

RESOLUTION NO. 08-2015-3

The Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, hereby adopts the following Resolution at its regular meeting held on Thursday, August 27, at 7:00 P.M. (EST) at the Sterling R. Schoonover Municipal Center, to wit:

WITNESSETH:

WHEREAS, pursuant to the requirements of Township Resolution Nos. 06-2009-2 and 10-2012-02, Kim Warner and Joy Warner have presented a proposed Joinder Deed, a true and correct copy of which is attached hereto and made a part hereof as Exhibit "A", for certain properties owned by them, as described in more detail in the proposed Joinder Deed;

WHEREAS, the proposed deed contains the following required language as stated in Township Resolution No. 06-2009-2:

**The above parcels shall hereby become merged into one parcel for taxing purposes, and shall not be separately conveyed without prior express approval of the municipality, as provided by law.**

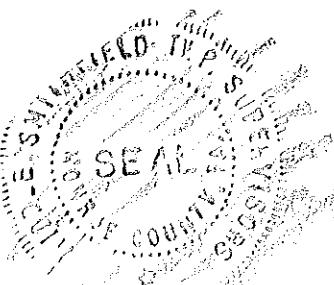
WHEREAS, the property owner has presented an original Tax Certification from the Monroe County Tax Claim Bureau which states that all real estate taxes are current; a true and correct copy of said Tax Certification for each parcel, identified herein, is attached hereto and made a part hereof as Exhibit "B."

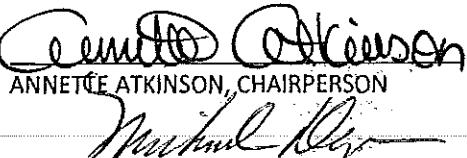
NOW THEREFORE BE IT RESOLVED as follows:

1. The Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, hereby approves the proposed Joinder Deed as presented for filing purposes; and
2. The property owner shall execute and file the proposed Joinder Deed as presented within (90) days of approval of this Resolution; failure to file said document within (90) days shall void this Resolution.

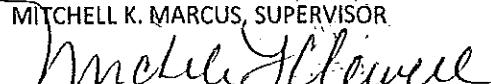
IN WITNESS WHEREOF, the aforesaid Resolution is hereby adopted as of the day and year first above set forth.

TOWNSHIP OF MIDDLE SMITHFIELD

  
ANNETTE ATKINSON, CHAIRPERSON

  
MICHAEL DWYER, VICE CHAIRPERSON

  
MITCHELL K. MARCUS, SUPERVISOR

  
MICHELE L. CLEWELL, SECRETARY

(TOWNSHIP SEAL)

**Exhibit A**

Prepared by and Return to: Powlette & Field, LLC.  
508 Park Avenue, Stroudsburg, Pennsylvania 18360  
Phone : (570) 424-8037

**Part of Parcel ID # 09/10/1/33-1 and Part of Parcel ID # 09/10/1/33-3**

**This Indenture** made the 22<sup>nd</sup> day of AUGUST in the year of Two Thousand and Fifteen (2015).

**Between**

**KIM A. WARNER AND JOY C. WARNER, HUSBAND AND WIFE**  
(hereinafter called the Grantors), of the one part

and

**KIM A. WARNER AND JOY C. WARNER, HUSBAND AND WIFE**  
(hereinafter called the Grantees), of the other part

**Witnesseth** that the said Grantors for an in consideration of the sum of One and 00/100 Dollar (\$1.00) lawful money of the United States of America, unto them well and truly paid by the said Grantees, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantees, as tenants by the entireties, described herein, in wit;

**TRACT 1:**

**ALL THAT CERTAIN** lot, piece or parcel of land situate in the Township of Middle Smithfield, County of Monroe and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

**BEGINNING** at an iron pipe on the Northeasterly corner of lands of Helen Pilvinsky et al.; thence North 67 degrees 33 minutes 20 seconds East 409.94 feet to an iron pipe; thence North 66 degrees 51 minutes 05 seconds East 133.81 feet to a pipe; thence along lands of Kenneth Smith, et ux. South 30 degrees 39 minutes 40 seconds East 303.02 feet to an iron pipe; thence along the same course 42.02 feet to an iron pipe; thence along the same course 23.61 feet to a point in the center of Traffic Route 402; thence South 37 degrees 15 minutes 70 seconds West 21.28 feet to a point in the center of Traffic Route 402; thence North 30 degrees 39 minutes 40 seconds West 70.87 feet to an iron pipe; thence South 35 degrees 32 minutes 10 seconds West 77 feet to an iron pipe; thence 57 degrees 20 minutes 55 seconds West 101.09 feet to an iron pipe; thence South 51 degrees 80 minutes 57 seconds West 76.33 feet to an iron pipe; thence South 39

degrees 30 minutes 34 seconds West 60.39 feet to an iron pipe; thence South 29 degrees 54 minutes 25 seconds West 68.13 feet to an iron pipe; thence South 25 degrees 27 minutes 11 seconds West 77.63 feet to an iron pipe in common with the aforesaid lands of Helen Pilvinsky et al.; thence North 69 degrees 42 minutes 10 seconds West 104.07 feet to an iron pipe; thence North 32 degrees 14 minutes 10 seconds West 95.68 feet to an iron pipe; thence along the same course 262.67 feet to the place of **BEGINNING**.

**BEING** Lot 2 on Map of Minor Subdivision of lands of Helen E. Pilvinsky and Florence M. Predmore, dated January 31, 1986, prepared by Frank J. Smith, Jr., R.S., and recorded in Map Book 59, Page 183.

**CONTATINING** 3.774 acres, more or less.

**UNDER AND SUBJECT** to conditions, restrictions and reservations which appear in Plot Book 59, Page 183.

**EXCEPTING AND RESERVING** unto Helen E. Pilvinsky, her heirs and assigns, a right-of-way and easement to the well situate on the hereinabove described premises as shown on Plot Book 59, Page 183; together with the right to take water from said well for domestic use purposes in common with the Grantees, their heirs and assigns; and by the execution and delivery and recording of this Deed the parties mutually agree for themselves, their heirs and assigns, to equally share in the maintenance of said well.

**TOGETHER WITH AND UNDER SUBJECT** to an easement for egress, ingress and regress over the existing driveway situate between Lot 2 and the Lot owned by Helen E. Pilvinsky as recorded in Deed Book 391, Page 155, and the now vacated Township Road 560, known as Firestone Road, in common with the Grantees and Grantors herein, their heirs and assigns.

**BEING PART OF THE SAME PREMISES** which FORD J. PREDMORE, EXECUTOR UNDER THE LAST WILL AND TESTAMENT OF FLORENCE M. PREDMORE, DECEASED AND HELEN E. PILVINSKY, WIDOW, by deed dated July 2, 1987 and recorded in the Office for Recording of Deeds, Monroe County Pennsylvania on July 2, 1987 in Deed Book 1563 Page 761 granted and conveyed unto KIM A. WARNER AND JOY C. WARNER, HUSBAND AND WIFE, grantors hereof, in fee.

**EXCEPTING ALL THAT CERTAIN** piece or parcel of land, situate in the Township of Middle Smithfield, County of Monroe and Commonwealth of Pennsylvania, shown as Lot 4 on a plan titled "Minor Subdivision of Lands of Kim A. Warner and Joy C. Warner, his wife (Deed Book Vol. 2426, Page 1956 and Deed Book Vol. 1563, Page 761)", dated May 21, 2015 (last revised 7/16/15), as prepared by Frank J. Smith Jr., Inc., Professional Land Surveyors of Marshalls Creek, Pa., as recorded in Monroe County Plot Book 27, Page 147, and more fully described as follows, to wit:

**BEGINNING** at an iron pin in line of lands now or formerly of Andrew Fornaro, said pin being North 42 degrees 32 minutes 44 seconds West and distant 121.93 feet from an iron pipe on the westerly right of way line of Resica Falls Road-Pa. Route 402 (S.R. 04020), as shown on the above mentioned plan;

THENCE 1) by Lot 3, of which this lot was formerly a part, South 47 degrees 27 minutes 16 seconds West 21.78 feet to an iron pin;

THENCE 2) by the same, North 42 degrees 32 minutes 44 seconds West 96.40 feet to an iron pin;

THENCE 3) by the same, North 47 degrees 27 minutes 16 seconds East 21.78 feet to an iron pin;

THENCE 4) by said lands of Andrew Fornaro, South 42 degrees 32 minutes 44 seconds East 96.40 feet to the place of **BEGINNING**.

**CONTAINING 0.048 ACRES GROSS.**

**TRACT 2:**

**ALL THAT CERTAIN** piece or parcel of land, situate in the Township of Middle Smithfield, County of Monroe and Commonwealth of Pennsylvania, shown as Lot 2 on a plan titled "Minor Subdivision of Lands of Kim A. Warner and Joy C. Warner, his wife (Deed Book Vol. 2426, Page 1956 and Deed Book Vol. 1563, Page 761)", dated May 21, 2015 (last revised 7/22/15), as prepared by Frank J. Smith Jr., Inc., Professional Land Surveyors of Marshalls Creek, Pa., as recorded in Monroe County Plot Book 87, Page 14, and more fully described as follows, to wit:

**BEGINNING** at an iron pipe in line of lands now or formerly of Rose M. Toth (Deed Book Vol. 2442, Page 2789), said pipe being the most northerly common corner of Lot 1, Lot 2, and Lot 3, as shown on the above mentioned plan;

THENCE 1) by said Lot 3 (lands of Kim A. and Joy C. Warner as recorded in Deed Book Vol. 1563, Page 761), to which this parcel is intended to be joined and made an inseparable part, South 58 degrees 59 minutes 24 seconds East 151.56 feet to an iron pin;

THENCE 2) by the same, South 16 degrees 59 minutes 08 seconds East 39.73 feet to a spike;

THENCE 3) by the same, South 39 degrees 58 minutes 51 seconds East 70.00 feet to a point;

THENCE 4) by the same, South 10 degrees 52 minutes 46 seconds West 19.21 feet to a spike;

THENCE 5) by said Lot 1, North 50 degrees 48 minutes 44 seconds West 122.20 feet to an iron pin;

THENCE 6) by the same, North 38 degrees 21 minutes 40 seconds West 142.02 feet to the place of BEGINNING.

**CONTAINING 0.164 ACRES GROSS.**

**NOTE:** Lot 2 is intended to be joined to a made an inseparable part of Lot 3, part of (Tax ID # 09/10/1/33-3), as shown on the above mentioned plan for taxing purposes, and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval.

**UNDER AND SUBJECT** to all easements and rights of way of record, or as they exist on the ground.

**TOGETHER WITH** the rights of others for ingress, egress and regress in and over Council Road, formerly known as Firestone Road, as vacated by Middle Smithfield Township as a Township Road. Repair and maintenance of said vacated road is the sole responsibility of those persons benefitting by the use thereof.

**UNDER AND SUBJECT AND TOGETHER WITH** the Owners of Lot 1, Lot 2 and Lot 3, as shown on the above mentioned plan, the right to use the existing "Common Use Driveway", as shown on the above mentioned plan, and as previously recorded in Deed Book Vol. 1563 Pg. 761 and Deed Book Vol. 2426 Pg. 1956. Repair and maintenance of said Common Use Driveway is the sole responsibility of those persons benefitting by the use thereof.

**SUBJECT TO** an existing water line right-of-way/easement to a well situate on Lot 3, as shown on the abovementioned plan, and as originally recorded in Deed Book Vol. 1563, Page 763, and as shown on a plan recorded in Plot Book 59, Page 183.

**BEING PART OF THE SAME PREMISES** which KIM A. WARNER, EXECUTOR OF THE ESTATE OF FORD J. PREDMORE, DECEASED, by deed dated August 9, 2013 and recorded in the Office for Recording of Deeds, Monroe County Pennsylvania on August 26, 2013 in Deed Book 2426, Page 1956 granted and conveyed unto KIM A. WARNER AND JOY C. WARNER, HUSBAND AND WIFE, grantors hereof, in fee.

**THE ABOVE TRACTS ARE MORE ACCURATELY DESCRIBED IN ACCORDANCE WITH A REVISED COMBINED SURVEY AS FOLLOWS:**

**ALL THAT CERTAIN** piece or parcel of land, situate in the Township of Middle Smithfield, County of Monroe and Commonwealth of Pennsylvania, shown as Lot 2 and Lot 3 on a plan titled "Minor Subdivision of Lands of Kim A. Warner and Joy C. Warner, his wife (Deed Book Vol. 2426, Page 1956 and Deed Book Vol. 1563 Pg. 761)", dated May 21, 2015 (last revised 7/22/15), as prepared by Frank J. Smith Jr., Inc., Professional Land Surveyors of Marshalls Creek, Pa., as recorded in Monroe County Plot Book 87, Page 14 and more fully described as follows, to wit:

**BEGINNING** at an iron pipe in line of Lot 1, said pipe also being the most northwesterly corner of lands now or formerly of Jeanine N. Treble (Deed Book Vol. 1923, Page 670), as shown on the above mentioned plan;

**THENCE 1)** by said Lot 1, North 81 degrees 35 minutes 04 seconds West 104.07 feet to a spike;

**THENCE 2)** by the same, North 44 degrees 07 minutes 05 seconds West 95.68 feet to a spike;

**THENCE 3)** by the same, North 50 degrees 48 minutes 44 seconds West 122.20 feet to an iron pin;

**THENCE 4)** by the same, North 38 degrees 21 minutes 40 seconds West 142.02 feet to an iron pipe in line of lands now or formerly of Rose M. Toth (Deed Book Vol. 2442, Page 2789);

**THENCE 5)** by said lands of Rose M. Toth and by lands now or formerly of Charles L. Carr Memorial Property Owners Association (Deed Book Vol. 391, Page 53), North 55 degrees 40 minutes 16 seconds East 409.94 feet to an iron pipe;

**THENCE 6)** by said lands of Charles L. Carr Memorial Property Owners Association, North 54 degrees 58 minutes 01 second East 133.81 feet to an iron pin in line of lands now or formerly of Robert and Theresa R. Fuller (Deed Book Vol. 1133, Page 121);

**THENCE 7)** by said lands of Robert and Theresa R. Fuller and by lands now or formerly of Andrew Fornaro (Deed Book Vol. 2066, Page 1577), South 42 degrees 32 minutes 44 seconds East 61.41 feet to an iron pin;

**THENCE 8)** by Lot 4, (which is intended to be joined to and made an inseparable part of lands now or formerly of Andrew Fornaro), South 47 degrees 27 minutes 16 seconds West 21.78 feet to an iron pin;

**THENCE 9)** by the same, South 42 degrees 32 minutes 44 seconds East 96.40 feet to an iron pin;

THENCE 10) by the same, North 47 degrees 27 minutes 16 seconds East 21.78 feet to an iron pin in line of said lands of Andrew Fornaro;

THENCE 11) by said lands of Andrew Fornaro, and crossing Council Road, South 42 degrees 32 minutes 44 seconds East (passing an iron pipe at 121.93 feet) 142.98 feet to a point at or near the centerline of Resica Falls Road-Pa. Route 402 (SR 0402);

THENCE 12) in and along the centerline of said Resica Falls Road, on a curve to the left having a radius of 2864.93 feet for an arc length of 21.26 feet (chord bearing and distance of South 27 degrees 37 minutes 02 seconds West 21.26 feet) to a point;

THENCE 13) crossing the same and by said lands of Jeanine N. Treible and recrossing said Council Road, North 42 degrees 32 minutes 44 seconds West (passing an iron pipe at 19.02 feet and passing an iron pin at 21.26 feet) 68.59 feet to an iron pipe;

THENCE 14) by said lands of Jeanine N. Treible, South 41 degrees 38 minutes 57 seconds West 77.00 feet to an iron pipe;

THENCE 15) by the same, South 45 degrees 09 minutes 51 seconds West 101.43 feet to an iron pipe;

THENCE 16) by the same, South 39 degrees 15 minutes 53 seconds West 78.86 feet to an iron pipe;

THENCE 17) by the same, South 27 degrees 37 minutes 30 seconds West 63.45 feet to an iron pipe;

THENCE 18) by the same, South 18 degrees 01 minute 21 seconds West 70.16 feet to an iron pipe;

THENCE 19) by the same, South 13 degrees 34 minutes 07 seconds West 79.76 feet to the place of BEGINNING.

.....  
**CONTAINING 3.889 ACRES GROSS.**

**UNDER AND SUBJECT** to all easements and rights of way of record, or as they exist on the ground.

**TOGETHER WITH** the rights of others for ingress, egress and regress in and over Council Road, formerly known as Firestone Road, as vacated by Middle Smithfield Township as a Township Road. Repair and maintenance of said vacated road is the sole responsibility of those persons benefitting by the use thereof.

**UNDER AND SUBJECT AND TOGETHER WITH** the Owners of Lot 1 and Lot 3, as shown on the above mentioned plan, the right to use the existing "Common Use Driveway", as shown on the above mentioned plan, and as previously recorded in Deed Book Vol. 1563, Page 761 and Deed Book Vol. 2426, Page 1956. Repair and maintenance of said Common Use Driveway is the sole responsibility of those persons benefitting by the use thereof.

**SUBJECT TO** an existing water line right-of-way/easement to a well situate on Lot 3, as shown on the abovementioned plan, and as originally recorded in Deed Book Vol. 1563, Page 763, and as shown on a plan recorded in Plot Book 59, Page 183.

**THIS CONVEYANCE IS EXEMPT FROM THE PAYMENT OF REALTY TRANSFER TAX IN THAT THE GRANTORS AND GRANTEEES ARE THE SAME PERSONS. .**

**Under and Subject** to Covenants, Conditions and Restrictions as appear in the chain of title in the Recorder of Deeds of Monroe County.

**Together with** all and singular the buildings and 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 them, the said grantors, as well at law as in equity, of, in and to the same.

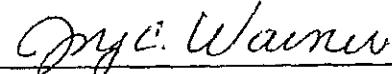
**To have and to hold** the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns, forever.

**And** the said Grantors, for themselves and their heirs, executors and administrators, does, by these presents, covenant, grant and agree, to and with the said Grantees, their heirs and assigns, that they, the said Grantors, and their heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, against them, the said Grantors, and their heirs, will warrant and defend against the lawful claims of all persons claiming by, through or under the said Grantors but not otherwise.

In Witness Whereof, the party of the first part have hereunto set their hand and seal.  
Dated the day and year first above written.

Sealed and Delivered IN THE PRESENCE OF US:

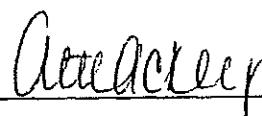
  
\_\_\_\_\_  
Kim A. Warner {SEAL}

  
\_\_\_\_\_  
Joy C. Warner {SEAL}

Commonwealth of Pennsylvania } ss  
County of Monroe }

On this, the 22 day of August, 2015, before me, the undersigned Notary Public, personally appeared Kim A. Warner and Joy C. Warner, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
\_\_\_\_\_  
Autumn Ackley  
Notary Public  
My commission expires: Feb 16 2019

The precise residence and the complete post office address of the above named Grantees is:

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Autumn Ackley, Notary Public  
Hamilton Twp, Monroe County  
My commission expires February 16, 2019

127 COUNCIL ROAD  
EAST STRoudSBURG, PA. 18302

On behalf of the Grantees



**Exhibit B**

Monroe County - Tax Claim  
1 Quaker Plaza Room 104  
Stroudsburg PA 18360  
Phone: (570) 517-3172  
As of 7/22/15

Parcel Number  
09 /10 /1 /33-3 /  
  
Current owner:  
WARNER KIM A  
127 COUNCIL ROAD  
E STROUDSBURG PA 18302  
TOWNSHIP: 09 MIDDLE SMITHFIELD

Tax Acct ID: 85282  
Pin No: 09732400970825  
Legal Description  
129 COUNCIL RD  
LOT 2

\* \* T A X C E R T I F I C A T E # 229684 \* \*

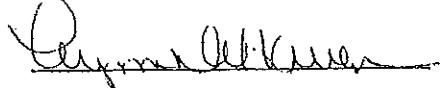
2015 Assessed Valuations:	Acreage:	3.7700
HOMESTEAD BLDG CLASS 9	5,910.00	Deed Book/Page: 1563-0761
HOMESTEAD LAND CLASS 9	8,290.00	
Total	14,200.00	

YEAR PD	BILLED	UNPAID	PENALTY/INT	OTHER +/-	TOTAL DUE
=====	=====	=====	=====	=====	=====
Grand		.00	.00	.00	.00

PAID IN FULL

FEE \$5.00 THIS IS TO CERTIFY THAT ACCORDING TO OUR RECORDS THE ABOVE INFORMATION IS TRUE AND ACCURATE ON THE ABOVE ID#.

MONROE COUNTY TAX CLAIM BUREAU



Monroe County - Tax Claim  
1 Quaker Plaza Room 104  
Stroudsburg PA 18360  
Phone: (570) 517-3172  
As of 7/22/15

Parcel Number  
09 /10 /1 /33-1 /

Tax Acct ID: 85278  
Pin No: 09732400878437  
Legal Description  
127 COUNCIL RD

Current owner:  
WARNER KIM A  
127 COUNCIL ROAD  
E STRoudSBURG PA 18302  
TOWNSHIP: 09 MIDDLE SMITHFIELD

\* \* TAX CERTIFICATE # 229685 \* \*

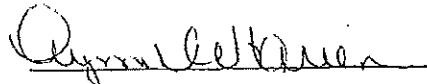
2015 Assessed Valuations:	Acreage:	2.9000
HOMESTEAD BLDG CLASS 9	14,930.00	Deed Book/Page: 2426-1956
HOMESTEAD LAND CLASS 9	7,450.00	
Total	22,380.00	

YEAR PD	BILLED	UNPAID	PENALTY/INT	OTHER +/-	TOTAL DUE
Grand		.00		.00	.00

PAID IN FULL

FEE \$5.00 THIS IS TO CERTIFY THAT ACCORDING TO OUR RECORDS THE ABOVE  
INFORMATION IS TRUE AND ACCURATE ON THE ABOVE ID#.

MONROE COUNTY TAX CLAIM BUREAU



Monroe County - Tax Claim  
1 Quaker Plaza Room 104  
Stroudsburg PA 18360  
Phone: (570) 517-3172  
As of 7/22/15

Parcel Number	Tax Acct ID: 85116
09 /10 /1 /16-48 /	Pin No: 09732402972943
Current owner:	Legal Description
FORNARO ANDREW	879 RESICA FALLS RD
879 RESICA FALLS RD	
E STROUDSBURG PA 18302	
TOWNSHIP: 09 MIDDLE SMITHFIELD	

\* \* TAX CERTIFICATE # 229686 \* \*

2015 Assessed Valuations:	Acreage: .4900
HOMESTEAD BLDG CLASS 9	6,570.00 Deed Book/Page: 2066-1577
HOMESTEAD LAND CLASS 9	1,990.00
Total	8,560.00

YEAR PD	BILLED	UNPAID	PENALTY/INT	OTHER +/-	TOTAL DUE
Grand		.00	.00	.00	.00

PAID IN FULL.

FEE \$5.00 THIS IS TO CERTIFY THAT ACCORDING TO OUR RECORDS THE ABOVE  
INFORMATION IS TRUE AND ACCURATE ON THE ABOVE ID#.

MONROE COUNTY TAX CLAIM BUREAU

Deborah DeKee