

# Northampton County Reporter

(USPS 395-280)

VOL. LVII

EASTON, PA September 20, 2012

NO. 38

**Commonwealth of Pennsylvania v. Russell Wallery, Defendant**

**David Fairfield, Jr., Plaintiff v. Francis Ritzo, National Freight, Inc. and  
Great Spring Waters of America, Inc., Defendants**

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2. "Issues Applicable to Limited Liability Companies"  
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2. 2012 Bench Bar Conference  
3. "Preparing for Successful Mediation/Arbitration—What Every New (and Not  
So New) Lawyer Should Know"

### **NOTICE TO THE BAR...**

#### **2012 Bench Bar Conference**

October 12 & 13, 2012, Philadelphia

Registration form inside.

\* \* \* \* \*

#### **Federal Courts Admissions**

October 12, 2012, Philadelphia

If you would like to be admitted to the U.S. Court of Appeals Third Circuit  
and U.S. District Court Eastern District, call the NCBA Office for details.

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*Northampton County Reporter*  
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The Northampton County Reporter will be published every Thursday by the Northampton County Bar Association, 155 South Ninth St., Easton, PA 18042-4399. All legal notices relating to the business of the county, are required by rule of Court, to be published in this Journal. All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. Neither the Law Reporter nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes to content.

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Editor

## **NOTICE TO NCBA MEMBERS – BAR NEWS**

### **2012 Bench Bar Conference**

Program and registration materials have been mailed out. Register early for a full conference registration discount and discounted hotel room. Registration form inside.

### **Admissions to Federal Courts: Friday, October 12, 2012**

Prior to the official start of the Bench Bar Conference, an Admissions Ceremony to both the Court of Appeals for the Third Circuit and the U.S. District Court of the Eastern District will be held in the Federal Courthouse in Philadelphia.

If you are interested in being admitted to one or both courts, please call the NCBA Office for more information and applications. (610) 258-6333.

### **Public Notice for Reappointment of a Bankruptcy Judge**

The current 14-year term of office of Rosemary Gambardella, United States Bankruptcy Judge for the District of New Jersey in Newark is due to expire on May 2, 2013. The United States Court of Appeals for the Third Circuit is considering the reappointment of the Judge to a new 14-year term of office.

Members of the bar and the public are invited to submit comments for consideration by the Court of Appeals regarding the reappointment of Bankruptcy Judge Rosemary Gambardella. All comments should be directed to: Gambardella\_Reappointment@ca3.uscourts.gov.

### **Bridge the Gap Program: Friday, November 2, 2012; 12:00 – 4:00 p.m.**

All new attorneys are required to take this course provided by the PA CLE Board. Register early if you need to take this seminar. Registration form inside or visit [www.norcobar.org](http://www.norcobar.org).

### **The Culinary Institute of America and Woodbury Commons Mall Trip**

Saturday, November 17, 2012

Registration information inside.

### **Free CLE Program – Pennsylvania's Right to Know Law and the Sunshine Act**

October 24, 2012, 10:00 a.m. – 12:00 p.m.

State Museum Auditorium, 621 North 3rd St., Harrisburg

For more information contact: [openrecords@pa.gov](mailto:openrecords@pa.gov) or the NCBA

Office.

People grow through experience if they meet life honestly and courageously. This is how character is built. ~ Eleanor Roosevelt

**ESTATE AND TRUST NOTICES**

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

**FIRST PUBLICATION****BRENT, DONALD L.,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA  
Administrator: Michael F. Brent, Sr. c/o Ronald R. Bolig, Esquire, 5 Temple Avenue, Sellersville, PA 18960

Attorneys: Ronald R. Bolig, Esquire, Robert A. Lechowicz Law Offices, 5 Temple Avenue, Sellersville, PA 18960

**BROWN, LOUIS R.,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Lois Groff c/o Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

Attorney: Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

**BRUCH, JUNE M.,** dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executors: Bonnie Welty, Carl Bruch, Rodney Bruch and Timothy Bruch a/k/a Timmy Bruch c/o Alfred S. Pierce, Esquire, 124 Belvidere Street, Nazareth, PA 18064

Attorneys: Alfred S. Pierce, Esquire, Pierce & Dally, LLC, 124 Belvidere Street, Nazareth, PA 18064

**CHUNKO, JOHN S., JR. a/k/a JOHN CHUNKO, JR.,** dec'd.

Late of Hellertown, Northampton County, PA

Executrix: Cynthia C. McKellin c/o Ralph J. Bellafatto, Esquire, 4480 William Penn Highway, Easton, PA 18045

Attorney: Ralph J. Bellafatto, Esquire, 4480 William Penn Highway, Easton, PA 18045

**GILBERT, REBEKAH J.,** dec'd.

Late of the Borough of East Bangor, Northampton County, PA

Executor: Brian J. Gilbert c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

Attorney: David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

**GROHOTOLSKY, DOROTHY M.,** dec'd.

Late of Hellertown, Northampton County, PA

Executors: Alice A. Rehrig, 4841 Timberline Road, Walnutport, PA 18088 and Wesley W. Shoemaker, 4358 Timberline Road, Walnutport, PA 18088

Attorneys: Charles W. Stopp, Esquire, Steckel and Stopp, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

**GUMAN, ELIZABETH B.,** dec'd.

Late of Hanover Township,  
Northampton County, PA  
Executor: Michael D. Guman,  
3913 Pleasant Ave., Allentown,  
PA 18103

**GYECSEK, RITA F.,** dec'd.

Late of Forks Township, North-  
ampton County, PA  
Executrix: Grace M. Buerlen c/o  
Edward H. Butz, Esquire,  
Lesavoy Butz & Seitz LLC, 7535  
Windsor Drive, Suite 200,  
Allentown, PA 18195  
Attorneys: Edward H. Butz,  
Esquire, Lesavoy Butz & Seitz  
LLC, 7535 Windsor Drive, Suite  
200, Allentown, PA 18195

**KAVCAK, MICHAEL J.,** dec'd.

Late of the Township of  
Bethlehem, Northampton  
County, PA  
Executors: Michael John Kavcak,  
7541 Somerset Shores Court,  
Orlando, FL 32819 and Ronald  
J. Kavcak, 6500 Valen Way  
A504, Naples, FL 34108  
Attorneys: Peters, Moritz, Peischl,  
Zulick, Landes & Brienza, LLP,  
1 South Main Street, Nazareth,  
PA 18064-2083

**KULBABA, BERNADINE E.,** dec'd.

Late of Bethlehem City, North-  
ampton County, PA  
Executrix: Eileen P. Dietz, 231  
Bellvue Circle, State College, PA  
16803  
Attorneys: Elizabeth A. Dupuis,  
Esquire, Babst Calland, 330  
Innovation Boulevard, Suite 302,  
State College, PA 16803

**LO PRETE, CARMELA A. a/k/a  
CARMELA ANN LO PRETE,**  
dec'd.

Late of the City of Easton,  
Northampton County, PA

Administratrix: Renee A. Evans  
c/o Nancy K. Busch, Esquire,  
825 North 19th Street, Allentown,  
PA 18104

Attorney: Nancy K. Busch,  
Esquire, 825 North 19th Street,  
Allentown, PA 18104

**MITCHELL, MURIEL G. a/k/a  
MURIEL S. MITCHELL,** dec'd.

Late of the Borough of Heller-  
town, Northampton County, PA  
Executor: Mitchell Rabinowitz  
c/o Daniel E. Cohen, Attorney,  
Seidel, Cohen, Hof & Reid, L.L.C.,  
3101 Emrick Blvd., Suite 205,  
Bethlehem, PA 18020

Attorneys: Daniel E. Cohen,  
Attorney, Seidel, Cohen, Hof &  
Reid, L.L.C., 3101 Emrick Blvd.,  
Suite 205, Bethlehem, PA 18020

**SCHWARTZ, MYRTLE M.,** dec'd.

Late of the Township of East  
Allen, Northampton County, PA  
Executors: Madelyn M. Kemp,  
8416 Seemsville Road, North-  
ampton, PA 18067 and Donald  
D. Schwartz, 8456 Seemsville  
Road, Northampton, PA 18067  
Attorney: Daniel G. Spengler,  
Esquire, 110 East Main Street,  
Bath, PA 18014

**SICILIANO, ELLEN E.,** dec'd.

Late of 504 Arch St., Pen Argyl,  
Northampton County, PA  
Executor: John E. Siciliano,  
3410 Woodland Ave., Reading,  
PA 19606

Attorneys: Eugene Orlando, Jr.,  
Esquire, Orlando Law Offices,  
P.C., 2901 St. Lawrence Ave.,  
Suite 202, Reading, PA 19606

**WARGO, ELEANOR D.,** dec'd.

Late of Allentown, Northampton  
County, PA

Executor: William Kish c/o  
William W. Matz, Jr., Esquire,

211 W. Broad Street, Bethlehem,  
PA 18018-5517

Attorney: William W. Matz, Jr.,  
Esquire, 211 W. Broad Street,  
Bethlehem, PA 18018-5517

**SECOND PUBLICATION**

**AMOS, JOHN ELMER a/k/a  
JOHN E. AMOS, dec'd.**

Late of Bath, Northampton  
County, PA

Executor: Russel L. Amos c/o  
Donald S. Young, Esquire and  
Rebecca M. Young, Esquire,  
Young & Young, 119 E. Main  
Street, Macungie, PA 18062

Attorneys: Donald S. Young,  
Esquire and Rebecca M. Young,  
Esquire, Young & Young, 119 E.  
Main Street, Macungie, PA 18062

**DRABENT, PATRICIA A., dec'd.**

Late of Easton, Northampton  
County, PA

Executor: Dennis E. Kline c/o  
Gerald M. Barr, Esquire, 2239  
PA Route 309, First Floor,  
Orefield, PA 18069

Attorney: Gerald M. Barr,  
Esquire, 2239 PA Route 309,  
First Floor, Orefield, PA 18069

**EVERETT, CLIFFORD M., JR.  
a/k/a CLIFFORD M. EVERETT,  
dec'd.**

Late of the Township of  
Bethlehem, Northampton  
County, PA

Administratrix: Lisa M. Walters  
c/o Bradford D. Wagner, Esquire,  
662 Main Street, Hellertown, PA  
18055-1726

Attorney: Bradford D. Wagner,  
Esquire, 662 Main Street, Heller-  
town, PA 18055-1726

**FRANTZ, LESTER NORMAN,  
dec'd.**

Late of the Township of Bushkill,  
Northampton County, PA

Executrix: Marilyn L. Nolf c/o  
Gregory R. Reed, Esquire,  
Attorney-at-Law, 141 South  
Broad Street, P.O. Box 299,  
Nazareth, PA 18064-0299

Attorney: Gregory R. Reed,  
Esquire, Attorney-at-Law, 141  
South Broad Street, P.O. Box  
299, Nazareth, PA 18064-0299

**KECK, HAROLD M., dec'd.**

Late of 1893 Leithsville Road,  
Hellertown, Northampton  
County, PA

Executors: Nancy J. Keck, 1893  
Leithsville Road, Hellertown, PA  
18055 and Austin K. Kunsman,  
1587 Orchards Road, Heller-  
town, PA 18055

Attorneys: William J. McCarthy,  
III, Esquire, McCarthy Law  
Offices, 1319 Main Street, Heller-  
town, PA 18055-1352

**KIMMEL, ROBERT E., dec'd.**

Late of Forks Township,  
Northampton County, PA

Executor: Victor Jodz c/o Robert  
H. Jacobs, Esquire, 8 Centre  
Square, Easton, PA 18042-3606  
Attorney: Robert H. Jacobs,  
Esquire, 8 Centre Square,  
Easton, PA 18042-3606

**OBERBECK, PAUL A., dec'd.**

Late of the City of Bethlehem,  
Northampton County, PA

Executor: Paul B. Oberbeck c/o  
Fitzpatrick Lentz & Bubba, P.C.,  
4001 Schoolhouse Lane, Center  
Valley, PA 18034-0219

Attorneys: Fitzpatrick Lentz &  
Bubba, P.C., 4001 Schoolhouse  
Lane, Center Valley, PA 18034-  
0219

**POLLARD, RITA M., dec'd.**

Late of the Borough of Nazareth,  
Northampton County, PA

Executrix: Susan Monte, 2252 Bellingham Drive, Bushkill, PA 18324

Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064-2083

**RUTH, JAMES A.,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA  
Executrix: Patricia A. Ruth c/o Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

Attorney: Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

**WILDFEUER, FLORENCE,** dec'd.

Late of the City of Bethlehem, Northampton County, PA  
Executrix: Sharon Schwartz c/o Frank J. Danyi, Jr., Esquire, Maloney, Danyi, O'Donnell & Tranter, 901 West Lehigh Street, Bethlehem, PA 18018

Attorneys: Frank J. Danyi, Jr., Esquire, Maloney, Danyi, O'Donnell & Tranter, 901 West Lehigh Street, Bethlehem, PA 18018

**THIRD PUBLICATION**

**CHAIKOWSKY, GERALDINE M.,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA  
Executrix: Sandra L. Bauder c/o Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

Attorney: Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

**CHRISTIANSSEN, DOROTHY E.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Robert J. Christiansen c/o Vaughn A. Terrinoni, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

Attorney: Vaughn A. Terrinoni, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

**EICHELBERGER, DOROTHEA M.,** dec'd.

Late of the Borough of Northampton, Northampton County, PA  
Executor: Wayne R. Eichelberger c/o Frank M. Skrapits, Esquire, Affiliated with Steckel and Stopp, 2152 Main Street, Northampton, PA 18067-1211

**FERRARO, TERESA A.,** dec'd.

Late of the Township of Lower Saucon, Northampton County, PA

Administrators: Ana Maria Ferraro and Pablo A. Ferraro c/o Lawrence Center, Esquire, 60 W. Broad St., Ste. 103, P.O. Box 1248, Bethlehem, PA 18016

Attorney: Lawrence Center, Esquire, 60 W. Broad St., Ste. 103, P.O. Box 1248, Bethlehem, PA 18016

**FLUCK, CATHERINE B.,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Co-Executors: Timothy A. Fluck and John J. Fluck c/o Herster, Newton & Murphy, 127 N. 4th St., P.O. Box 1087, Easton, PA 18044-1087

Attorneys: Herster, Newton & Murphy, 127 N. 4th St., P.O. Box 1087, Easton, PA 18044-1087

**FOSTER, STEPHANIE L.,** dec'd.

Late of the Borough of Wind Gap, Northampton County, PA  
Executrix: Linda Foster, P.O. Box 1628, Southampton, NY 11969



**FREETHY, BARBARA L.,** dec'd.

Late of Nazareth, Northampton County, PA

Executor: Carl R. Madtes, 3273 Mountain Road, Slatington, PA 18080

Attorneys: Charles W. Stopp, Esquire, Steckel and Stopp, 125 S. Walnut Street, Slatington, PA 18080

**GILLON, THERESA C.,** dec'd.

Late of 2 Gracedale Avenue, Nazareth, Northampton County, PA

Executor: James A. Gillon c/o Colleen Mancuso, Esquire, Mancuso & Mancuso, P.C., 808 Monroe Street, Stroudsburg, PA 18360

Attorneys: Colleen Mancuso, Esquire, Mancuso & Mancuso, P.C., 808 Monroe Street, Stroudsburg, PA 18360

**HAYES, ELEANOR M.,** dec'd.

Late of the Township of Upper Nazareth, Northampton County, PA

Executrix: Kathleen Marie Hayes-Reph c/o Dionysios C. Pappas, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

Attorneys: Dionysios C. Pappas, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

**HUNSBERGER, DARRELL D.,** dec'd.

Late of the Borough of Northampton, Northampton County, PA

Executor: Gerald R. L. Hunsberger c/o Dean C. Berg, Esquire, 1820 Main Street, P.O. Box 10, Northampton, PA 18067  
Attorney: Dean C. Berg, Esquire, 1820 Main Street, P.O. Box 10, Northampton, PA 18067

**KAVAS, HELEN K.,** dec'd.

Late of the Township of Hanover, Northampton County, PA

Executrix: Jennifer Levernier c/o James C. Omdahl, Esquire, 54 South Commerce Way, Suite 172, Bethlehem, PA 18017

Attorney: James C. Omdahl, Esquire, 54 South Commerce Way, Suite 172, Bethlehem, PA 18017

**KIDD, WALLACE E.,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Suzanne W. Kidd c/o Herster, Newton & Murphy, 127 N. 4th St., P.O. Box 1087, Easton, PA 18044-1087

Attorneys: Herster, Newton & Murphy, 127 N. 4th St., P.O. Box 1087, Easton, PA 18044-1087

**KLINGEL, GEORGE A.,** dec'd.

Late of Bangor, Northampton County, PA

Executrix: Eva A. Klingel, 651 Blue Ridge Ave., Bangor, PA 18013

Attorneys John B. Zonarich, Esquire, Skarlatos Zonarich LLC, 17 S. 2nd St., 6th Fl., Harrisburg, PA 17101-2039

**RODGERS, WALTER R.,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Co-Executors: Todd A. Rodgers and Brooke A. Rodgers c/o Stanley M. Vasiliadis, Esquire, CELA, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

Attorneys: Stanley M. Vasiliadis, Esquire, CELA, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020



**WEIL, LORNA F.,** dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Ronald D. Weil, Sr. c/o Thomas J. Turczyn, Esquire, 1711 W. Hamilton Street, Allentown, PA 18104

Attorney: Thomas J. Turczyn, Esquire, 1711 W. Hamilton Street, Allentown, PA 18104

**YTSMA, PATRICK a/k/a PATRICK B. YTSMA,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Judith Bianca Parr c/o Ellen M. Kraft, Esquire, 3400 Bath Pike, Suite 311, Bethlehem, PA 18017-2485

Attorney: Ellen M. Kraft, Esquire, 3400 Bath Pike, Suite 311, Bethlehem, PA 18017-2485

**LIMITED LIABILITY COMPANY NOTICE**

NOTICE IS HEREBY GIVEN that a Certificate of Organization for Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the company is:

**JONATHAN'S PIZZA & RESTAURANT, LLC**

The purpose of the LLC is: Operate a Pizza Shop.

LEONARD M. MELLON, ESQUIRE  
I.D. No. 46815

151 South 7th Street  
Easton, PA 18042  
(610) 559-9990

Sept. 20

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA CIVIL DIVISION—LAW**

IN RE: Change of Name of  
ISAIAH EDWARD BERNARD  
ROGERS, a minor

**NO. C-48-CV-2012-8730**

NOTICE

CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on August 31, 2012, the Petition of Anita Freeman on behalf of Isaiah Edward Bernard Rogers, a minor, was filed in Northampton County Court of Common Pleas at No. C-48-CV-2012-8730 seeking to change the name of the minor from Isaiah Edward Bernard Rogers to Isaiah Edward Bernard Freeman.

The Court has fixed November 16, 2012, at 9:00 A.M. in Courtroom #4, at the Northampton County Courthouse as a date and place for hearing the Petition. At that time, all persons interested may appear and show cause, if any, why the Petition should not be granted.

Sept. 20

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA CIVIL DIVISION—LAW**

In re: Taking in Eminent Domain of a Certain Parcel of Real Estate located at 234 East Morton Street, in the City of Bethlehem, Northampton County, Pennsylvania by the Redevelopment Authority of the City of Bethlehem

**No. C-48CV2012-8536**

A Proceeding in Rem  
COURT MINUTES

NOTICE TO CONDEMNOR OF  
FILING DECLARATION OF TAKING  
PURSUANT TO SECTION 403 OF  
THE 1964 EMINENT DOMAIN  
CODE OF PENNSYLVANIA

To: Iris Lugo Cotto c/o Jasmine Cotto,  
3025 East Boulevard, Bethlehem,  
PA 18017

You are hereby notified that a Declaration of Taking was filed on August 27, 2012 in the Office of the Prothonotary of the Court of Common Pleas of Northampton County, Pennsylvania, as of Court of Common Pleas No. C-48CV2012-8536.

The name and address of the Condemnor is the Redevelopment Authority of the City of Bethlehem, 10 East Church Street, Bethlehem, Pennsylvania 18018.

The Condemnor has been empowered by Section 12.1 (26 P.S. §1712.1(a)) of the Urban Redevelopment Law of Pennsylvania (Act of 1945, P.L. 991 as amended) to acquire by Eminent Domain amended (26 P.S. §1-101).

This Declaration of Taking was authorized by the members of the Condemnor at a regular meeting on July 12, 2012 and that action may be examined at the address of the Condemnor.

The purpose of the Condemnation is to promote the elimination of blighted areas within and outside the certified redevelopment area and supply sanitary housing in areas throughout the City of Bethlehem, Pennsylvania.

The condemned property of the Condemnee is located at 234 East Morton Street, Bethlehem, Northampton County, Pennsylvania (Parcel I.D. #P6SE1B-27-5A). Title to be acquired is in fee simple.

Plans showing the condemned property are presently on file in the office of the Condemnor at the above address in Northampton County.

Just compensation has been secured by the Condemnor filing its open end bond, without surety,

pursuant to Section 403(a) of the Eminent Domain Code of Pennsylvania.

You are further notified that if you wish to challenge the power or right of the Condemnor to appropriate the condemned property, the sufficiency of the security, the procedure followed by the Condemnor or the Declaration of Taking, you shall file Preliminary Objections within thirty (30) days after publication of this Notice of Condemnation.

MICHAEL E. RISKIN, ESQUIRE  
RISKIN AND RISKIN

Attorneys for the Redevelopment  
Authority of the City of Bethlehem  
18 East Market Street  
P.O. Box 1446  
Bethlehem, PA 18016-1446  
(610) 868-8543

Sept. 20

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**IN THE COURT OF COMMON  
PLEAS OF NORTHAMPTON  
COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION  
CITATION**

In re: Estate of Thomas Howard, Jr.

**File No. 2012-1176**

To: Lori Howard, 315 S. 16th St., Apt.  
6, Easton, PA 18042  
Sur Petition  
Greetings:

We command you, that laying aside all business and excuses whatsoever, you be and appear before the Orphans' Court Division of the Court of Common Pleas of Northampton County, Pennsylvania, to be held at the Northampton County Courthouse, 669 Washington Street, Easton, PA, in Courtroom #1, at 9:00 A.M. on or before the 28th day of September, 2012, then and there to file a full and complete answer, under oath, to each and every of the averments of the petition of Derek Piester and Semah Zavareh which is

attached hereto and show cause why the prayer of said petition should not be granted and further to abide the order of said court in the premises.

If you fail hereof, the Petition may be taken pro confesso and a decree entered against you.

Witness, the Honorable Emil Giordano, Judge of our said court, at Easton, PA the 13th day of September, 2012.

/s/Melissa A. Binder  
Deputy

Clerk of Orphans' Court  
/s/Richard Senker, Esq.  
Attorney for Petitioner

#### PETITION FOR CITATION

Petitioners, by their attorney, Richard C. Senker, Esquire, come and state the following in support of their Petition for Citation to open the Estate of Thomas Howard, Jr.:

1. Petitioners are husband and wife adult individuals currently residing at 24 Franklin Drive, Voorhees, NJ 08043.

2. Respondent is Lori Howard, whom we believe and allege is the wife of decedent Thomas Howard, Jr., an adult with a last known address at 315 S. 16th Street, Apt. 6, Easton, PA 18042.

3. On or about May 4, 2010, Thomas Howard, Jr. drove a tractor trailer, owned by Inter Coastal, Inc., into the side of the Honda Accord being driven by Derek Piester while both drivers were on I76 in New Jersey and approaching the Walt Whitman Bridge, causing injuries and damages to your Petitioners as more fully stated in their Federal Complaint as hereinafter described.

4. On or about April 25, 2012, your Petitioners filed suit against Inter Coastal, Inc. and Thomas Howard, Jr. in Federal Court, Eastern District

of Pennsylvania, at docket # 5:12 CV 02255.

5. On or about April 25, 2012, Brian Fleming, the insurance adjuster from Fleming & Hall, the adjusting company apparently hired by Inter Coastal's insurance company, National Specialty Insurance Company, to handle Petitioners' claim, advised the undersigned that the last known address for Thomas Howard was 1537 Washington Street, Easton 18042.

6. By letter dated May 1, 2012, the undersigned mailed to Thomas Howard, Jr., pursuant to Rule 4 of the Federal Rules of Civil Procedure, a "Notice of a Lawsuit and Request to Waive Service of a Summons" and a copy of the First Amended Complaint. Pursuant to F.R.C.P. No. 4, Mr. Howard had 60 days to accept service.

7. When the undersigned did not receive an acceptance of service from either Inter Coastal or Mr. Howard, the undersigned hired Constable Lance Wheeler to serve both defendants. On June 18, 2012, Constable Wheeler advised the undersigned that Thomas Howard, Jr. died in January of 2011.

8. On or about June 21, 2012, your Petitioners obtained confirmation, via a letter from Zachary R. Lysek, the Coroner of Northampton County, that Thomas Howard, Jr. died on January 3, 2011.

9. In order for your Petitioners to be able to pursue their personal injury litigation in Federal Court, there must be an estate opened for Thomas Howard, Jr. because Plaintiffs must name the Administrator of the Estate of Thomas Howard, Jr. as the defendant in their suit—a suit against Thomas Howard, Jr., a dead man is a nullity in Pennsylvania.

10. It is believed and therefore averred that there has never been an estate opened for Thomas Howard, Jr.

11. The undersigned has learned from the Coroner that Mr. Howard was survived by his wife, Lori Howard, and that Lori Howard's address, in January of 2011, was 315 S. 16th Street, Apt. 16, Easton, PA 18042.

12. Since June 21, 2012, the undersigned has done the following to either learn the whereabouts of a spouse or next of kin of Mr. Howard or to ascertain the manner in which the Register of Wills will appoint an Administrator of the Estate of Thomas Howard, Jr. so that the undersigned can get that Administrator served with the Federal suit papers and so that those suit papers can be delivered to the insurance company insuring Mr. Howard:

a. On July 16, 2012, the undersigned had a telephone conversation with Ingrid, in the Northampton County Register of Wills Office regarding the Register of Wills' preferred procedure;

b. The undersigned searched for an obituary or death notice in the Express Times and Morning Call newspapers. No obituary death was found;

c. The undersigned spoke with James Callan, an attorney representing Inter Coastal, Inc. in the Federal personal injury litigation. Mr. Callan advised the undersigned that he had an investigator trying to learn about Mr. Howard. The undersigned asked Mr. Callan to advise of Mr. Howard's Social Security number, date of birth, last known address, and next of kin. Mr. Callan never provided the undersigned with any of the requested information.

d. On July 23, 2012, the undersigned sent a letter to Lori Howard, the woman we believe was Thomas

Howard's wife, via first class mail and certified mail, return receipt requested. The first class letter was never returned, but the Certified letter was returned and marked, "unable to forward." A copy of the envelope is attached hereto as Exhibit "A" [not published herein].

e. On July 25, 2012, the undersigned hired a private investigator named Ed Cohen to go to Lori Howard's last known address to try to find her and/or to "knock on doors" to get information about Lori Howard's whereabouts. Mr. Cohen went to 315 S. 16th Street in Easton and found a one-story building with two entrances and several bells. He rang all the bells and got no answers. Mr. Cohen went to the tavern that was next door to the 315 S. 16th Street and met with the tavern owner who also claimed to be the owner of the building where Lori Howard was supposed to be living. The owner told Mr. Cohen that Lori Howard left his apartment building and that he did not know where she went. Mr. Cohen then went back to the apartment building, walked around the building, and met one of the tenants who took him into the building and showed him where Lori Howard used to live. The apartment was locked. Mr. Cohen then went into several stores at the end of 16th Street and asked several people in the stores if they knew of Lori Howard—nobody said that they knew her.

f. On August 13, 2012, the undersigned had a telephone conversation with Sandra, in the Register of Wills Office (Ingrid was on vacation that week). Ingrid suggested that the undersigned attempt to open an estate as an "agent of decedent" by presenting an affidavit of the efforts made to locate Thomas Howard, Jr.'s next of kin. However, Ingrid stated that the undersigned would need a

death certificate to do that. The undersigned then had several telephone conversations with Zachary Lysek, the Coroner, as to how the undersigned could obtain a death certificate for Thomas Howard, Jr. Mr. Lysek said that he would speak with the people at the Register of Wills.

g. On August 15, 2012, Mr. Lysek suggested that the undersigned wait until Ingrid returned from vacation to speak with her about getting an Administrator appointed.

h. On August 22, 2012, the undersigned left a telephone message for Ingrid at the Register of Wills.

i. On August 24, 2012, the undersigned started a trial in Federal Court, and the undersigned was unavailable until that trial concluded on August 30, 2012.

j. On August 31, 2012, Ingrid advised the undersigned that, after speaking with the Register of Wills' Solicitor, the only way for the undersigned to get an Administrator appointed would be to file a Petition For Citation.

13. Petitioners do not know of any person, other than Lori Howard, who is eligible, pursuant to 20 Pa. C.S.A. §3155, to be named Administrator of the Estate of Thomas Howard, Jr. and your Petitioners do not know if Lori Howard is alive and, if so, where she can be found.

14. The police report for the May 4, 2010 motor vehicle collision described above stated that Thomas Howard, Jr.'s address was 151 Spring Street, Easton, PA 18042.

15. After reasonable investigation, we do not know of any other family members or relatives of Thomas Howard, Jr.

16. Petitioners are asking this Honorable Court to appoint Edward Shaughnessy, Esquire, a member of the Northampton County Bar, with offices at 713 Lehigh Street, Easton,

PA 18042 (phone: (610) 258-9955) to serve as personal representative for the Estate of Thomas Howard, Jr.

WHEREFORE, Petitioners request that a Citation be awarded pursuant to 20 Pa. C.S.A. §3155 directing Lori Howard to show cause why she should not produce Decedent's original will for probate or apply for and take out Letters of Administration on the Estate of Thomas Howard, Jr. or, in the alternative, why this Honorable Court should not appoint Edward Shaughnessy, Esquire to be the Administrator of the Estate of Thomas Howard, Jr.

RICHARD C. SENKER, ESQUIRE  
Attorney for Petitioners

#### VERIFICATION

Pursuant to Pennsylvania Rule of Civil Procedure 1024(c), Petitioners lack sufficient knowledge or information to verify the Petition For Citation. Accordingly, this Verification is made by Petitioners' attorney, who does, based upon his knowledge of the facts of this case, have sufficient knowledge or information to prepare and verify said Petition For Citation.

Richard C. Senker, states that he is the attorney for the Petitioners in the within matter, that he is authorized to make this Verification on their behalf as he has information and knowledge of the facts of this case, that the statements made in the within Petition For Citation are true and correct, and that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

RICHARD C. SENKER  
Attorney I.D. #27717  
Attorney for Petitioners

1000 Germantown Pike, B-3  
Plymouth Meeting, PA 19401  
(610) 279-1600  
rsenker@senker.com

Sept. 20

**ASSOCIATE**

The Allentown Office of Post & Schell, P.C. is looking for an associate with 2-5 years of litigation experience, preferably in professional liability matters. Top notch academic background as well as excellent written and oral advocacy skills required.

Resumes, with cover letter, should be sent by regular mail or electronically (preferred) to:

Hiring Partner  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy  
Boulevard  
Philadelphia, PA 19103  
jobs@postschell.com

Sept. 20

**EMPLOYMENT**

Snover Law Office is seeking a legal secretary/paralegal with at least 3 years of personal injury litigation experience. Must be computer proficient, highly organized, detail oriented and handle your own caseload with much client interaction. We offer a competitive salary, but no benefits.

Answers telephones, coordinates conference calls, depositions, meetings, etc., correspondence heavy, scanning, computer file management, and performs other administrative and clerical duties.

Prepare and assist in the development of legal briefs, reports and memoranda ensuring accurate grammar, spelling, and business formats.

Organize medical records and prepare documents for trial.

Create and maintain legal files to promote efficient retrieval and storage of confidential company documents and information.

Prepares and/or reviews check requests.

Professional demeanor to maintain good interoffice and outside relations.

Strong typing and proofreading skills, proficiency in Microsoft applications with advanced knowledge of Microsoft Word is required.

Must have some familiarity with law office management program use (Needles preferred).

Must have some familiarity with preparing demands and summarizing depositions.

E-mail resumes to [snoverlaw@aol.com](mailto:snoverlaw@aol.com).

Sept. 20, 27; Oct. 4, 11

**LAW OFFICE SPACE FOR RENT**

Second floor, three-room office, across street from Northampton County Courthouse. Includes use of conference room, phone system, kitchen, utilities & central air. Free off-street parking. \$750/month. Call (484) 903-3791.

Sept. 20, 27; Oct. 4, 11

**LAW OFFICE SPACE FOR RENT**

ADA compliant. Includes use of common waiting room, conference room, phone system, copier/printer/fax and secretarial staff. Central air. Utilities included. Free parking. \$1200/month. Call (610) 838-8700.

Sept. 6, 13, 20, 27

**SHERIFF'S SALE OF  
VALUABLE REAL ESTATE**

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on OCTOBER 5, 2012 at ten o'clock a.m. in the COUNCIL CHAMBERS, THIRD FLOOR, of the Northampton County Government Center, within the City of Easton, County of Northampton and State of Pennsylvania, to wit:

PLEASE TAKE NOTICE that the sale price will include only the delinquent taxes certified to the Sheriff's Office. Any current taxes are the responsibility of the purchaser.



**No. 1****BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-11121**

ALL THAT CERTAIN message, tenement and lot or piece of ground situate on the Southerly side of West Best Road, Township Road 573, in the Township of Moore, County of Northampton, Commonwealth of Pennsylvania and being lot No. 5 on a subdivision plan titled Final Minor Subdivision for Gerald & Shirley Wambold, as prepared by Kenneth R. Hahn PLS on drawing No. 91-81 dated and last revised January 27, 1992 bounded and described as follows:

Beginning at a point on the Southerly right of way line of West Best Road, Township Road 573, said point also being located on the Westerly property line now or late of Robert Kichline; thence extending along the Westerly property line of afroresaid Kichline, South 23 degrees 8' 57" East, 375.85 feet to an iron pin; thence extending through other lands now or late of Gerald & Shirley Wambold lot No. 1 on the afroresaid subsivision of Wambold, the following four, (4) courses and distances: 1) South 66 degrees 51' 3" West 220 feet to an iron pin set, 2) North 23 degrees 8' 57" West 182.02 feet to a point on the Southerly right of way line of West Best Road; thence extending along the Southerly right of way line of West Best Road, Township Road 573, North 84 degrees 33' 3" East 36.74 feet to the place of beginning.

BEING KNOWN AS 2303 West Best Road, Bath, PA 18014.

TAX PARCEL NUMBER: H6 2 3D 0520.

THEREON BEING ERECTED a two-story single style dwelling with

vinyl siding and shingle roof; attached two-car garage and barn.

SEIZED AND TAKEN into execution of the writ as the property of Shelley K. Shive and Gerald Wambold, Jr.

MICHAEL T. MCKEEVER, ESQUIRE

**No. 2****BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-03716**

ALL THAT CERTAIN message or tenement and lot or piece of land situate on the west side of South Broad Street between Prospect and Park Streets, in the Borough of Nazareth, County of Northampton and Commonwealth of Pennsylvania, bounded on the north by lot late of Peter Yeisley's Estate, or Homer G. Broutin; on the east by the said South Broad Street; on the south and west by other land late of Harry C. Bugs; now Mary Polzer containing in front or width on South Broad Street thirty-five (35) feet, and extending in length or depth of that same width westward one hundred fifty-two (152) feet to land late of said Harry C. Bugs, now Mary Polzer.

Together with the free and uninterrupted use, liberty and privilege of and passage in and along a certain private alley or passage, of eighteen (18 feet in width by thirty-five (35) feet in length, extending out of and from Perk Street, in said Borough, through the lot of the said Glenn D. Williams, Sr. and Opal K. Williams, his wife, grantees herein. Together with free ingress, egress and regress to and for the said Glenn B. Williams, Sr. and Opal K. Williams, his wife, message and ground contiguous to the said alley or passage, at all times and seasons forever hereafter, into, along and upon and out of the said alley in common with Mary Polzer, her heirs



and assigns, tenants or occupiers of the messuage and ground adjacent to the said alley.

BEING KNOWN AS 238 South Broad Street, Nazareth, PA 18064.

TAX PARCEL NUMBER: J7SE3D 11 8 0421.

THEREON BEING ERECTED a two-story single style dwelling with aluminum siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Glenn D. Williams and Opal K. Williams.

MICHAEL T. MCKEEVER, ESQUIRE

**No. 3**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2012-00422**

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, situate in the Borough of Wilson, County of Northampton, and State of Pennsylvania, described according to a survey and plan thereof made by John F. Cibula, Registered Professional Engineer of Easton, Pennsylvania, on 3/5/1954, as follows, to wit:

BEGINNING at a point on the Southerly side of Third Street (50 feet wide) at the distance of 229.92 feet Westwardly from the Westerly side of Twenty-third Street (60 feet wide);

CONTAINING in front or breadth on the said Southerly side of Third Street 20.07 feet and extending of that width in length or depth Southwardly between parallel lines at right angles to the said Third Street, passing through the center of party walls between these premises and the premises adjoining to the Northeast and Southwest 87.16 feet.

BEING KNOWN AS 2322 Third Street, Easton, PA 18042.

TAX PARCEL NUMBER: M9NW1C 5 48 0837.

THEREON BEING ERECTED a two-story row home style dwelling with vinyl and brick exterior and shingle roof; attached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Robert L. Avant.

MICHAEL T. MCKEEVER, ESQUIRE

**No. 4**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-00748**

ALL THAT CERTAIN messuage, tenement or tract of ground situate on the southerly side of Meadow Lane and known as 114 Meadow Lane, in the Borough of Northampton, County of Northampton, Commonwealth of Pennsylvania, bounded and described according to a plan and survey by Eckert & Malone, Inc., Civil Engineers and Land Surveyors, Sellersville, Pennsylvania, dated September 24, 1973, as follows, to wit:

BEGINNING at a point, said point being the intersection of the southerly right of way line of Meadow Lane and the easterly right of way line of Cherryville Road; thence along the southerly right of way line of Meadow Lane, North seventy seven (77) degrees zero minutes zero seconds East, a distance of one hundred twenty six and seventeen one hundredths (126.17) feet to an iron pipe, said iron pipe being the true place of beginning; thence continuing along the southerly right of way line of Meadow Lane, North seventy seven (77) degrees zero minutes zero seconds East, a distance of sixty six and eleven one hundredths (66.11) feet to an iron pipe, a corner in line of Lot 30B; thence along line of Lot 30B, South thirteen (13) degrees zero minutes zero seconds East, a distance

of one hundred twenty (120) feet to an iron pipe; thence South seventy seven (77) degrees zero minutes zero seconds West, a distance of twenty four and eighty one-hundredths (24.80) feet to an iron pipe, a corner in line of lands of Peter Skrapits; thence along line of Peter Skrapits, North thirty three (33) degrees forty one (41) minutes thirty seven (37) seconds West a distance of forty six and ninety four one hundredths (46.94) feet to an iron pin, a corner in line of lands of William Galgon; thence along line of lands of William Galgon, North thirty one (31) degrees zero minutes zero seconds West, a distance of eighty (80) feet to an iron pipe, said pipe being the true place of BEGINNING.

CONTAINING 5,542.83 SQUARE FEET OF LAND, MORE OR LESS.

HAVING THEREON ERECTED A DWELLING KNOWN AS 114 MEADOW LANE, NORTHAMPTON, PA 18067.

PARCEL: L4NW4D-3-34E-0522.

BEING THE SAME PREMISES WHICH Melvin E. Lebo and Sandra I. Lebo by deed dated 3/28/02 and recorded 4/2/02 in Northampton County Record Book Volume 2002-1 Page 084399, granted and conveyed unto Steven R. Reinsmith and Lisa M. Reinsmith, husband and wife.

BEING KNOWN AS 114 Meadow Lane, Northampton, PA 18067.

TAX PARCEL NUMBER: L4NW4D 3 34E 0522.

THEREON BEING ERECTED a two-story half-of-double style dwelling with vinyl and brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Lisa M. Reinsmith and Steven R. Reinsmith.

LEON P. HALLER, ESQUIRE

## **No. 5**

### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION**

**CV-2010-02530**

ALL THAT CERTAIN dwelling house, together with the lot or piece of ground upon which the same is erected, being known as No. 3015 Mission Road, situate in the City of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, being further known as Lot No. 10, Block D, as shown on the Plan of "East Hills", Section #2, said Map or Plan being recorded in Map Book Vol. 13, page 15, Northampton County Records, and being more particularly bounded and described as follows, to wit:

On the North by Lot No. 11 on said Plan;

On the East by Mission Road;

On the South by Lot No. 9 on said Plan; and

On the West by Section #3, East Hills Plan.

BEING KNOWN AS 3015 Mission Road, Bethlehem, PA 18017.

TAX PARCEL NUMBER: M7SW3 3 9 0204.

THEREON BEING ERECTED a cape cod single style dwelling with vinyl siding and shingle roof; attached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Maureen Brown and Christopher M. Brown.

MICHAEL T. MCKEEVER, ESQUIRE

## **No. 6**

### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION**

**CV-2012-02472**

ALL THAT CERTAIN messuage or tenement and lot or piece of land situate in the Borough of Walnutport, County of Northampton and State of Pennsylvania, and being known as

No. 240 Main Street, bounded and described as follows to-wit:

BEGINNING at a point at the inside line of the pavement, thence along land late of A. G. Spadt South twenty-nine and three-quarters (29 3/4) degrees East, one hundred five and five-tenths (105.5') feet to an iron pin in the rear (this line passing within six (6") inches of the dwelling of the said A. G. Spadt), thence South sixty-two and one-quarter (62 1/4) degrees West, along a twelve (12') feet wide alley known as Spadt Alley, twenty and one-tenth (20.1') feet to an iron pin, thence making a new division line running through the middle partition wall of a double dwelling North twenty-nine and three-quarters (29 3/4) degrees West, one hundred one and eight-tenths (101.8') feet to an iron pin, thence along Main Street North fifty-three and one-quarter (53 1/4) degrees East, twenty and seven-tenths (20.7') feet to place of beginning; containing two thousand eighty-two (2082) square feet.

BEING KNOWN AS 240 Main Street, Walnutport, PA 18088.

TAX PARCEL NUMBER: J2NW4C 7 2 1033.

THEREON BEING ERECTED a two-story half-of-double style dwelling with wooden shingle exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Michelle A. Park and Eric M. Politi. MICHAEL T. McKEEVER, ESQUIRE

**No. 8  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2012-01949**

ALL THAT CERTAIN unit in the property known, named and identified as Canal Park III Condominium, located in the City of Easton, County of Northampton, and Commonwealth of Pennsylvania, which has heretofore been submitted to the provisions of

the Uniform Condominium Act 68 PA. C.S. 3101 et seq by the recording in the Office of the Recorder of Deeds of Northampton County of a Declaration dated April 12, 1990 and recorded in Miscellaneous Book Volume 371, Page 323 as amended by First Amendment dated September 21, 1990, recorded in Miscellaneous Book Volume 380, Page 438, being designated as UNIT NO. 309, together with a proportionate undivided interest in the Common Elements (as defined in such Declaration) of 1.507%.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER NO.: MAP: L9SE4D BLOCK: 11 LOT: 1-1A309.

BEING KNOWN AS 309 Canal Park, Easton, Pennsylvania 18042.

BEING the same premises which Jean W. Saunders, unmarried, by Indenture dated 05-02-06 and recorded 05-11-06 in the Office of the Recorder of Deeds in and for the County of Northampton in Record Book 2006-1 Page 187531, granted and conveyed unto Ana M. Sarachaga and William Ortiz, Jr., wife and husband.

BEING KNOWN AS 309 Canal Park, Easton, PA 18042.

TAX PARCEL NUMBER: L9SE4D 11 1-1A309 0310.

THEREON BEING ERECTED a three-story condominium style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Ana M. Sarachaga and William Ortiz, Jr.

GARY W. DARR, ESQUIRE

**No. 9  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2012-02651**

ALL THAT CERTAIN unit in the property known, named and identi-

fied as Canal Park III Condominium, located in the City of Easton, County of Northampton, and Commonwealth of Pennsylvania, which has heretofore been submitted to the provisions of the Uniform Condominium Act, 68 PA. C. S. 3101 et seq by the recording in the Office of the Recorder of Deeds of Northampton County of a Declaration dated April 12, 1990 and recorded April 16, 1990 and recorded in Miscellaneous Book Volume 371, Page 323, being designated as UNIT NO. 212, together with a proportionate undivided interest in the Common Elements (as defined in such Declaration) of 2.992%. (Incorrectly shown on Declaration of Condominium as 3.471%).

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER NO.: MAP: L9SE4D BLOCK: 11 LOT: 1-1A212.

BEING KNOWN AS 212 Canal Park, Easton, Pennsylvania 18042.

BEING the same premises which Patricia J. Guariglia, single, by Indenture dated 04-25-06 and recorded 05-11-06 in the Office of the Recorder of Deeds in and for the County of Northampton in Record Book 2006-1 Page 187582, granted and conveyed unto Ana M. Sarachaga and William Ortiz, Jr., wife and husband.

BEING KNOWN AS 212 Canal Park, Easton, PA 18042.

TAX PARCEL NUMBER: L9SE4D 11 1-1A212 0310.

THEREON BEING ERECTED a a three-story condominium style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Ana M. Sarachaga and William Ortiz, Jr.

GARY W. DARR, ESQUIRE

#### **No. 10**

#### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2012-02160**

ALL THAT CERTAIN parcel of land situate in the Borough of Walnutport, County of Northampton, Commonwealth of Pennsylvania, being known and designated as Lot 5B-1 as shown on a plan titled "Subdivision of Lands for Sutjak Brothers, Borough of Walnutport, Northampton County, Pennsylvania" date 03/17/1994 and last revised 07/12/1994, Project No. 9405, as prepared by Liberty Engineers, Allentown, Pennsylvania and recorded in Map Book Volume 1995-1, Page 75 in the Recorder of Deeds Office, Northampton County, Pennsylvania.

BEING KNOWN AS 208 Oak Street, Walnutport. PA 18088.

TAX PARCEL NUMBER: J2NW4D 9 5B-1 1033.

THEREON BEING ERECTED a two-story row home style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Lawrence M. Stanton, Sr. and Tonja L. Stanton.

CHRISTOPHER A. DeNARDO,  
ESQUIRE

#### **No. 11**

#### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2012-00147**

ALL THAT CERTAIN UNIT, designated as 11 West 2nd Street Unit #114 in the LEHIGH RIVERPORT CONDOMINIUM, situate in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, as designated in Declaration of Lehigh Riverport Condominium dated August 26, 2004, and recorded on August 26, 2004 in the Office of the Recorder of Deeds in and for

Northampton County in Book Volume 2004-1, Page 336478, as amended from time to time and as identified on the Lehigh Riverport Condominium Plat recorded in the Office of the Recorder of Deeds in and for Northampton County in Plan Book Volume 2004-5, Page 531, as amended from time to time.

TOGETHER with a .6359% undivided interest of in and to the common elements as set forth in the aforesaid Declaration of Condominium, Condominium Plat and Amendments thereto.

BEING KNOWN AS 11 West 2nd Street, Unit #114, Bethlehem, PA 18015.

TAX PARCEL NUMBER: P6 2 114 0204.

THEREON BEING ERECTED a condominium with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Susan Brooks.

MICHAEL T. McKEEVER, ESQUIRE

**No. 13**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-12227**

ALL THAT CERTAIN lot or tract of land at the northwest corner of Brentwood Avenue and Auburn Avenue, in the Township of Palmer, County of Northampton, Commonwealth of Pennsylvania, being Lot No. 30 on the Plan of Newburg Homes, Section E, Sub-Section 1, dated April, 1965, prepared by E.T. Sales, Inc., and recorded in the Office for the Recording of Deeds in and for the said County of Northampton, in Plan Book 20, page 39, more particularly bounded and described as follows:

BEGINNING at a point, the northwest corner of Brentwood Avenue and Auburn Avenue; thence along the west side of Brentwood Avenue North 41° 08' West 118.86

feet to a point; thence along the line between Lot No. 30 and Lot No. 10, Sub-Section 3, South 84° 17' West 80.47 feet to a point; thence along the line between Lot No. 30 and Lot No. 29 South 5° 43' East 120 feet to a point on the north side of Auburn Avenue; thence along the north side of Auburn Avenue North 84° 17' East 76.93 feet to a point; thence along same around a curve to the left with a radius of 125 feet an arc length of 77.26 feet to a point, the northwest corner of Brentwood Avenue, the place of beginning.

BOUNDED on the north by Lot No. 10, Sub-Section 3, on the east by Brentwood Avenue, on the south by Auburn Avenue and on the west by Lot No. 29.

BEING THE SAME PREMISES which Bayla L. Cohen, by Deed dated 3/01/2005, recorded 3/3/2005, in the Office for the Recorder of Deeds in and for Northampton County, in Deed Book Volume 2005-1, Page 76436, conveyed unto Steven Levisay and Sandra J. Levisay, h/w.

BEING KNOWN AS 2701 Auburn Avenue, Easton, PA 18045.

TAX PARCEL NUMBER: L8NE1 18 4 0324.

THEREON BEING ERECTED a ranch single style dwelling with brick exterior and shingle roof; attached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Steven Levisay and Sandra J. Levisay.

GREGORY JAVARDIAN, ESQUIRE

**No. 14**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-00074**

ALL THAT CERTAIN UNIT, designated as 11 West 2nd Street Unit #382 in the LEHIGH RIVERPORT CONDOMINIUM, situate in the City

of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, as designated in Declaration of Lehigh Riverport Condominium, dated August 26, 2004 and recorded on August 26, 2004 in the Office of the Recorder of Deeds in and for Northampton County in Book Volume 2004-1, Page 336478, as amended from time to time and as identified on the Lehigh Riverport Condominium Plat recorded in the Office of the Recorder Deeds in and for Northampton County in Plan Book Volume 2004-5, Page 531, as amended from time to time.

TOGETHER with a .3816% undivided interest of, in and to the common elements as set forth in time aforesaid Declaration of Condominium, Condominium Plat and Amendments thereto.

BEING KNOWN AS 11 West 2nd Street, Unit #382, Bethlehem, PA 18015.

TAX PARCEL NUMBER: P6 2 382 0204.

THEREON BEING ERECTED a condominium with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Susan Brooks.

MICHAEL T. MCKEEVER, ESQUIRE

**No. 15**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2009-10869**

ALL THAT CERTAIN message, tenement and tract of land situate in the Township of Upper Mount Bethel, County of Northampton and State of Pennsylvania, bounded and described in accordance with a map by H. C. Dilliard dated June 24, 1924, as follows, to wit:

BEGINNING at a point in the public road leading from Bangor to

Portland, which point is eleven (11) feet distant from the more northerly side of said road; thence North forty-three (43) degrees East one hundred eighteen and five-tenths (118.5) feet to a point in said road, which point is also eleven (11) feet distant from the more northerly side of said road; thence by land now or late of Emma B. Aten South forty-eight (48) degrees thirty-eight (38) minutes East two hundred twenty-eight (228) feet to a point; thence by land of aforesaid North forty-six (46) degrees thirty (30) minutes East sixty-nine (69) feet to a point; thence by land now or late of Frank J. Oyer South forty-seven (47) degrees East one hundred twenty-five and eighty-five one-hundredths (125.85 feet to an iron pin; thence by land now or late of Charles L. Lambert South forty-three (43) degrees West one hundred ninety-five and fifty-five one-hundredths (195.55) feet to an iron pin; thence by land now or late of Charles L. Lambert North forty-seven (47) degrees West three hundred fifty-seven and five one-hundredths (357.05) feet to the place of beginning.

IT BEING A PART OF THE PREMISES which Arthur P. Pysher and Betty E. Pysher, his wife, by their Indenture bearing date the twelfth day of June, A.D. 1992, for the consideration therein mentioned, granted and conveyed unto the said Arthur P. Pysher and Betty E. Pysher, his wife, as tenants in common, and to their heirs and assigns, forever; as in and by the said in part recited Indenture recorded in the Office of the Recorder of Deeds in and for Northampton County, at Easton, Pennsylvania, in Deed Book Volume 866, Page 620, etc., relation being thereunto had, more fully and at large appears.



BEING KNOWN AS 2319 Delaware Drive, Mount Bethel, PA 18343.

TAX PARCEL NUMBER: C11SE4 2 22 0131.

THEREON BEING ERECTED a two-story commercial building with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Arthur Pysher, Betty Pysher, and Thomas Pysher.

SCOTT R. STEIRER, ESQUIRE

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**No. 16**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10358**

Also known as Northampton County Uniform Parcel Identifier: for purposes of compliance with Northampton County Ordinance No. 159-L989.

ALL THAT CERTAIN lot or piece of ground situate in Wilson Borough, County of Northampton, Commonwealth of Pennsylvania.

ALL THAT CERTAIN lot or tract of land with one-half brick dwelling erected thereon, situated on the north side of Ferry Street, in the Borough of Wilson, County of Northampton and State of Pennsylvania and known as #2037 Ferry Street.

BEGINNING at a point, said point being one hundred and seventy-three feet east of the northeast corner of Twenty-First and Ferry Streets.

THENCE extending eastwardly along the north side of Ferry Street, twenty-two feet;

THENCE extending northwardly of that same width in depth between parallel lines, one hundred and thirty feet, more or less, to an alley; bounded on the north by an alley; on the east by the property now or late of Martin J. Mitchell; on the south by Ferry Street; and on the west by the property now or late of A. Jerome

Hordendorf. The eastern line of this lot passes through the center of the middle partition wall of a double dwelling house.

BEING the same premises which Kevin Rego and Luanne Rego, husband and wife, by Deed dated February 16, 2012 and recorded March 10, 2010 in and for Northampton County, Pennsylvania, in Deed Book Volume 2010-1, Page 43860, granted and conveyed unto Luanne Rego, married.

BEING KNOWN AS 2037 Ferry Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SW1C 7 18 0837.

THEREON BEING ERECTED a two-story half-of-double style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Luanne A. Rego aka Luanne A. Happel.

SCOTT A. DIETTERICK, ESQUIRE

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**No. 17**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2012-00180**

ALL THAT CERTAIN message, tenement and lots or pieces of land situate in the Township of Lehigh, County of Northampton, and State of Pennsylvania, bounded and described as follows, to wit:

Tract No. 1:

Bounded on the north by Property No. 226, on the east by State Street, on the south by Lot No 223 and on the west by a twenty (20) foot wide alley; containing in front on State Street eighty (80) feet and extending in depth of equal width to said twenty (20) foot wide alley one hundred forty (140) feet.

BEING known as Lots Nos 224 and 225 State Street as shown on plan of lots of Neff and Fritzinger,



made in August 1918, by W.N. Boyer, Civil Engineer.

Tract No. 2:

BEGINNING at a point, said point being the corner of State Street and Walnut Street; thence along said State Street in a southerly direction a distance of two hundred (200) feet to the corner of Lots No 225 and 226; thence along Lot No. 225 in a westerly direction a distance of one hundred forty (140) feet to Riverside Street, thence along said Riverside Street, in a northerly direction a distance of two hundred (200) feet to Walnut Street; thence along said Walnut Street, in a westerly direction a distance of one hundred forty (140) feet to a place of beginning.

Bounded on the north by Walnut Street, on the east by State Street; on the south by Lot No 225 and on the west by Riverside Street.

Containing twenty eight thousand (28,000) square feet, more or less.

TITLE TO SAID PREMISES IS VESTED IN Keith E. Henritzky and Charlotte L. Henritzky, his wife by Deed from Fern M. Henritzky, widow dated 05/19/1977 recorded 05/19/1977 in Deed Book 564 Page 554.

BEING KNOWN AS 1175 Riverview Drive, Walnutport, PA 18088.

TAX PARCEL NUMBER: H2SW1 6 1 0516.

THEREON BEING ERECTED a cape-cod single style dwelling with aluminum and vinyl exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Charlotte L. Henritzky.

STUART WINNEG, ESQUIRE

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**No. 18**

**BY VIRTUE OF A CERTAIN**

**WRIT OF EXECUTION**

**CV-2010-05353**

ALL THAT CERTAIN lots, tracts or pieces of ground situate in the Borough of Wind Gap, County of

Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point, 100.0 feet east of the southeast corner of the intersection of Second Street and a proposed 40.0 feet wide street, being the northeast corner of Lot No. 40; thence along the southern boundary of Second Street South 66 degrees 39 minutes 20 seconds East, a distance of 100.0 feet; thence along the wester boundary of Lot No. 43, South 23 degrees 20 minutes 40 seconds West, a distance of 125.0 feet; thence along the northern boundary of 12.0 feet wide alley, North 66 degrees 39 minutes 20 seconds West a distance of 100.0 feet to a point, the southeast corner of Lot No. 40; thence along the eastern boundary of Lot No. 40, North 23 degrees 20 minutes 40 seconds East a distance of 12.0 feet to a point, the place of beginning.

BEING known as Lot Nos. 41 and 42 on a plan of lots of Roy L. Shoemaker recorded in the Office of the Recording of Deed on and for Northampton County, at Easton, Pennsylvania, in Map Book Volume 13, Page 35.

Northampton County Tax Parcel No. F8NW1-8-1B.

BEING the same premises which William A. Smith and Thelma E. Smith, by Indenture bearing date September 22, 1998 and recorded September 23, 1998 in the Office of the Recorder of Deeds, in and for the County of Northampton in Deed Book Volume 1998-1, Page 129918, etc., granted and conveyed unto the William A. Smith and Thelma E. Smith Revocable Living Trust Mr. William A. Smith, having a departed this life January 29, 2002.

Together with all and singular the building 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 her, the said grantor, as well as law as in equity, of, in and to the same.

TITLE TO SAID PREMISES IS VESTED IN James D. Lambert and Debra A. Lambert his wife by deed from the William A. Smith and Thelma E. Smith Revocable Living Trust, Thelma E. Smith, Trustee dated 07/31/2006 recorded 08/02/2006 in Deed Book 2006-1 Page 313471.

BEING KNOWN AS 219 East 2nd Street, Wind Gap, PA 18091.

TAX PARCEL NUMBER: F8NW1 8 1B 0638.

THEREON BEING ERECTED a ranch single style dwelling with vinyl siding and shingle roof attached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Debra A. Lambert and James D. Lambert.

ALAN M. MINATO, ESQUIRE

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**No. 19**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2009-11068**

All that certain parcel of land situate in the Borough of Wilson, County of Northampton and Commonwealth of Pennsylvania, and being described as follows:

Beginning at a point in the eastern right of way line of North Seventeenth Street and being a corner of Lot #2,

thence 1), Northerly along the easterly right of way line of North

Seventeenth Street North 8 degrees 00 minutes 00 seconds W, 35.00 feet to a point,

thence 2) Easterly North 82 degrees 00 minutes 00 seconds East, 140.00 feet to a point in the westerly right of way line of Apple Street,

thence 3), Southerly along the westerly right of way line of Apple Street, South 8 degrees 00 minutes 00 seconds East, 35.00 feet to a point and corner of Lot #2,

thence 4), Westerly along Lot #2, South 82 degrees 00 minutes 00 seconds West, 140.00 feet to a point the place of beginning.

Being part of the same premises which Christopher P. Renzulli, single by Deed dated March 31, 2005 and recorded March 31, 2005 in Northampton County in Deed Book Volume 2005-1 Page 114497 conveyed unto Angelo E. DiBiagio, married, in fee.

TITLE TO SAID PREMISES IS VESTED IN Jonathan Campbell and Melissa Williamson, as joint tenants with the right of survivorship deeded by Angelo E. Dibiagio and Lisa A Dibiagio, husband and wife, dated 04/23/07, recorded 05/07/07, in book 2007-1, page 168101, instrument #2007021307.

BEING KNOWN AS 29 North 17th Street aka 29 17th Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SW2A 17 1 0837.

THEREON BEING ERECTED a two-story single style dwelling with vinyl siding and shingle roof; detached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Jonathan Campbell and Melissa Williamson.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

**No. 22**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2009-03674**

All those certain lots, tracts or pieces of ground situate in the Borough of Penn Argyl, County of Northampton, and State of Pennsylvania, bounded and described as follows to wit:

Parcel # 1:

Beginning at a point on the north side of George Street and one-half (19.5) feet west of the western boundary of Lot No. 96 (late property of William Fehr) and in line with the center line of a partition wall of a double dwelling erected thereon; thence in a northerly direction along said center line and western boundary of land of Alfred Amy one hundred (100) feet to a point in line with land late of Orella L. Stidworthy; thence in a westerly direction along said land, tract #2 hereof, nineteen and one-half (19.5) feet to a point in line with land late of Charles C. Morgan and wife; thence in a southerly direction along said line one hundred (100) feet to a point in line with the north side of George Street; thence in an easterly direction along the south side of George Street nineteen and one-half (19.5) feet to the place of Beginning.

Parcel #2:

Beginning at the northeast corner of lot of Grantee and land late of Alfred Amy: thence North 15 degrees West 20 feet to other land formerly of the Pen Argly Lumber Company; thence along the same South 75 degrees West 19.5 feet to a point; thence South 15 degrees East 20 feet to the northeast corner of lot late of Richard E. Morgan and the Northwest corner of Tract #1 hereof; thence along Tract # 1 North 75 degrees East 19.5 feet to the place of Beginning.

BEING the same premises which Robert J. Voelker, by deed dated 12/26/07 and recorded in the Northampton County Recorder of Deeds Office on 2/21/2008 as Instrument Number 2008006599, granted and conveyed unto Robert Voelker and Doreen M. Overly.

BEING KNOWN AS 507 George Street, Pen Argly, PA 18072.

TAX PARCEL NUMBER: E8NE1C 7 7 0625.

THEREON BEING ERECTED a two-story half-of-double style dwelling with aluminum siding and slate roof; detached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Robert Voelker and Doreen M. Overly.

CHRISTOPHER A. DeNARDO,  
ESQUIRE

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**No. 23**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-03053**

ALL THAT CERTAIN messuage, tenement and lot or piece of ground and one-half of a double house known as No. 1014 Main Street, situate in the third ward of the Borough of Northampton, County of Northampton, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the western line of Main Street at the corner of property of Louis and Theresa Szukics, thence along the line of property of Szukics South 66 degrees 30 minutes West for a distance of 98.00 feet to a point; thence along the line of property of Harvey Miller North 22 degrees 21 minutes West for a distance of 23.51 feet to a point; thence through property of which the herein described tract was formerly a part and through

the center of the party wall between properties known as Nos. 1014 and 1016 Main Street North 66 degrees 30 minutes East for a distance of 96.87 feet to a point on the western line of Main Street; thence along said line South 24 degrees 52 minutes East for a distance of 23.53 feet to the place of beginning.

CONTAINING 2,290 square feet.

BEING KNOWN AS 1014 Main Street, Northampton, Northampton County, Pennsylvania.

Northampton County Tax Parcel M4NW2D-12-7.

BEING the same premises which James P. Gritz and Colleen M. Gritz, Husband and Wife, by Deed dated April 1, 2002 and recorded in the Northampton County Recorder of Deeds Office on April 4, 2002 as Deed Instrument Number 2002018035, granted and conveyed unto Brian J. Wallander.

BEING KNOWN AS 1014 Main Street, Northampton, PA 18067.

TAX PARCEL NUMBER: M4NW2D 12 7 0522.

THEREON BEING ERECTED a two-story half-of-double style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Brian J. Wallander.

CHRISTOPHER A. DeNARDO,  
ESQUIRE

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**No. 24**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-00377**

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Palmer, County of Northampton and Commonwealth of Pennsylvania known as Lot No. 31 of Victoria Square as recorded in Map Book 92 Page 280 in the Office of the Recorder of Deeds for Northampton County at

Easton, PA and being further bounded and described as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Victoria Lane (50 feet wide) said point being at the Southwest corner of Lot No. 22 of Victoria Square; thence along said Northerly right of way line of Victoria Lane (50 feet wide) South 74 degrees 31 minutes 00 seconds West 25.00 feet to a point on a corner of Lot No. 30 of Victoria Square; thence along said lands of Lot No. 30 of Victoria Square North 15 degrees 29 minutes 00 seconds West 123.19 feet a point on line of lands of Lot No. 2 of the Minor Subdivision of Nicholas J. Pugliese; thence along said line of lands of Lot No. 2 of the Minor Subdivision of Nicholas J. Pugliese North 75 degrees 28 minutes 06 seconds East 25.00 feet a point a corner of Lot No. 32 of Victoria Square; thence along said lands of Lot 32 of Victoria Square South 15 degrees 29 minutes 00 seconds East 122.76 to a point the place of beginning.

BEING KNOWN AS 2763 Victoria Lane, Easton, PA 18045.

TAX PARCEL NUMBER: M8NE2 34 3 0324.

THEREON BEING ERECTED a two-story row home style dwelling with vinyl siding and shingle roof; attached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Marc J. Cocchiola.

MICHAEL T. McKEEVER, ESQUIRE

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**No. 25**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-09654**

ALL THAT CERTAIN message, tenement, lot or piece of ground Situate in the Borough of Freemansburg, Northampton County, Pennsyl-

vania, bounded and described as follows, to wit:

BEGINNING at a point on the Southern boundary line of Monroe Street, a 50 foot road, at a point dividing Lots 7 and 8, as shown on said Plan on Monroe Acres, prepared by Estate Developers and Engineers, Consulting Engineers of West Easton, Pennsylvania, dated 8/6/1986, and last revised 12/12/1986, and recorded in the Office of the Recorder of Deeds in Map Book Volume 87, page 156, thence from said point of beginning and along the boundary line of Lot 8, South 00 degrees 11 minutes 03 seconds West, a distance of 120.00 feet to a point, thence North 89 degrees 48 minutes 57 seconds West, a distance of 99.51 feet to a point on Roosevelt Street, a 50 foot Street, thence along the same North 00 degrees 11 minutes 03 seconds East, a distance of 95.00 feet to a point of tangency; thence along the arc of a circle curving to the right with a radius of 25.00 feet, an arc distance of 39.27 feet to a point on Monroe Street, thence along the same South 89 degrees 48 minutes 57 seconds East, a distance of 74.51 feet to a point, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN David T. Colon, by Deed from Deutsche Bank National Trust Company, as Trustee, by their attorney-in-fact, JP Morgan Chase Bank, N.A., dated 03/31/2009, recorded 05/05/2009 in Book 2009-1, Page 104430.

BEING KNOWN AS 950 Monroe Street, Freemansburg, PA 18017.

TAX PARCEL NUMBER: P7NW1B 8 1 0212.

THEREON BEING ERECTED a bi-level single style dwelling with aluminum siding and shingle roof; attached two-car garage, shed.

SEIZED AND TAKEN into execution of the writ as the property of David T. Colon.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

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**No. 26**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2009-08062**

ALL THAT CERTAIN parcel of land or lot situate in Lehigh Township, Northampton County, State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin on the northerly side of Township Road #574 leading from State Highway L.R. #48062 to State Highway L.R. #48058 and being in line of lands of Cecilia Kratzer, thence along the northerly side of said road N. 77 degrees 05 min. West 222.65' to an iron pin, thence through lands of Stephen John, N. 0 degrees 34 min. West 262.20' to an iron pin and N. 63 degrees 02 min. East 86.20' to an iron pin, corner of lands of the aforementioned Cecilia Kratzer, thence along same S. 22 degrees 15 min. East 378.40' to the place of BEGINNING.

CONTAINING 1.0239 Acres.

BEING KNOWN AS 4144 Butternut Drive, Walnutport, PA 18088.

TAX PARCEL NUMBER: H3 10 5A-1 0516.

THEREON BEING ERECTED a two-story single style dwelling with aluminum and brick exterior and shingle roof; attached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Benjamin F. Haftl.

ROBERT P. DADAY, ESQUIRE

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**No. 28**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-02655**

ALL THAT CERTAIN messuage, tenement and lot or piece of ground situate on the North side of Ettwein

Street (also known as East Ettwein Street), between Center and High Streets, in the City of Bethlehem, County of Northampton, and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the North line of Ettwein Street and in the line of the middle of a partition wall between the house erected upon the herein said premises and the house adjoining it on the West; thence along the said line in said middle of partition wall and in line with same Northwardly a distance of 80 feet, more or less, to land now or late of the Congregation of Unit Brethren, etc.; thence along the same Eastwardly a distant of 20 feet, more or less, to land now or late of Melinda Henrick, deceased; thence along the same Southwardly a distance of 80 feet, more or less, to the North line of Ettwein Street; thence along the middle of aforesaid partition wall. Said premises being commonly known as No. 113 East Ettwein Street, according to present City numbering.

Title to said premises is vested in Cheryl L. Becker and Jeffrey A. Becker, husband and wife, by deed from DANIEL D'AMICO AND DEBRA L. D'AMICO, HUSBAND AND WIFE dated February 24, 2005 and recorded March 7, 2005 in Deed Book 2005-1, Page 81540, Instrument #2005012452.

BEING KNOWN AS 113 East Ettwein Street, Bethlehem, PA 18018.

TAX PARCEL NUMBER: N6SE4C 19 2 0204.

THEREON BEING ERECTED a colonial half-of-double style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Cheryl L. Becker and Jeffrey A. Becker.

MARC S. WEISBERG, ESQUIRE

## No. 29

### BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-01862

ALL THAT CERTAIN messuage or tenement and tract of land situate in the Borough of Hellertown, formerly Township of Lower Saucon, County of Northampton, State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the east line of the public road leading from Bethlehem to Hellertown, now called Main Street, said point being the southwest corner of Lot No. 210; thence extending southwardly along the easterly line of the aforesaid public road a distance of thirty-eight (38') feet, six (6") inches, more or less, to a point in a line extended through the middle of a partition wall separating premises 1615 from 1613 Main Street; thence extending in and along the middle of said partition or party wall in an easterly direction a distance of one hundred thirty (130') feet, more or less, to a fifteen (15') feet wide alley; thence extending along the westerly line of said alley in a northerly direction a distance of thirty-seven (37') feet, six (6") inches, more or less, to a point, the southeast corner of Lot No. 210; thence extending along the southerly line of said Lot No. 210 in a westwardly direction a distance of one hundred thirty (130') feet, more or less, to a point in the east side of Main Street aforesaid, the place of beginning.

BEING KNOWN AS 1615 Main Street, Hellertown, PA 18055.

TAX PARCEL NUMBER: Q7NW2D 8 14 0715.

THEREON BEING ERECTED a two-story half-of-double style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property



of Lisa M. Neff-Heidecker and Henry Edward Heidecker.

MARC S. WEISBERG, ESQUIRE

**No. 31**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION**

**CV-2010-04056**

ALL THAT CERTAIN lot or piece of ground situate in Bethlehem City, County of Northampton, Commonwealth of Pennsylvania.

ALL THOSE TWO CERTAIN lots or pieces of ground situated in the City of Bethlehem, County of Northampton, State of Pennsylvania, bounded and described as follows, to wit:

(a) BEGINNING at a point the southern line of Fourth Street where the same intersects the Western line of William Street; thence extending westward along the said South side of South side of Fourth Street forty (40) feet; thence back of that same width southwardly along William Street one hundred thirty-seven (137) feet to the North side of Deshler Alley.

BOUNDED on the North by Fourth Street, on the East by William Street, on the South by Deshler Alley and on the West by tract (b) hereinafter described.

(b) BEGINNING at a point in the south line of Fourth Street at a distance of forty feet from the southwest corner of Fourth and William Streets at a corner of tract (a) above described, thence extending westwardly along the south line of Fourth Street forty (40) feet to a point, thence running back of that same width between parallel lines and at right angles to said Fourth Street one hundred thirty-seven (137) feet to the North side of Deshler Alley.

BEING KNOWN AS 1338 E. 4th Street, Bethlehem, PA 18015.

TAX PARCEL NUMBER: P7SW1A 6 6 0204.

THEREON BEING ERECTED a two-story half of double style dwelling with stucco exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Noe Gutierrez.

ROBERT P. DADAY, ESQUIRE

**No. 32**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION**

**CV-2011-01564**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Plainfield, County of Northampton, Commonwealth of Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point in line of land of Fidelity Slate Company at the corner of a 16 1/2 feet wide alley; thence North 36 degrees West along said Fidelity Slate Company land 500 feet, more or less, to a corner of Tract #1 belonging to Nicole Gentile; thence along said land of Nicole Gentile North 41 degrees East 110 feet to a corner of a 50 feet wide street; thence along the southwest side of another 50 feet wide street running at right angles therewith, South 50 degrees East 180 feet to a corner of said 16 1/2 feet wide alley; thence along the northwest side of alley South 51 degrees West 164 feet more or less to the place of BEGINNING.

HAVING THEREON ERECTED A DWELLING KNOWN AS 1460 WEST SECOND STREET, PEN ARGYL, PA 18072.

PARCEL NO. D9SW4-7-3.

BEING THE SAME PREMISES WHICH Elke K. Burroughs and David W. Burroughs, husband and wife, by deed dated 7/31/02 and recorded 8/12/02 in Northampton County Record Book 2002-1 Page 211788, granted and conveyed unto Ronald J. Waberski and Tanya M. Waberski, husband and wife.



TO BE SOLD AS THE PROPERTY OF RONALD J. WABERSKI AND TANYA M. WABERSKI ON JUDGMENT NO. C-48-CV-2011-01564.

BEING KNOWN AS 1460 West Second Street, Pen Argyl, PA 18072.

TAX PARCEL NUMBER: D9SW4 7 3 0626.

THEREON BEING ERECTED a two-story single style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Ronald J. Waberski and Tanya M. Waberski.

LEON P. HALLER, ESQUIRE

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**No. 33**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-11893**

All that certain message, tenement, and lot or parcel of land situate in the Township of Forks Northampton County, Commonwealth of Pennsylvania, designated as Lot No. 58 on the Plan of Penn's Ridge, Phase 1, 2, and 3, as said Plan is recorded in the Recorder of Deeds Office in and for Northampton County, Pennsylvania in Plan Book Vol. 1998-5, Pages 235 et seq., being more fully bounded and described as follows, to wit:

Beginning at a point on the Western right-of-way line of Hickory Drive (50 feet wide), said point being the Northeast corner of Lot 59 and the Southeast corner of the herein described Lot 58;

thence along the Northern boundary line of Lot 59, North eighty-four degrees twenty-three minutes forty seconds West (N 84 degrees 23 minutes 40 seconds W), a distance of one hundred twenty and zero one-hundredths feet (120.00 feet) to a point,

thence along the Eastern boundary lines of Lots 93, 94 and 95, North five degrees thirty-six minutes twenty seconds East (N 05 degrees 36 minutes 20 seconds E), a distance of sixty-two and zero one-hundredths feet (62.00 feet) to a point;

thence along the Southern boundary line of Lot 57, South eighty-four degrees twenty-three minutes forty seconds East (S 84 degrees 23 minutes 40 seconds E), a distance of one hundred twenty and zero one-hundredths feet (120.00 feet) to a point;

thence along the Western right-of-way line of Hickory Drive (50 feet wide), South five degrees thirty-six minutes twenty seconds West (S 05 degrees 36 minutes 20 seconds W), a distance of sixty-two and zero one-hundredths feet (62.00 feet) to the place of beginning.

Containing in area 7,448.76 square feet or 0.171 acre.

UNDER AND SUBJECT, further, to easements, restrictions and covenants of record.

TITLE TO SAID PREMISES IS VESTED IN Frank J. Dallarosa and Deborah L. Dallarosa, h/w, by Deed from Hornstein Enterprises, Inc., a Pennsylvania Corporation, dated 02/01/2002, recorded 02/21/2002 in Book 2002-1, Page 48236.

BEING KNOWN AS 2675 Hickory Drive, Easton, PA 18040.

TAX PARCEL NUMBER: K9 34 58 0311.

THEREON BEING ERECTED a ranch single style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Deborah L. Dallarosa and Frank J. Dallarosa.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

**No. 34**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-01913**

ALL THAT CERTAIN piece or parcel of land, and the buildings and improvements thereon located in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, and being more particularly described as follows:

BEGINNING at a point on the North building line of Spring Garden Street, said point being 84.14 feet from the Northwest corner of Spring Garden and 12th Streets, said distance being measured Westwardly along the North building line of Spring Garden Street; thence along the North building line of Spring Garden Street in a Westwardly direction 16.04 feet to a point; thence Northwardly at right angles from Spring Garden Street and passing through the center of a partition wall of a double brick dwelling, a distance of 80 feet to a point; thence parallel with Spring Garden Street in an Eastwardly direction 16.04 feet to a point; thence Southwardly 80 feet to the place of BEGINNING. The last mentioned line passes through the center of a four (4) feet wide alleyway.

BOUNDED on the West by property known as 1213 Spring Garden Street; on the North by Parcel No. 2 contained in prior Deed; on the East by property known as 1209 Spring Garden Street; and on the South by Spring Garden Street.

HAVING THEREON ERECTED A DWELLING KNOWN AS 1211 SPRING GARDEN STREET, EASTON, PA 18042.

PARCEL: L9SE1A-1-4.

BEING THE SAME PREMISES WHICH Salvatore P. Sportelli by deed dated 12/7/04 and recorded

12/28/04 in Northampton County Record Book 2004-1, Page 498896, granted and conveyed unto Buffy Hughes.

BEING KNOWN AS 1211 Spring Garden Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SE1A 1 4 0310.

THEREON BEING ERECTED a two-story half-of-double style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Buffy Hughes.

LEON P. HALLER, ESQUIRE

**No. 35**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-08366**

PURPART No. 1:

ALL THAT CERTAIN tract of land located along Cherryville Road, also known as Pennsylvania State Highway Legislative Route #48060, situated partly in Allen Township and partly in the Borough of Northampton, Northampton County, Pennsylvania more particularly described according with a survey prepared by Martin H. Schuler Company, Surveying Engineers of Allentown as follows:

BEGINNING at a point along the center line of Legislative Route #48060 also known as Cherryville Road, in line with property of Marvin P. Mann; thence along the center line of Legislative Route #48060 south 13° 09' 10" east 305.50 feet to a point; thence along property of Sterling Graver south 76° 50' 50" west 182.50 feet to a point; thence along the westerly side of a 15 foot wide alley south 13° 16' 40" east 1050.97 feet to a point; thence along the northerly side of a 16 foot wide alley south 79° 02' 20" west 405.20 feet to a point; thence along property of Dr. L.

Wildrich the following six (6) courses and distances: 1) north 6° 28' 20" east 160.95 feet to a point, 2) thence north 52° 10' 40" west 279.71 feet to a point, 3) thence south 8° 30' 37" west 170.21 feet to a point, 4) thence south 17° 49' 50" west 23.30 feet to a point, 5) thence south 38° 34' 50" west 37.20 feet to a point, 6) thence south 50° 08' 50" west 200.90 feet to a point; thence along the center line of Township Route T-466, the following six (6) courses and distances: north 77° 35' 10" west 211.25 feet to a point, 2) thence north 57° 57' 40" west 116.24 feet to a point, 3) thence north 47° 00' 40" west 167.18 feet to a point, 4) north 40° 10' 40" west 98.93 feet to a point, 5) thence north 33° 08' 40" west 196.05 feet to a point, 6) thence north 26° 49' 40" west 97.62 feet to a point; thence along property of Nicholas Cihylik the following four (4) courses and distances: 1) north 88° 00' 11" east 152.91 feet to a point, 2) thence north 16° 04' west 259.94 feet to a point, 3) thence north 22° 48' 34" west 542.69 feet to a point, 4) thence north 53° 26' 54" east 177.70 feet to a point. Thence along property of Nicholas Cihylik and other land of the within named grantee north 76° 22' 54" east 231.60 feet to a point. Thence continuing along property of the within named grantee north 87° 52' 54" east 279.73 feet to a point and north 82° 50' 47" east 476.26 feet to a point; thence along property of Marvin P. Mann the following three (3) courses and distances: 1) south 13° 07' east 120.00 feet to a point, 2) thence north 89° 20' 50" east 138.40 feet to a point, 3) thence north 76° 50' 50" east 167.50 feet to the place of beginning.

CONTAINING 40.08327 acres.

PURPART No. 2:

ALL THAT CERTAIN tract of land located at the rear of Cherryville Road,

also known as Pennsylvania State Highway Legislative Route #48060, situated in Allen Township and partly in the Borough of Northampton, Northampton County, Pennsylvania, more particularly described according with a survey by Martin H. Schuler Company, Surveying Engineers of Allentown, as follows:

BEGINNING at a point in line with property of Sterling Graver located on a course south 76°-50'-50" West 167.50' from the center of Cherryville Road; thence extending along a line known as the easterly side of a 15-foot alley south 13°-16'-40" East 762.66 feet to a point; thence traversing said alley south 79°-27'-20" West 15.02 feet to a point, thence extending along a line known as the westerly side of a 15-foot alley north 13°-16'-40" West 761.97 feet to a point; thence along property about to be conveyed unto Louis Tepes north 76°-50'-50" East 15.00 feet to the place of beginning.

TOGETHER with all the right-title and interest of the within named grantor to the bed of the streets known as Twenty-Ninth and Thirtieth Street from Cherryville Road to the above described tract situated in the Borough of Northampton and as shown on the plan of property for Louis Tepes dated August 26, 1968, revised August 28, 1968, prepared by Martin H. Schuler Company, Surveying Engineers of Allentown.

BEING KNOWN AS 28th Street, Northampton, PA 18064.

TAX PARCEL NUMBER: L3 6 3-46 0522.

THEREON BEING ERECTED vacant land.

SEIZED AND TAKEN into execution of the writ as the property of Margaret Tepes.

ROBERT P. DADAY, ESQUIRE

**No. 39**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2007-08769**

ALL THAT CERTAIN messuage or tenement and lot or piece of ground, site on the South side of Twenty-first Street, between Lincoln and Siegfried Avenues, in the Second Ward of the Borough of Northampton, Northampton County, Pennsylvania, bounded and described follows, to wit:

BEGINNING at a point on the South side of Twenty-first Street, in line of property now or late of George W. Beil, thence extending Eastward along Twenty-first Street eight-four (84) feet, more or less, to a point in line of lot now or late of Ida. E. Moore, thence extending Southward along said last mentioned lot one hundred fifty (150) feet to a proposed alley; thence Westward along said alley eighty-four (84) feet, more or less, to a point in line of lot now or late of George W. Beil, thence northward along said lot one hundred fifty (150) feet to the place of BEGINNING.

BEING KNOWN AS 302 E. 21st Street, Northampton, PA 18067.

TAX PARCEL NUMBER: L4SW1C 19 7 0522.

THEREON BEING ERECTED a colonial single style dwelling with brick exterior and shingle roof; detached car port.

SEIZED AND TAKEN into execution of the writ as the property of Dorothy Hopkins.

ROBERT P. DADAY, ESQUIRE

**No. 40**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2009-04167**

ALL THAT CERTAIN UNIT designated as Unit No. 2, 2720 Linden Street, being a Unit in the Star Villa Condominiums, situated in the City

of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, as designated in Declaration of Condominium of Star Villa Condominiums, dated February 25, 1988, and recorded February 26, 1988, in Northampton County Misc. Book Vol. 335, Page 298.

TOGETHER with an eight and thirty-three hundredths percent (8.33%) undivided interest of, in and to the common elements as set forth in the aforesaid Declaration of Condominium and Amendment thereto.

BEING KNOWN AS 2 Star Court, Bethlehem, PA 18017.

TAX PARCEL NUMBER: N6NE2 2 13 0204.

THEREON BEING ERECTED a two-story townhouse style dwelling with vinyl siding and shingle roof; rear deck.

SEIZED AND TAKEN into execution of the writ as the property of M.N.M.S., L.P.

ROBERT P. DADAY, ESQUIRE

**No. 42**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-10750**

ALL THAT CERTAIN messuage or tenement and lot or piece of land situate on the west side of South Broad Street between Prospect and Park Streets, in the Borough of Nazareth, County of Northampton and State of Pennsylvania, bounded on the north by lot late of Peter Yeisley's Estate, now Homer G. Broutin; on the east by the said South Broad Street; on the south and west by other land late of Harry C. Buss, now Mary Polzer, containing in front or width on South Broad Street thirty-five (35) feet, and extending in length or depth of that same width westward one hundred fifty-two (152)

feet to land late of said Harry C. Buss, now Mary Polzer.

TOGETHER with the free and uninterrupted use, liberty and privilege of and passage in and along a certain private alley or passage, of eighteen (18) feet in width by thirty-five (35) feet in length, extending out of and from Park Street, in said Borough, through the lot late of Harry C. Buss, now Mary Polzer, to the messuage and lot of the said Glenn D. Williams, Sr. and Opal K. Williams, his wife, grantees herein. TOGETHER with free ingress, egress and regress to and for the said Glenn B. Williams, Sr. and Opal K. Williams, his wife, their heirs and assigns, their tenants and undertenants, occupiers and possessors of the said Glenn B. Williams, Sr. and Opal K. Williams, his wife, messuage and ground contiguous to the said alley or passage, at all times and seasons forever hereafter, into, along and upon and out of the said alley, in common with Mary Polzer, her heirs and assigns, tenants or occupiers of the messuage and ground adjacent to the said alley.

SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, COVENANTS, OIL, GAS OR MINERAL RIGHTS OF RECORD, IF ANY.

TITLE TO SAID PREMISES IS VESTED IN Glenn D. Williams, Sr. and Opal K. Williams, his wife, by Deed from Russell D. Frantz, Executor under the Last Will and Testament of Robert E. Frantz, widower, dated 11/07/1973, recorded 11/07/1973 in Book 474, Page 173.

BEING KNOWN AS 238 South Broad Street, Nazareth, PA 18064.

TAX PARCEL NUMBER: J7SE3D 11 8 0421.

THEREON BEING ERECTED a two-story single style dwelling with aluminum siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Glenn D. Williams, Sr. and Opal K. Williams.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

#### **No. 43**

#### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-06649**

ALL THAT CERTAIN lot or piece of land situate on the south side of Freemansburg Avenue, in the Borough of Wilson, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the south side of said Freemansburg Avenue, distant 50 feet west from the west line of Ridge Street; thence westwardly along said avenue 24 feet to property now or late of Jacob Reed, and extending southwardly of that same width in depth 140 feet to a 20 feet wide private alley.

Bounded on the north by said avenue, on the east by property now or late of Sarah J. Dawes, on the south by said private alley, and on the west by property now or late of Jacob Reed.

TITLE TO SAID PREMISES IS VESTED IN Jose R. Davila-Guzman and Luz A. Rodriguez-Ortiz DEEDED BY Frank J. Soda, SR, and Ilda A. Perna, dated 04/09/08, recorded 04/22/08, in book 2008-1, page 114813, instrument# 2008014687.

BEING KNOWN AS 1840 Freemansburg Avenue, Easton, PA 18042.

TAX PARCEL NUMBER: L9SW3A 19 16 0837.

THEREON BEING ERECTED a two-story single style dwelling with shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Jose R. Davila-Guzman and Luz A. Rodriguez-Ortiz.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

**No. 45**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-07573**

PARCEL NO. 2: ALL THOSE CERTAIN tract, pieces or parcels of land known as Lots Nos. 83, 84 and 85 in Treadwell Terrace, Township of Palmer, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

On the north by lot #82, on the east by the west line of Keane Street, on the south by lot 86 and on the west by a 10 foot alley; and being sixty (60) feet in width on said Keane Street and running back of equal width one hundred (100) feet as more fully located in Book of Maps No. 4, Page 22, as recorded in the Office of the Recorder of Deeds at Easton, PA.

KNOWN AS TAX PARCEL NO. M9NW4-6-7.

Being known as: 55 Leeman Street, Easton, Pennsylvania 18045.

Title to said premises is vested in Christopher Straub by deed from MERRITT F. BECK, ADMINISTRATOR OF THE ESTATE OF EDWARD H. STRAUB dated July 14, 2006 and recorded July 20, 2006 in Deed Book 2006-1, Page 293337.

BEING KNOWN AS 55 Leeman Street, Easton, PA 18045.

TAX PARCEL NUMBER: M9NW4 6 7 0324.

THEREON BEING ERECTED a two-story single style dwelling with vinyl siding; detached two-car garage, in-ground pool.

SEIZED AND TAKEN into execution of the writ as the property of Christopher Straub.

CHRISTINE L. GRAHAM, ESQUIRE

**No. 46**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-11752**

ALL that certain parcel of land situate in the Township of Washington, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a railroad iron sunk in the middle of the public road leading from Bangor to Stroudsburg, corner of Land formerly of Christian Repsher and corner or Land now or late of Frank Eyer; thence North seventy-six degrees West two hundred and ninety-seven feet by Land formerly of Christian Repsher, Ulysses Shook and Fausto Capodianco; thence North nineteen degrees East one hundred three and two tenth feet by Land now or late of said Fausto Capodiance to a stone; thence South seventy-eight degrees East through the tract of land hereinbefore described as having descended to the said heirs at law of said Peter Eyer, deceased, two hundred and sixty-two and fifty-five hundredth feet to an iron pin in the middle of the aforementioned public road; thence South 0 degrees and thirty minutes East one hundred and one feet through middle of said public road to place of beginning, giving and granting, and subject to, alley rights set forth in the deed now or late of Frank Eyer et ux, dated March 4, 1916 and recorded in Deed Book B, Volume 43, Page 514.

UNDER and SUBJECT to all conditions, covenants and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Bryan R. Reynolds and Donna L. Lane, as tenants in common deeded by Douglas W. Jones and Marcia L. Jones, dated 11/28/01, recorded 12/6/01, in book 2001-1,



page 262106, instrument# 2001053640.

BEING KNOWN AS 36 Creek Road, Bangor, PA 18013.

TAX PARCEL NUMBER: D9 6 20 0134.

THEREON BEING ERECTED a two-story single style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Bryan R. Reynolds and Donna L. Lane.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

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**No. 47**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2009-01094**

ALL THAT CERTAIN tract or parcel of land situate on the south side of Windrift Court known as Lot 39, Starlite Estates as shown on plan entitled 'Subdivision Plan—Starlite Estates, prepared by DMS Real Estate Designs and plan, Dwg. No. 2 of 18, dated 12/24/2002, last revised 2/17/2003, recorded in the Northampton County Recorder of Deeds Office in Map Book Volume 2003-5 Page 417, in the Township of Palmer, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows to wit:

BEGINNING on the southerly right-of-way line of Windrift Court (50.00 feet wide), said point also being on the westerly property line of land n/f Lot 38, Starlite Estates; thence along the same South 29 degrees 02 minutes 03 seconds East 200.00 feet to the northerly property line of land n/f proposed open space lot, Starlite Estates; thence along the same south 60 degrees 57 minutes 57 seconds west 84.00 feet to the easterly property line of land n/f lot 40, Starlite Estates; thence along the same North 29

degrees 02 minutes 03 seconds West 200.00 feet to the southerly right of way line of Windrift Court (50.00 feet wide); thence along the same North 60 degrees 57 minutes 57 seconds East 84.00 feet to the westerly property line of land n/f lot 38, Starlite Estates, the place of beginning.

Containing: 16,800.01 sq. ft. or 0.3857 acres.

This conveyance is made subject to all restrictions, easements, rights of way, covenants and conditions contained in the deeds forming the chain of title to this property.

UNDER AND SUBJECT TO any and all exceptions, restrictions, covenants, easements, rights-of-way, and agreements as heretofore contained in the prior chain of title.

TITLE TO SAID PREMISES IS VESTED IN Jane Brooks, an unmarried woman and Thomas Fitzhugh, an unmarried man, by Deed from Jane Brooks, an unmarried woman and Bernard Fitzhugh, an unmarried man (father of Thomas Fitzhugh) Jane Brooks and Thomas Fitzhugh are engaged, Bernard Fitzhugh is the father of Thomes Fitzhugh, dated 03/07/2007, recorded 08/24/2007 in Book 2007-1, Page 311951.

BEING KNOWN AS 6 Windrift Court, Easton, PA 18045.

TAX PARCEL NUMBER: M8NE3 32 1-39 0324.

THEREON BEING ERECTED a two-story single style dwelling with vinyl and stone exterior and shingle roof; attached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Jane Brooks and Thomas Fitzhugh.

JOHN MICHAEL KOLESNIK,  
ESQUIRE



**No. 48**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-12230**

ALL THAT CERTAIN tract, parcel or lot of land situate in the Township of Bushkill, County of Northampton and Commonwealth of Pennsylvania, being Lot No. 14 Fox Ridge Farms, recorded in Volume 2004-5, Pages 53-56, bounded and described as follows, to wit:

BEGINNING at an iron in the Northerly right-of-way of Jack Russell Court, being a corner of Lot No. 13 Fox Ridge Farms; thence along Lot No. 13 North 29 degrees 46 minutes 09 seconds West for 340.00 feet to an iron in the Southerly right-of-way of PA Route 512 S.R. 512; thence in the Southerly right-of-way of PA Route 512 S.R. 512 North 60 degrees 13 minutes 51 seconds East for 140.00 feet to an iron, a corner of Lot No. 15; thence along Lot No. 15 South 29 degrees 46 minutes 09 seconds East for 340.00 feet to an iron in the Northerly right-of-way of Jack Russell Court; thence in the Northerly right-of-way of Jack Russell Court South 60 degrees 13 minutes 51 seconds West for 140.00 feet to the place of Beginning.

Containing 1.0927 acres, more or less.

Being known as: 106 Jack Russell Court, Nazareth, Pennsylvania 18064.

TITLE TO SAID PREMISES IS VESTED IN Carey A. Boland and Christopher Boland, husband and wife, by deed from Crown Realty LLC dated September 24, 2004 and recorded September 27, 2004 in Deed Book 2004-1, Page 37393.

BEING KNOWN AS 106 Jack Russell Court, Nazareth, PA 18064.

TAX PARCEL NUMBER: H6 5 1-14 0406.

THEREON BEING ERECTED a two-story single style dwelling with vinyl and brick exterior and shingle roof., attached three-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Carey A. Boland and Christopher Boland.

TERRENCE J. McCABE, ESQUIRE

**No. 49**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2009-07149**

All that certain messuage, tract or piece of land, situate in the Township of Plainfield, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

Beginning at a point on the centerline of Old Allentown Road, a corner also of a land of Charles P. Buskirk, said point being further located N 77 degrees 00' E 41.50 feet from a corner of land of Alexander Cortazzo; thence along the centerline of said Old Allentown Road (State Highway L.R. 48088) North 77 degrees 00 minutes 00 seconds East 201.20 feet to a corner of land of Charles P. Buskirk; thence along said land due South 157.80 feet to a point on line of land of Woodrow Counterman; thence along said land the following two courses and distances: (1) South 89 Degrees 13 Minutes 00 Seconds West 61.90 feet to an iron pin; (2) Due South 90.00 feet to an iron pin on line of land of Charles P. Buskirk; thence along said land South 89 Degrees 13 Minutes 00 Seconds West 134.16 feet to an iron pin; thence along the same due North 205.20 feet to the place of beginning.

BEING KNOWN AS 567 West Center Street, Wind Gap, PA 18091.

TAX PARCEL NUMBER: E7 8 2 0626.

THEREON BEING ERECTED a ranch single style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Michael Jerome Buskirk.

MICHAEL T. McKEEVER, ESQUIRE

**No. 50**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-04060**

ALL THAT CERTAIN message, tract, or piece of land situate in the Township of Lehigh, County of Northampton, and State of Pennsylvania bounded and described as follows, to wit:

BEGINNING at a point at the northwestern corner of property of Albert Meckes; thence along the southern line of a fourteen foot private lane, North 89 degrees 50 minutes West, for a distance of 100.00 feet to a point; thence along the eastern line of property about to be conveyed to Merritt Swenkl, South 0 degrees 10 minutes West, for a distance of 78.00 feet to a point; thence along the northern line of another private land, South 89 degrees 50 minutes East, for a distance of 100.00 feet to a point; thence along the western line of property of Albert Meckes, North 0 degrees 10 minutes East, for a distance of 78.00 to the place of beginning.

Containing 7,800.00 square feet.

BEING KNOWN AS: 421 Walnut Drive, Northampton, PA 18067.

Property ID No.: J4-SW1-7-6.

TITLE TO SAID PREMISES IS VESTED IN Mary S. Demjanick married by deed from John J. Demjanick, married and Mary S. Demjanick, married dated 03/28/2003 recorded 04/09/2003 in Deed Book 2003-1 Page 122941.

BEING KNOWN AS 421 Walnut Drive, Northampton, PA 18067.

TAX PARCEL NUMBER: J4SW1 7 6 0516.

THEREON BEING ERECTED a split-level style dwelling with aluminum siding and shingle roof; attached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Mary S. Demjanick.

PAIGE M. BELLINO, ESQUIRE

**No. 51**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-02473**

ALL THAT CERTAIN one-half of a double dwelling house and lot of land situate on the South side of and known as No. 808 Spring Garden Street, in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point 87.65 feet West of the Southwest building line of the intersection of 8th and Spring Garden Streets; thence extending Westwardly along the South side of said Spring Garden Street 20 feet to a point in the line which passes through the middle of the partition wall between the dwelling hereby conveyed and the dwelling erected on the West; thence extending Southwardly of the width of 20 feet, 112 feet in depth to a 12 feet wide private alley.

BOUNDED on the North by Spring Garden Street; on the East by property now or late of Josephine Francisco; on the South by said 12 feet wide private alley; and on the West by property now or late of Ephriam H. Steiner.

BEING KNOWN AS 808 Spring Garden Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SE1B 1 10 0310.

THEREON BEING ERECTED a two-story half-of-double style dwelling with wood exterior and slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Jutta H. Fleming.  
MICHAEL T. MCKEEVER, ESQUIRE

**No. 52**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-11203**

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Easton, County of Northampton, State of Pennsylvania.

BEGINNING at an iron pin on the westerly right of way line of North Tenth Street (80 feet wide) in line of lands now or formerly of Charles Anascavage; thence along the same South 89 degrees 59 minutes 40 seconds West, 137.00 feet to a drill hole; thence along lands now or late of Louisa H. Coons, North 00 degrees 05 minutes 12 seconds East, 46.61 feet to an iron pin; thence along lands of #312 North Tenth Street the following three courses:

1. North 89 degrees 59 minutes 40 seconds East, 16.18 feet to an iron pin; thence

2. North 00 degrees 05 minutes 12 seconds East, 5.57 feet to an iron pin; thence

3. South 89 degrees 54 minutes 25 seconds East, 120.00 feet to a drill hole; thence along said right of way line of North Tenth Street, South 00 degrees 01 minutes 36 seconds West, 62.61 feet to an iron pin and the point and place of BEGINNING.

BEING shown on recorded plan entitled "Minor Subdivision 310 and 312 North Tenth Street" prepared by Stan Shelosky, PE dated June 20, 1996.

BEING KNOWN AS 310 North 10th Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9NE4D  
19 4A 0310.

THEREON BEING ERECTED a three floor, half-of-double style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of David M. Hanley.

MICHAEL T. MCKEEVER, ESQUIRE

**No. 53**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-11923**

TRACT NO. 1

ALL THAT CERTAIN lot or piece of land, lying and being in the Borough of Hellertown, in the County of Northampton and State of Pennsylvania, and known on plan of lots of the Wagner Terrace Land Company as Lots Nos. 213, 214 and 215, bounded and described as follows, to wit:

BEGINNING at a point one hundred and fifty (150) feet, more or less, from the southwesterly corner of the intersection of Roth Avenue and Main Street in said Borough of Hellertown, measured along the westerly line of said Main Street, said point being the southeasterly corner of Lot No. 218, thence westerly along the dividing line of Lots Nos. 215 and 216 a distance of one hundred and thirty (130) feet more or less, to an Alley, thence southerly along the easterly line of said Alley a distance of seventy-four (74) feet, more or less, to line of land of Jacob Seifert, thence in a southeasterly direction along said land a distance of one hundred seventeen (117) feet, more or less, to the aforesaid Main Street, thence northerly along the westerly line of said Main Street a distance of ninety-seven (97) feet, more or less, to the

point of beginning. Bounded on the northerly side of Lot No. 216, on the westerly side by an Alley, on the southerly side by land of Jacob Seifert, and on the easterly side by the Main Street aforesaid, being ninety-seven (97) feet in width in front and seventy-four (74) feet in width in the rear, one hundred and thirty (130) feet in depth on northerly side, and one hundred and seventeen (117) feet in depth on the southerly side, more or less. The plan of said lots is recorded at Easton, in the Office for recording deeds in and for Northampton County in Book of Maps, No. 3, page 14.

**TRACT NO. 2**

ALL THOSE TWO CERTAIN lots or pieces of land lying and being in the Borough of Hellertown, in the County of Northampton and State of Pennsylvania, and known on plan of lots of the Wagner Terrace Land Company as Lots Nos. Two Hundred and Sixteen (216) and Two Hundred and Seventeen (217), bounded and described as follows, to wit:

BEGINNING at a point ninety (90) feet, more or less, from the southwest corner of the intersection of Roth Avenue and Main Street in said Borough of Hellertown, measured along the westerly line of said Main Street, said point being the southeast corner of Lot No. 218, thence westerly along the dividing line of Lots Nos. 217 and 218 a distance of one hundred thirty (130) feet more or less, to an Alley, thence southerly along the easterly line of said Alley a distance of sixty (60) feet, more or less, to the northwesterly corner of Lot No. 215, thence easterly along the dividing line of Lots Nos. 215 and 218 a distance of one hundred and thirty (130) feet, more or less, to the Main Street aforesaid, thence northerly along the westerly line of said Main

Street a distance of sixty (60) feet more or less, to the point of beginning. Bounded on the northerly side by Lot No. 218, on the westerly side by an Alley, on the southerly side by Lot No. 215 and on the easterly side by the Main Street aforesaid, being sixty (60) feet in width and one hundred and thirty (130) feet in depth, more or less.

Said plan of lots is duly entered of record at Easton, in the County of Northampton and State of Pennsylvania, in the Office of the Recorder of Deeds in and for the said County of Northampton, in Book of Maps. No. 3, page 14.

BEING KNOWN AS 1528 Main Street, Hellertown, PA 18055.

TAX PARCEL NUMBER: Q7NW3A 4 2 0715.

THEREON BEING ERECTED a colonial single style dwelling with stone exterior and shingle roof; two-car detached garage, shed.

SEIZED AND TAKEN into execution of the writ as the property of Jon Weinperl.

PAIGE M. BELLINO, ESQUIRE

**No. 54**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-12333**

ALL THAT CERTAIN building lot situate in the Borough of Pen Argyl, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post in the middle of a street thirty feet wide and along Lot No. 46 sold to Catharine Houseburg, North seventy-one degrees East, sixty-five feet to a post in the middle of said street; thence along Lot No. 45 sold to Joseph Meyer, South nineteen degrees East one hundred and fifty feet to a post in a thirty feet wide street; thence along the middle of said street and

along Lot No. 43 sold to Caleb Kellow South seventy-one degrees West sixty-five feet to a post in the middle of said street; thence along the middle of a street thirty feet wide and Lot No. 68 sold to James Amy, North nineteen degrees West one hundred and fifty feet to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Michelle Davison, by Deed from Carol Ann Snyder and Richard E. Snyder, her husband and Linda W. Cowling and Bruce J. Cowling, her husband, dated 03/05/2008, recorded 03/10/2008 in Book 2008-1, Page 66090.

BEING KNOWN AS 110 A Street, Pen Argyl, PA 18072.

TAX PARCEL NUMBER: E8NE2D 23 4 0625.

THEREON BEING ERECTED a two-story single style dwelling with asbestos siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Michelle Davison.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

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**No. 56**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-12335**

ALL THAT CERTAIN parcel of land, with the improvements thereon erected, known as 3701 Greenway Street, situate in the Township of Palmer, County of Northampton and State of Pennsylvania, being all of Lot No. 112 and the southerly 20 feet of Lot No. 111 as shown on the Plan of 'Wilden', recorded at Easton in the Recorder of Deeds Office for Northampton County in Plan Book Vol. 6, Page 18, described as follows:

BEGINNING at a point of curve in the west property line of Whitney Avenue, said point being distant 8.00

feet on a course North 1 degree 20 minutes East from the intersection of the north property line of Greenway Street produced with the west property line of Whitney Avenue produced; thence (1) on a curve to the right having a radius of 8.00 feet, a distance of 12.56 feet to a point of tangent in the north property line of Greenway Street; thence (2) along the north property line of Greenway Street North 88 degrees 40 minutes West 107.00 feet to a point in a line of Lot No. 113; thence (3) along Lot No. 113 and Lot No. 114, North 1 degree 20 minutes East 60.00 feet to a point; thence (4) through Lot No. 111 South 88 degrees 40 minutes East 115.00 feet to a point in the west property line of Whitney Avenue; thence (5) along the west property line of Whitney Avenue, South 1 degree 20 minutes East 52.00 feet to the point or place of beginning.

UNDER AND SUBJECT to certain conditions and restrictions now as of record.

TITLE TO SAID PREMISES IS VESTED IN Elwood H. Bloss, Jr. and Virginia L. Bloss, his wife, their heirs and assigns deeded by Virginia L. Bloss and Elwood H. Bloss, Jr., her husband, dated 03/15/1976, recorded 03/16/76, in book 538, page 97.

ELWOOD H. BLOSS was a co-record owner of the mortgaged premises as a tenant by the entirety. By virtue of ELWOOD H. BLOSS's death on or about 02/11/2007, his ownership interest was automatically vested in the surviving tenant by the entirety, VIRGINIA L. BLOSS.

Mortgagor VIRGINIA L. BLOSS died on 04/22/2011 and, upon information and belief, her surviving heir(s) are WILLIAM E. BLOSS,

LESLIE A. FINKBEINER, DONALD L. BLOSS, and EDWARD A. BLOSS.

By executed waiver(s), WILLIAM E. BLOSS, LESLIE A. FINKBEINER, DONALD L. BLOSS, and EDWARD A. BLOSS waived their right to be named as a defendant in the foreclosure action.

BEING KNOWN AS 3701 Greenway Street, Easton, PA 18045.

TAX PARCEL NUMBER: M8SE2 8 7 0324.

THEREON BEING ERECTED a ranch single style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Virginia L. Bloss, Deceased.

ANDREW J. MARLEY, ESQUIRE

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**No. 57**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-12219**

ALL THAT CERTAIN message or tract of land situate in the borough of Bangor, county of Northampton and commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the northeast side of High street and at corner of W. Oliver Houch line of land and other land conveyed to Harrison Reichard; thence along said land north thirty-seven and three quarters (37 3/4) degrees east one hundred twenty (120) feet to a ten (10) foot wide alley; thence along said alley, south fifty-two and one-quarter (52 1/4) degrees east forty-eight (48) feet to a corner of other land then belonging to Alfred M. Paff of which this was a part; thence along the same, south thirty-seven and three-quarters (37 3/4) degrees west one hundred twenty (120) feet to the said High street; thence along said High street, north fifty-two and one-quarter (52

1/4) degrees west forty-eight (48) feet to a corner of land conveyed to Harrison Reichard, the place of beginning.

CONTAINING forty-eight (48) feet front on said High street and extending of the same width, north-westward one hundred twenty (120) feet to an alley.

TITLE TO SAID PREMISES IS VESTED IN H. Dean Hatlestad, by Deed from H. Dean Hatlestad and Cecelia Hatlestad, his wife, dated 07/31/2002, recorded 09/03/2002 in Book 2002-1, Page 232317.

BEING KNOWN AS 43 E. High Street, Bangor, PA 18013.

TAX PARCEL NUMBER: E9NE2D 9 4 0102.

THEREON BEING ERECTED a two-story single style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of H. Dean Hatlestad.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

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**No. 58**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-00457**

ALL THAT CERTAIN tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the Borough of Wilson, County of Northampton, and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point seventy-three and one-half (73 1/2') feet, more or less, south from a point in the southern building line of Hay Street said point in Hay Street being fifty-seven and one-half (57 1/2') feet East from the Southeast corner of Twenty Third Street and Hay Street; thence, extending Southwardly at right angles to the Southern building line of Hay Street twenty-three feet three inches



(23'3") more or less, to a point; thence extending eastwardly in a line parallel to said Hay Street sixty-seven (67') feet to the place of beginning, the middle of the partition wall being the dividing line between this property and the property adjoining on the South.

BOUNDED on the north by land now or late of Humberto C.P. Orlandi, et. ux; on the East by land now or late of Sarah E. Moser; on the South by land now or late of Humberto C.P. Orlandi et. ux; and on the West by said Twenty-Third Street.

Title to said premises is vested in Rebecca M. Cohen by deed from JOSEPH D'AMORA dated January 7, 2002 and recorded January 8, 2002 in Deed Book 2002-1, Page 005951.

BEING KNOWN AS 800 South 23rd Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SW4C 16 51 0837.

THEREON BEING ERECTED a two-story half-of-double style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Rebecca M. Cohen.

CHRISTINE L. GRAHAM, ESQUIRE

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**No. 59**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10118**

ALSO KNOWN AS Northampton County Uniform Parcel Identifier: E9SE4 7 5A 0134 for purposes of compliance with Northampton County Ordinance No. 159-L989.

ALL THAT CERTAIN tract, piece or parcel of land situate in the Township of Washington, County of Northampton and Commonwealth of Pennsylvania, more particularly bounded in accordance with a survey made by D. O. Pritchard, P.E., and R.

T. Rutt dated July, 1968, as follows, to wit:

BEGINNING at an iron pin, said iron pin being 91 feet east of Pennsylvania Route No. 191, being the public road leading from Bangor to Ackermanville; thence along the other lands of grantors, of which this was formerly a part, North 12 degrees 35 minutes East 66.32 feet to an iron pin; thence along lands now or late of Blanche Krauss, South 80 degrees 14 minutes East 204.25 feet to an iron pin; thence along lands now or late of Joseph F. Landon, South 9 degrees 28 minutes West 76.20 feet to an iron pin; thence along lands now or late of Clayton Mack North 76 degrees 46 minutes West 204.00 feet to the place of beginning.

Together with the right of ingress, egress and regress, in common with grantors, their heirs and assigns, from Pennsylvania Route No. 191, being the public road leading from Bangor to Ackermanville, said right extending over a strip 15 feet in width along the southern boundary of other lands of grantors, of which this was a part, said strip being 91 feet in length.

PARCEL # E9SE4 7 5A 0134.

ALSO BEING KNOWN AS 309 Washington Boulevard, Bangor, PA, 18013-2745.

BEING the same premises which Thomas R. Donnelly and Clemencia J. Donnelly, husband and wife, by deed dated November 30, 2007 and recorded December 5, 2007 in and for Northampton County, Pennsylvania, in Deed Book Volume 2007-1, Page 435220, granted and conveyed unto Paul Vanderhoof and Nicole Vanderhoof, husband and wife, as tenants by the entireties.

BEING KNOWN AS 309 Washington Boulevard, Bangor, PA 18013.

TAX PARCEL NUMBER: E9SE4 7 5A 0134.

THEREON BEING ERECTED a two-story single style dwelling with vinyl siding and shingle roof; attached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Paul M. Vanderhoof and Nicole M. Vanderhoof.

SCOTT A. DIETTERICK, ESQUIRE

**No. 60**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-00547**

ALSO KNOWN AS Northampton County Uniform Parcel Identifier: J8SE2 5 8 0324 for purposes of compliance with Northampton County Ordinance No. 159-L989.

ALL THAT CERTAIN lot or parcel of land and premises situate, lying and being in the Township of Palmer, in the County of Northampton and Commonwealth of Pennsylvania, more particularly described a. follows:

BEGINNING at a point on the east side of Babbling Brook Road, said point being the following 2 courses and distances from the intersection of the east property line of Babbling Brook Road and the south side of Brookwood Road (both extended to intersection) (1) South 11 degrees 30 minutes 00 seconds East 110.00 feet and (2) around a curve to the right with a radius of 167.92 feet an arc length of 81.69 feet; thence along the line between Lot No.2 and Lot No.3 South 73 degrees 46 minutes 14 seconds East 105.79 feet to a point; thence along the line between Lot No.3 and land of L & J Ott the following 2 courses and distances (1) South 25 degrees 22 minutes 00 seconds West 20.00 feet to a point; (2) South 64 degrees 38 minutes 00 seconds East 60.00 feet to a point; thence along the line between Lot

No.3 and Lot No. 1 South 25 degrees 22 minutes 00 seconds West 11 0.70 feet to a point; thence along the line between Lot No.3 and Lot No.4 North 49 degrees 42 minutes 21 seconds West 173.98 feet to a point on the east side of Babbling Brook Road; thence along the east side of Babbling Brook Road around a curve to the left with a radius of 167.92 feet an arc length of 70.00 feet to the place of beginning.

BOUNDED on the west by Babbling Brook Road, on the North by Lot No.2 and land of L & J Ott on the east by land of L & J Ott and Lot No.1 and on the south by Lot No.4.

It being all of Lot No. 3 as shown on the development plan of Brookwood Acres Revision 2 recorded in Plan Book. 36, Page 49 situate in Palmer Township, Northampton County, Pennsylvania.

PARCEL # J8SE2 5 8 0324.

Also being known as 13 Babbling Brook Road, Palmer Twp, PA, 18045-7834.

BEING the same premises which Thomas A. Wettlaufer and Linda L. Wettlaufer, his wife, by deed dated September 1, 2005 and recorded September 22, 2005 in and for Northampton County, Pennsylvania, in Deed Book Volume 2005-1, page 367525, granted and conveyed unto Jeffery S. Yates and Barbara J. Yates, his wife.

BEING KNOWN AS 13 Babbling Brook Road, Easton, PA 18045.

TAX PARCEL NUMBER: J8SE2 5 8 0324.

THEREON BEING ERECTED a bi-level single style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Jeffrey S. Yates and Barbara J. Yates.

SCOTT A. DIETTERICK, ESQUIRE

**No. 61**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-02159**

ALL THAT CERTAIN message or tenement and lots or pieces of ground, bounded and described as follows, to wit:

No. 1: Situate on the South side of Iroquois Street at its intersection with Monocacy Street, being known as Lot #10 on plan of Indian Trail Park Co., in the Township of Lehigh, County of Northampton, and State of Pennsylvania, said plan of lots having been entered of record in the Office for the Recording of Deeds, etc., in and for the County of Northampton, and said lot having a frontage on Iroquois Street of sixty-one and three one-hundredths (61.03) feet and along Monocacy Street fifty-two (52) feet, and being irregular in shape.

No. 2: Known as Lots 16 and 17 on said plan of lots of the Indian Trail Park Co., said Lot #16 being at the intersection of Monocacy and Hiawatha Street, containing on the two streets one hundred thirty-five (135) feet along the curb line where said streets intersect, and containing thirty-two and five-tenths (32.5) feet on the rear of said lot and in depth of sixty-three and five-tenths (63.5) feet at right angles from Hiawatha Street along the line of Lot #17.

Said Lot #17 being situate on the North side of Hiawatha Street, containing in front on Hiawatha Street fifty (50) feet, along Lot #16 sixty-three and five-tenths (63.5) feet, in the rear along Lot #10 fifty and three-tenths (50.3) feet and on the Eastern side along Lot #18 fifty-eight and five-tenths (58.5) feet.

UNDER AND SUBJECT to all conditions, covenants and restrictions as of record.

TITLE TO SAID PREMISES IS VESTED IN Caleb P. Oliver and Jana Oliver, h/w, by Deed from David F. Stenack and Kathleen M. Stenack, h/w, dated 12/24/2005, recorded 01/06/2006 in Book 2006-1, Page 7474.

BEING KNOWN AS 3802 Redbud Drive, Northampton, PA 18067.

TAX PARCEL NUMBER: J3SE3 5 1 0516.

THEREON BEING ERECTED a split-level single style dwelling with wood exterior and shingle roof; attached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Caleb P. Oliver and Jana Oliver.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

**No. 62**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-07762**

ALL THAT CERTAIN tract or parcel of land situate at the Northwesterly corner of the intersection of Township Road 575 known as Jacksonville Road and Township Road 431 known as Macada Road in the Township of Hanover, County of Northampton and Commonwealth of Pennsylvania, in accordance with a boundary survey by Keystone Consulting Engineers, Inc., of Bethlehem, Pennsylvania, on June 10, 1987, last revised 7/12/2004 and recorded 9/14/2004 in Map Book 2004-5, Page 580, as follows to wit:

BEING Lot #20.

TITLE TO SAID PREMISES IS VESTED IN THOMAS BLAIR AND JOY L. BLAIR, HUSBAND AND WIFE deeded by NVR, INC., A VIRGINIA CORPORATION TRADING AS RYAN HOMES, dated 3/31/06, recorded 4/19/06, in book 2006-1, page 154109.

BEING KNOWN AS 1385 Ciara Drive, Bethlehem, PA 18017.

TAX PARCEL NUMBER: N6 22 1-20 0214.

THEREON BEING ERECTED a colonial single style dwelling with vinyl siding and shingle roof; attached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Thomas Blair and Joy L. Blair.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

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**No. 63**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-09112**

ALL THAT CERTAIN eastern half of all that certain frame messuage and lot or piece of land situate on the South side of Ferry Street in the City of Easton County of Northampton and State of Pennsylvania known as No. 1022 Ferry Street, and bounded as described as follows, to wit:

BEGINNING at a point in the South line of said Ferry Street, 40 feet east of Warren Street; thence extending Eastward 20 feet of land now or late of George F.P. Young; thence South along land now or late of George F. P. Young 129 feet 6 inches to land now or late of Granville Hollenbach; thence West along land now or late of Granville Hollenbach land now or late of Nellie Heck 20 feet; thence Northward along the same 129 1/2 feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Yanet De Los Angeles, by Deed from Jose Luis De Los Angeles and Leodan De Los Angeles, dated 06/14/2005, recorded 07/15/2005 in Book 2005-1, Page 264713.

BEING KNOWN AS 1022 Ferry Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SE1D 9 3 0310.

THEREON BEING ERECTED a two-story half-of-double style dwelling with aluminum siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Yanet De Los Angeles.

ANDREW J. MARLEY, ESQUIRE

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**No. 64**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2012-02508**

ALL THAT CERTAIN lot or piece of ground situate in the Township of Plainfield, County of Northampton County, Pennsylvania, bounded and described as follows:

Beginning at a point in the public road leading from Easton to Wind Gap, thence along land now or late of Jacob Itterly, South sixty-six and one-half degrees West ten perches to an iron pin; thence by lands now or late of Edwin N. Clewell, south twenty-eight and one-half degrees West four and four-tenths perches to a stone; thence by land now or late of Jonathan Stern, North seventy-five degrees East thirteen and seven-tenths perches to an iron pin in said public road and along lands now or late of Slate Belt Traction Co., North forty-eight degrees West sixty-eight feet eight inches to the place of beginning.

UNDER AND SUBJECT to all conditions, covenants and restrictions as of record.

TITLE TO SAID PREMISES IS VESTED IN Robert D. Ebner, by Deed from 5665 Sullivan Trail Land Trust, dated 06/27/2007, recorded 07/05/2007 in Book 2007-1, Page 247387.

BEING KNOWN AS 5665 Sullivan Trail, Nazareth, PA 18064.

TAX PARCEL NUMBER: H8SE4 2 5 0626.

THEREON BEING ERECTED a single style dwelling.

SEIZED AND TAKEN into execution of the writ as the property of Robert D. Ebner.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

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**No. 65**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-11991**

Tract No. 1

ALL THAT CERTAIN message, tenement and tract or piece of land, situate in the Township of Upper Nazareth, in the County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stake located sixty (60) feet from the western right-of-way of Delaware, Lackawanna and Western Railroad Company, and sixteen and one-half (16-1/2) feet from the center line of the Public Highway leading from Nazareth to Bath; thence along the south side of said Highway, North seventy-three (73) degrees West seventy-five (75) feet to a stake; thence along land now or late of D.E. Reinert, of which this was a part, the three following courses and distances, to wit: South seventeen (17) degrees West Two Hundred (200) feet to a stake; South Seventy-three (73) degrees East Seventy-five (75) feet (formerly incorrectly stated as seventy) to a stake and North Seventeen (17) degrees East Two Hundred (200) feet to the place of BEGINNING.

CONTAINING 15,000 square feet.

Tract No. 2

ALL THAT CERTAIN tract, piece or parcel of land in Upper Nazareth Township, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin, located 128.5 feet west from a concrete marker along the western right-of-way of the Lehigh and New England Railroad Company, with the said pin being sixteen and one-half (16-1/2) feet from the center line of the Public Highway leading from Nazareth to Bath; thence along the south side of said Highway North 73 degrees West 60 feet to a stake, thence along property now or late of Raymond Reinert and Gwendolyn Reinert, South 17 degrees West 200 feet to a stake, thence along property now or late of Danile Reinert, South 73 degrees East 89 feet to a stake, thence along property of now or late of Penna-Dixie Cement Corp., formerly Delaware, Lackawanna and Western Railroad Company, North 8 degrees East (improperly stated as West in prior descriptions) 202 feet to the place of BEGINNING.

CONTAINING 13,450 square feet.  
BEING KNOWN AS 3125 BATH PIKE, NAZARETH, PA 18064-8944.

BEING PARCEL NO. K6-10-3.

BEING the same premises which Elsie V. Bult f/k/a Elsie V. Fry granted and conveyed unto James S. Glaze and Wanda E. Glaze by Deed dated April 21, 1995 and recorded April 24, 1995 in the Office of the Recorder of Deeds of Northampton County, Pennsylvania in Deed Book 1995 Page 1-034128.

BEING KNOWN AS 3125 Bath Pike, Nazareth, PA 18064.

TAX PARCEL NUMBER: K6 10 3 0432.

THEREON BEING ERECTED a cape cod single style dwelling with shingle roof; attached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of James S. Glaze and Wanda E. Glaze.

CRAIG OPPENHEIMER, ESQUIRE

**No. 66**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-10675**

ALL THOSE CERTAIN lots or pieces of land with improvements thereon known as Lot Numbers 34, 35 and 36, Section V, Three Mile Boating Association, Inc., situate in the Township of Lehigh, County of Northampton, and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin located in the southerly boundary line of land now or formerly of the Central Railroad of New Jersey; said iron pin also marking the most northeasterly corner of Lot Number 33; said iron pin being located the following three (3) courses from a stone monument marking station number 1542+58.62 of the monumented centerline of said land now or formerly of the Central Railroad of New Jersey, namely: (1) South fifty-seven (57) degrees, twenty-two (22) minutes, fifty (50) seconds West, a distance of forty-nine and ninety hundredths (49.90) feet to a point located in the aforesaid southerly boundary line of land now or formerly of the Central Railroad of New Jersey; (2) along the arc of a curve to the left, having a radius of two thousand seventy-two and thirty-one hundredths (2072.31) feet, an arc length of nine hundred twenty-five and twenty-one hundredths (925.21) feet, and a chord having a bearing of South forty-five (45) degrees, twenty-four (24) minutes, forty (40) seconds East, a distance of nine hundred seventeen and fifty-three hundredths (917.53) feet to a point of compound curvature; (3) along the arc a curve to the left having a radius of two thousand six hundred fifteen and fifty-five hundredths (2615.55) feet,

an arc length of nine hundred sixty-four and seventy-five hundredths (964.75) feet, and a chord having a bearing of South sixty-eight (68) degrees, forty-five (45) minutes, twenty (20) seconds East, a distance of nine hundred fifty-eight and ninety-three hundredths (958.93) feet to said iron pin; thence from said iron pin marking the point of beginning, extending along the said southerly boundary line of land now or formerly of the Central Railroad of New Jersey, the following three courses, namely: (1) along the arc of a curve to the left, having a radius of two thousand six hundred fifteen and fifty-five hundredths (2615.55) feet, an arc length of one hundred five and twenty-nine hundredths (105.29) feet, and a chord having a bearing of South eighty (80) degrees, twenty-eight (28) minutes, thirty-three (33) seconds East, a distance of one hundred five and twenty-eight hundredths (105.28) feet to an iron pin; (2) North no (00) degrees fifty-nine (59) minutes, thirty (30) seconds East, a distance of sixteen and twelve hundredths (16.12) feet to an iron pin; and (3) along the arc of a curve to the left, having a radius of two thousand five hundred ninety-nine and fifty-five hundredths (2599.55) feet, an arc length of forty-four and sixty-eight hundredths (44.68) feet, and a chord having a bearing of South eighty-two (82) degrees, eight (08) minutes, thirty-six (36) seconds East, a distance of forty-four and sixty-eight hundredths (44.68) feet to an iron pin marking a corner of Lot Number 37; thence extending along said Lot Number 37, South one (01) degree, twenty-three (23) minutes, no (00) seconds, East, a distance of two hundred ninety and fifty-eight hundredths (290.58) feet to an iron



pin located in the northerly boundary line of a twenty (20) foot wide "Tow Path" of the Three Mile Boating Association, Inc.; thence extending along the said northerly boundary line of the twenty (20) foot wide "Tow Path" of the Three Mile Boating Association, Inc., South eighty-eight (88) degrees, twelve (12) minutes, no (00) seconds, West, a distance of one hundred fifty and no hundredths (150.00) feet to an iron pin marking a corner of Lot Number 33; thence extending along said Lot Number 33 North one (01) degree, two (02) minutes, no (00) seconds West, a distance of three hundred two and sixty-seven hundredths (302.67) feet to the place of BEGINNING.

CONTAINING 43,632.96 square feet of area.

Said lot Numbers 34, 35 and 36 being the same as shown on "Survey Plan-Section V-Three Mile Boating Association, Inc." dated July 15, 1972 prepared by Thomas Mynter Edelman, R.S.

UNDER AND SUBJECT to restrictions that appear of record.

NORTHAMPTON COUNTY TAX PARCEL IDENTIFIER: K2-8-8H.

Being known as 4507 Lower Three Mile Lane, Walnutport, PA 18088.

BEING THE SAME PREMISES which Thomas H. Smith and Wendy L. Smith, husband and wife, by their deed dated 10/27/99, and recorded 10/29/99, in the Office of the Recorder of Deeds for the County of Northampton, in Deed Book 1999-1, at Page 162461, granted and conveyed unto Thomas H. Smith and Wendy L. Smith, husband and wife.

BEING KNOWN AS 4507 Lower Three Mile Lane, Walnutport, PA 18088.

TAX PARCEL NUMBER: K2 8 8H 0516.

THEREON BEING ERECTED a ranch single style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Thomas Henry Smith and Wendy L. Smith.

THOMAS M. FEDERMAN,  
ESQUIRE

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**No. 67**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-07655**

ALL THAT CERTAIN lot or piece of ground, situate in the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, described in accordance with a plan of Pennway Estates, Phase I made by Ludgate Engineering Corporation dated August 19, 1988, last revised December 20, 1988 and by plan recorded in the Recorder of Deeds Office of Northampton County on April 4, 1989 in Map Book 89, Page 120, as follows to wit:

BEGINNING at a point on the easterly side of Hodle Avenue (50.00 feet wide), said point being a common corner of Lots Nos. 82 and 83 on the aforesaid plan, thence extending from said point of beginning northwesterly along the easterly side of Hodle Avenue on the arc of a circle curving to the right having a radius of 1975.00 feet, the arc distance on 82.02 feet to a point; thence extending South 75 degrees 22 minutes 40 seconds East along line of lands now or late of Bethlehem Township, thence extending southwestwardly along lands now or late of Bethlehem Township on the arc of a circle curving to the left having a radius of 1940.08 feet the arc distance of 77.44 feet to a point; thence extending North 77 degrees 47 minutes 00 seconds West along line of Lot No. 82 on said

plan 130.00 feet to the first mentioned point and place of beginning.

Containing in area 10,500 square feet.

Being Lot No. 83 as shown on the above mentioned plan.

BEING the same premises which James T. Alercia and Monica M. Jacoby now known as Monica M. Alercia by deed dated 10/21/2002 and recorded 11/4/2002 in the County of Northampton in Record Book Volume 2002-1 page 304564, conveyed unto James T. Alercia and Monica M. Alercia, in fee.

BEING NO. 2938 HODLE AVENUE.

TAX PARCEL #M8SE1-23-5.

BEING KNOWN AS: 2938 Hodle Avenue, Easton, PA 18045.

PROPERTY ID NO.: M8SE1-23-5.

TITLE TO SAID PREMISES IS VESTED IN Barbara Pinkowski and Joseph J. Pinkowski by Deed from Barbara Pinkowski Dated 02/15/06 Recorded 03/15/06 in Deed Book 2006-1 Page 103852.

BEING KNOWN AS 2938 Hodle Avenue, Easton, PA 18045.

TAX PARCEL NUMBER: M8SE1 23 5 0205.

THEREON BEING ERECTED a two-story single style dwelling with vinyl siding and shingle roof; attached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Barbara Pinkowski and Joseph J. Pinkowski.

HARRY B. REESE, ESQUIRE

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**No. 68**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2012-03057**

All that certain lot or piece of ground situate on the south side of Lehigh Street, in the City of Easton, NORTHAMPTON County, Pennsylva-

nia, bounded and described as follows;

Beginning at a point on the south side of said Lehigh Street, forty-six feet and eight inches (46 feet 08 inches) west of the southeast corner of Lehigh and Fifteenth Streets; thence extending eastwardly along south side of said Lehigh Street eighteen (18 feet) more less, to land now or late of George E. Siegfried; thence extending southwardly along other land now or late of George E. Siegfried a distance of one hundred feet (100 feet) to a ten-foot wide private alley; thence extending westwardly along said private alley seventeen feet and six inches (17 feet 6 inches), more or less, to land now or late of Charles E. Snyder one hundred feet (100 feet) to a point on the south side of said Lehigh Street, the place of beginning; the middle of the partition wall to be the dividing line between this lot and the other lot directly adjoining on the east.

Bounded on the north by said Lehigh Street, on the east by land now or late at George E. Siegfried, on the south by said ten-foot wide private alley, and on the west by land now or late of Charles E. Snyder being know as No. 1450 Lehigh Street, Easton, Pennsylvania.

TITLE TO SAID PREMISES IS VESTED IN Terry L. Haggerty, by Deed from Robert W. Pierce, Sr. and Terry L. Pierce, aka, Terry L. Haggerty, dated 08/18/2005, recorded 10/24/2005 in Book 2005-I, Page 419457.

BEING KNOWN AS 1450 Lehigh Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SW2C 21 2 0310.

THEREON BEING ERECTED a two-story half-of-double style dwelling with brick exterior and slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Terry L. Haggerty.

JOHN MICHAEL KOLESNICK,  
ESQUIRE

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**No. 69**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-02935**

TRACT NO. 1: ALL THAT CERTAIN messuage, tenement and lot or piece of ground situate in the City of Easton, County of Northampton and State of Pennsylvania BOUNDED AND DESCRIBED as follows:

BEGINNING at a point sixty-one (61 feet) feet, more or less, south of the southeast corner of Pearl and North Eighth Streets; thence, south along the east side of said North Eighth Street Twenty (20 feet) feet and of that same width extending eastwardly Ninety (90 feet) feet.

TRACT NO. II: ALL THAT CERTAIN parcel or strip of land situate in the City of Easton, aforesaid, BOUNDED AND DESCRIBED as follows, to wit:

BEGINNING at the northeast corner of Lots now or formerly of Alexander E. Miller distant Sixty (60 feet) feet from the south building line of Pearl Street; thence, along the said other lot now or formerly of Alexander E. Miller south Twenty (20) feet to other land now or formerly of Josephine Francisco; thence, east along the same Three (3 feet) feet to lot now or formerly of Arvilla Miller; thence, north along the same Twenty (20 feet) feet to land now or formerly conveyed to Isabella Phillips; thence, west along the same Three (3 feet) feet to the place of beginning.

UNDER AND SUBJECT, NEVERTHELESS, to all reservations, restrictions, covenants, conditions, easements, leases and rights of way appearing of record.

TITLE TO SAID PREMISES IS VESTED IN Greenberg H. Lemus, a married person, his heirs and Assigns DEEDED BY John A. Laubach and Camille L. Laubach, Husband and Wife, dated 11/22/96, recorded 07/21/97, in book 1997-1, page 076280, instrument# 1997025496.

BEING KNOWN AS 33 North 8th Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SE1B 8 28 0310.

THEREON BEING ERECTED a two-story half-of-double style dwelling with wood exterior and slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Greenberg H. Lemus.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

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**No. 70**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-00088**

ALL THAT CERTAIN lot or piece of land, with improvements thereon erected, known as 123 South Mulberry Street, situate in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the westerly building line of Mulberry Street at a distance of 30.92 feet southwardly by the said building line from the southwesterly corner of Mulberry Street and an alley of the width of 10.0 feet; thence extending in a southerly direction by the westerly building line of Mulberry Street a distance of 15.5 feet to a point; thence extending in a westerly direction parallel to the line of the said alley, by lot now or late of Anthony F. and Rose A. DeVita, a distance of 68.0 feet to a point; thence extending in a northerly direction parallel to Mulberry Street, by land of Leah L. Hilburn, a distance

of 15.5 feet to a point; thence extending in an easterly direction parallel to the line of the said alley by land now or late of Leah L. Hilburn, and passing through the partition wall between the houses known as No. 121 and No. 123 South Mulberry Street, a distance of 68.00 feet to a point, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Jodi Albanese, by Deed from Legacy Ministries, Inc., a New Jersey Corporation, dated 02/29/2008, recorded 03/04/2008 in Book 2008-1, Page 57688.

BEING KNOWN AS 123 South Mulberry Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SE1C 2 13 0310.

THEREON BEING ERECTED a two-story row home style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Jodi Albanese.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

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**No. 71**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-07329**

ALL THAT CERTAIN messuage or tenement and tract of land situate in the Borough of Portland, in the County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin on the East side of the public road leading from Portland to Stroudsburg; thence by the land of George W. Lamb South 59 1/2 degrees West 100 feet to an iron pin in the middle of a private alley, thence through the middle of said alley North 78 1/2 degrees West 29 feet to an iron pin in the middle of said alley and at its termination; thence by said lot of George W. Lamb,

North 11 degrees West 42 feet to fence post of John Lamb's lot; thence by said John Lamb's lot North 83 degrees East 23 1/2 feet to end of stone wall; thence along said stone wall South 17 degrees East 5 1/3 feet to the end of said wall; thence North 66 degrees East 91 feet to an iron pin on the East side of said public road; thence along the East side of said public road South 28 1/2 degrees East 35 feet to the place of BEGINNING.

BEING KNOWN AND DESIGNATED AS 527 DELAWARE AVENUE HAVING ERECTED THEREON A RESIDENTIAL DWELLING HOUSE.

IT BEING THE SAME PREMISES that Federal Home Loan Mortgage Corporation by Prudential Residential Services Limited Partnership, its Attorney-in-Fact, by Prudential Homes Corporation, its General Partner, did convey unto John Paul Neira and Paula S. Neira, by deed dated February 20, 1996, and recorded in the Office of the Recorder of Deeds in and for the County of Northampton, at Easton, Pennsylvania, on April 1, 1996, at Volume 1996-1, page 028356, Grantors herein.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: Map: B11SE3C Block: 6 Lot: 2.

ALL THE RIGHT to use of aforesaid alley and water rights as set forth in Articles of Agreement dated 3/2/83 and recorded in the Office for the Recording of Deeds, in and for the County of Northampton, at Easton, Pennsylvania, in Book of Miscellaneous No. 19, page 42.

THIS IS A TRANSFER pursuant to equitable distribution in divorce and is therefore exempt from transfer tax. Specifically, this transfer is pursuant to the divorce action in Northampton

County captioned: Paula Neira vs. John P. Neira, at No. C0048 CV 2002 3390.

BEING KNOWN AS 527 Delaware Avenue, Portland, PA 18351.

TAX PARCEL NUMBER: B11SE3 C 6 2 0127.

THEREON BEING ERECTED a colonial single style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Paula S. Neira.

HARRY B. REESE, ESQUIRE

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**No. 72**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-03362**

ALL THAT CERTAIN lot or parcel of land SITUATE on the Northeast corner of the intersection of Redwood Drive and William Penn Highway (S.R. 2020) in the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point of curvature on the Easterly right of way line of Redwood Drive (a 50 feet wide street), said point being a corner in common with Lot No. 15 of Emerald Hills, Phase 5 and 6; thence along lands of Lot No. 15, North 77 degrees 3 minutes 14 seconds East, 147.49 feet to a point in line of lands now or formerly of Pennsylvania Power and Light Company; thence along said Pennsylvania Power and Light Company lands, South 6 degrees 28 minutes 24 seconds West 114.26 feet to a concrete monument at the Northerly ultimate right of way line of William Penn Highway (S.R. 2020); thence along the Northerly ultimate right of way line of William Penn Highway, parallel to a 40 feet distant from the centerline thereof, South 77

degrees 3 minutes 14 seconds West, 69.50 feet to a point of curvature; thence along a curve to the right, having a radius of 40 feet, a central angle of 90 degrees 00 minutes 00 seconds, an arc length of 62.73 feet to a point of tangency on the Easterly right of way line of the aforementioned Redwood Drive; thence along the Easterly right of way line of Redwood Drive, parallel to and 25 feet distant from the centerline thereof, North 12 degrees 56 minutes 46 seconds West 67.76 feet to the place of beginning.

CONTAINING 13,503 square feet of 0.3100 acres of land, more or less.

TITLE TO SAID PREMISES IS VESTED IN Ronald P. Bernhardt and Susan R. Bernhardt, h/w, by Deed from Stephanie A. Tyrell and Dean A. Tyrell, h/w, dated 08/31/2006, recorded 09/13/2006 in Book 2006-1, Page 376691.

BEING KNOWN AS 4023 Redwood Drive, Bethlehem, PA 18020.

TAX PARCEL NUMBER: M7SE1 9 22 0205.

THEREON BEING ERECTED a two-story single style dwelling with vinyl and brick exterior and shingle roof; attached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Ronald P. Bernhardt and Susan R. Bernhardt.

JOHN MICHAEL KOLESNIK,  
ESQUIRE

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**No. 73**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-01175**

ALL THAT CERTAIN lot or piece of land with the western one-half (1/2) of a double dwelling house erected thereon and situate on the north side of Forest Street (formerly Cedar Street), in the Borough of Wilson, County of Northampton and State of

Pennsylvania, bounded and described as follows, to-wit:

Beginning at a point in the north line of said Forest Street at a distance of sixty-two (62') feet six (6") inches westward from the northwest corner of Forest Street and Twenty-Fourth Street (formerly Kemmerer Street), thence extending westwardly along the north line of said Forest Street a distance of seventeen (17') feet six (6") inches and extending of that same width northwardly one hundred twenty (120') feet in depth of a ten (10') feet wide alley; bounded on the north by said alley, on the south by said Forest Street, on the east by the remaining one-half (1/2) of said double house, property now or late of Hayward E.H. Daws and on the west by property now or late of Frank McGinley; the eastern boundary line of these premises passing through the middle of the partition wall between said double house.

TITLE TO SAID PREMISES IS VESTED IN EARL P. XANDER III, SINGLE, AS SOLE OWNER BY DEED FROM TAMMY M. McLEANE, SINGLE DATED 05/31/2005 RECORDED 06/03/2005 IN DEED BOOK 2005-1 PAGE 207358.

BEING KNOWN AS 2407 Forest Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SW4C 1 14 0837.

THEREON BEING ERECTED a two story half-of-double style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Alice Xander and Earl P. Xander III.

SALVATORE CAROLLO, ESQUIRE

**No. 74**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-10119**

Also known as Northampton County Uniform Parcel Identifier: P7

9 1 0204 for purposes of compliance with Northampton County Ordinance No. 159-L989.

ALL THAT CERTAIN message or tenement and tract or piece of land situate on the north side of Applebutter Road in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin in the centerline of Applebutter Road, said point being also the southwest corner of land now or late of Fairmont Real Estate Company; thence by said last mentioned land the following two courses and distances: North 79 degrees 46 minutes East 169.7 feet to a stake; and North 02 degrees 28 minutes West 408.73 feet to a post; thence through lands of the company, the following three courses and distances; North 83 degrees 09 minutes East 226.17 feet to post; South 48 degrees 14 minutes East 640.54 feet, more or less, to an iron pin; and South 05 degrees 09 minutes East 5.3 feet to an iron pin; thence through lands of the company and along land now or late of Clark Sarson, South 82 degrees 57 minutes West 226.69 feet to a post, the northwest corner of lands now or late of Clark Sarson; thence South 03 degrees 15 minutes East 159.62 feet to an iron pin in the centerline of said Applebutter Road; thence along the centerline of said road the following four courses and distances: South 73 degrees 46 minutes West 384.2 feet to an iron pin; South 83 degrees West 91.45 feet to an iron pin; North 48 degrees 18 minutes West 77.8 feet to an iron pin; and North 29 degrees 53 minutes West 227.94 feet to the place of beginning.



EXCEPTING thereout and therefrom: land conveyed unto Photis Kartsotis and Pauline Kartsotis, his wife, by deed dated March 23, 1942 and recorded in Deed Book Volume B73, Page 329; land conveyed unto Photis Kartsotis and Pauline Kartsotis, his wife, by deed dated July 27, 1944 and recorded in Deed Book Volume G75, Page 364; land conveyed to Norman G. Fackenthall and Ruth V. Fackenthall his wife, by Deed dated July 7, 1961 and recorded in Deed Book Volume 153, Page 194; and land conveyed unto Charles J. Szy and Mary M. Szy, his wife, by Deed dated August 3, 1976 and recorded in Deed Book Volume 551, Page 49.

PARCEL # P7 9 1 0204.

Also being known as 1104 Applebutter Road, Bethlehem, PA, 18015-9599.

BEING the same premises which Jean Harrison and Dorothy Heckman, by deed dated June 18, 2004 and recorded June 29, 2004 in and for Northampton County, Pennsylvania, in Deed Book Volume 2004-1, Page 250424, granted and conveyed unto Eric M. Ortwein and Tammy M. Ortwein, husband and wife.

BEING KNOWN AS 1104 Applebutter Road, Bethlehem, PA 18015.

TAX PARCEL NUMBER: P7 9 1 0204.

THEREON BEING ERECTED a colonial single style dwelling with stone and stucco exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Eric M. Ortwein and Tammy M. Ortwein.

SCOTT A. DIETTERICK, ESQUIRE

**No. 75**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-08092**

Also known as Northampton County Uniform Parcel Identifier:

P6SW3D 3 1C 0719 for purposes of compliance with Northampton County Ordinance No. 159-L989.

ALL THAT CERTAIN messuage and tract, parcel or piece of ground situate on the south side of Moravia Street, Lower Saucon Township, County of Northampton and State of Pennsylvania., being Lot #2 on a plan of lots of "Ronca Heights" and being bounded and described as follows, to wit:

BEGINNING at a point in the south street line of Moravia Street, said point being North twenty-eight degrees thirty-three minutes three seconds East (N 28° 33' 03" E) thirty seven and sixteen one-hundredths (37.16') feet from the intersection of the east street line of Benner Avenue and the south street line of Moravia Street; thence in and along said south street line, North twenty-eight degrees thirty-three minutes three seconds East (N 28° 33' 03" E), South sixty-one degrees twenty-six minutes fifty-seven seconds East (S 61° 26' 57" E) one hundred ten (110') feet to a point on the north side of a proposed twenty (20') feet wide alley, as laid out on a plan of lots by Henry Heppner, dated February 5, 1912, revised May 22, 1929; thence in and along said north alley line, South twenty-eight degrees thirty-three minutes three seconds West (S 28° 33' 03" W) fifty (50) feet to a point; thence along the east line of Lot #1, North sixty-one degrees twenty-six minutes fifty-seven seconds West (N 61° 26' 57" W) one hundred ten (110') feet, to a point, the place of beginning. Said map of Ronca Heights being recorded at Easton in Map Book 14, Page 15.

PARCEL # P6SW3D 3 1C 0719.

ALSO BEING KNOWN AS 965 MORAVIA STREET, BETHLEHEM, PA, 18015.

BEING The same premises which Donna M. Kidulic, executrix, under the last will and testament of Donald J. Takach, late, by deed dated March 28, 2008 and recorded April 2, 2008 in and for Northampton County, Pennsylvania, in Deed Book Volume 2008-1, page 92600, granted and conveyed unto Ryan M. Santee and Marisol Santee, married.

BEING KNOWN AS 965 Moravia Street, Bethlehem, PA 18015.

TAX PARCEL NUMBER: P6SW3D 3 1C 0719.

THEREON BEING ERECTED a two-story single style dwelling with brick exterior and shingle roof; attached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Ryan M. Santee and Marisol Santee.

SCOTT A. DIETTERICK, ESQUIRE

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**No. 76**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-03818**

ALL THOSE TWO ADJOINING lots or pieces of ground situate in the Borough of Northampton (formerly Borough of Alliance) in Northampton County, Pennsylvania.

PURPART NO. 1. CONTAINS ALL THAT CERTAIN two story frame building situate at the southwest corner of Ninth Street (formerly Stern Street) and Washington Avenue (formerly Second Street) in the said Borough of Northampton, bounded and described as follows:

BEGINNING at a point a corner of Ninth Street and Washington Avenue; thence along said Washington Avenue, South 24 degrees East 25.00 feet to a point in line of Purpart No. 2; thence along said Purpart No. 2, South 64 degrees West 150.00 feet to

a stake on an alley 20.00 feet wide; thence along said alley North 24 degrees West 25.00 feet to a stake on Ninth Street; thence along said Ninth Street, North 64 degrees East 150.00 feet to the place of beginning.

PURPART NO. 2. CONTAINS ALL THAT CERTAIN lot or piece of ground situate in the said Borough of Northampton, bounded and described as follows:

BEGINNING at a point on the West side of Washington Avenue and in line of Purpart No. 1; thence along said Washington Avenue in a southerly direction 23.00 feet to a point in line of lot now or late Eliza Stem; thence in a westerly direction along the last mentioned lot 150.00 feet, more or less, to an alley 20.00 feet side; thence in a northerly direction along said alley 23.00 feet to a point in line of Purpart No.1; thence along Purpart No.1 in an easterly direction 150.00 feet, more or less, to the point or place of beginning.

Improvements consist of a two story mixed use building with vinyl siding and wood exterior walls, with commercial space on the ground floor and two apartment units.

BEING KNOWN AS 854 WASHINGTON AVENUE, NORTHAMPTON, PA 18067.

TAX PARCEL NUMBER: M4NW3B 4 1 0522.

BEING THE SAME PREMISES Ken Becker, conveyed to Markowitz Land Holdings, LLC, by its Deed dated December 19, 2006, and recorded on December 27, 2006, at Deed Book 2006-1, Page 532540.

BEING KNOWN AS 854 Washington Avenue, Northampton, PA 18067.

TAX PARCEL NUMBER: M4NW3B 4 1 0522.

THEREON BEING ERECTED an A-Frame single style residential and

commercial use building with vinyl and wood exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Markowitz Land Holdings, LLC and Northampton Sidelines Bar & Grill.

JACK M. SEITZ, ESQUIRE

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**No. 77**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10411**

Also known as Northampton County Uniform Parcel Identifier: L9SW3A 4 4 0837 for purposes of compliance with Northampton County Ordinance No. 159-L989.

ALL THAT CERTAIN message and lot of land known as No. 1632 situated on the south side of Washington Street in the Township of Wilson, now the borough of Wilson, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

Containing in front on said Washington Street, 20 feet, more or less, and extending southwardly of that same width in depth 130 feet, more or less, to a 12 foot wide alley.

Bounded on the north by said Washington Street, on the east by property now or late of John Neumeyer, on the south by said 12 foot wide alley and on the west by property now or late of Robert E. Smith and Elizabeth Smith, his wife.

PARCEL # L9SW3A 4 4 0837.

Also being known as 1632 Washington Street, Easton, PA, 18042-4751.

Being the same premises which Joseph C. Bobinis and Christina A. Bobinis, husband and wife, by deed dated October 31, 2006 and recorded February 5, 2007 in and for Northampton County, Pennsylvania, in Deed Book Volume 2007-1, Page

49392, granted and conveyed unto Roberto Carlos Cruz and Jessica L. Cruz, husband and wife.

BEING KNOWN AS 1632 Washington Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SW3A 4 4 0837

THEREON BEING ERECTED a two-story half-of-double style dwelling with brick exterior and shingle roof; one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Jessica L. Cruz and Roberto Carlos Cruz.

SCOTT A. DIETTERICK, ESQUIRE

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**No. 78**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-12082**

Also known as Northampton County Uniform Parcel Identifier: K9 1 1-85B 0324 for purposes of compliance with Northampton County Ordinance No. 159-L989.

ALL THAT CERTAIN parcel of land known as Lot No. T3-85 located in Palmer Township, Northampton County, Commonwealth of Pennsylvania, as shown on a plan entitled "The Villages at Mill Race Record Plan Phase III" prepared by Harte Engineering, Inc., recorded September 17, 2004, in Northampton County Map Book Volume 2004-5, Pages 613, et seq., bounded and described as follows:

BEGINNING at a point on the westerly right-of-way line of Willow Drive, said point being in line with the lands known as Lot T3-86 of the villages at Mill Race, Phase Three; thence,

Along said Lot T3-86, South 81 11" 20" West 100.00 feet to a point; thence,

Along the lands known as Lots T3-67 T3-68 and T3-69 of the villages

at Mill Race, Phase Three, North 08° 48' 40" West 42.00 feet to a point; thence

Along the lands known as Lot T3-84 of the villages at Mill Race, Phase Three, North 81° 11' 20" East 100.00 feet to a point; thence,

Along the westerly right-of-way line of Willow Drive, South 08° 48' 40" East 42.00 feet to the point of Beginning.

CONTAINING: 4,200 sq. ft. or 0.0964 acres.

PARCEL # K9 1 1-85B 0324.

Also being known as 142 Willow Drive, Easton, PA, 18045.

BEING the same premises which CMC Development Corporation, a Pennsylvania Corporation, by deed dated November 14, 2005 and recorded November 14, 2005 in and for Northampton County, Pennsylvania, in Deed Book Volume 2005-1, Page 453521, granted and conveyed unto Brooks Bateson and Trina Bateson, husband and wife.

BEING KNOWN AS 142 Willow Drive, Easton, PA 18045.

TAX PARCEL NUMBER: K9 1 1-85B 0324

THEREON BEING ERECTED a colonial townhouse style dwelling with vinyl siding and shingle roof; attached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Brooks Bateson and Trina Bateson.

SCOTT A. DIETTERICK, ESQUIRE

**No. 79**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2012-00549**

Also known as Northampton County Uniform Parcel Identifier: E9NE3A 7 1 0102 for purposes of compliance with Northampton County Ordinance No. 159-L989.

ALL THAT CERTAIN lot or piece of ground situate in Bangor Borough, County of Northampton, Commonwealth of Pennsylvania, being known as Nos. 16-18 North Miller Street, and being described in accordance with a map and survey by David Owen Fritchard, Registered Professional Engineer, dated June 1953, as follows:

BEGINNING at a point, the southwestern corner of Miller Avenue and a 15 feet wide alley that separates the within premises from land now or late of Delaware Lackawanna and Western Railroad Co.; thence South 71 degrees 38 minutes East 48 feet to a point in the western side of a 14 feet wide alley; thence along the western side of said alley South 16 degrees 30 minutes West 93.7 feet to a point in the north side of a 10 feet wide alley; thence along the north side of said alley, North 73 degrees 72 minutes West 48 feet to a point in the eastern side of the aforesaid 15 feet wide alley; thence along the eastern side of said alley North 16 degrees 35 minutes East 95.88 feet to the point of beginning.

EXCEPTING and reserving therefrom and thereout: All that certain lot, piece or parcel of land situate in the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, shown as Lot No. 1 on a plan of the Sullivan Subdivision, drawing 88C1944, as prepared by Joseph E. Policelli, Registered Surveyor, recorded in the Office of the Recording of Deeds in and for Northampton County at Easton, Pennsylvania, in Plan Book 89 at Page 281, bounded and described as follows:

BEGINNING at an iron pipe at the intersection of the north side of Mill Avenue, also known as Miller Avenue,

and also known as Mill Street, and the easterly line of a 15 feet wide alley; thence along said Mill Avenue South 71 degrees 38 minutes 00 seconds East, 22.94 feet to a point; thence along the middle of the partition was of the duplex frame dwelling, situated on Lots 1 and 2, South 18 degrees 09 minutes 41 seconds West, 47.15 feet to an iron pipe; thence along said Lot No.2 South 13 degrees 39 minutes 18 seconds West, 47.39 feet to an iron pipe on the northerly side of a 10 feet wide alley; thence along said alley, North 73 degrees 22 minutes 00 seconds West, 24.00 feet to an iron pipe on the easterly side of the 15 feet wide alley, above mentioned; thence along said alley, North 16 degrees 33 minutes 08 seconds East, 95.15 feet to the place of beginning.

BEING the same premises which Kenneth James VanHorn, by deed dated October 28, 2009 and recorded November 23, 2009 in and for Northampton County, Pennsylvania, in Deed Book Volume 2009-1, Page 292376, granted and conveyed unto Joan Amy.

BEING KNOWN AS 16 Mill Avenue, Bangor, PA 18013.

TAX PARCEL NUMBER: E9NE3A 7 1 0102.

THEREON BEING ERECTED a two-story half-of-double style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Joan Amy.

SCOTT A. DIETTERICK, ESQUIRE

**No. 80  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-12361**

Also known as Northampton County Uniform Parcel Identifier: M5NW2 7 14 0508 for purposes of

compliance with Northampton County Ordinance No. 159-L989.

ALL THAT CERTAIN lot or piece of ground with improvements thereon situate in the Township of East Allen, County of Northampton and Commonwealth of Pennsylvania, designated as Lot No. 14 Block E, Monocacy Drive, Colony Farms, according to plan or map entitled "East Allen Manor, Section III," prepared by Samuel F. Shireman, P.E. dated January 15, 1968 and recorded March 21, 1968 in Plan Book 24, Page 5, Northampton County Records, bounded and described as follows:

BEGINNING at a point in the northerly property line of Monocacy Drive (50 feet right of way), said point also being the southwesterly corner of this tract; thence North 9 degrees 24 minutes 25 seconds East along the line dividing Lots #14 and #15 (172.59 feet) to a point; thence South 80 degrees 35 minutes 35 seconds East along the line dividing Lots #14 and #7 (100.00 feet) to a point; thence South 9 degrees 24 minutes 25 seconds West along the line dividing Lots #14 and #13 (172.59 feet) to a point; thence North 80 degrees 35 minutes 35 seconds West along the northerly property line of Monocacy Drive and Lot #14 (100.00 feet) to a point; the place of beginning.

PARCEL # M5NW2 7 14 0508.

Also being known as 5496 Monocacy Drive, Bethlehem, PA, 18017-9118.

BEING the same premises which Adel F. Bastawros and Samira M. Bastawros, husband and wife, by deed dated April 18, 2003 and recorded January 9, 2004 in and for Northampton County, Pennsylvania, in Deed Book Volume 2004-1, Page 10797, granted and conveyed unto

Timothy C. Manuel, a single person, Hope-Katie Manuel, a single person and Paula Nardini, a single person, joint tenants with right of survivorship.

BEING KNOWN AS 5496 Monocacy Drive, Bethlehem, PA 18017.

TAX PARCEL NUMBER: M5NW2 7 14 0508.

THEREON BEING ERECTED a two-story single style dwelling with vinyl and brick exterior and shingle roof; attached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Timothy C. Manuel, Hope-Katie Manuel, and Paula Nardini.

SCOTT A. DIETTERICK, ESQUIRE

**No. 81**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2012-01419**

ALL THAT CERTAIN lot, frame dwelling, house and lot and piece of land situate in the Borough of Glendon aforesaid, being known and designated on the Plan of Brownstown as Lot No. 107, said lot containing in front fifty (50) feet, and extending of that width in depth one hundred (100) feet, more or less to an alley.

BEING known as Parcel No. M9NE1D-10-3.

BENG known as 107 Crescent Street, Easton, PA 18042.

BENG the same premises which Neil W. Allen and Linda S. Allen, husband and wife, granted and conveyed unto Neil P. Allen and Dora Lynn Allen, husband and wife, by Deed dated April 13, 2005 and recorded on April 14, 2005 in the Office of the Recorder of Deeds of Northampton County, Commonwealth of Pennsylvania in Book 2005-1, Page 135778.

BEING KNOWN AS 107 Crescent Street, Easton, PA 18042.

TAX PARCEL NUMBER: M9NE1D 10 3 0813.

THEREON BEING ERECTED a two-story half-of-double style dwelling with vinyl siding and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Neil P. Allen and Dora Lynn Allen.

CRAIG OPPENHEIMER, ESQUIRE

**No. 82**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-13196**

ALL THAT CERTAIN tract of land situated in the City of Easton, County of Northampton and State of Pennsylvania, being Lot No. 2 of the map of Property of Edwin D. Brinker, dated May 23, 1980, prepared by Estate Developers & Engineers, and entered of record in the Northampton County Recorder's Office in Map Book 61, Page 44, bounded and described as follows, to wit:

BEGINNING at an iron pipe, said point being N 75 degrees 11 minutes E 40.10 feet from the intersection of the easterly side of Hamilton Street, extended, and the northern side of Chestnut Terrace, both 60 feet right-of-ways. (1) thence along the lands formerly of Edwin D. Brinker, of which this was a part and through the center of a partition wall, N 14 degrees 49 minutes W, a distance of 124.91 feet to an iron pipe. (2) thence along lands, now or formerly, of Paul Stefan, N 49 degrees 17 minutes E, a distance of 38.96 feet to an iron pipe. (3) thence along lands, now or formerly of Francis and Joan McNally, S 14 degrees 49 minutes E, a distance of 141.93 feet to an iron pipe. (4) Thence along the northern side of Chestnut Terrace, S 75 degrees 11



minutes W, a distance of 35.05 feet to the point of beginning.

CONTAINING 4,676 square feet.

BOUNDED on the West by property formerly of Edwin D. Brinker, the North by property of Paul Stefan, the East by property of Francis and Joan McNally, and the South by Chestnut Street.

Subject to easements, rights-of-way, restrictions and conditions of record.

TITLE TO SAID PREMISES IS VESTED IN Groff Real Estate Investments by Sheriff's Deed granted by Randall P. Miller, Sheriff of the County of Northampton, seized in execution as property of Matthew A. Nixon under and by virtue of a Writ of Execution on Judgment CV-2010-01987 of the Court of Common Pleas of Northampton County. Deed dated 12/2/2011 and recorded 12/7/2011 at Book 2011-1 Page 252194\*\*.

\*\*By Court Order entered July 10, 2012 in City of Easton v. Matthew A. Nixon, et al., in the Northampton County Court of Common Pleas, Docket No. C-48-CV-2010-001987, said Deed was stricken and therefore, TITLE TO SAID PREMISES IS VESTED IN Matthew A. Nixon, by Deed from John H. Morrison and Amy C. Morrison, h/w, dated 08/31/2004, recorded 09/03/2004 in Book 2004-1, Page 347515.

BEING KNOWN AS 639 Chestnut Terrace, Easton, PA 18042.

TAX PARCEL NUMBER: L9NE2A 7 10 0310.

THEREON BEING ERECTED a two-story half-of-double style dwelling.

SEIZED AND TAKEN into execution of the writ as the property of Matthew A. Nixon.

LAUREN R. TABAS, ESQUIRE

### **No. 83**

### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION**

**CV-2011-11381**

ALL THAT CERTAIN lot or piece of land situate in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, being known as Lot No. 134 as shown on a plat of subdivision entitled "Highlands, Final Subdivision Plat, Section II ALED Corp" by C. Douglas Cherry and Associates, recorded in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania in Plan Book 49 at Page 3, 3a and 3b.

BEING THE SAME PREMISES which Hung V. Du, a single man by Deed dated June 13, 2008 and recorded in Northampton County Volume No. 2008-1, Page No. 216664 on July 24, 2008, granted and conveyed unto Traci Moore, a single woman.

BEING KNOWN AS 233 Vista Drive, Easton, PA 18042.

TAX PARCEL NUMBER: M10NW1A 1 8 0310.

THEREON BEING ERECTED a two-story half-of-double style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Traci Moore.

JAMES V. FARERI, ESQUIRE

### **CONTINUANCE FROM**

**JUNE 8, 2012**

**NO. 7**

### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION**

**CV-2011-08946**

TRACT NUMBER 1

ALL THAT CERTAIN message, or one-half of the twin dwelling and lot or piece of ground situtae in the Fifth Ward of the City of Bethlehem, County of Northampton and State of

Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the easterly side of Ridge Street being South ten degrees thirty minutes West (S 10° 30' W) distant seventeen and ninety-five one-hundredths (17.95) feet from the southeast intersection of Ridge and Sullivan Streets; thence in and through the party wall dividing Nos. 615 and 617 Ridge Street South seventy-nine degrees eighteen minutes seventeen seconds East (S 79° 18' 17" E) a distance of eighty-one and thirty-one one-hundredths (81.31) feet to a drill hole in cement walk; thence through land now or late of Thomas Ofchus South ten degrees thirty minutes West (S 10° 30' W) a distance of twenty-two and five one-hundredths (22.05) feet to an iron pipe marker; thence along the dividing line between Nos. 617 and 619 Ridge Street North seventy-nine degrees eighteen minutes seventeen seconds West (N 79° 18' 17" W) a distance of eighty-one and thirty-one one hundredths (81.31) feet to a drill hole in the easterly side of Ridge Street; thence by the said easterly side of Ridge Street North 10 degrees thirty minutes East (N 10° 30' E) a distance of twenty-two and five one-hundredths (22.05) feet to the place of beginning.

BEING known as No 617 Ridge Street, Bethlehem, Pennsylvania, according to the present system of city numbering.

#### TRACT NUMBER 2

ALL THAT CERTAIN messuage and lot or parcel of land situate on the southerly side of Sullivan Street in the Fifth Ward of the City of Bethlehem, County of Northampton and State of Pennsylvania, previously part of 948 Sullivan Street and herein becoming a part of 617 Ridge

Street, more particularly bounded and described as follows:

BEGINNING at a PK tack in a concrete wall, in the southerly right of way line located 10 feet from the centerline of Sullivan Street, said tack being North 79° 18' 17" West 35.72 feet along said southerly right of way line of Sullivan Street from the southwest corner of Sullivan and State Streets;

THENCE continuing along the southerly line of Sullivan Street, North 70° 18' 17" West 11.60 feet to a drill hole in a concrete driveway, said drill hole marking the northeast corner of premises 615 Ridge Street;

THENCE continuing along premises 615 Ridge Street; South 10° 30' West 40.00 feet to point in the northerly line of a 18 inch concrete retaining wall on premises 619 Ridge Street, said course passes through the middle of a 16 inch masonry wall dividing garages on premises described herein and on premises 615 Ridge Street;

Thence along the northerly line of said 18 inch concrete retaining wall North 79° 18'17" West 14.43 feet to an iron pin;

THENCE along premises 948 Sullivan Street which heretofore included the parcel described herein the following three courses and distance: (1) North 7° 46' East 25.71 feet along the westerly edge of an 18" concrete garden wall on the premises 948 Sullivan to a point at the northwest end corner of said wall; (2) North 9° 28' West 2.29 feet, across a two foot concrete walk, to a point at the southwest end corner of another 18" concrete garden wall on the premises 948 Sullivan Street; (3) North 6° 37' East 12.19 feet along the westerly edge of same, to a PK tack set in a concrete wall, in the southerly

right of way line of Sullivan Street, the point and place of beginning.

Being Tax Parcel # P6SE2D-18-26

Being Tax Parcel # P6SE2D-18-1A

Title to said premises is vested in Brenda J. Sanchez a/k/a Brenda Sanchez and Jose A. Mojica a/k/a Jose Mojica by deed from EQUITIS GROUP, L.P., dated April 16, 2004 and recorded May 7, 2004 in Deed Book 2004-1, Page 172627.

BEING KNOWN AS 617 Ridge Street, Bethlehem, PA 18015.

TAX PARCEL NUMBER: P6SE2D-18-26 AND P6SE2D-18-1A.

THEREON BEING ERECTED on parcel P6SE2D 18 26 a two-story half-of-double style dwelling with aluminum siding exterior and shingle roof; detached two-car garage, parcel P6SE2D 18 1A vacant land.

SEIZED AND TAKEN into execution of the writ as the property of Brenda J. Sanchez a/k/a Brenda Sanchez and Jose A. Mojica a/k/a Jose Mojica.

MARGARET GAIRO, ESQUIRE

A Schedule of Distribution will be filed by the Sheriff thirty days from the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten days from the date of filing the Schedule of Distribution.

RANDALL P. MILLER

Sheriff

Northampton County,  
Pennsylvania

CHRISTOPHER T. SPADONI

ESQUIRE

Solicitor to the Sheriff

Sept. 13, 20, 27

**COHEN & FEELEY AND EDWARD R. EIDELMAN**

The law firm of Cohen & Feeley and Attorney Edward Eidelman are pleased to announce that Attorney Eidelman will join Cohen & Feeley as Senior Trial Counsel. Mr. Eidleman will continue to concentrate in all areas of personal injury including, but not limited to medical malpractice, automobile accidents, product liability, construction accidents and all other injuries.

Attorney Eidelman will also continue to accept major complex business litigation and appellate cases on hourly or alternative fee arrangements.

**To reach Cohen & Feeley, please call: 610-625-2100**

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**COMMONWEALTH OF PENNSYLVANIA v.  
RUSSELL WALLERY, Defendant**

*Post-Trial Motions—Sexually Violent Predator—Competency of Witness—Suppression of Statements—Sentencing Authority—Sufficiency of the Evidence—Weight of the Evidence.*

After a jury trial and convictions on counts of Rape of a Child, Involuntary Deviate Sexual Intercourse, Indecent Assault and Corruption of Minors, Defendant filed post-trial motions asserting several points of error. In the first instance, he alleged that the Court had improperly ruled the child victim, who was of diminished mental capacity, competent to testify at trial. Upon review and consideration of the colloquy conducted by the Court to determine capacity and the relevant law concerning competency to testify, the Court found no error. Next, Defendant asserted the Court's error in failing to suppress his statement of confession as made to a polygrapher pursuant to Pa. R.E. 410. Upon review, the Court found no error, given the free, knowing and voluntary nature of the statements and the inapplicability of Pa. R.E. 410. Defendant's next allegation of error concerned the Court's adjudication of him as a sexually violent predator. Specifically, he alleged that the evidence adduced at his hearing was insufficient to support such a finding. Upon consideration, the Court disagreed. Defendant's next contention was that the Court abused its sentencing discretion. Upon review, the Court noted that it had imposed a legal, guideline range sentence and had stated the factors for the sentence on the record. Accordingly, it found no abuse of discretion. Finally, the Defendant challenged the sufficiency of the evidence leading to his conviction and asserted that the verdict was against the weight of the evidence. Upon consideration of the evidence, including the testimony of the victim and several other witnesses, and evidence of Defendant's confession, the Court found the verdict was neither insufficiently supported by credible evidence, nor was it against the weight of the evidence.

In the Court of Common Pleas of Northampton County, Pennsylvania,  
Criminal Division—No. C-0048-CR-1596-2009.

PATRICIA BROSCIUS, ESQUIRE, for Commonwealth.

MATTHEW GOODRICH, ESQUIRE, for Defendant.

Order of the Court entered on February 21, 2011 by DALLY, J.

*ORDER*

AND NOW, this 21st day of February 2011, Defendant Russell Wallery's Post-Sentencing Motions are hereby DENIED, as set forth more fully in the attached Statement of Reasons.

*STATEMENT OF REASONS*

*Procedural History*

On July 16, 2010, after a three (3) day jury trial presided over by the undersigned, Defendant was found guilty of one count of Rape of a Child (18 Pa. C.S.A. §3121(c)); one count of Involuntary Deviate Sexual Intercourse (18 Pa. C.S.A. §2123(a)(7)); one count of Indecent Assault (18 Pa. C.S.A. §3126(a)(7)); and one count of Corruption of Minors (18 Pa. C.S.A.

§6301(a)(1)), in connection with allegations of sexual contact with the minor daughter of his live-in companion. On October 14, 2010, after completion of the requisite evaluations, a hearing was held to determine Defendant's status as a sexually violent predator. By a standard of clear and convincing evidence, Defendant was adjudged a sexually violent predator. Thereafter, he was sentenced for his crimes, to an aggregate term of twenty-seven (27) to fifty-four (54) years of imprisonment. The instant post-trial motions were filed on October 22, 2010. The time for filing briefs having passed,<sup>1</sup> the matter is now ready for disposition.

Defendant alleges ten points of error upon which he predicates a motion for judgment of acquittal,<sup>2</sup> a motion in arrest of judgment<sup>3</sup> and a motion for a new trial.<sup>4</sup> In resolving these motions, the Court will address each allegation of error in turn under headings mirroring those used by Defendant in his brief in support of the motions.

### *Incompetency of Child Witness*

It is well-established that in a sexual assault case, the testimony of the victim alone is sufficient to support a conviction. *Commonwealth v. Charlton*, 902 A.2d 554, 562 (Pa. Super. 2006). However, as an initial matter, Defendant contends that the Court erred or committed an abuse of discretion in permitting the testimony of the victim at trial in light of a pretrial motion to preclude her testimony. J.R., the victim, is a minor with an intellectual deficit.

In evaluating Defendant's claim that J.R. was improperly deemed competent to testify, we turn to Pennsylvania Rule of Evidence 601:

(a) *General Rule.* Every person is competent to be a witness except as otherwise provided by statute or in these Rules.

(b) *Disqualification for Specific Defects.* A person is incompetent to testify if the Court finds that because of a mental condition or immaturity the person:

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<sup>1</sup> Defendant filed a brief in support of his motions. However, to date, the Court has not received a brief on behalf of the Commonwealth.

<sup>2</sup> A motion for judgment of acquittal is a challenge to the sufficiency of the evidence to sustain conviction on a given charge. *Commonwealth v. Andruliewicz*, 911 A.2d 162, 165 (Pa. Super. 2006). Only where the Commonwealth fails to present evidence in support of each of the elements of a given charge, should a motion for judgment of acquittal be granted. *Id.*

<sup>3</sup> Presented with a motion in arrest of a judgment, the court shall determine "[whether,] accepting all of the evidence and all [of the] reasonable inferences therefrom, upon which, if believed, the jury could properly have based its verdict, it would be nonetheless insufficient in law to find beyond a reasonable doubt that the [defendant] is guilty of the crime charged." *Commonwealth v. Froelich*, 458 Pa. 104, 106, 326 A.2d 364, 365 (1974).

<sup>4</sup> The grant of a new trial is a matter of discretion for the trial court, upon evidence of some prejudice to the defendant. In consideration of such a motion, the court shall view all of the evidence in the light most favorable to the Commonwealth and shall determine if there is just cause to warrant the grant of a new trial. *Commonwealth v. Strutt*, 425 Pa. Super. 95, 624 A.2d 162 (1993).

- (1) is, or was, at any relevant time, incapable of perceiving accurately;
- (2) is unable to express himself or herself so as to be understood either directly or through an interpreter;
- (3) has an impaired memory; or
- (4) does not sufficiently understand the duty to tell the truth.

Prior to trial, there was an in-camera interview of J.R., at which time she was questioned by counsel and the Court. N.T. 7/12/10 at 30-44. As a result of that interview, the Court found her able to accurately perceive her surroundings and the events at hand; able to independently express herself so as to be understood; able to understand the concept of telling the truth; and able to consistently recite her version of the events surrounding the charges. Accordingly, the Court deemed her competent to testify at trial. N.T. 7/12/10 at 57. That determination having been made upon the sound judgment of the trial court after proper inquiry, the Court finds no error in that regard.

### *Suppression of Statements*

Prior to trial, Defendant also sought to preclude the testimony of Commonwealth witness, polygrapher Charles Patton, to whom Defendant confessed the crimes charged against him at this docket number. N.T. 7/12/10 at 9-11. In support of preclusion, Defendant argued that his statements were involuntarily made under a state of duress, and that they were unduly prejudicial to his defense. He further argued for their suppression pursuant to Pa. R.E. 410 relating to the inadmissibility of plea negotiations or discussions with prosecuting authorities on the basis of his belief that at the time of their meeting, that Mr. Patton was acting as a representative of the District Attorney's Office, and that he could negotiate a plea through Mr. Patton. Upon consideration of the arguments of the parties, the Court determined that the relevant statements had been made freely, knowingly and voluntarily, and that it had been made clear to Defendant prior to the statements that Patton was not an agent of the District Attorney's Office and that he had no authority to negotiate with Defendant. Accordingly, Mr. Patton was allowed to testify.<sup>5</sup> In making that ruling, the Court stated:

In regard to the objection that was raised pursuant to Pennsylvania Rule of Evidence 410(a)(4), the confession was not tied to any plea negotiations. The defendant freely and voluntarily confessed to Mr. Patton, was never given any promise or impression that so doing would result in any kind of deal with respect to the charges against him. In fact, given

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<sup>5</sup> As indicated by the trial transcript, the jury was given no indication that Mr. Patton was a polygrapher, or that Defendant had been subject to a polygraph. Mr. Patton identified himself to the jury as "a consultant" asked to assist in the investigation in the Wallery case and conduct an interview of Defendant. N.T. 7/14/10 at 203.

the fact that Mr. Patton was not an attorney for the prosecuting authority that's cited in the rule, I don't believe the rule is applicable to this case. And, as such, I believe that Mr. Patton's testimony as it relates to the confession is admissible.

N.T. 7/12/10 at 57. Defendant now renews his argument via his post-sentencing motions, once again alleging that when he made the subject statements to Mr. Patton, he believed that Patton had the authority to negotiate a plea in conjunction with the District Attorney's Office, thereby bringing the statements under the protection of Pa. R.E. 410.

Pa. R.E. 410 provides:

(a) *General rule.* Except as otherwise provided in this rule, evidence of the following is not, in any civil or criminal proceeding, admissible against the defendant who made the plea or was a participant in the plea discussions:

(1) a plea of guilty which was later withdrawn;

(2) a plea of *nolo contendere*;

(3) any statement made in the course of any proceedings under Rules 409, 414, 424, 311, 313, or 590 of the Pennsylvania Rules of Criminal Procedure, Fed.R.Crim.P. 11, or any comparable rule or provision of law of Pennsylvania or any other jurisdiction regarding the pleas identified in subsections (1) and (2) of this rule; or

(4) any statement made in the course of plea discussions with an attorney for the prosecuting authority which does not result in a plea of guilty or which results in a plea of guilty later withdrawn.

(b) *Exception.* A statement made in the course of a plea, proceedings, or discussions identified in subsection (a) of this rule is admissible (1) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced by the defendant and the statement ought in fairness to be considered contemporaneously with it, or (2) in a criminal proceeding for perjury, false swearing or unsworn falsification to authorities if the statement was made by the defendant, under oath, and in the presence of counsel.

Pa. R.E. 410.

Upon a review of the testimony from the hearing on the admissibility of the confession testimony and the trial, the Court finds, just as it did in its earlier ruling on the issue, that there is no evidentiary support for Defendant's argument of preclusion under Pa. R.E. 410. The record indicates that the Defendant was apprised of his rights prior to his polygraph, and that at no time did Mr. Patton misrepresent his role or his authority or give Defendant any impression that he functioned as a representative of the District Attorney's Office, or that he could broker a plea for Defendant. *See*

*generally*, N.T. 7/12/10 at 4-24. Accordingly, it is clear from the record that the Defendant made his confessional statement to Mr. Patton voluntarily after Mr. Patton has made his role as a polygrapher clear to him, in no way indicating that he had any authority to negotiate a plea with Defendant. As such, we hereby reject Defendant's argument that his confession was improperly introduced at trial pursuant to Pa. R.E. 410.

Alternatively, Defendant argues that his mental capacity was diminished by the effects of medication at the time of his statement to Mr. Patton, and that therefore, the Court erred in allowing the admission of his statements in the basis that they were not made knowingly and intelligently. In ruling on the alleged error, we turn to a review of Mr. Patton's hearing and trial testimony as to Defendant's mental status at the time of the interview. In response to questioning by the Commonwealth during the pretrial hearing to determine the admissibility of the confession testimony, Mr. Patton was questioned as follows:

Q.: During this period of time [the interview] did he [sic] defendant appear coherent?

A.: Very.

Q.: Did he appear to be under the influence of any drugs or medication?

A.: No.

Q.: Did he appear to be under the influence of any alcohol?

A.: No.

N.T. 7/12/10 at 7. Further inquiry ensued as to his mental status at time of the interview:

Q.: Did you discuss the defendant's health at that time?

A.: Yes.

Q.: What did you talk about?

A.: Before I administer [sic] tests I had asked him whether or not he was on any specific medications that could alter or, in fact, make him incoherent ... [a]nd my recollection is that he had a heart condition and diabetes, and he was on medication for those two things and no other medications ...

Q.: Did he indicate whether or not those medications were interfering with his ability to understand you?

A.: No.

N.T. 7/12/10 at 8. Amid cross-examination, he further stated that "I did ask him—my recollection—I always do, [a]re you under the influence of any drugs that would affect your [sic] incapacity, if you are being incoherent, you couldn't answer the questions? So what he—what he responded to that, he told me nothing would." N.T. 7/12/10 at 18. At trial, Mr. Patton was asked the following question:

Q.: During this period when you were interviewing the defendant, did he appear to be under the influence of anything?

A.: No.

Q.: Was he alert?

A.: Very.

N.T. 7/14/10 at 207.

Taking the stand in his own defense, Defendant was queried as to his interview with Mr. Patton and the medications he was on at the time, and he gave no indication by his testimony that he was in any way compromised by those medications during the course of the interview. N.T. 7/16/10 at 22. Rather, he was able to testify in detail as to the course of the interview, making several allegations as to Mr. Patton's conduct. N.T. 7/16/10 at 24-25.

In light of the foregoing, the Court rejects Defendant's contention that the Court erred in failing to suppress his statement to Mr. Patton on the basis that he was negatively affected by medication he was taking at the time and therefore unable to give a knowing, considered statement.

*Determination of Defendant As a Sexually Violent Predator Pursuant to Pa. C.S.A. §9792*

Pursuant to his convictions for Rape of a Child, Involuntary Deviate Sexual Intercourse and Indecent Assault, Defendant was subject to evaluation by a member of the Commonwealth's Sexual Offender Assessment Board ("SOAB"). In accordance with statute, a report was prepared and a hearing held, at which the SOAB evaluator, Dean Dickson, testified to his assessment of the Defendant and offered his opinion that Defendant met the criteria for a sexually violent predator designation. *See* 42 Pa. C.S.A. §9795.4. Taking those arguments into consideration in light of the evidence, the Court entered an Order designating Defendant a sexually violent predator ("SVP")<sup>6</sup> and sentenced him accordingly, imposing the registration and counseling requirements attendant thereto.

By the present motion, Defendant asserts that the evidence adduced at hearing was insufficient to support an SVP designation and that accordingly, he is entitled to an acquittal on the charges, a new trial or a new SVP hearing. Specifically, he argues that the Court improperly relied on Mr. Dickson's assessment that he suffers from pedophilia in the absence of the six (6) month time frame set forth in the DSM-IV and he argues that Mr. Dickson improperly relied on a Childline report made in reference to a

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<sup>6</sup> In making a determination as to whether a defendant should be designated a sexually violent predator, the court shall assess whether the Commonwealth has proven, by a standard of clear and convincing evidence, that a defendant convicted of a qualifying offense has a mental abnormality or disorder predisposing him or her to reoffend. *See* 42 Pa. C.S.A. §9792.



separate incident allegedly involving a different victim in making his recommendation to the Court.

A sexually violent predator is defined as a ‘person who has been convicted of a sexually violent offense as set forth in section 9795.1 (relating to registration) and who is determined to be a sexually violent predator under section 9795.4 (relating to assessments) due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.’ ... ‘Mental abnormality’ is a ‘congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.’

42 Pa. C.S.A. §9792. *Commonwealth v. Brooks*, 7 A.3d 852, 860-61 (Pa. Super. 2010) (some internal citations omitted).

An SOAB assessment shall include, but is not limited to:

(1) Facts of the current offense, including:

- (i) Whether the offense involved multiple victims.
- (ii) Whether the individual exceeded the means necessary to achieve the offense.
- (iii) The nature of the sexual contact with the victim.
- (iv) Relationship of the individual to the victim.
- (v) Age of the victim.
- (vi) Whether the offense included a display of unusual cruelty by the individual during the commission of the crime.
- (vii) The mental capacity of the victim.

(2) Prior offense history, including:

- (i) The individual’s prior criminal record.
- (ii) Whether the individual completed any prior sentences.
- (iii) Whether the individual participated in available programs for sexual offenders.

(3) Characteristics of the individual, including:

- (i) Age of the individual.
- (ii) Use of illegal drugs by the individual.
- (iii) Any mental illness, mental disability or mental abnormality.
- (iv) Behavioral characteristics that contribute to the individual’s conduct.

(4) Factors that are supported in a sexual offender assessment filed as criteria reasonably related to the risk of reoffense.

42 Pa. C.S.A. §9795.4(b).

As Defendant notes in his brief, “the factors are not a checklist with each one weighing in some necessary fashion for or against SVP designa-

tion. Rather, the presence or absence of one or more factors might simply suggest the presence or absence of one or more particular types of mental abnormalities.” *Commonwealth v. Brooks*, supra, 7 A.3d at 863.

With regard to Defendant’s allegation that the Court improperly designated him a sexually violent predator in light of evidence suggesting that his acts did not span the six (6) months referenced in the DSM-IV to support a diagnosis of pedophilia, we first turn to an examination of the testimony elicited at the SVP hearing. Mr. Dickson was the only witness at the hearing, and the only evidence presented in addition to his testimony was Mr. Dickson’s written report. On cross-examination, defense counsel queried Mr. Dickson as to his determination that the Defendant suffered from pedophilia.<sup>7</sup> While Mr. Dickson relied on information which indicated that the Defendant engaged in sexual behaviors with the victim in excess of six (6) months, defense counsel, stating that the record established that the Defendant lived with the victim for less than six (6) months, inquired of Mr. Dickson whether it would make a difference for purposes of his evaluation whether or not the pedophilic behavior lasted less than six (6) months. N.T. 10/14/10 at 15. In response, Mr. Dickson replied:

Not necessarily. We do have some latitude in that. If the offense is particularly heinous and if there is a significant assaultive pattern, we may address the Court and state that it is our clinical opinion that we do not necessarily need the six months to make the diagnosis ... I would still diagnose him as a pedophile, but I would say that, because of the seriousness or the heinousness, the egregiousness of the offenses ... we don’t necessarily need the six month [sic] criteria ... Dennis Doren, who has trained the Sexual Offender Assessment Board, has indicated ... that we may do so in these cases.

N.T. 10/14/10 at 15-16.

The ruling of a defendant’s SVP status is a judicial determination. It does not hinge on a clinical diagnosis. As stated by the Supreme Court of Pennsylvania, “[t]he question of SVP status is ... a statutory question, not a question of ‘pure science’ ... [further], the statute does not require proof of a standard [or] diagnosis that is commonly found and/or accepted in a mental health diagnostic paradigm.” *Commonwealth v. Dengler*, 586 Pa. 54, 890 A.2d 372, 383 (2005).

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<sup>7</sup> Mr. Dickson testified as follows: “It is my opinion, within a reasonable degree of professional and psychological certainty, that Russell Wallery meets the diagnostic criteria for pedophilia as listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (‘DSM-IV’) ... .” N.T. 10/14/10 at 8-9. He further testified that the DSM criteria for pedophilia are that “over a period of at least six months, recurrent, intense, sexually arousing fantasies, urges or behaviors involving sexual activity with a prepubescent child or children, generally 13 years or younger, and that this behavior caused clinically significant distress or impairment in areas of functioning ... .” *Id.* at 14.

Upon further consideration of the issue, our Supreme Court noted that in rendering an opinion in a sex offender assessment, the work of the evaluator “is not strictly diagnostic in a psychological sense; rather, [their] opinion must account for statutory factors, such as ‘the research, [the defendant’s] behavior ... past records, previous diagnoses all of which affect the opinion [the evaluator] then forms and renders on the statutory question of SVP status.’” *Id.* Additionally, the court noted, as we do here, that the terms “mental abnormality and SVP” are statutorily defined, “making them terms of art.” *Id.* As such, the court is not constrained by diagnoses or diagnostic criteria in determining the presence of mental abnormality predisposing a defendant to reoffense. *See generally, Commonwealth v. Meals*, 590 Pa. 110, 912 A.2d 213 (2006); *Commonwealth v. Dengler*; *supra*.

Turning to the facts of the instant case, we note that the Information upon which Defendant was charged, tried and convicted alleged his commission of the aforementioned crimes during a six (6) month period from July 2007 to January 2008. Yet, at trial, there was conflicting testimony regarding the accuracy of that time frame. N.T. 12/14/10 at 13; 26; 36; 45; 178-79; N.T. 7/16/10 at 11; 12; 17. Irrespective of the actual span of the crimes against the victim, the Court finds that there was sufficient evidence upon which to adjudge the Defendant a sexually violent predator, given that the determination of a mental abnormality under the statute is not dependent upon the Defendant’s display of the criteria necessary to a medical diagnosis of any particular psychological disorder. *See generally, N.T. 10/14/10.*

Finally, with regard to Mr. Dickson’s consideration of a reference to a Childline report regarding another alleged victim of Defendant, the Court notes its clear and unequivocal statement relative to its determination of Defendant as an SVP, wherein it stated that it placed “no reliance whatsoever on the allegations contained in the [Childline] report in making [the] finding.” N.T. 10/14/10 at 35-36. Accordingly, because the Court placed no reliance on the Childline report in determining Defendant’s SVP status, and clearly stated that fact on the record, we find no error in that regard.

#### *Abuse of Discretion As to Sentencing*

Defendant further alleges that the Court abused its discretion in sentencing him on the aforementioned charges. As to sentencing, we note:

‘Sentencing is a matter vested in the sound discretion of the sentencing judge ... [t]o constitute an abuse of discretion, the sentence imposed must either exceed the statutory limits or be manifestly excessive.’

*Commonwealth v. Mouzon*, 828 A.2d 1126, 1128 (Pa. Super. 2003). As previously noted, Defendant was convicted and sentenced to four separate crimes. The first was one count of Rape of a Child Under 13 Years of Age

at 18 Pa. C.S.A. §3121(c). Given a prior record score of zero, the standard guideline range for the offense is one hundred twenty (120) to two hundred forty (240) months, or ten (10) to twenty (20) years. Defendant was sentenced within the standard range, to a sentence of fifteen (15) to thirty (30) years. On one count of Involuntary Deviate Sexual Intercourse at 18 Pa. C.S.A. §3123(a), Defendant was sentenced consecutively to the Rape charge to a term of twelve (12) to twenty-four (24) years in prison. Given that the victim was under the age of sixteen (16), the Court was required to impose a mandatory minimum of not less than ten (10) years in prison. 42 Pa. C.S.A. §9718. On the remaining charges of Corruption of Minors at 18 Pa. C.S.A. §6301(a)(1) and Indecent Assault of a Person Less Than 13 Years of Age at 18 Pa. C.S.A. §3126(a)(7),<sup>8</sup> the Defendant was given concurrent sentences of nine (9) to eighteen (18) months each, for an aggregate term of twenty-seven (27) to fifty-four (54) years in prison. As the Court noted at the sentencing hearing, the Defendant's crimes left a "young child burdened with ... emotional and psychological scars that she [will] bear for the rest of her life." N.T. 10/14/10 at 55. Thus, in light of the effect of these crimes on the child victim, noting also that the child has developmental disabilities; the serious and predatory nature of the crimes; the unwillingness of the Defendant to accept responsibility for his crimes; and the propensity for him to reoffend, among many other factors and considerations, the Court found it appropriate to fashion Defendant's sentence as it did. In light of the Court's sentencing authority and given the fact that the record reflects the Court's reasoning for the sentence imposed, we find no abuse of discretion as to sentencing.

### *Sufficiency of the Evidence*

Next, Defendant alleges that the evidence adduced at trial was insufficient as a matter of law to support his conviction on the charges against him. "A claim challenging the sufficiency of the evidence is a question of law. Evidence will be deemed sufficient to support the verdict when it establishes each material element of the crime[s] charged and the commission thereof by the accused, beyond a reasonable doubt." *Commonwealth v. Widmer*, 560 Pa. 308, 744 A.2d 745, 751 (2000). "[T]he facts and circumstances established by the Commonwealth need not preclude every possibility of innocence." *Commonwealth v. McClendon*, 874 A.2d 1223, 1228 (Pa. Super. 2005). Further, "[a]ny doubts regarding a defendant's guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances." *Id.*

<sup>8</sup> Defendant was sentenced at the top of the standard range (Restorative Sanctions to Nine (9) Months) on both charges.

As stated *supra*, Defendant was charged with the following crimes: Rape of a Child;<sup>9</sup> Involuntary Deviate Sexual Intercourse;<sup>10</sup> Indecent Assault;<sup>11</sup> and Corruption of Minors.<sup>12</sup> In support of his contention that the evidence presented at trial was insufficient to support his conviction on the charges, Defendant argues that photographic evidence presented at trial demonstrating that he had no discernable penis with which to penetrate J.R. or otherwise engage in the alleged acts; coupled with what he alleges as the incompetence of the victim to testify; the allegedly improper admission of confession evidence; and the inconclusive testimony of Commonwealth medical expert, Dr. Decker, resulted in the rendering of a guilty verdict on all charges in the face of insufficient evidence. Having already resolved Defendant's allegations regarding the competency of the victim to testify and the admission of his confession at trial, we need not revisit these issues. Thus, we move to Defendant's contentions regarding the sufficiency of the medical and documentary evidence with regard to Defendant's physical ability to commit the crimes.

In response to the presentation of photographs depicting Defendant's penis, the Commonwealth recalled their medical expert, Dr. Eugene Decker. He testified that the photographs depicted the foreskin of an uncircumcised penis, that together with the fat pad of Defendant's belly, were obscuring Defendant's penis from view. N.T. 7/16/10 at 90-94. From that, the jury could have reasonably concluded that the photographs were not truly representative of the size of Defendant's penis. Further, the photographs were not proof of Defendant's erectile functionality. The only evidence of that was Defendant's own testimony as to his inability to obtain or maintain an erection subsequent to a heart attack he suffered in 2006. N.T. 7/16/10 at 18-19. In contravention to that testimony, the victim testified to seeing and being penetrated by Defendant's penis, which she was able to aptly describe as "small," resembling a "circle"; and to observing the emission of ejaculatory fluid from Defendant's penis. N.T. 7/13/10 at 86; 67-70. Additionally, the victim's mother testified to sexual relations with

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<sup>9</sup> A person commits rape of a child when the person engages in sexual intercourse with a child who is less than thirteen (13) years of age. Sexual intercourse is defined under the law as the penetration, no matter how slight, of a man's penis into the female sexual organ or the mouth or the anus of a person. N.T. 7/16/10 at 170.

<sup>10</sup> A man commits Involuntary Deviate Sexual Intercourse when his penis penetrates the mouth or anus of a person. When the charge is IDSI of a child, the victim must be less than thirteen (13) years of age at the time the crime is committed. N.T. 7/16/10 at 171-72.

<sup>11</sup> A person commits Indecent Assault if he or she brings about the touching of the sexual or other intimate parts of either his own body or the body of the victim for the purpose of his own sexual arousal or gratification, or that of the victim. When the charge is the indecent assault of a child, the victim must be less than thirteen (13) years of age at the time the crime is committed. N.T. 7/16/10 at 172-73.

<sup>12</sup> A person commits Corruption of Minors if, he or she, at the age of eighteen (18) years or older, corrupts or tends to corrupt the morals of a person who is less than eighteen (18) years of age. N.T. 7/16/10 at 173-74.

Defendant. N.T. 7/14/10 at 15. Thus, there was sufficient evidence for the jury to determine witness credibility and conclude that not only was Defendant capable of committing the alleged crimes, but also to convict him of the same.

Finally, we pause to consider as to the medical testimony of Commonwealth expert, Dr. Eugene Decker. Dr. Decker examined the victim on September 15, 2008, several months after Defendant moved out of the victim's home. N.T. 7/14/10 at 70. By his testimony, Dr. Decker recounted taking the victim's history, and her description of the acts done to her by Defendant, and performing a physical exam. N.T. 7/14/10 at 76-79. With regard to his physical exam of the victim, Dr. Decker testified with the aid of photographs depicting his findings. N.T. 7/14/10 at 92-110. As a result of his examination, he testified that she'd been repeatedly exposed to the insertion of a foreign object into her vaginal and rectal areas. N.T. 7/12/10 at 111-12. While such evidence is inconclusive as to the allegation that she was penetrated by a penis, let alone Defendant's penis, it is but one part of the evidence put forth to the jury for their consideration. Furthermore, we note, as set forth *supra*, that the uncorroborated testimony of a victim is sufficient to conviction in sexual offense cases. *Commonwealth v. Charlton*, 902 A.2d 554, 562 (Pa. Super. 2006). Thus, in light of the competent testimony of the victim, buttressed by the Commonwealth's other witnesses inclusive of medical expert, Dr. Decker, and the testimony of Defendant and Mr. Patton as to Defendant's confession, it is clear that the verdict rendered by the jury was properly supported by sufficient evidence to prove the elements of each of the charged offenses.

### *Weight of the Evidence*

Finally, we come to Defendant's contention that the jury verdict determining his guilt on all charges was against the weight of the evidence presented at trial. In a challenge to the weight of the evidence, a Defendant concedes the sufficiency of the evidence in support of his conviction, but questions the veracity of, and thus the weight accorded to that evidence. *Armbruster v. Horowitz*, 744 A.2d 285, 286 (Pa. Super. 1999). In ruling on a challenge to the weight of the evidence, "the role of the trial judge is to determine that 'notwithstanding all the facts, certain facts are so clearly of greater weight that to ignore them or to give them equal weight with all the facts is to deny justice.'" *Commonwealth v. Widmer*; *supra*, 744 A.2d at 752.

In the present case, the Commonwealth presented the testimony of the child victim; the medical expert who examined the child; the individual to whom she first reported the abuse; the victim's mother; the polygrapher to whom the Defendant confessed committing the crimes; and the investigating detective. Whereas the defense presented the testimony of the Defendant, and several character witnesses on his behalf. Upon the Court's



determination that a witness is competent to testify, the jury must take each witness as they find him or her and weigh the credibility of their testimony. *Commonwealth v. Cooper*, 596 Pa. 119, 941 A.2d 655, 662 (2007). The inconsistent statements or uncertainty of a witness does not mandate that a jury discredit the testimony of that witness. *Id.* Rather, it is for the jury to discern the truth from the information it is given and to render a verdict accordingly. *Id.* In the instant case, the Court again notes that the testimony of the child victim was alone sufficient to sustain a conviction against Defendant. *Commonwealth v. Charlton*, supra at 562. In light of that determination, and given the presentation of additional testimonial and documentary evidence in support of her testimony at trial, the Court finds that the verdict was rendered in accordance with the weight of the evidence.

### *Conclusion*

Having disposed of all of the grounds raised by Defendant in his post-sentencing motions, the Court has concluded that the Defendant was fairly tried in accordance with the rule of law and that his conviction was soundly supported by the evidence. Further, he was determined a sexually violent predator pursuant to statutory dictate upon the Commonwealth's demonstration of evidence proving by a standard of clear and convincing evidence, that he met the statutory definition attendant therewith. Finally, he was justly sentenced according to Commonwealth's sentencing guidelines. Thus, in light of the foregoing and pursuant to all of the rulings set forth herein, the Court hereby DENIES Defendant's post-sentencing motions in the form of a motion for judgment of acquittal; a motion for arrest of judgment and a motion for a new trial.

**DAVID FAIRFIELD, JR., Plaintiff v. FRANCIS RITZO,  
NATIONAL FREIGHT, INC. and GREAT SPRING WATERS  
OF AMERICA, INC., Defendants**

*Petition To Open Default Judgment—Verification—Default Judgment—Answer and New Matter.*

Plaintiff David Fairfield, Jr. filed a Complaint against Defendants National Freight, Inc., Francis Ritzo and Great Spring Waters of America, Inc. for injuries he allegedly sustained in a motor vehicle accident. The Complaint, endorsed with a Notice to Defend, was served upon National Freight and Ritzo. Pursuant to Pa. R.C.P. 237.1(2)(ii), Plaintiff provided National Freight and Ritzo with ten days' notice of his intent to file a praecipe for entry of a default judgment. Thereafter, Plaintiff served National Freight and Ritzo with a praecipe for entry of a default judgment, and a default judgment was entered against National Freight and Ritzo. Subsequently, within ten days after the entry of the respective default judgments, National Freight and Ritzo each served upon Plaintiff a "Petition To Open Default Judgment," with each Petition having an Answer and New Matter attached. The Petitions were verified, but the Answers and New Matters did not contain verifications.

The Court found that Pa. R.C.P. 237.3 requires that if a petition with a verified answer stating a meritorious defense is filed within ten days after entry of a default judgment, the Court shall open the judgment; however, a defendant nevertheless may be entitled to rely on Rule 237.3 even though the petition did not include a verified answer. The Court held that, because National Freight and Ritzo's verified Petitions (1) referenced their attached Answers, (2) were filed within ten days after the entry of the respective default judgments, and (3) stated meritorious defenses, Rule 237.3 was satisfied, and National Freight and Ritzo were entitled to relief from the default judgments.

In the Court of Common Pleas of Northampton County, Pennsylvania,  
Civil Division—Law, No. C-48-CV-2011-4077.

MARK D. CROSSLEY, ESQUIRE, for Plaintiff.

PATRICK J. GIBBONS, ESQUIRE, for Defendants Francis Ritzo and National Freight, Inc.

STEPHEN LEDVA, JR., ESQUIRE, for Defendant Great Spring Waters of America, Inc.

Order of the Court entered on October 10, 2011 by KOURY, JR., J.

*OPINION*

Defendants National Freight, Inc. and Francis Ritzo have presented this Court with Petitions To Open Default Judgments. This matter was assigned to the Honorable Michael J. Koury, Jr. from the September 27, 2011 Argument List. The parties submitted briefs and appeared for oral argument on September 27, 2011. The matter is now ready for disposition.

*I. FACTUAL AND PROCEDURAL BACKGROUND*

On May 6, 2011, Plaintiff David Fairfield, Jr. filed a Complaint against Defendants National Freight, Inc. (hereinafter "National Freight"), Francis

Ritzo and Great Spring Waters of America, Inc.<sup>1</sup> (hereinafter “Great Spring”) for injuries he allegedly sustained in a motor vehicle accident. *See generally*, Complaint, *Fairfield v. Ritzo et al.*, C-48-CV-2011-4077 (C.P. Northampton, Jun. 6, 2011) (hereinafter “Complaint”). The Complaint, endorsed with a Notice to Defend, was served upon National Freight on May 9, 2011 and upon Francis Ritzo on June 6, 2011.

Pursuant to Pennsylvania Rule of Civil Procedure 237.1(2)(ii), on June 17, 2011, Plaintiff provided National Freight with ten days’ notice of his intent to file a praecipe for entry of a default judgment. Thereafter, on July 7, 2011, Plaintiff served National Freight with a praecipe for entry of a default judgment. A default judgment was entered against National Freight on July 11, 2011. On July 19, 2011, National Freight, through its attorney, served upon Plaintiff a “Petition To Open Default Judgment.” *See generally*, National Freight’s Petition To Open Default Judgment, *Fairfield v. Ritzo et al.*, C-48-CV-2011-4077 (C.P. Northampton, Jul. 19, 2011) (hereinafter “National Freight’s Petition”). Although National Freight’s Petition was verified, the Answer and New Matter attached to the Petition did not contain a verification. *See* National Freight’s Petition; National Freight’s Answer and New Matter, *Fairfield v. Ritzo et al.*, C-48-CV-2011-4077 (C.P. Northampton, Jul. 19, 2011) (hereinafter “National Freight’s Answer”).

Pursuant to Pennsylvania Rule of Civil Procedure 237.1(2)(ii), on July 7, 2011, Plaintiff provided Ritzo with ten days’ notice of his intent to file a praecipe for entry of a default judgment. Thereafter, on August 22, 2011, Plaintiff served Ritzo with a praecipe for entry of a default judgment. A default judgment was entered against Ritzo on August 23, 2011. On August 31, 2011, Ritzo, through his attorney, served upon Plaintiff a “Petition to Open Default Judgment.” *See generally*, Francis Ritzo’s Petition To Open Default Judgment, *Fairfield v. Ritzo et al.*, C-48-CV-2011-4077 (C.P. Northampton, Aug. 31, 2011) (hereinafter “Ritzo’s Petition”). Although Ritzo’s Petition was verified, the Answer and New Matter attached to the Petition did not contain a verification. *See* Ritzo’s Petition; Francis Ritzo’s Answer and New Matter, *Fairfield v. Ritzo et al.*, C-48-CV-2011-4077 (C.P. Northampton, Aug. 31, 2011) (hereinafter “Ritzo’s Answer”).

As noted above, the Petitions of National Freight and Ritzo were filed within ten days after the entry of the respective default judgment. *See* National Freight’s Petition; Ritzo’s Petition. Although both Petitions were verified, the Answer and New Matter attached to each Petition did not contain a verification. *See* National Freight’s Answer; Ritzo’s Answer. However, each Petition references the attached Answer. National Freight’s Petition at ¶11; Francis Ritzo’s Petition at ¶10.

<sup>1</sup> Great Spring filed an Answer to the Complaint on July 5, 2011. *See generally*, Answer of Great Spring Waters of America, Inc., *Fairfield v. Ritzo et al.*, C-48-CV-2011-4077 (C.P. Northampton, Jul. 5, 2011). Because Great Spring filed an Answer, it is not involved with the present Petitions To Open Default Judgments.

Both National Freight's Answer and Ritzo's Answer specifically deny any negligence by National Freight or Francis Ritzo. *See* National Freight's Answer at ¶¶25-26, 34, 36; Ritzo's Answer at ¶¶25-26, 34, 36. Moreover, in both National Freight's Answer and Ritzo's Answer, Defendants allege, under New Matter, that Plaintiff's injuries were caused by his own negligence and, therefore, his recovery would be precluded or reduced based upon comparative negligence. National Freight's Answer at ¶46; Ritzo's Answer at ¶46.

## II. DISCUSSION

Pennsylvania Rule of Civil Procedure 237.3 provides as follows:

*Rule 237.3 Relief From Judgment of Non Pros or by Default*

(a) A petition for relief from a judgment of non pros or of default entered pursuant to Rule 237.1 shall have attached thereto a verified copy of the complaint or answer which the petitioner seeks leave to file.

(b) If the petition is filed within ten days after the entry of the judgment on the docket, the court shall open the judgment if the proposed complaint or answer states a meritorious cause of action or defense.

Pa. R.C.P. No. 237.3. Therefore, if a petition with a verified answer stating a meritorious defense is filed within ten days after entry of a default judgment, "the court *shall* open the judgment ... ." Pa. R.C.P. No. 237.3(b) (emphasis added).

Here, the Petitions of National Freight and Ritzo were filed within ten days after the entry of the respective default judgment. *See* National Freight's Petition; Ritzo's Petition. However, as noted above, although both Petitions were verified, the attached Answer and New Matter to each Petition did not contain a verification. *See* National Freight's Answer; Ritzo's Answer. Plaintiff argues that because National Freight's Answer and Ritzo's Answer were not verified, Rule 237.3 does not apply to the instant case. *See* Plaintiff's Brief Contra to Defendant's Petitions to Open Judgment at 4-5, *Fairfield v. Ritzo et al.*, C-48-CV-2011-4077 (C.P. Northampton, Sept. 20, 2011) (hereinafter "Plaintiff's Brief"). For the reasons set forth below, we disagree.

In *Boatin v. Miller*, the defendant filed a petition pursuant to Rule 237.3 to open a default judgment. 955 A.2d 424, 426 (Pa. Super. 2008). The defendant's petition, however, did not include a verified answer. *Id.* at 428. In rejecting the plaintiff's argument that the defendant's failure to attach a verified answer to the petition rendered Rule 237.3 inapplicable, the Superior Court noted that although the defendant's petition did not include a verified answer, the defendant's petition itself actually stated a

meritorious defense. *Id.* at 429. In excusing the defendant's failure to attach a verified answer to the petition, the Superior Court stated:

looking exclusively at the answer attached to a petition to open a default judgment when deciding if there is a meritorious defense would be an 'overly strict interpretation of Rule 237.3.'  
... Therefore, [defendant's] failure to attach an answer to the petition will be excused.

*Id.* (citations and quotations omitted). Accordingly, a defendant may be entitled to rely on Rule 237.3 notwithstanding the fact that the petition did not include a verified answer. The Superior Court recently reaffirmed this principle in *Smith v. Morell Beer Dist.*, 2011 WL 3792808 (Pa. Super. Aug. 26, 2011). With respect to Rule 237.3, the Superior Court stated:

When construing a rule, we are cognizant that the object of all rule interpretation and construction is to ascertain and effectuate the intention of the Supreme Court. When the words of a rule are clear and unambiguous, the words cannot be disregarded under the pretext of pursuing the rule's spirit.

Consistent with these standards, we note Rule 237.3(a)'s requirement that a petition to open a default judgment must have a verified copy of the answer attached. However, we also recognize that the comment to Rule 237.3 and case law interpreting Rule 237.3(b) support the proposition that relief from the entry of a default judgment may still be available even though a petitioner fails to attach a verified copy of the answer to the petition.

*Id.* at \*2 (citations omitted).

In this case, the Petitions of National Freight and Ritzo were each verified. *See* National Freight's Petition; Ritzo's Petition. Further, each of the Petitions specifically references the attached Answer and the defenses to Plaintiff's Complaint asserted therein. *See* National Freight's Petition at ¶11; Ritzo's Petition at ¶10. Relying on *Boatin* and *Smith*, we maintain that because the verified Petitions of National Freight and Ritzo reference their attached Answers, Defendants will be deemed to have complied with Rule 237.3(a). *See Boatin*, *supra* at 429; *Smith*, *supra*.

Having determined that Defendants complied with Rule 237.3(a), we must turn to the issue of whether Defendants have fulfilled the requirements of Rule 237.3(b). *See Smith, id.* ("[D]espite their omission [under Rule 237.3(a)], [Defendants] would be entitled to relief if their petition met the requirements of Rule 237.3(b)."). Rule 237.3(b) provides that if a petition stating a meritorious defense is filed within ten days after entry of a default judgment, "the court *shall* open the judgment ... ." Pa. R.C.P. No. 237.3(b) (emphasis added).

Here, the Petitions of National Freight and Ritzo were filed within ten days after the entry of the respective default judgment. *See* National

Freight's Petition; Ritzo's Petition. Therefore, the Petitions were timely filed pursuant to Rule 237.3(b).

Finally, we must determine whether Defendants' timely filed Petitions stated meritorious defenses. *See* Pa. R.C.P. No. 237.3(b). A meritorious defense "is one that is sufficient to justify relief if proven." *Southeastern Pennsylvania Transportation Authority v. DiAntonio*, 152 Pa. Commonwealth Ct. 237, 241, 618 A.2d 1182, 1184 (1992). The facts supporting the meritorious defense must be set forth in clear and specific terms. *Sines v. Packer*, 316 Pa. Super. 500, 504, 463 A.2d 475, 477 (1983). Moreover, a meritorious defense is properly asserted when an answer and new matter denies defendant's negligence and alleges that plaintiff's injuries were caused by plaintiff's own negligence. *See DiAntonio*, *supra*.

Here, both National Freight's Answer and Ritzo's Answer specifically deny any negligence by National Freight or Francis Ritzo. *See* National Freight's Answer at ¶¶25-26, 34, 36; Ritzo's Answer at ¶¶25-26, 34, 36. Further, in both National Freight's Answer and Ritzo's Answer, Defendants allege, under New Matter, that Plaintiff's injuries were caused by his own negligence and, therefore, his recovery would be precluded or reduced based upon comparative negligence. National Freight's Answer at ¶46; Ritzo's Answer at ¶46. Because National Freight and Ritzo deny that they were negligent, and further allege that Plaintiff's injuries were caused by his own negligence, they have each properly asserted a meritorious defense. *See DiAntonio*, *supra* at 1184.

Because Defendants' Petitions satisfy the requirements of Rule 237.3, they are entitled to relief from the default judgments.

WHEREFORE, we enter the following:

#### ORDER

AND NOW, this 10th day of October, 2011, upon consideration of Defendant National Freight, Inc.'s Petition to Open Default Judgment, and upon consideration of Defendant Francis Ritzo's Petition to Open Default Judgment, it is hereby ORDERED that Defendants' Petitions are GRANTED.





The couple was told they couldn't have a child.

*A lawyer suggests they adopt.*

The counselor tells them five years.

*A lawyer tells them one.*

Social Services approves them for adoption.

*A lawyer puts it in writing.*

The judge signs the order:

*A lawyer's work finalizes it.*

They thought they couldn't have a child.

*A lawyer helped make it possible.*

You have rights. Lawyers protect them.  
Pennsylvania Bar Association  
Northampton County Bar Association

## **Lawyers Concerned For Lawyers Lawyers' Only Recovery Meetings**

### **Alcohol, Other Drugs and Gambling**

- **Doylestown** 2nd and 4th Tuesday of Month
- **Drexel Hill** Every Wednesday
- **Harrisburg** 1st Wednesday of Month
- **Norristown** 1st Thursday of Month
- **Philadelphia** Every Tuesday
- **Pittsburgh** Every Thursday
- **Reading** 3rd Monday of Month
- **Scranton** Every Thursday
- **State College** 2nd Tuesday of Month
- **Washington** Every Tuesday
- **West Chester** Every Thursday

*These are "closed meetings" - that is, only lawyers recovering from or trying to recover from alcohol, other drug or gambling problems may attend.*

### **Stress, Anxiety and Depression**

*The following are professionally facilitated meetings:*

**Philadelphia** - Stress Information and Recovery (1st Monday of Month)

**Philadelphia** - Depression Recovery (2nd Monday of Month)

**For more information, time and location of these meetings,  
call the LCL Administrative Office (1-800-335-2572)**

**or**

**the Confidential Lawyers' Helpline (1 - 888 - 999 -1941) .**

## Northampton County Bar Association Notification of Change Form

To assist the NCBA Staff in maintaining up-to-date information on all attorneys and subscribers of the *Reporter*, would you please complete the form below and return it to the NCBA Office whenever you have a change and/or addition to your address, telephone number, fax number or e-mail address. *Return to:* Northampton County Bar Association, 155 South Ninth Street, Easton, PA 18042-4399, FAX: (610) 258-8715.

*Please change the following:*

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_

E-MAIL \_\_\_\_\_



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## PERIODICAL PUBLICATION

\* Dated Material. Do Not Delay. Please Deliver Before Monday, September 24, 2012