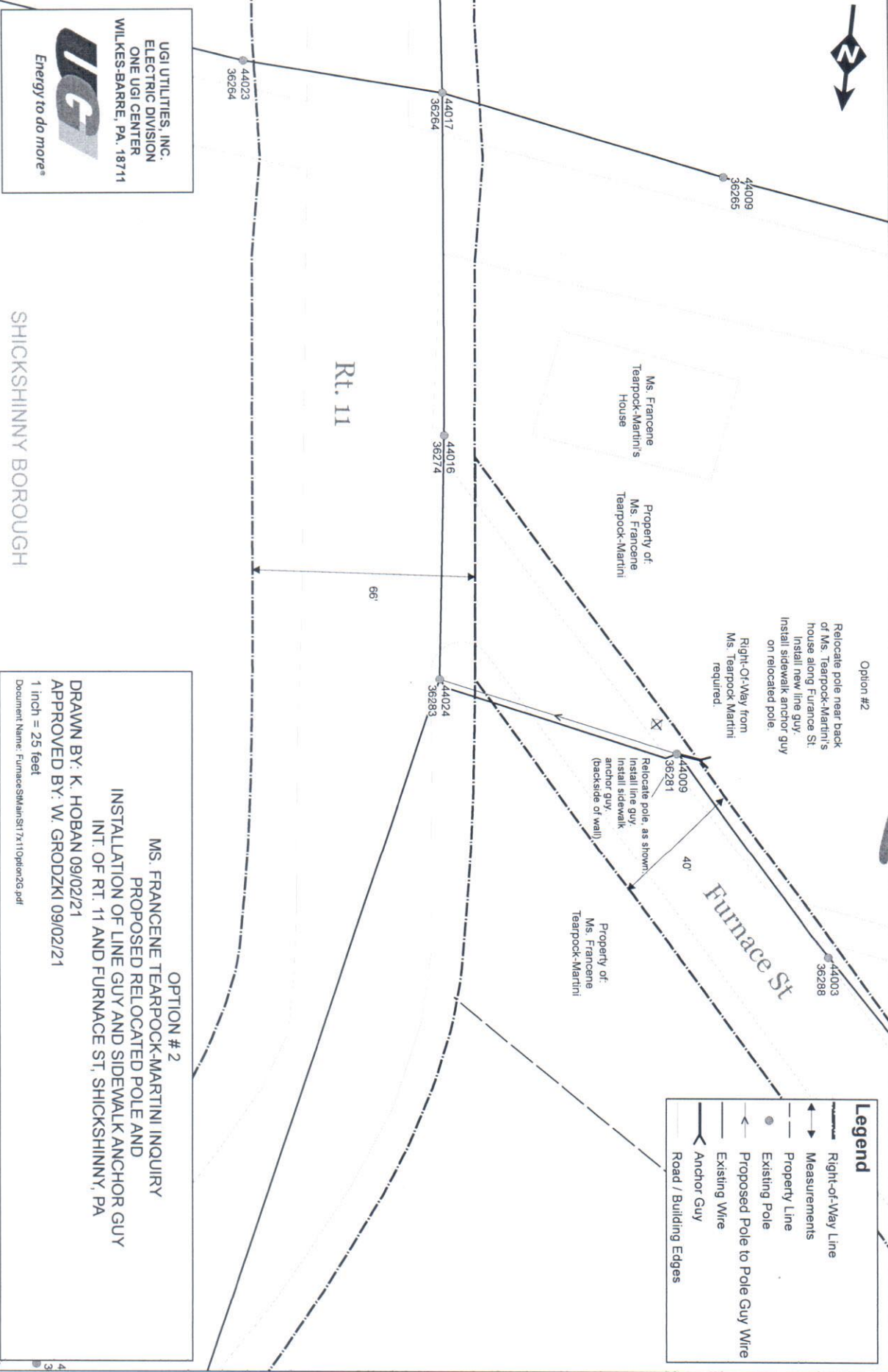
OPTION # 1

MS. FRANCENE TEARPOCK-MARTINI INQUIRY
PROPOSED RELOCATED AND ALTERED ANCHOR GUY AND
PROPOSED RELOCATED 1Φ PRIMARY WIRE
ANCHOR GUY ON POLE # 44024-36283
INT. OF RT. 11 AND FURNACE ST, SHICKSHINNY, PA

DRAWN BY: K. HOBAN 09/02/21
APPROVED BY: W. GRODZKI 09/02/21
1 inch = 25 feet
Document Name: FurnaceStMainSt17x11Option1.pdf



2-12-23



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OPTION # 2

MS. FRANCENE TEARPOCK-MARTINI INQUIRY
PROPOSED RELOCATED POLE AND
INSTALLATION OF LINE GUY AND SIDEWALK ANCHOR GUY
INT. OF RT. 11 AND FURNACE ST, SHICKSHINNY, PA

APPROVED BY: W. GRODZKI 09/02/21

DRAWN BY: K. HOBAN 09/02/21

1 inch = 25 feet

Document Name: FurnaceStMainSt 7x11Option25.pdf

Legend

- Right-of-Way Line
- Measurements
- Property Line
- Existing Pole
- Proposed Pole to Pole Guy Wire
- Existing Wire
- Anchor Guy
- Road / Building Edges

EXH B-3

GENERAL NOTES

Original Legal Width of Right of Way is Sixty Six (66) Feet, obtained from Luzerne County Court House at Wilkes Barre Pa Road Docket No 1 Page 276, Confirmed Nov 21 1798

Buildings and Structures indicated with a [Q] are to be removed by the County or other responsible authority and such work is not a part of this Contract Buildings and Structures marked with an [R] are to be removed under clearing and grubbing as a part of this contract

All fills for highway between stations 1266+50 to 1288+00, and 1290+50 to 1298+00 to be placed and rolled in layers one-half the specified depth for the class of material encountered, in accordance with Section 132 of the specifications Concrete Curbs to be depressed where directed by the Engineer

Provisions for hauling across the tracks of D L & W R R Co shall be made by the contractor with the D L & W R R Co at the contractor's expense

The D L & W R R will reconstruct its tracks to the lines and grades shown on the drawings and in accordance with satisfactory arrangements between the contractor and the D L & W R R Co Railroad traffic to be maintained at all times during construction over at least one track.

The roadway will be paved in part widths and two-lane traffic maintained at all times between 1207+60 & 1236+00 in accordance with Sec. 30 of the Specifications, except one-lane traffic may be maintained past const operations as approved by the Engineer

Any waste material that may result from grading operations shall be disposed of by widening shoulders uniformly thruout the project as directed by the Engineer

No item of subgrade will be allowed in connection with the grading of the railroad road bed

Prior to the contractors operations the Department of Highways shall open, widen and improve a street on the right from sta 1258+00 to sta 1262+50 to be used as a detour The contractor shall maintain and protect traffic across the construction

Tile underdrain and tile foundation underdrains shall be constructed with porous concrete or perforated vitrified clay in accordance with supplement U-2, September 18, 1936

Between stations 1220+15 and 1265+00 the contractor shall grade and pave the lane to the right of the center lane before the left so that final cross sections may be taken and allow the WPA Forces to proceed with Native Stone Base and curb construction prior to the completion of the contract

The contractor shall carefully remove bricks in present pavement and store same along project as directed by the Engineer

Where the Construction of the retaining wall between the railroad and the river requires the removal of the present riprap along the river bank, the riprap shall be replaced by hand and backfill well tamped in accordance with Sec 212 of the Specifications to form a tight connection with the new retaining wall This work to be done without additional compensation

The width of the railroad fill will be variable and the width to be constructed shall be determined from the cross sections

* See Special Requirement in Proposal

Exh R-4
Pg 3 of 3

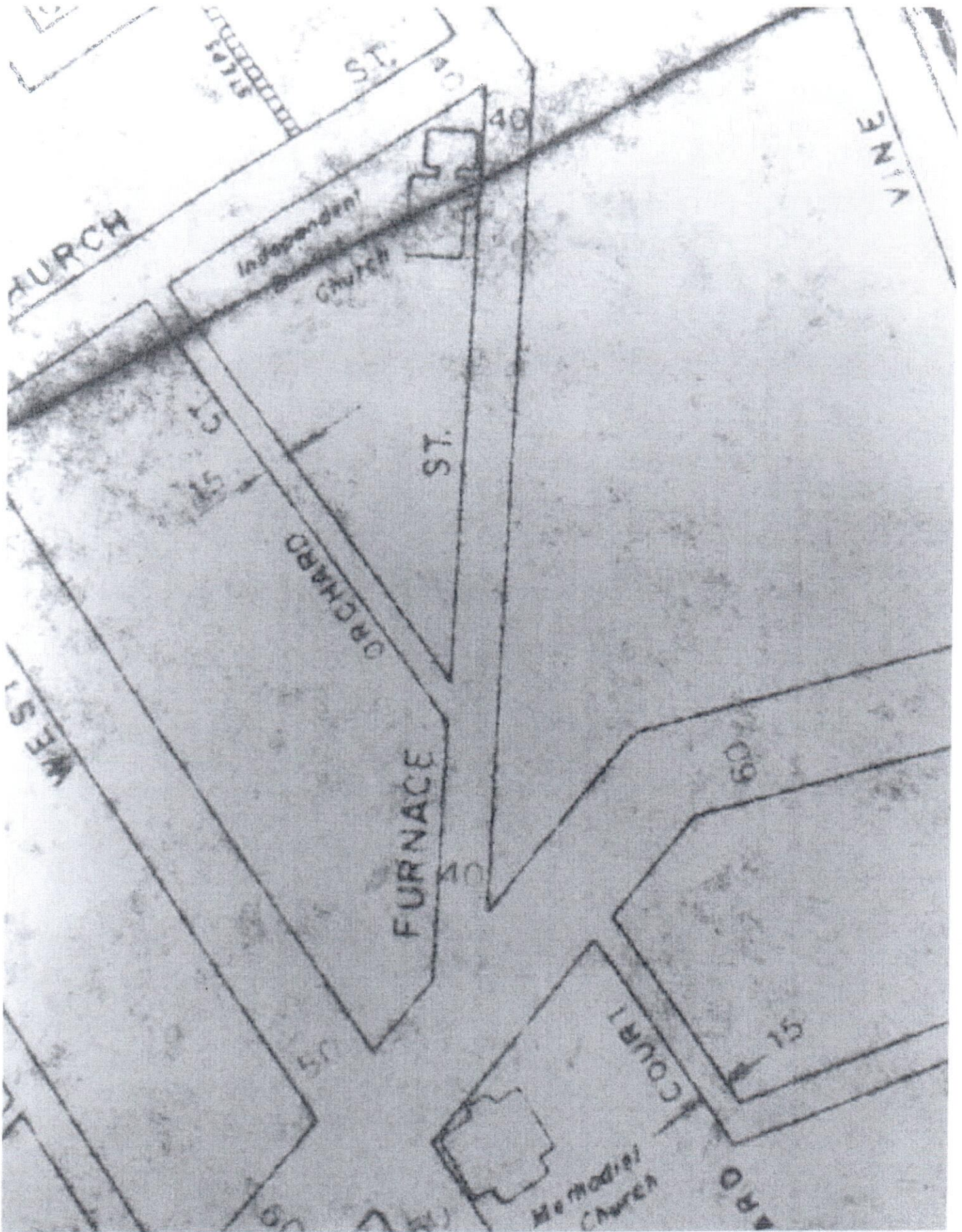
MAP OF
HICKSHINNY BOROUGH

SCALE: 1" = 200'

DATE: JANUARY, 1986

PREPARED BY: REILLY ASSOCIATES

EXH R-5
Pg 1 of 2

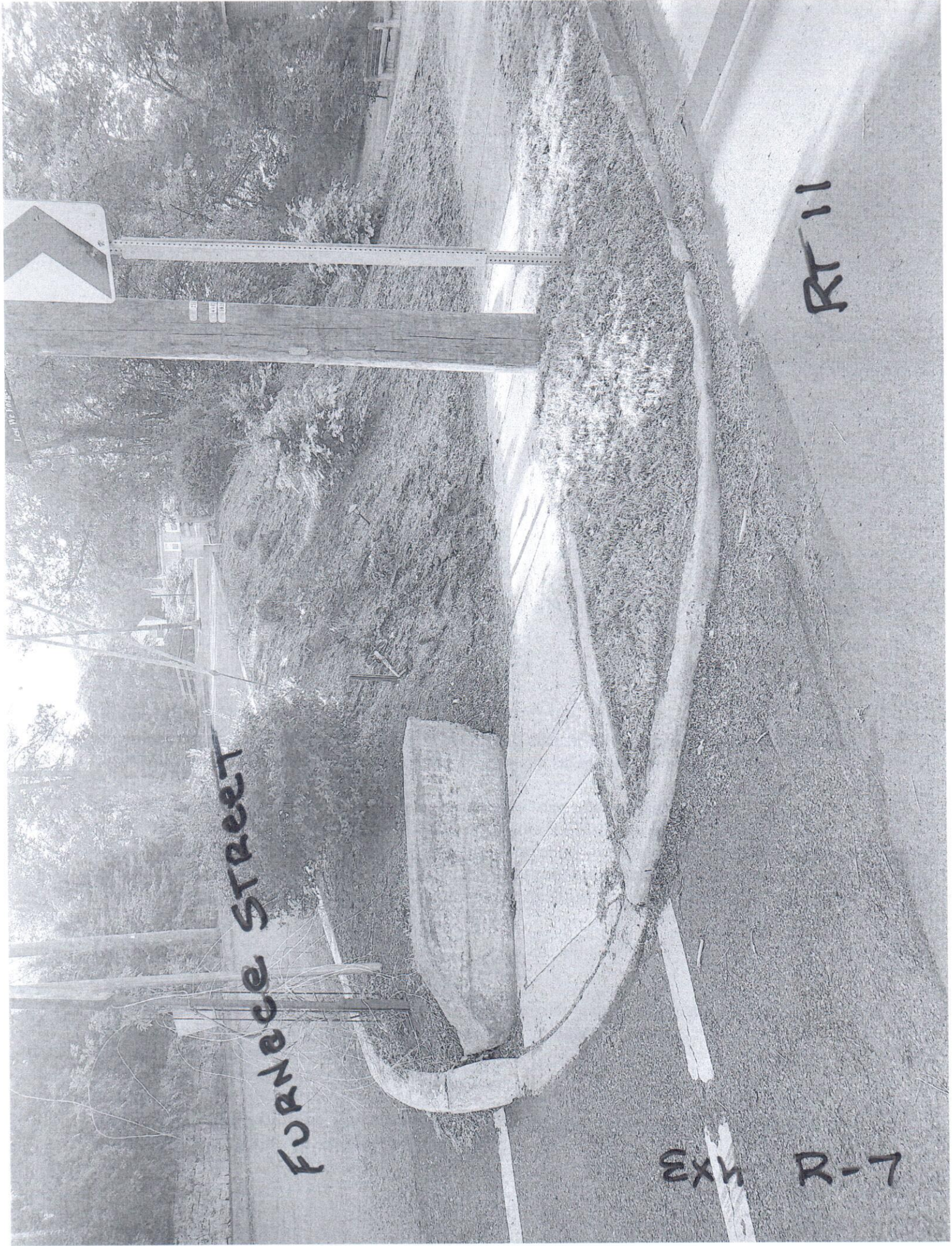


Exh R-5
Pg 2 of 2

FURNECE STREET

RT 11

EXH R-7





EXH R-8

Administrative Law Judge Elizabeth Barnes
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Office of Administration Law Judge
400 North Street
Harrisburg PA 17120

September 3, 2021

Re: C-2021-3027093
Francene Tearpock-Martini v. UGI Utilities, Inc.
Miscellaneous/Other - dispute

Prepared by Complainant, Francene Tearpock-Martini for this Honorable Court's consideration.

1. BRIEF STATEMENT OF THE CASE TO BE MADE PART OF THE RECORD

A. The Complainant, Francene Tearpock-Martini and the Tearpock-Martini Property:

Francene Tearpock-Martini is the owner of real property improved with a single-family home and Carriage House and Lands of Francene Tearpock-Martini, with an address of 56 South Main Street, Shickshinny, Luzerne County, Pennsylvania 18655, and more particularly described in a deed and recorded to Luzerne County Deed Book, attached copy of Deed recorded March 6th, 2017. See **Exhibit "A"**.

B. The Defendants, UGI Utilities:

The Defendants to this case are UGI Utilities who currently provide Electric services to Shickshinny Borough community and provide pole access to a variety of subsidiaries including Verizon, Frontier and Cable companies. With the heavier loads over time the poles have expanded in size and height and have moved their locations. See **Exhibit "B"**.

C. General Nature of the Tearpock-Martini Property:

The Tearpock-Martini Property is unique. It is adjacent to three (3) streets. South Main Street lies alongside the Tearpock-Martini Property to the East, W. Butler Street abuts the Tearpock-Martini Property to the South and Furnace Street is adjacent to the Tearpock-Martini Property to the North. The Tearpock-Martini Property is situated upon an escarpment. The Lands of Tearpock-Martini are separated from the main parcel by the Furnace Street. See **Exhibit "C"**.

Likewise, the House is of a unique and historical character. Tearpock-Martini has been at this Property since 1977. In 2009 it was nominated and placed on the National Register of Historic Places. Tearpock-Martini has also been recognized by the Wyoming Valley Luzerne County Historical Society in 2002 for her efforts to restore the Home and Property. See **Exhibit "D"**.

Francene Tearpock-Martini is the 3rd owner (150 years) of this Historic Property since 1861 when one of the Founders of the Town, George Washington Search, plotted out what is now Shickshinny Borough, and selected these lots to make his home. See **Exhibit "E"**, History of G.W. Search and Shickshinny Borough.

D. Interfering Actions of the UGI Utilities:

As UGI Utilities began expanding their market increasing the loads on their poles they chose a pole at the Tearpock-Martini location to install "guy wires" onto her Private Property. This trespass became a safety hazard and liability issue with the owner. Francene Tearpock-Martini immediately began contacting UGI Utilities to remove their wires but instead the wires increased over time. They move their poles at will causing hardship to her landscaping and trees as well as liability and safety hazards. See **Exhibit "F"**.

Francene Tearpock-Martini continued contacting UGI Utilities in person, by phone and in writing dating back to 2005 when she acquired the Lands requesting documented proof that these "guy wires" could be placed upon her Private Property. Tearpock-Martini also documented the discussions through email communications. No proof has been provided. They continue to trespass. See **Exhibit "G"**.

It is clear to Complainant that prior to her acquisition of the Lands, having lived at said Property since 1977, and through Abstract title search, deeds, maps, knowledge and research of said Lands that a dwelling was at that location until torn down during said period of acquisition which abutted the sidewalk area of said Lands. The concrete foundation still remains at that location. Previously, there were no "guy wires" there. There was a dwelling there. Francene Tearpock-Martini never gave permission to trespass. See **Exhibit "H"**, Map Registered Luzerne County, 1959. Survey Map, April 08, 2005. Abstract Map, Sanborn Maps.

There are a number of other reasonable options available for the Utility company that would not affect the Tearpock-Martini Property in any way nor service to any customers including herself. Tearpock-Martini has "No Trespassing" signs on her Property and they are enforced. See **Exhibit "I"**. PennDOT does not even have a Right of Way on Francene Tearpock-Martini Property. See **Exhibit "J"**.

SUMMARY OF THIS CASE BEFORE THE HONORABLE JUDGE:

For your Honor's Consideration, I have provided all information in my possession to the best of my knowledge to establish my rights as a Property owner and to provide you with a view of my Property and surrounding environment. Likely you have not visited this place. Much of beautiful Shickshinny has been lost due to flooding in the lower plain and now only a memory. My home was first owned by George Washington Search c.1861, one of 4 men, Founders of our Town. The 2nd owner was Dr. Miron Briggs, 1920's, and I am the third owner having purchased it in 1977. I have done many things to bring back the beauty and history of this section of town. I am grateful for the opportunity to contribute to the salvation of this section of our Borough. I have found pleasure restoring everything and living here. From time to time I make some changes in the landscaping which further enhances the beauty surrounding the Search Property. Included are some older photography of the Search House Property so you can see the evolution.

Respectfully Submitted,
Francene Tearpock-Martini

11. (A) EXHIBITS:

- A. 1. Tearpock-Martini Deed of Confirmation, Luzerne County Deed Book - Indenture made March 6th, 2017.

- B. Photographic composite view of Utility poles surrounding block of properties from South Main Street, W. Butler, Church Street, Furnace Street to South Main Street.
 - 1. South Main Street
 - 2. W. Butler Street
 - 3. Church Street
 - 4. Furnace Street

- C. Photograph of Francene Tearpock-Martini Property a.k.a. Search Property.
 - 1. East View
 - 2. South View
 - 3. North View
 - 4. Arboretum, Furnace Street, North View
 - 5. Lands of Francene Tearpock-Martini, North View

- D. Newspaper articles.
 - 1 - 3 Newspaper article from Bloomsburg Press Enterprise
 - 4 - 5 Newspaper article from Wilkes-Barre Times Leader - April 13, 2002

- E. Historic significance of Search Shickshinny Property.
 - 1. Historic Marker, National Register of Historic Places
 - 2. Biography of George Washington Search

- F. Movement of Poles.
 - 1. Photograph Pole Installation, Furnace Street sidewalk.
 - 2. Register receipt date of Photograph pole installation.
 - 3. (a) Photograph trespass on Property.
 - (b) Guy wires
 - (c) Damage to landscape
 - (d) Chubb Insurance

- G. Ongoing requests to UGI utilities dating from 2005.
 - 1. Written USPS correspondence to UGI Utilities regarding Poles and 'guy wires' 2005.

(a) Before and after photos

2. Email thread with UGI Utilities regarding "guy wires" request Documents and proof of access and trespass.

H. 1. Map Registered Luzerne County, 1959

2. Survey Map, 2005.

3. Abstract - Map

4. 1873 Business Map

5. Sanborn Maps 1893 - 1939

I. Photo - No Trespassing Signs, Lands of Francene Tearpock-Martini

J. PennDOT - Correspondence Engineering District 4-0 to Borough of Shickshinny
cc: Francene Tearpock-Martini et al. (2) pages.

Complainant reserves the right to utilize any and all exhibits identified by the Defendants in their Pre-Hearing filings.

CC: Larry R. Crayne, Esquire Representing UGI Utilities, Inc.

DEED OF CONFIRMATION

THIS INDENTURE MADE this 6th day of March in the year Two Thousand and Seventeen (2017).

BETWEEN FRANCENE TEARPOCK-MARTINI, unmarried, of the Borough of Shickshinny, County of Luzerne and Commonwealth of Pennsylvania, hereinafter called,

GRANTOR

AND

FRANCENE TEARPOCK-MARTINI, unmarried, of the Borough of Shickshinny, County of Luzerne and Commonwealth of Pennsylvania, hereinafter called,

GRANTEE

WITNESSETH, That the said Grantor for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States of America, unto her well and truly paid by the said Grantee at and before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain and sell, alien, enfeoff, release and confirm unto the said Grantee, her successors and assigns, all those certain pieces or parcels of land situate in the Borough of Shickshinny, County of Luzerne and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

FIRST THEREOF (LOT 1)

BEGINNING at a point, said point being located at the intersection of the southwesterly right-of-way line of Furnace Street and the westerly right-of-way line of State Route 1100 (also known as South Main Street);

THENCE along the westerly sideline of South Main Street, South 1 degree 29 minutes 40 seconds West, 51.14 feet to a corner at the intersection of the westerly sideline of South Main Street and the northerly right-of-way line of State Route 4004 (also known as Butler Street);

THENCE along the northerly sideline of Butler Street, North 73 degrees 20 minutes 00 seconds West, 97.00 feet to a Drill Hole in concrete found at the southeast corner of lands now or formerly of Vincent and Colleen Noble;

THENCE along lands now or formerly of Noble the following four courses and distances:

1) North 17 degrees 10 minutes 30 seconds East, 89.01 feet to an Iron Pin/Cap set;

- 2) North 72 degrees 52 minutes 55 seconds West, 15.56 feet to an Iron Pin/Cap set;
- 3) South 17 degrees 35 minutes 10 seconds West, 16.00 feet to a Drill Hole set in concrete;
- 4) North 73 degrees 20 minutes 00 seconds West, 24.32 feet to an Iron Pin/Cap set on line of lands now or formerly of Leona M. Sherrick;

THENCE along lands now or formerly of Sherrick, North 17 degrees 10 minutes 30 seconds East, 69.77 feet to a Drill Hole set in a concrete wall on the southwesterly right-of-way line of Furnace Street;

THENCE along the southwesterly line of Furnace Street, South 35 degrees 55 minutes 55 seconds East, 154.01 feet to the point of **BEGINNING**.

CONTAINING 9,007.96 square feet.

THE ABOVE DESCRIBED LOT is a combination of the following two parcels:

1) Deed of Francene Tearpock-Martini, et vir., to Francene Tearpock-Martini, dated September 14, 1987, and recorded in Deed Book 2247, at Page 224;

2) Deed of Homecomings Financial Network, Inc. to Francene Tearpock-Martini, dated September 20, 2004, and recorded in Record Book 3004, at Page 2394 71.

ALSO BEING the combined Lot shown on the Francene Tearpock-Martini Subdivision as surveyed by Randy L. Howard, P.L.S., dated February 14, 2005 and recorded in Map Book 175, at Page 59, and on the revised plat of the same recorded in Map Book 176, at Page 20.

TOGETHER WITH all of the rights and privileges as more fully set forth and described in a certain "Deed of Easement" from Leona M. Sherrick to Francene Tearpock-Martini, the Grantor and Grantee herein, dated the 9th day of May, 2005, and recorded in the Office of the Recorder of Deeds in and for Luzerne County, Pennsylvania, in Record Book 3005, at Page 118915.

UNDER AND SUBJECT to the following restrictive covenants, which shall be deemed to be covenants running with the land:

1. No subdivision of the herein described premises shall be hereafter undertaken.
2. No trees or other plantings made by Francene Tearpock-Martini upon the premises shall be cut down, removed, or otherwise destroyed or taken from the herein described premises.

UNDER AND SUBJECT, ALSO, to any and all exceptions, reservations, restrictions, conditions, covenants, licenses, easements and/or agreements as are or may be contained in prior instruments forming the chain or line of title to the premises herein conveyed and/or as may be ascertained from a visible inspection of the premises herein conveyed.

The Property Identification Number/Parcel Identifier Number (“PIN”) of the premises herein conveyed is: L4SE1 B025 L001 and L005 (now combined).

Said allotment BEING the premises conveyed to the grantor herein by deed dated May 19, 2005 and duly recorded in and to the Office of the Recorder of Deeds of Luzerne County at Deed Book 3005, page 182622, et seq.

SECOND THEREOF (LOT 2)

BEGINNING at the southeasterly corner of lands of now or formerly of Harold Beach, in the westerly line of Main Street; thence along the line of lands of now or formerly of H. Beach, north 73 degrees 03 minutes 00 seconds West 8.60 feet; thence along the same, North 54 degrees 56 minutes 00 seconds West 104.76 feet to an iron pin corner; thence along the line of lands now or formerly of B. Caverly, South 35 degrees 35 minutes 00 seconds West 34.03 feet to an iron pin corner; thence along the northerly side of Furnance Street, South 38 degrees 01 minutes 40 seconds East 184.42 feet; thence along the westerly side of Main Street, North 00 degrees 05 minutes 00 seconds East 110.25 feet to the place of beginning.

CONTAINING 8,055 square feet of land.

The Property Identification Number/Parcel Identifier Number (“PIN”) of the premises herein conveyed is: L4SE1 B26 L6 001.

Said allotment BEING the premises conveyed to the grantor herein by deed dated May 25, 2005 and duly recorded in and to the Office of the Recorder of Deeds of Luzerne County at Deed Book 3005, page 182618, et seq.

UNDER AND SUBJECT, to any and all matters of record, provided that such matters remain operative and valid in connection with the herein described Lot 1 and Lot 2. Lot 1 and Lot 2 described herein is collectively called the, “Property”.

Together with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted Property belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor), as well at law as in equity, of, in and to the same.

This is a Deed of Confirmation from Grantor to herself as Grantee made pursuant to the Adjudication and Decree of Court entered on January 31, 2014 in the civil action docketed to

Luzerne County docket number 2009 – 17205 and captioned as, “Francene Tearpock-Martini, Plaintiff v. Vincent Noble and Colleen Noble, Defendants,” regarding the creation and imposition of an easement by prescription (hereinafter referred to as the, “Easement”) whereby the Property is the dominant tenement. A copy of the Adjudication and Decree of Court is attached hereto, made a part hereof and marked as Exhibit “A”. No consideration has been transferred between the Grantor and the Grantee herein.

The Property Identification Number/Parcel Identifier Number (“PIN”) of the premises burdened by the easement described above is: L4SE1 B25 L4, being the same premises conveyed to Vincent Noble and Coleen Noble, his wife, now or formerly of 30 Conyngham Street, Shickshinny, Pennsylvania, by deed dated May 31, 2000 and duly recorded in and to the Office of the Recorder of Deeds of Luzerne County at Deed Book 2723, page 0001, et seq.

To have and to hold the said Property above described, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, her heirs, personal representatives, successors and assigns, to and for the only proper use and benefit of the said Grantee, her heirs, personal representatives, successors and assigns, forever.

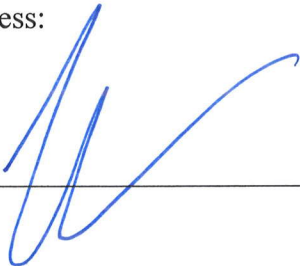
SUBJECT AS AFORESAID.

AND the said Grantor does covenant, promise and agree, to and with the said Grantee, her successors and assigns, by these presents, that she, the said Grantor and her successors and assigns, all and singular the Property herein above described and granted, or mentioned and intended so to be, with the Appurtenances, unto the said Grantee, her successors and assigns, against her, the said Grantor and her successors and assigns and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by from or under her or any of them, shall and will, Subject as aforesaid, WARRANT and forever DEFEND.

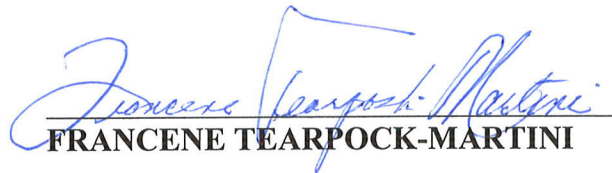
IN WITNESS WHEREOF, said Grantor has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of

Witness:



Grantor/Grantee



FRANCENE TEARPOCK-MARTINI

EXHIBIT “A”



Filing ID: 1842535
2009-17205-0053 Other

Luzerne County Civil Records
1/31/2014 3:24:03 PM

IN

OF LUZERNE COUNTY

FRANCENE TEARPOCK-MARTINI,

Plaintiff

vs.

VINCENT NOBLE and COLLEEN NOBLE,

Defendants

NO. 17205 OF 2009

CIVIL ACTION

2014 JAN 31 PM 2:40

FILED
PROthonotary
LUZERNE COUNTY



ADJUDICATION

On July 6, 2012, Plaintiff, Francene Tearpock-Martini ("Tearpock-Martini" or "Plaintiff") filed an Amended Complaint whereby Defendants, Vincent Noble and Colleen Noble, (collectively "The Nobles" or "Defendants") would be ordered to remove a certain fence which separates their properties and prevents Plaintiff's vehicular access to her property. Plaintiff's Complaint is premised on the contention that Plaintiff has established ownership of a prescriptive easement which entitles her to rights of ingress and egress over the Nobles' portion of a seventeen-foot wide driveway, portions of which are located on their respective properties. Plaintiff also seeks a court order directing that the Defendants be permanently enjoined from further interference or obstruction of Plaintiff's exercise of her easement over the Defendants' portion of the subject driveway. Defendants filed an Answer wherein they admit to having constructed the subject fence as aforesated but assert that any use of the Defendants' property by Plaintiff was granted to her on a limited and momentary basis or that Plaintiff trespassed on Defendants' property without their knowledge or consent. The Defendants further acknowledge in their Answer that they did occasionally grant permission to Plaintiff to

use the driveway for brief periods of time, but that Plaintiff abused that privilege, leading Defendants to have erected the fence in question. After a non-jury trial conducted on November 25, 2013, and upon consideration of this matter, we enter the following Adjudication and Decree pursuant to Pa.R.C.P. No. 1038.

ISSUE

The issue in this action is: Whether Plaintiff is the owner of a prescriptive easement over Defendants' portion of the subject driveway located on their properties so as to enable vehicular access to Plaintiff's property and to accommodate deliveries of coal and large bags of salt and other maintenance items?

FINDINGS OF FACT

1. Tearpock-Martini is the owner of real property improved with a single-family home and Carriage House/garage with an address of 56 South Main Street, Shickshinny, Luzerne County, Pennsylvania 18655, more particularly described in a deed dated May 19, 2005, and recorded to Luzerne County Deed Book 3005, Page 182622, et seq., as well as a deed dated May 25, 2005, and recorded to Luzerne County Deed Book 3005, Page 182618, et seq. (collectively the "Martini Property").
2. Tearpock-Martini has owned the Martini Property, upon which the House and Garage are situated, since November 18, 1977.
3. Tearpock-Martini and her former spouse, David Martini, acquired the Martini property by way of a Deed dated November 18, 1977, and recorded to Luzerne County Deed Book 1944, Page 873, et seq.
4. Pursuant to a stipulation filed to an action in divorce filed with the Prothonotary of Luzerne County to Luzerne County Docket Number 1331-C of 1982,

David Martini conveyed his interest in the Martini Property to Tearpock-Martini by way of a Deed dated September 14, 1987, and recorded to Luzerne County Deed Book 2247, Page 224, et seq.

5. Vincent Noble and Colleen Noble, husband and wife, (The Nobles) currently reside at 8 West Butler Street, Shickshinny, Luzerne County, Pennsylvania 18655.

6. The Nobles acquired ownership of their aforesaid property located at 8 West Butler Street by Deed dated May 31, 2000, and recorded to Luzerne County Deed Book 2723, Page 0001, et seq., on June 5, 2000. ("The Noble property").

7. The Noble property was previously owned by Betty Jane Wojcik, Marie Uram and Joanne Scott, by way of a deed dated April 6, 1999, and recorded to Luzerne County Deed Book 2673, Page 1023, et seq., on April 7, 1999.

8. The Martini Property and the Noble Property are immediately adjacent to and contiguous with each other on the southwest side of the Martini Property as depicted in a survey map obtained by Tearpock-Martini and dated February 14, 2005.

9. Vehicular access to and from the Martini property is over a concrete paved driveway located partly on the Martini Property and partly on the Noble Property and shared by the Noble Property and the Martini Property being 17-feet wide (10 feet 6 inches on the Noble Property and 6 feet 6 inches on the Martini Property) and extending from the foundation of the Noble home to the foundation of the Martini home as depicted and described on a survey plat prepared by Randy Howard, P.L.S., dated February 14, 2005.

10. The portion of shared driveway located on the Martini Property is not sufficiently wide for someone to enter and exit on the Martini driveway without entering

a narrow paved portion of the Noble property immediately adjacent and contiguous to the Martini property.

11. Plaintiff has had vehicular access over the aforesaid 17-foot wide driveway area located on the Tearpock-Martini and Noble properties continuously for a period of time running from November 18, 1977, to the present time, except when the Nobles erected a fence obstructing the aforesaid access sometime in calendar year 2009.

12. The Nobles' predecessors in title at no time granted permission to the Plaintiff or her former husband to use the subject easement area.

13. Defendants, sometime during calendar year 2009, impeded Plaintiff's access as aforestated by way of constructing a makeshift picket fence along the property line separating the Tearpock-Martini and Noble properties and later dismantled and replaced it with a crude rebar and wire fence in the driveway along the property line separating the subject properties.

14. The construction of the rebar fence has prevented Tearpock-Martini and her guests or invitees from more easily having coal, large bags of salt, and/or other maintenance items delivered to the Martini property.

15. The construction of the rebar fence has prevented Tearpock-Martini and her guests and invitees from utilizing the driveway to enter and exit the Martini Property.

16. Use of the driveway by Tearpock-Martini, and her guests and invitees, was adverse, open, continuous, notorious, and uninterrupted for a period of time in excess of twenty-one (21) years prior to Defendants' acquisition of their property and prior to Defendants' construction of the picket fence.

DISCUSSION

It is well settled that in order to acquire an easement by prescription, the exercise of possession must be adverse, open, notorious, continuous, and uninterrupted for a period of at least 21 years and that proof of such exercise must be clear and positive. See *Keefer v. Jones*, 467 Pa. 544, 547, 359 A.2d 735, 736-37 (1976); *Lewkowicz v. Blumish*, 442 Pa. 369, 371, 275 A.2d 69, 70 (1971); see also *Waltmyer v. Smith*, 383 Pa. Super. 291, 556 A.2d 912 (1989). Also, it is equally well settled that the principle of easement by prescription is derived from the concept of adverse possession. Our Supreme Court has held that one who claims title by adverse possession must prove that he had actual, continuous, exclusive, visible, notorious, distinct and hostile possession of the land in question for 21 years. *Conneaut Lake Park, Inc. v. Klingensmith*, 362 Pa. 592, 66 A.2d 828 (1949).

We must now examine whether the Plaintiff, in the instant case, has established the necessary elements to support her claim of an easement by prescription. It is important to focus on the timeframe commencing with Tearpock-Martini's ownership and use of her property beginning on November 18, 1977, and prior to Nobles' acquisition of their property on May 31, 2000, well before Nobles' placement of a picket fence along the property line in 2009.

Tearpock-Martini's unrefuted testimony establishes that during the aforementioned years, from late in calendar year 1977 through the beginning of calendar year 2000, she had used significant portions of the driveway in question to accommodate delivery of coal, salt bags, and other maintenance items to her property. This usage was adverse, open, and notorious as against Nobles' predecessors in title

(Wojcik) and was continuous and uninterrupted for a period well in excess of twenty-one (21) years, all of which pre-dated Nobles' acquisition of their property in calendar year 2000. The record is devoid of any evidence that the Tearpock-Martini's use of the Wojcik portion of the driveway was permissive. The record is undisputed that the property line establishes the Tearpock-Martini portion of the driveway being six feet six inches in width and the Nobles' (Wojcik) side being ten feet six inches in width. It is patently clear that the coal trucks in question which delivered substantial amounts of coal used by Tearpock-Martini to heat her sizable home were significantly wider than six feet six inches and that accessing three (3) separate coal shoots on her property would have required passing over the easement area and utilizing same to complete coal deliveries.

Accordingly, we can conclude that the necessary elements that the adverse use be open and notorious have been readily established by the Plaintiff. When no special relationship exists between the parties, a sufficiently notorious use will be presumed to be enough to alert the owner of the land to an adverse claim. *See Waltmyer, supra*. In the case at bar, there has been shared use of the alleged easement area during the prescriptive period, with Tearpock-Martini and her predecessors in title claiming a right to vehicular access over a portion of the Nobles' driveway such that both the user and owner have had material access over each other's areas of their respective properties.

The fact that the usage by Tearpock-Martini was interrupted with the Nobles' erection of a fence in calendar year 2009 has done nothing to diminish her adverse rights acquired previous to the Nobles' acquisition of their property. The twenty-one (21) year requisite period of adverse use had already been met and the Nobles' attempt

to thwart Tearpock-Martini's use by erecting a fence did not serve to destroy the prescriptive rights which the Tearpock-Martini had previously acquired.

CONCLUSIONS OF LAW

1. Plaintiff has established, clearly and positively, the essential elements to acquire an easement by prescription over the driveway portion of the Noble property.
2. Defendants have failed to establish an interruption in the adverse use during the prescriptive period.



Filing ID: 1842489
2009-17205-0052 Order with Rule 236

Luzerne County Civil Records
1/31/2014 3:23:36 PM

:AS

*Copies made
1-31-14
ca*

OF LUZERNE COUNTY

FRANCENE TEARPOCK-MARTINI,

Plaintiffs

vs.

VINCENT NOBLE and COLLEEN NOBLE,

Defendants

NO. 17205 OF 2009

CIVIL ACTION

FILED
PROthonARY
LUZERNE COUNTY
2014 JAN 31 PM 2:41

DECREE

AND NOW, this 31st day of January, 2014, following trial in this matter, and based upon a careful and thorough review and analysis of the record, it is hereby ORDERED, ADJUDGED, and DECREED as follows:


1. That Defendants, Vincent Noble and Colleen Noble, shall remove the rebar fence which they have erected along the property line located within the 17- foot driveway area shared with Plaintiff, Francene Tearpock-Martini, located along the southwesterly boundary line of Plaintiff's property with a current address of 56 South Main Street, Shickshinny, Luzerne County, Pennsylvania, 18655.
2. That neither Defendants, Vincent Noble and Colleen Noble, nor their heirs, successors or assigns, shall block the subject right-of-way and said right-of-way shall be kept open subject to the reasonable needs of the adjoining property owners in addressing service to their properties.
3. That neither Plaintiff nor Defendants and their successors, heirs and assigns, respectively, shall erect any fence or other obstruction in the shared driveway preventing its full use by both Plaintiff and Defendants. Plaintiff and Defendants

shall cooperate in the use, upkeep, and maintenance of the shared driveway and shall share the cost thereof equally.

4. The Court shall retain jurisdiction in this matter in order to ascertain compliance herewith.

5. The Prothonotary is directed to notify the attorneys of record and each party, if unrepresented, of the filing of this Adjudication and Decree pursuant to Pa.R.C.P. No. 236.

By the Court:


P. J.

Attorney for Plaintiff:
Francis J. Hoegen, Esquire
Hoegen & Associates, P.C.
152 South Franklin Street
Wilkes-Barre, PA 18703-0346

Vincent & Colleen Noble, Pro Se
8 West Butler Street
Shickshinny, PA 18655

COMPLAINANT B



COMPLAINANT C









56





COMPLAINANT F





Ateco

Wanlec



Blairs Mills, PA 717-443-4637

USDOT 2172413



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COMPLAINANT G

June 13, 2005

Mr. Joseph Rymar
UGI Utilities, Inc.
400 Stewart Road
Hanover Industrial Estates
Wilkes-Barre PA 18706

Re: 48, 50, 52, 56 South Main Street
Shickshinny, PA 18655

Dear Mr. Rymar:

I am writing to you with regard to two separate matters as they pertain to your utility poles adjacent to my properties in Shickshinny. You are already familiar with the one situation where I have complained about the utility pole being situated in the sidewalk on the Furnace Street side of my property.

The utility pole on the Furnace Street side is in the way of pedestrians and to my maintenance of that sidewalk which is my responsibility. I am unable to properly navigate my snow blower around that pole in order to clean my sidewalks on Furnace Street.

The last letter you sent to me in January 2005 focused upon the ADA issues and guidelines and you clarified your position that the width allows wheelchair accessibility. However, I still am unable to properly maintain my walkway with a snow blower.

As you also know from our discussions, I purchased the property up from my original parcel of 56 South Main Street on Furnace Street and to let you know, I have just completed my surveys and a reverse subdivision to include that parcel onto my main parcel. I will be working with contractors to improve that parcel to include bringing my stone wall up to that corner near Garrison Alley, iron fencing, and other beautification of the parcel making it into a lovely arboretum to compliment my historic home. Your utility pole is an eyesore in the midst of all of this. I know you are familiar with eyesores since I have seen your picture in the newspaper in your plight to improve the surroundings of Newport Township where you reside. We all want to improve eyesores especially those of us that work so hard to make our properties beautiful.

I am somewhat confused on re-reading your letter to me of January 21st. You say the pole can be relocated at my cost. Initially before the pole was even installed and I complained, I was informed that that location was 'written in stone'. I was further informed when I suggested that the pole be placed across Furnace Street that the property owner there would not allow it even though that would be the ideal location for the pole especially since there is no sidewalk there.

Page 2

Joe Rymar, UGI Utilities

June 13, 2005

Well, be advised that I am the property owner of that location, 48, 50 and 52 South Main Street corner of Furnace Street. Now that brings to mind the second matter. At that corner of Furnace Street, you have placed a telephone pole there with pulleys and cable wires holding it in place, which pulleys and cable wires are extended into my property and in the way of work that I am planning to accomplish there. Therefore, I ask that you remove these from my property as soon as possible.

While you are in the area you might want to take another look at that utility pole that blocks my view on Furnace Street and is in the way of my snow blower and explain to me why now you are saying it could be moved but at my expense, but previously it was written in stone that it must be placed in that exact spot where it is an impediment to my overall view and maintenance.

Sincerely,

Francene Tearpock-Martini

Cc: Richard Gill

Norm Williams, Engineering

Lon Greenberg, CEO, UGI Utilities Corporation

P.O. Box 858

Valley Forge, PA 19482-0858





















Francene Tearpock-Martini

From: "FTM" <ftm@epix.net>
Date: Saturday, March 20, 2021 3:44 PM
To: "UGI Walter Grodzki" <WGrodzki@UGI.com>
Cc: "UGI Ed Gill" <EGill@UGI.com>
Subject: Fw: Property - Francene Tearpock-Martini re - anchor wires Today's date 03 02 21

Dear Sirs: I am planning on having work done on my property this spring. Please get your wires out of there. Sincerely, Francene Tearpock-Martini, South Main Street, Shickshinny PA 18655

From: [FTM](#)
Sent: Tuesday, March 02, 2021 12:03 PM
To: [UGI Walter Grodzki](#)
Cc: [UGI Ed Gill](#)
Subject: Fw: Property - Francene Tearpock-Martini re - anchor wires Today's date 03 02 21

Dear Sirs: I would like to know when you plan on removing the anchor wires from my property? I am planning work on my property early this spring. I need to hear from you. I noticed across the avenue from my home about a month ago, workers were changing a utility pole. That pole is high as the one near me and there are no anchor wires. Your workers were not on this side near my property. I understand snowy weather conditions but this matter is going on much too long. You do not have permission to be on my property with anchor wires. Thank you. Francene Tearpock-Martini, South Main Street, Shickshinny PA. 18655 - (570) 542-2346

From: [Grodzki, Walter J](#)
Sent: Tuesday, December 01, 2020 3:19 PM
To: [FTM](#)
Cc: [Gill, Edward R](#)
Subject: Re: Property - Francene Tearpock-Martini re - anchor wires

Ms. Tearpock-Martini,

If you don't mind, I will contact you discuss this.

Sincerely,
Walt

Walter Grodzki
UGI Utilities, Inc.
Electric Division
Ph. #: 570-830-1221
Cell #: 570-479-9062

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From: FTM <ftm@epix.net>
Sent: Monday, November 30, 2020 1:07:42 PM
To: Grodzki, Walter J <WGrodzki@ugi.com>
Cc: Gill, Edward R <EGill@ugi.com>
Subject: Fw: Property - Francene Tearpock-Martini re - anchor wires

WARNING: This message came from an external source. Please exercise caution when opening any attachments or clicking on links.

Dear Sirs: I would like to know when you plan on removing those anchor wires from my private property. You do not have any permission to be on my property. Those wires are a liability on my property. There was another accident on my hill on September 02, 2020. The PSP investigated. Francene Tearpock-Martini 56 South Main Street, Shickshinny PA 18655 (570) 542-2346

From: [FTM](#)

Sent: Friday, July 24, 2020 12:59 PM

To: [UGI Walter Grodzki](#)

Subject: Fw: Property - Francene Tearpock-Martini re - anchor wires

Walter Grodzki: I just had a landscaper here within the week. Today you have a big crew outside literally running up and down my hill. I noticed from my kitchen window and ran out asking them to remove themselves. I came back inside the house for my camera. You are not welcome on my property. That includes any companies who are using your utility poles. This has got to stop!.. I have a "no trespassing sign out there, private property". Seems nobody pays attention. Then they lie to me when I went out to take photographs saying that they were not on my property adding insult to injury lying to my face as I walked by with my camera when I just got through telling them to get off 5 minutes before. You all are taking advantage of me and my property. I am very upset and this has got to stop. You are putting another heavy load on that pole. I want those anchors removed from my property. You are causing me liability and damage. I have discussed this with you and George Bokroch numerous times. You have come to me with no proof that you have permission to me on my property. **NONE OF YOU HAVE PERMISSION TO BE ON MY PROPERTY. THAT INCLUDES YOUR ANCHOR WIRES.** Francene Tearpock-Martini (570) 542-2346 See additional photographs taken today July 24th, 2020.

From: [FTM](#)

Sent: Friday, June 19, 2020 5:22 PM

To: [UGI Walter Grodzki](#)

Subject: Fw: Property - Francene Tearpock-Martini re - anchor wires

Hello Walter Grodzki, Thank you for taking my call. I phoned to confirm that you had received my email of June 15th since I didn't hear from you. You haven't provided me with any information establishing your right to be on my property with the anchor wires except that they have been there for a while and are necessary. If they are necessary then you need to make other arrangements since it is apparent someone took liberty to place them on my property without permission. I don't want them there. Your anchor wires are an eyesore to my landscaping, they depreciate the value of my property, and they are dangerous. I never gave anyone permission to be there with the anchor wires. Previously you had George Bokroch of UGI call me and I pointed this all out to him. There was a house right there where your anchor wires are attached. The foundation for the house is right there at the curb beneath the surface of my landscaping. I have observed children running over my property and those anchor wires are dangerous. I don't want that liability at my property. Please remove your anchor wires. Francene Tearpock-Martini

From: [FTM](#)

Sent: Monday, June 15, 2020 9:51 PM

To: [UGI Walter Grodzki](#)

Subject: Fw: Property - Francene Tearpock-Martini re - anchor wires

Mr. Grodzki: I have not received any information from you. When are you going to remove the anchor wires from my property? Francene Tearpock-Martini

From: [FTM](#)

Sent: Thursday, May 07, 2020 3:40 PM

To: [Grodzki, Walter J](#)

Subject: Re: Property - Francene Tearpock-Martini re - anchor wires

Mr. Grodzki, When you phoned me on the evening of April 6th after 6 p.m., we talked on the phone for one hour 9 minutes and 30 seconds. When I phoned you this week on the 4th, it was to ask if the information I requested was in the mail and when I might expect it. You advised that you were unable to locate the information so I asked you to put something to me in writing. You would be correct that I have been quite busy but if you need to phone me it would be best to schedule a time with an agenda and I can put you on my list and be prepared. I am backed up with many projects and appointments that have been delayed due to a shut down of activity by our Governor and the Coronavirus situation. Thank you. Sincerely, Francene Tearpock-Martini (570) 542-2346 USPO Mailing address: 56 South Main Street, Shickshinny PA 18655

From: [Grodzki, Walter J](#)

Sent: Thursday, May 07, 2020 10:44 AM

To: [FTM](#)

Subject: RE: Property - Francene Tearpock-Martini re - anchor wires

Ms. Tearpock-Martini,

It was nice talking with you on Mon., May 4. You had said that you were busy and were not able to talk. If you don't mind, I will contact you to discuss this further with you.

Also, thank you for your email.

Sincerely,
Walt

Walter Grodzki
UGI Utilities, Inc.
Electric Division
Ph. #: 570-830-1221
Cell #: 570-479-9062

From: FTM <ftm@epix.net>

Sent: Tuesday, May 5, 2020 9:35 AM

To: Grodzki, Walter J <WGrodzki@ugi.com>

Subject: Fw: Property - Francene Tearpock-Martini re - anchor wires

Importance: High

WARNING: This message came from an external source. Please exercise caution when opening any attachments or clicking on links.

Walter Grodzki, this note is in follow up to our discussion of April 6th and yesterday May 4th. Today I have contractors here to do work on my hill. You were to get back to me and I haven't heard from you in 4 weeks so I phoned. You indicated that to date you were unable to find any existing documents that I requested. Information needs to be provided to me and if it does not exist send me a letter. As I have stated to you, I

7/2/2021

have never given anyone permission to put anything on my property. Sincerely, Francene Tearpock-Martini (570) 542-2346

From: [FTM](#)

Sent: Friday, April 03, 2020 4:00 PM

To: [UGI Walter Grodzki](#)

Subject: Fw: Property - Francene Tearpock-Martini re - anchor wires

Walter Grodzki: In continuation to my earlier communication of today's date, on title search to my property we could find no easement granted to UGI. If such easement exists within your files I would need to know this and would appreciate a copy for my records. Please provide this information to me within 4 weeks since I am having work done at my property. Thank you. Sincerely, Francene Tearpock-Martini (570) 542-2346

From: [FTM](#)

Sent: Friday, April 03, 2020 11:43 AM

To: [UGI Walter Grodzki](#)

Subject: Property - Francene Tearpock-Martini re - anchor wires

Hello Walter Grodzki. As you know from our previous two telephone conversations, Coons Communications USDOT 2172413, is coming through our Shickshinny Borough past my property along SR 11, running large black wires along the front. I contacted George Bokroch of UGI who is the Pole Manager and he asked that I contact you since you are the Pole Attachment person in charge and he provided me with your email and phone number.

I provided you an aerial photograph of my entire property along with a brief note following our discussion for your sense of location and noted I would send a more detailed compilation of my concerns.

The Utility companies are taking liberties and trespassing on my property installing anchors here. I have never given anyone permission to do this and I want them removed. As I further informed you, my home is on the National Historic Register which I was honored to receive in 2009. I have lived here since 1977 and I am only the 3rd owner in over 150 years of this home. I restored my home over the years that I am here, even buying blighted properties around my home, tearing them down and restoring them with landscaping in order to showcase this National Treasure. I hope to leave my property to an Institution when I pass so that it will be cared for as I have done.

I am providing you today with additional photographs of these anchors which are not only an eyesore to my environment but a liability to me. This month I was expecting my landscapers to come out to do a clean up and planting again but things are a little on hold due to the Coronavirus situation in our State and shutdown of most businesses until our Governor provides permission.

I have surveys of my property and there are no Right of Ways on my property, not even with PENNDOT. Over the years I have noticed your utility poles becoming higher and higher. Now they are taking on additional 'loads'. I do not think it is fair or right that you would place these anchors onto my property to handle these loads. Therefore I am asking that you remove them.

Thank you for our conversations and for looking into this matter to remedy the situation.

Sincerely,

Francene Tearpock-Martini
56 South Main Street
Shickshinny, PA 18655

7/2/2021

(570) 542-2346

Attachments: photographs taken this week from my north porch view and alternate views facing south



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COMPLAINANT H

Francene Tearpock-Martini

From: <bbilbow@firstam.com>
Date: Wednesday, December 10, 2008 11:46 AM
To: <ftm@epix.net>
Cc: <bbilbow@firstam.com>
Attach: Abstract.pdf
Subject: (Email Ref=581405540)

deds

File No.: 1050444 BAC

Buyer: Francene Tearpock-Martini

Seller: Stelling & Brichenstein Inc.

Property Address: 48-50-52 South Main Street, Shickshinny, PA 18655

You can download Acrobat Reader at <http://www.adobe.com/products/acrobat/readstep2.html>

Elizabeth Bilbow
E.W. Bilbow Abstract Company
Phone: 570-287-7394 Ext.
Fax: 570-287-8599

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PENNSYLVANIA

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PAGE=182618

Total Pages: 4

PA WRIT TAX	\$0.50
PA REALTY TAX	\$10.00
JCS/ACCESS TO JUSTICE	\$10.00
LUZERNE COUNTY RECORDING FEE	\$13.00
LUZERNE COUNTY ARCHIVES FEE	\$2.00
LUZERNE RECORDER'S ARCHIVES FEE	\$3.00
LUZERNE COUNTY HOUSING TRUST FUND	\$13.00
NORTHWEST REALTY TAX	\$5.00
SHICKSHINNY BOROUGH TAX	\$5.00
TOTAL	\$61.50

HW: 413347

Prepared By

E W Bilbow Abstract Company
271 Wyoming Avenue
Kingston, PA 18704
(570) 287-7394

Return To

E.W. Bilbow Abstract Company
271 Wyoming Avenue
Kingston, PA 18704
(570) 287-7394

Order No.: **1050444BAC (48-50 South Main Street-Tearpock-Martini)**
Property Address: **48-50 and 52 South Main Street, Shickshinny, Pennsylvania 18655**
Tax Parcel ID: **L4SE1B26L6 001**
Borough of **Shickshinny, Luzerne County**

THIS INDENTURE

New York State Corporation

Made the 25 day of **May, 2005**, between **Stelling & Brichenstein Inc.** (hereinafter called the Grantor(s)) AND **Francene Tearpock-Martini** (hereinafter called the Grantee(s)).

Witnesseth, That the said Grantor(s) in consideration of **ONE THOUSAND** dollars (**\$1,000.00**) paid to the Grantor(s) by the Grantee(s), receipt of which is hereby acknowledged, does (do) grant, bargain, sell and convey to the said Grantee(s), his, her, their heirs, personal representatives, its successors and assigns.

All that certain piece, parcel or tract of land situate in the Borough of Shickshinny, County of Luzerne and State of Pennsylvania bounded and described as follows, to wit:

Beginning at the southeasterly corner of lands of now or formerly of Harold Beach, in the westerly line of Main Street; thence along the line of lands of now or formerly of H. Beach, north 73 degrees 03 minutes 00 seconds West 8.60 feet; thence along the same, North 54 degrees 56 minutes 00 seconds West 104.76 feet to an iron pin corner; thence along the line of lands now or formerly of B. Caverly, South 35 degrees 35 minutes 00 seconds West 34.03 feet to an iron pin corner; thence along the northerly side of Furnance Street, South 38 degrees 01 minutes 40 seconds East 184.42 feet; thence along the westerly side of Main Street, North 00 degrees 05 minutes 00 seconds East 110.25 feet to the place of beginning.

Containing 8,055 square feet of land.

Survey made and description written by Frank A. Grabowski, Registered Surveyor, R. D. #1, Stillwater, PA 17878.

PARCEL NO. L4SE1B26L6 001

Being the same premises which Tax Claim Bureau, by Indenture dated 06-03-02 and recorded 07-09-02 in the Office of the Recorder of Deeds in and for the County of Luzerne in Deed Book 3002 page 170097, granted and conveyed unto Stelling & Brichenstein Inc.



I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office of Luzerne County, Pennsylvania.

Mary K. Dymalski
MARY K. DYSLESKI
RECORDER OF DEEDS

REC Book 3005 Page 182618

NOTICE - THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND IN THAT CONNECTION DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L., 984 as amended, and is not intended as notice of unrecorded instruments, if any.)

Together with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor(s), as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground above described, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee(s), his, her, their, heirs, personal representatives, its successors and assigns, to and for the only proper use and benefit of the said Grantee(s), his, her, their, heirs, personal representatives, its successors and assigns, forever.

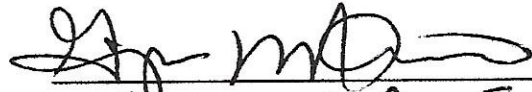
AND the said Grantor(s), and his, her, their, heirs and personal representatives, its successors does (do) covenant, promise and agree, to and with the said Grantee(s), his, her, their heirs, personal representatives, its successors and assigns, by these presents, that the said Grantor(s) his, her, their, heirs, and personal representatives, its successors, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with appurtenances, unto the said Grantee(s), his, her their heirs, its successors and assigns, against the said Grantor(s) and his, her their heirs, its successors, and against all and every person and persons whosoever lawfully claiming or to claim the same or any part thereof, by, from or under any of them, shall and will warrant **specialty** the property hereby conveyed.

CERTIFIED PROPERTY IDENTIFICATION NUMBER
MUNICIPALITY Shickshinny Baro
PIN MAP L4SE1 BLOCK 26 LOT 6
TRANSFER DIVISION LP
DATE 7-25-05 Mapping CURT

In Witness Whereof, the said Grantor(s) has (have) hereunto set his/her/its/their hands and seals. Dated the day and year first above written.

WITNESS:

Stelling & Brichenstein Inc.

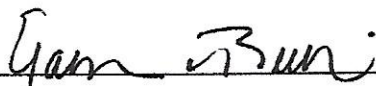

By: Giuseppe Mannino
(PRESIDENT)

State of Pennsylvania }
County of Luzerne }

On this, the 25 day of May, 2005, before me the undersigned officer, personally appeared Giuseppe Mannino, who acknowledged himself/herself to be the (President) of Stelling & Brichenstein Inc., a corporation, and that he/she as such (Officer), being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as (President).

On this, the 25 day of May, 2005, before me the undersigned officer, personally appeared Giuseppi Mannino, known to me (or satisfactorily proven) to be the person or person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.



Notary Public

Commonwealth of Pennsylvania
NOTARIAL SEAL
ELIZABETH W. BILBOW, NOTARY PUBLIC
KINGSTON BOROUGH, LUZERNE COUNTY, PA
My Commission Expires January 31, 2007

(GENERAL/SPECIAL WARRANTY DEED/INDIVIDUAL or CORPORATE)

Order No.: **1050444BAC (48-50 South Main
Street-Tearpock-Martini)**

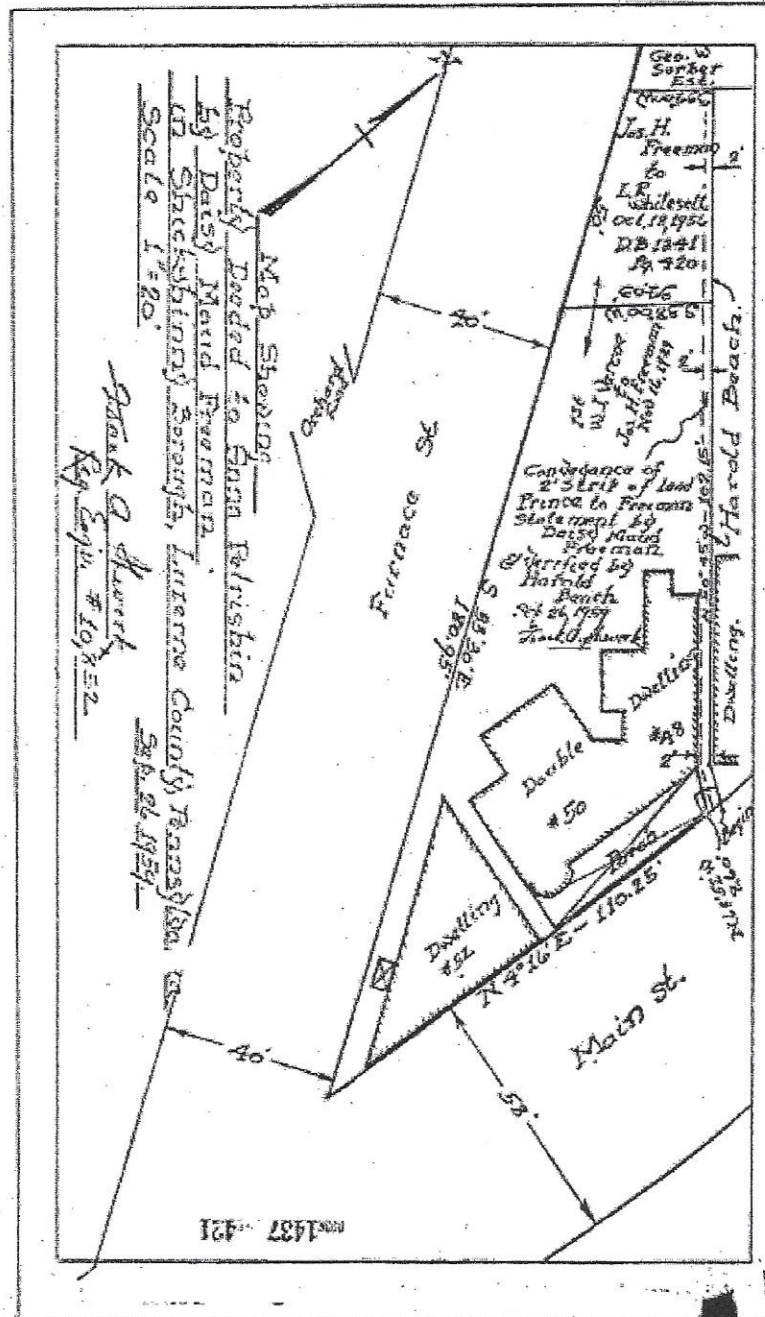
Page **4**

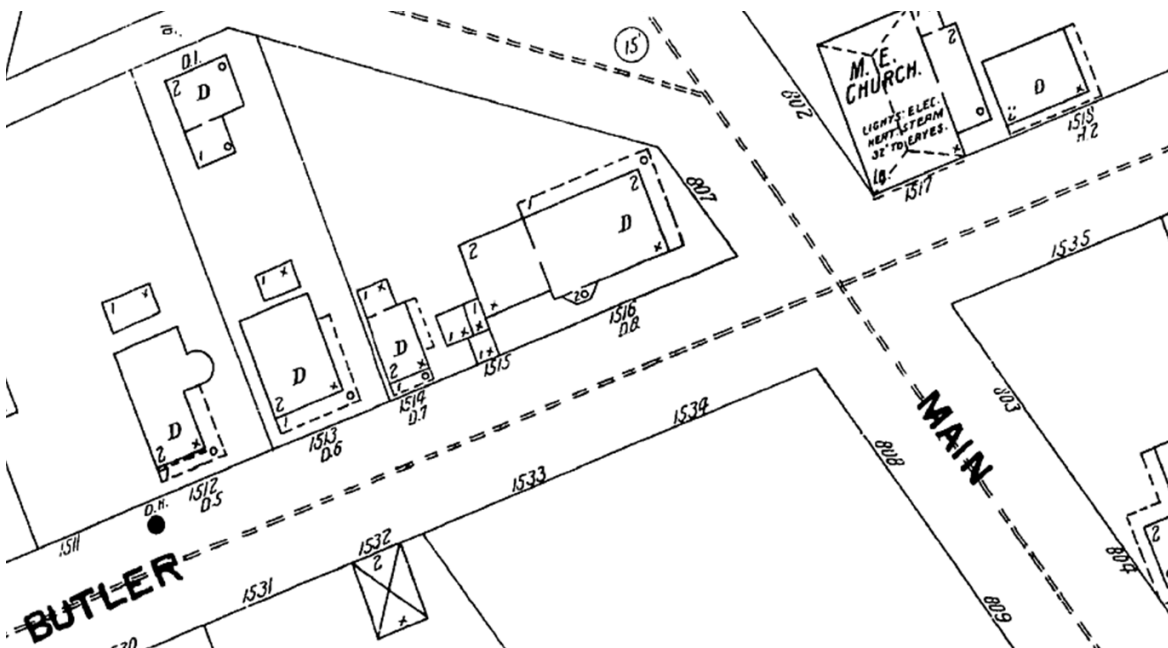
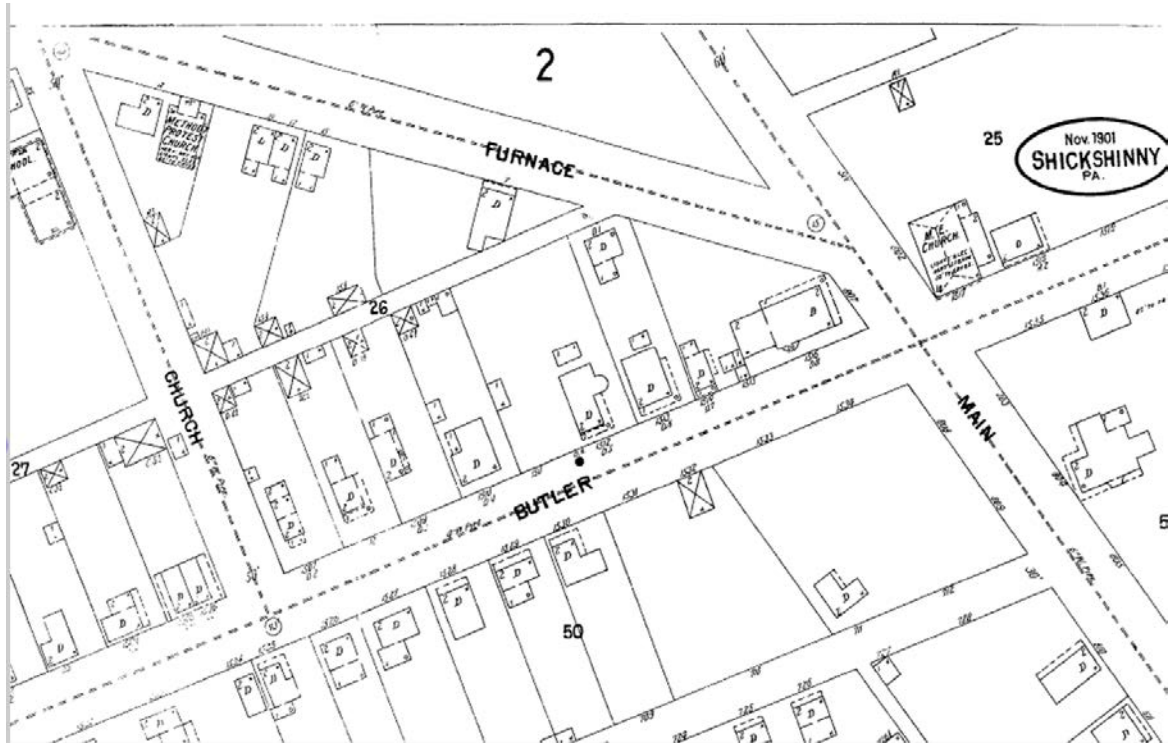
CERTIFICATE OF RESIDENCE

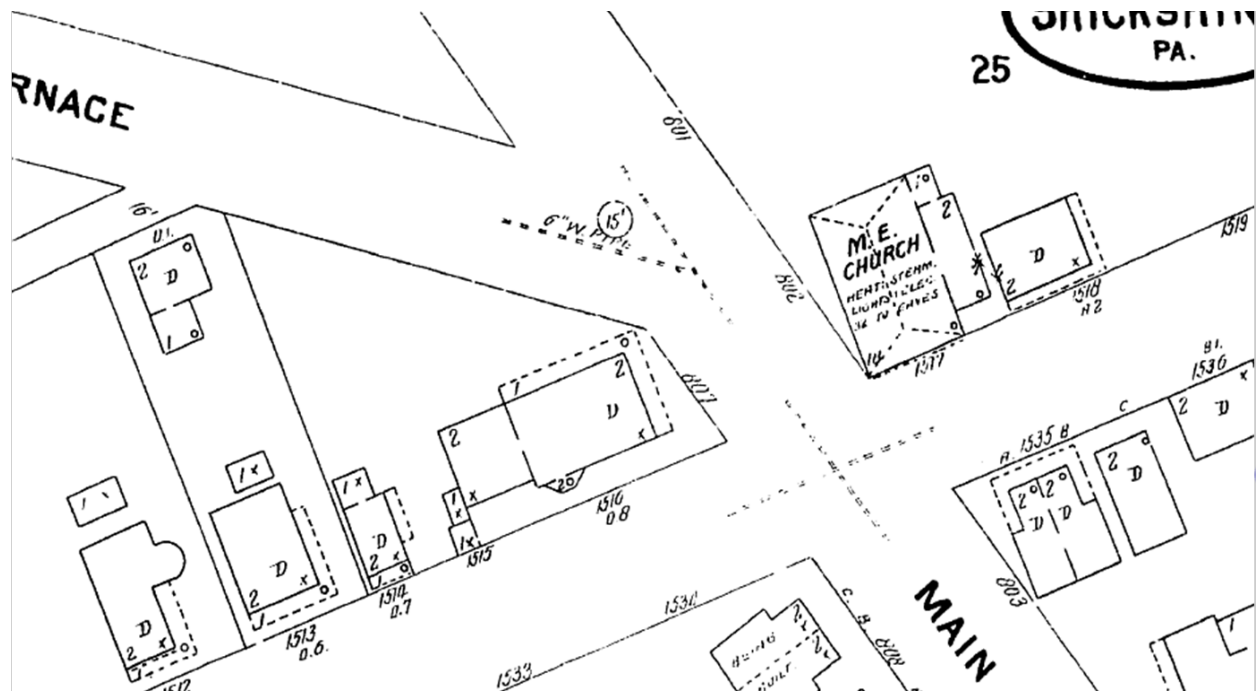
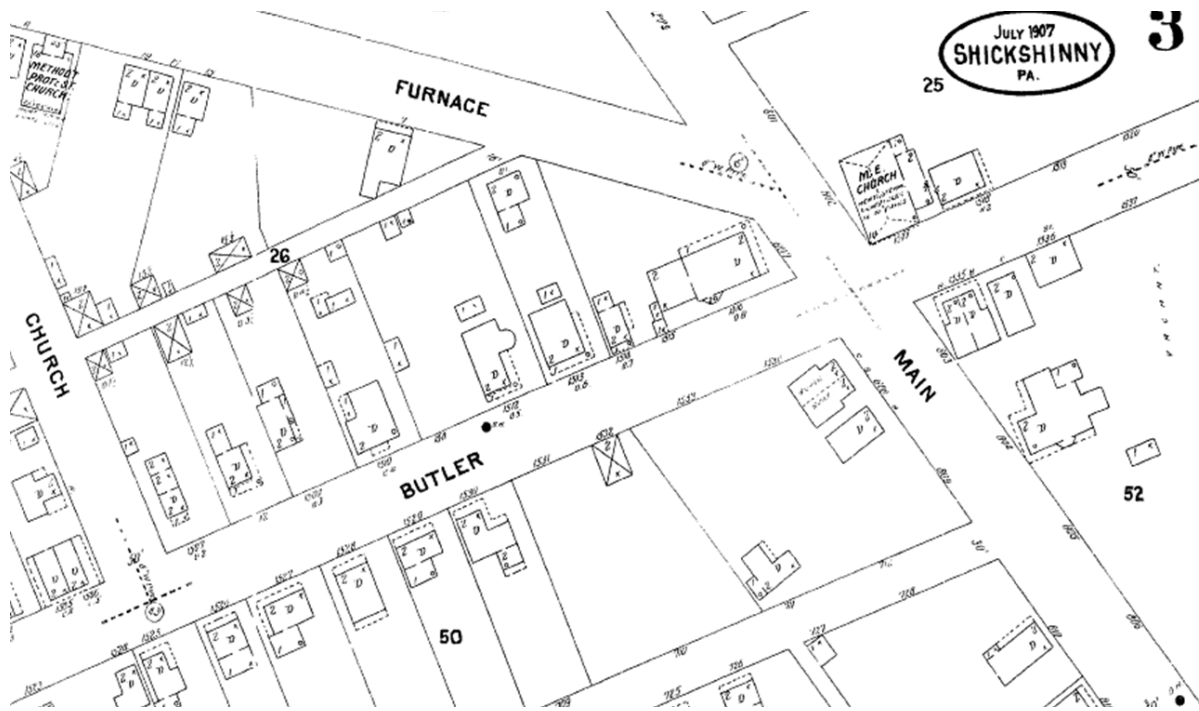
I hereby certify that the precise residence of the grantee(s) herein is
56 South Main Street, Shickshinny, Pennsylvania 18655

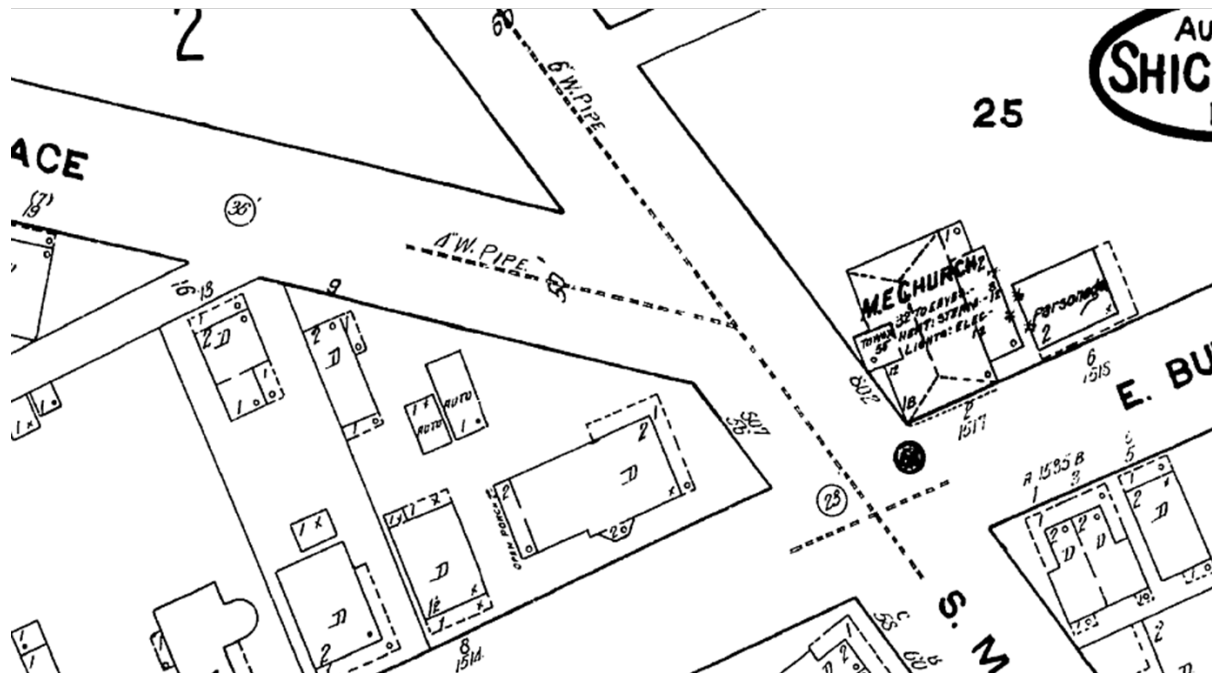
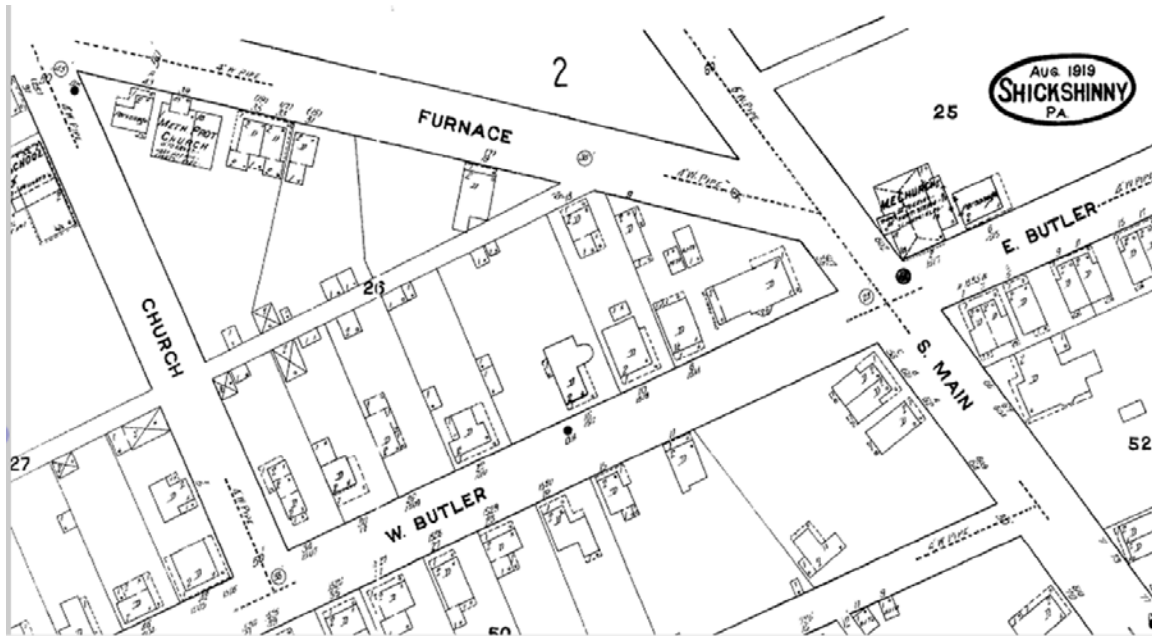

For Grantee(s)

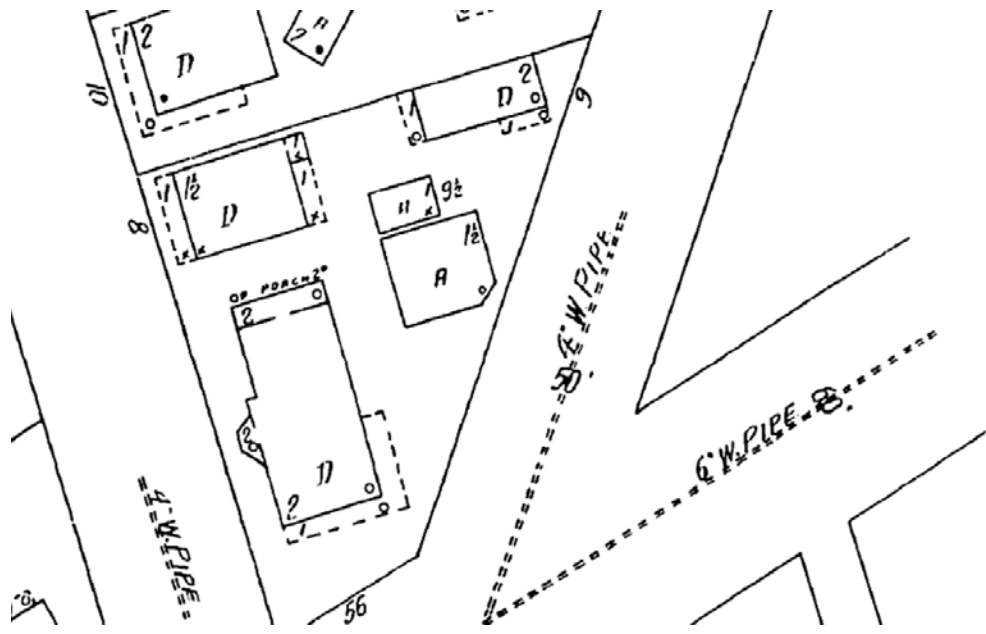
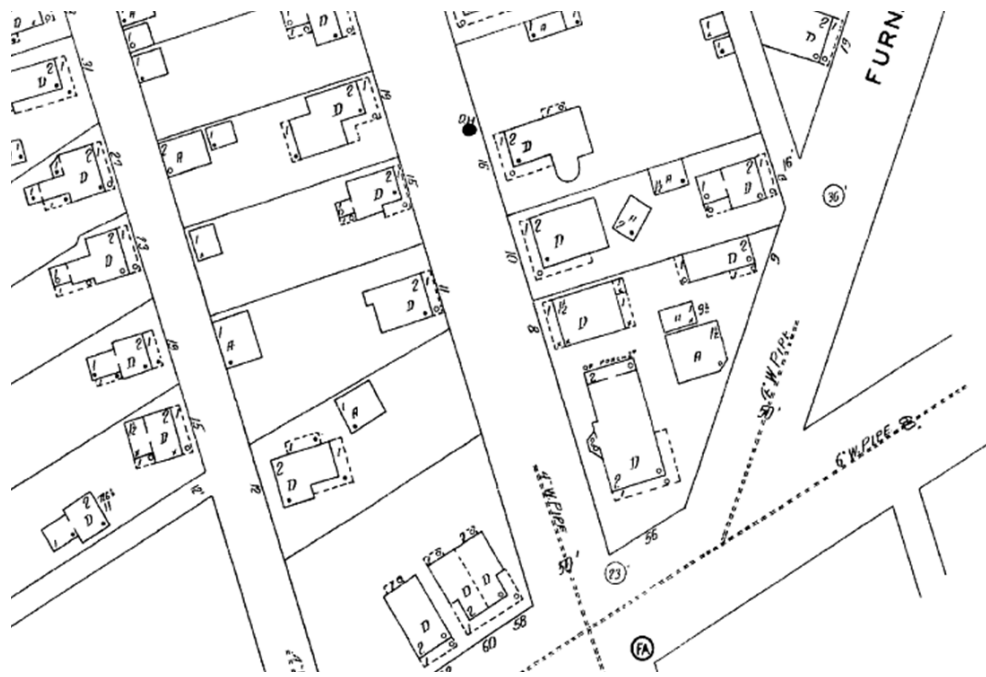
Record and return to:
E.W. Bilbow Abstract Company
271 Wyoming Avenue, Kingston, PA 18704

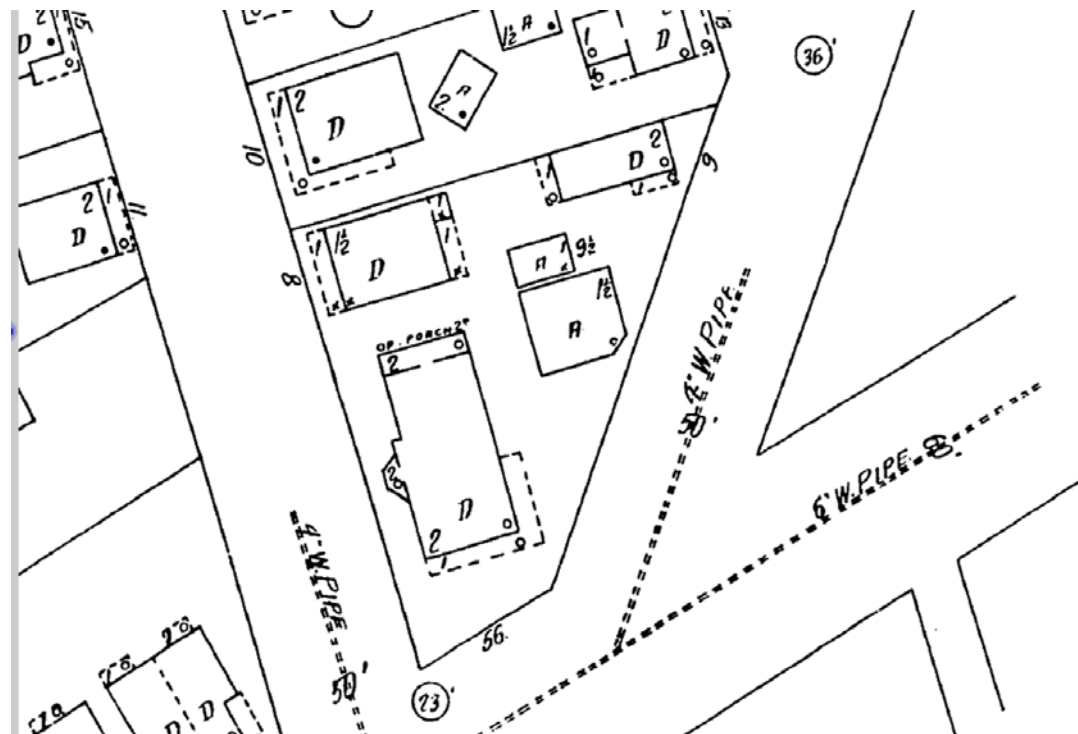


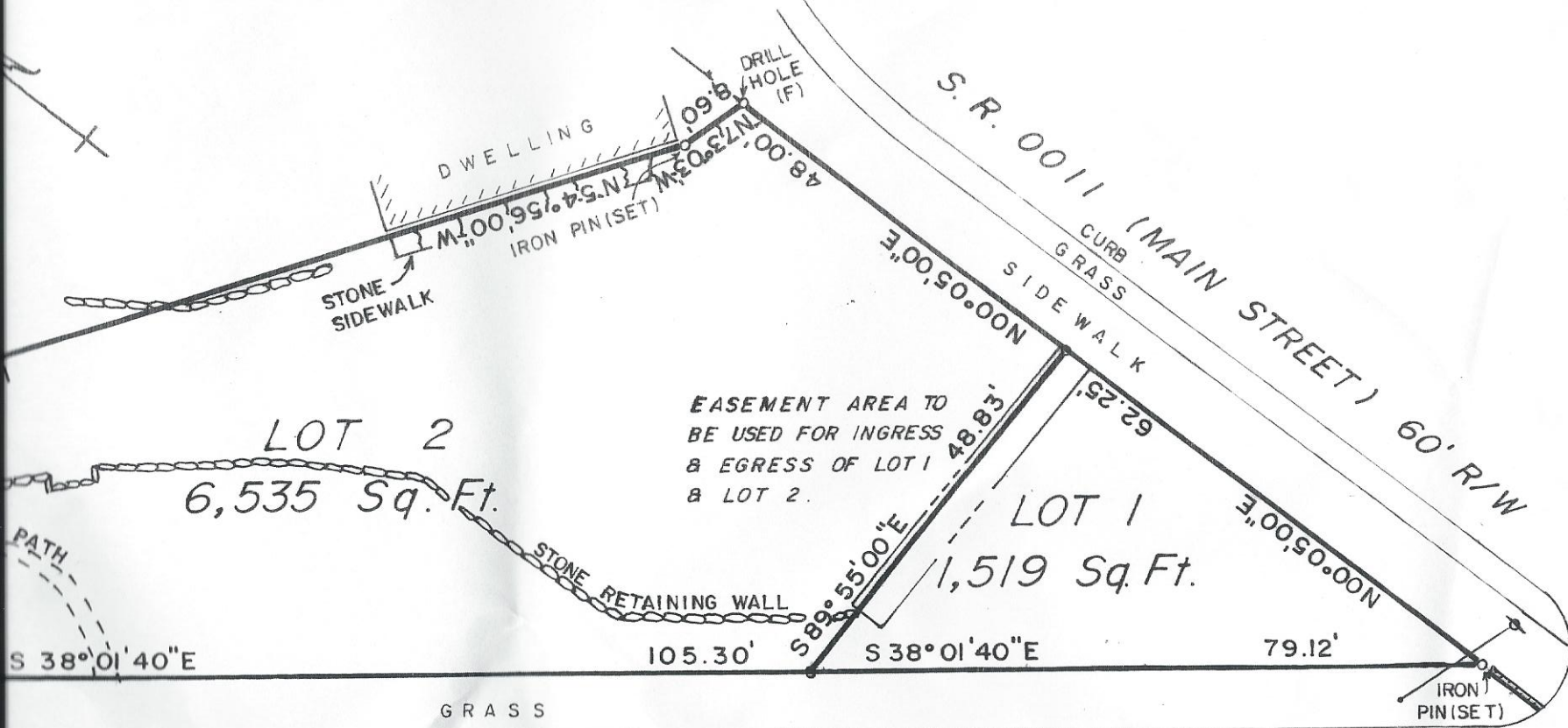












EASEMENT AREA TO BE USED FOR INGRESS & EGRESS OF LOT 1 & LOT 2.

FURNACE STREET

SURVEY MAP OF LANDS OF
 FRANCENE TEARPOCK - MARTINI
 SHICKSHINNY BOROUGH, LUZERNE COUNTY, PENNA.



FRANK A. GRABOWSKI, P.L.S.
 1499 STATE ROUTE 239
 STILLWATER, PA. 17878



COMPLAINANT I

COMPLAINANT J

ENGINEERING DISTRICT 4-0
55 KEYSTONE INDUSTRIAL PARK
DUNMORE PA 18512
PHONE 570-963-4071
FAX 570-963-4949
JULY 2 2008

Luzerne County
Borough of Shickshinny
SR 0011 and Furnace Street
Bible Baptist Church Sign Request

MARGE STOLA
BOROUGH OF SHICKSHINNY
BOROUGH BUILDING
35 WEST UNION STREET
SHICKSHINNY PA 18655

Dear Ms. Stola:

This letter is in regards to your letter dated June 11, 2008 addressed to Mr. Keith Williams, Traffic Engineer, Engineering District 4-0, Dunmore, Pa.

It is the Department's Policy not to allow signs within our right-of-way. The only location a sign can be erected is on private property providing the land owner grants the sign owner permission.

The right-of-way width in the subject location is 60 feet.

If you have any questions, I can be reached at (570) 963-4071.

Very truly yours,



Ralph Del Rosso
RIGHT-OF-WAY ADMINISTRATOR

Attachments

040/DR/kss

CC:

Francene Tearpock-Martini
56 South Main Street
Shickshinny, Pa. 18655

✓
CIRC:

G.J. Roberts

D. Noone

K.D. Williams

R. Del Rosso

J. Hawley

D. Refice (file)