

# Northampton County Reporter

(USPS 395-280)

VOL. LVII

EASTON, PA May 17, 2012

NO. 20

**Lisa A. Wallas, Plaintiff v. Mark C. Wallas, Defendant**

**David S. Fusacchia and Deborah A. Fusacchia, Individually and As Husband  
and Wife, Plaintiffs v. WPL Partners, Inc., Defendant v. Blue Mountain  
Consumer Discount Co., Additional Defendant**

**Jeannene J. Smith v. Commonwealth of Pennsylvania, Department of  
Transportation, Bureau of Driver Licensing, Appellant**

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**INSERT:** Pink: 1. "Physical Medicine and Rehabilitation in a Workers' Compensation Case"

2. 2012 Calendar

3. Walk for a Healthy Community

4. PBI/CLE Seminars—NCBA Office, May – August 2012

Cream: 1. "Affidavits to Close Small Estates Outside of Probate"

2. Golf Outing and Happy Hour

3. "Criminal Appellate Practice"

4. Annual Summer Outing

Green: 1. "Representing the Defendant in a Northampton County Mortgage Foreclosure under the Residential Mortgage Foreclosure Diversion Program"

2. "Practicing Law Dead or Alive, the Sequel: Practical and Ethical Issues for You and Your Client"

3. Registration Form

4. Rochester Redwings vs. Lehigh Valley Iron Pigs

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

**Iron Pigs Game – June 26th. See ad inside for tickets.**

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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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Edward P. Shaughnessy, Esquire  
Editor

**NOTICE TO NCBA MEMBERS – BAR NEWS**

**Request for Proposals for Legal Services – Monroe County Transit Authority**

Bid due date: Friday, June 2, 2012 by 10:00 a.m.

For more information contact Margaret A. Howarth, Executive Director:  
phowarth@gomcta.com or 570-243-3433.

**Lehigh Valley Iron Pigs Night**

Tuesday, June 26, 2012

Join your NCBA friends and family in the four dugout suites at Coca Cola Park. Registration form inside.

**Walk for a Healthy Community**

Saturday, June 2, 2012

This is a great opportunity to take part in a fun event and to support the community at the same time. The Walk will take place at SteelStacks this year. You get to choose the charity you want to support from a group of 23 local charities. Registration information inside.

Consider joining us this year! Members, family, friends and dogs are all welcome!

**Annual Summer Outing**

Thursday, July 26, 2012 – Louise Moore Park

Planning has begun for our Summer Outing. Clear your calendar and attend the Outing for fun in the sun – golf, quoits, mini-golf, biking and softball.

A wound, though cured, yet leaves behind a scar. ~ John Oldham

**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****ANTONIOLI, ROSE**, dec'd.

Late of the Borough of Bangor, Northampton County, PA  
Co-Executors: Robert A. Antonioli, 104 American Bangor Road, Bangor, PA 18013 and Jean L. Lane, 506 North 7th Street, Bangor, PA 18013  
Attorneys: Ronold J. Karasek, Esquire, Martino, Karasek and Martino, L.L.P., 641 Market Street, Bangor, PA 18013

**BELYEA, ROBERT C.**, dec'd.

Late of the Township of Palmer, Northampton County, PA  
Executrix: Marguerite Belyea c/o Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042  
Attorney: Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

**BOTHWELL, JOHN S.**, dec'd.

Late of 2820 Fischer Road, Easton, Northampton County, PA

Executor: Thomas Bothwell c/o Linda S. Luther-Veno, Esquire, 1605 N. Cedar Crest Blvd., Suite 106, Allentown, PA 18104  
Attorney: Linda S. Luther-Veno, Esquire, 1605 N. Cedar Crest Blvd., Suite 106, Allentown, PA 18104

**BUCHANAN, WILLIAM J.**, dec'd.

Late of the Borough of Pen Argyl, Northampton County, PA  
Trustees: Leslie Hixon and Terry A. Buskirk c/o Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., P.O. Box 20770, Lehigh Valley, PA 18002-0770  
Attorneys: Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., P.O. Box 20770, Lehigh Valley, PA 18002-0770

**DASHE, MARILYN A.**, dec'd.

Late of the Township of Palmer, Northampton County, PA  
Executor: Stephen P. Dashe c/o Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042  
Attorney: Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

**ENDER, WILLIAM G.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA  
Administrator: William G. Ender, Jr., 3208 Greenmeadow Drive, Bethlehem, PA 18017

**FASSMAN, BEATRICE M.**, dec'd.

Late of the Borough of Northampton, Northampton County, PA  
Executrices: Eunice M. Moyer and June S. Schaffer c/o William H. Dayton, Jr., Esquire, Mosebach, Funt, Dayton & Duck-

worth, P.C., P.O. Box 20770,  
Lehigh Valley, PA 18002-0770  
Attorneys: William H. Dayton,  
Jr., Esquire, Mosebach, Funt,  
Dayton & Duckworth, P.C., P.O.  
Box 20770, Lehigh Valley, PA  
18002-0770

**FLUCK, JACK W., JR.,** dec'd.

Late of the Borough of Wilson,  
Northampton County, PA  
Administrator: Michael Fluck,  
248 N. Whiteoak St., Kutztown,  
PA 19530

**FOX, RICHARD a/k/a JAMES  
RICHARD FOX a/k/a J. RICH-  
ARD FOX,** dec'd.

Late of the City of Easton,  
Northampton County, PA  
Executor: Richard Miller, 3101  
Emrick Blvd., Suite 205, Bethle-  
hem, PA 18020  
Attorneys: Daniel E. Cohen, At-  
torney, Seidel, Cohen, Hof &  
Reid, L.L.C., 3101 Emrick Blvd.,  
Suite 205, Bethlehem, PA 18020

**GIARDINIERE, WINIFRED MAE,**  
dec'd.

Late of the Township of Palmer,  
Northampton County, PA  
Executor: Daniel E. Cohen, 3101  
Emrick Blvd., Suite 205, Bethle-  
hem, PA 18020  
Attorneys: Seidel, Cohen, Hof &  
Reid, L.L.C., 3101 Emrick Blvd.,  
Suite 205, Bethlehem, PA 18020

**KAULFUSS, GRACE F.,** dec'd.

Late of Northampton County, PA  
Executor: Steve Kaulfuss c/o  
Jeffrey A. Yelen, Esquire, 1000  
Citizens Bank Center, 8 West  
Market Street, Wilkes-Barre, PA  
18701  
Attorney: Jeffrey A. Yelen, Es-  
quire, 1000 Citizens Bank Cen-  
ter, 8 West Market Street, Wil-  
kes-Barre, PA 18701

**KENNEDY, RICHARD C., JR.,**  
dec'd.

Late of the Township of East Al-  
len, Northampton County, PA  
Executrix: Linda A. Ptacek, 791  
Public Road, Bethlehem, PA  
18015

Attorney: John L. Obrecht, Es-  
quire, 1731 Main Street,  
Northampton, PA 18067-1544

**LIFER, SCOTT W.,** dec'd.

Late of Roseto, Northampton  
County, PA

Executor: Scott V. Bartkus c/o  
Scott V. Bartkus, Esquire, Bart-  
kus and Associates, 1275 Glen-  
livet Drive, Ste. 100, Allentown,  
PA 18106

Attorneys: Scott V. Bartkus,  
Esquire, Bartkus and Associ-  
ates, 1275 Glenlivet Drive, Ste.  
100, Allentown, PA 18106

**McGOWAN, NATALIE M. a/k/a  
NATALIE McGOWAN,** dec'd.

Late of the Township of Williams,  
Northampton County, PA  
Executors: Scott M. McGowan,  
4101 Gloria Ln., Bethlehem, PA  
18017 and Colleen E. McGowan,  
2250 Butler St., Apt. 3, Easton,  
PA 18042

Attorneys: Neil D. Ettinger, Es-  
quire, Ettinger & Associates,  
LLC, Peachtree Office Plaza,  
1815 Schadt Avenue, Whitehall,  
PA 18052

**PARSONS, LARRY B.,** dec'd.

Late of the Township of Plain-  
field, Northampton County, PA  
Executor: Theodore J. Thomas  
c/o David J. Ceraul, Esquire, 22  
Market Street, P.O. Box 19, Ban-  
gor, PA 18013-0019

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

**QUIST, PEARL a/k/a PEARL L. QUIST**, dec'd.

Late of Northampton County, PA  
Executor: Bruce A. Quist c/o William K. Murphy, Esquire, Herster, Newton & Murphy, 127 N. 4th St., P.O. Box 1087, Easton, PA 18044-1087

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

**REISE, MARGIE**, dec'd.

Late of Allen Township, Northampton County, PA

Executrix: Allison Black c/o Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

Attorneys: Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

**SIEGEL, LUCILLE A.**, dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Shawnee R. Burke, 527 Maple Street, Bethlehem, PA 18018

Attorney: Keene Jabbour, Esquire, 701 Washington Street, Easton, PA 18042

**SECOND PUBLICATION****CALVO, PAUL J. a/k/a PAUL JAMES CALVO**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Paula Ann Wilson c/o William P. Leeson, Esquire, Leeson, Leeson & Leeson, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

Attorneys: William P. Leeson, Esquire, Leeson, Leeson & Leeson, 70 E. Broad Street, P.O. Box

1426, Bethlehem, PA 18016-1426

**CREYER, ROSE J.**, dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Samuel H. Creyer c/o Alfred K. Hettinger, Esquire, Steckel and Stopp Law Offices, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

Attorneys: Alfred K. Hettinger, Esquire, Steckel and Stopp Law Offices, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

**DECH, JOY W.**, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executrix: Cynthia J. Hunt, 48 Evergreen Street, Nazareth, PA 18064-2810

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

**KARDOS, VIOLA E.**, dec'd.

Late of the Township of Palmer, Northampton County, PA

Administrator: James E. Kardos c/o Frank S. Poswistilo, Esquire, 204 N. Thirteenth Street, Easton, PA 18042

Attorney: Frank S. Poswistilo, Esquire, 204 N. Thirteenth Street, Easton, PA 18042

**KULP, SAMUEL R., JR. a/k/a SAMUEL KULP a/k/a SAMUEL R. KULP a/k/a SAM KULP**, dec'd.

Late of Nazareth, Northampton County, PA

Executrix: Nancy E. Shaver c/o Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

Attorneys: Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

**MATTES, DIANE MARIE**, dec'd.

Late of the Borough of Pen Argyl, Northampton County, PA

Administrator: Charles L. Mattes 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

**PINEDA, EMMANUEL A. a/k/a EMMANUEL AUGUSTO PINEDA**, dec'd.

Late of 50 Mountain Top Drive, Easton, Northampton County, PA

Personal Representative: Luz C. Moncayo, 830 N.W. 86th Ave., Apt. 314, Plantation, FL 33324

**REGINA, PETER C.**, dec'd.

Late of the Township of Bethlehem, Northampton County, PA  
Peter C. Regina Revocable Living Trust

Executrices/Successor Trustees: Mary Ann Regina-Ochab and Joanne M. Regina c/o Louis S. Minotti, Jr., Esquire, 44 North Second Street, P.O. Box 468, Easton, PA 18044

Attorney: Louis S. Minotti, Jr., Esquire, 44 North Second Street, P.O. Box 468, Easton, PA 18044

**SMITH, ANNABELLE E.**, dec'd.

Late of the Borough of Bath, Northampton County, PA

Executrix: Linda A. Boyce, 2462 Evanwood Road, Bath, PA 18014

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

**STARK, ANNA V.**, dec'd.

Late of the Borough of West Easton, Northampton County, PA

Executor: Paul R. Stark c/o Frank S. Poswistilo, Esquire, 204 N. Thirteenth Street, Easton, PA 18042

Attorney: Frank S. Poswistilo, Esquire, 204 N. Thirteenth Street, Easton, PA 18042

**YEISLEY, RICHARD**, dec'd.

Late of the Township of Plainfield, Northampton County, PA  
Administratrix: Rebecca S. Heacock, 1393 Stones Dairy Road, Fieldale, VA 24089

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

**THIRD PUBLICATION**

**BRADY, ADA P. a/k/a ADA BRADY**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Clarence R. Watson c/o Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018

Attorneys: Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018

**BUKICS, JOSEPH F. a/k/a JOSEPH F. BUKICS, JR.**, dec'd.

Late of the Township of Bethlehem, Northampton County, PA  
Executrix: Rose Marie L. Bukics c/o Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

Attorneys: Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283



**FITZGERALD, ELIZABETH Q.,**  
dec'd.

Late of Hellertown, Northampton County, PA

Executrix: Rosalyn Cahill c/o Melissa V. Bond, Esquire, Bond & McCullough, 16 North Franklin St., Ste. 300A, Doylestown, PA 18901

Attorneys: Melissa V. Bond, Esquire, Bond & McCullough, 16 North Franklin St., Ste. 300A, Doylestown, PA 18901

**FREY, SHIRLEY A. a/k/a BETSY FREY,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA  
Executrix: Carole M. Kalman 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

**HOLLOWELL, RAMONA a/k/a RAMONA P. HOLLOWELL,**  
dec'd.

Late of the City of Bethlehem, Northampton County, PA

Administrator: Edward R. Hollowell, 1451 6th Street, Bethlehem, PA 18020

Attorneys: James J. Holzinger, Esquire, Boyer, Holzinger, Harak & Scomillio, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

**KREMSNER, EDWARD S.,** dec'd.

Late of the Township of Moore, Northampton County, PA

Executrix: Susan R. Meyers 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

**MILLER, GLADYS C. a/k/a GLADYS MILLER,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Alan L. Ritter c/o Frank M. Skrapits, Esquire, Affiliated with Steckel and Stopp, 2152 Main Street, Northampton, PA 18067-1211

**MOREY, RUTH C. a/k/a RUTH MOREY,** dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Wells Fargo Bank, N.A. c/o Mary C. Helf, Esquire, Fox Rothschild LLP, 2700 Kelly Rd., Ste. 300, Warrington, PA 18976-3624

Attorneys: Mary C. Helf, Esquire, Fox Rothschild LLP, 2700 Kelly Rd., Ste. 300, Warrington, PA 18976-3624

**PERAZZETTI, HELENA a/k/a HELENA R. PERAZZETTI,**  
dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Mrs. Marvourneen E. Horton, 201 Hunter Street, Easton, PA 18045

Attorneys: Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

**STELZMAN, HELEN C.,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Joanne Leonard c/o Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

Attorney: Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

**STROUSE, ROY H.,** dec'd.

Late of the Township of Forks, Northampton County, PA



Administrator CTA: Bryan K. Strouse c/o J. Stephen Kreglow, Esquire, P.O. Box 20833, Lehigh Valley, PA 18002-0833

Attorney: J. Stephen Kreglow, Esquire, P.O. Box 20833, Lehigh Valley, PA 18002-0833

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**NOTICE OF INCORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business 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 Corporation is:

**NORTHAMPTON INFECTIOUS  
DISEASE PHYSICIAN  
ASSOCIATES, P.C.**

Fishbone & Scheer  
940 West Lafayette Street  
Easton, PA 18042

May 17

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**LIMITED LIABILITY COMPANY  
NOTICE**

The name of the Limited Liability Company is:

**ELEMENTS WORKSHOP, LLC**  
filed with the Department of State on April 12, 2012.

DANIEL G. DOUGHERTY,  
ESQUIRE

DANIEL G. DOUGHERTY, P.C.  
881 3rd St.  
Suite B-3  
Whitehall, PA 18052

May 17

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

The following Executors, Administrators, Guardians & Trustees have

filed Accounts in the Office of the Orphans' Court:

ESTATE; Accountant

WILLIAM H. BECK; Anne L. Peters, Executrix

DONALD J. COLVER; Alfred S. Pierce, Executor

FRANK DE PAULO; Frank J. De Paulo, Executor

MICHAEL GRIFFITH a/k/a BRUCE ALAN SENSINGER; Willie Nichols, Executor

ROBERT C. THIESSEN; Elizabeth R. Favorito and Patricia A. Ball a/k/a Patricia T. Bader, Co-Executrices

**AUDIT NOTICE**

All Parties interested are notified that an audit list will be made up of all Accounts and the said list will be called for audit at the Northampton County Government Center, Easton, PA on: FRIDAY, MAY 25, 2012 AT 9:00 A.M. IN COURTROOM #1.

Dorothy L. Cole  
Clerk of Orphans' Court  
May 10, 17

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**NOTICE FOR CHANGE OF NAME**

NOTICE IS HEREBY GIVEN that on May 9, 2012, the Petition of Fahima Nasreen was filed in Northampton County Courthouse, File No. C-48-CV-2012-4370 seeking to change the name of her minor child Farhan Naurif Hassan to Farhan Hassan Talukder. The Court has fixed June 15, 2012, at 9:00 a.m. in Courtroom 4 at the Northampton County Courthouse as the date and time for hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any, why the Prayer of the Petitioners should not be granted.

May 17

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**NOTICE FOR CHANGE OF NAME**

NOTICE IS HEREBY GIVEN that on April 25, 2012, the Petition of Katina Teague was filed in Northamp-

ton County Court of Common Pleas at No. C-48CV2012-2884, seeking to change the name of Petitioner's minor children from Mycah Jacob Teague to Mycah Jacob Teague Padilla and Averic Ivyn Teague to Averic Ivyn Teague Padilla. The Court has fixed June 18, 2012 at 9 a.m. in Courtroom 4 at the Northampton County Courthouse as the date for the hearing of the Petition. All persons interested in the proposed change of names may appear to show cause, if any they have, why the Prayer of the Petitioner should not be granted.

May 17

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on JUNE 8, 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-2010-05816**

ALL that certain message, tenement and tract, parcel or piece of ground, situate on the South side of Windsor Road, in the 14th Ward of the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows to wit:

BEGINNING at a point in the South street line of Windsor Road, said point being North 47 degrees 15 minutes East 256.37 feet from the

intersection of the East Street line of Nottingham Road and South street line of Windsor Road; thence in and along said South street line, North 47 degrees 15 minutes East 69.58 feet to a point; thence along the West line of Lot No. 5, South 42 degrees 43 minutes East 163.5 feet, more or less, to a point in the North street line of Easton Avenue; thence in and along the North street line by a curve to the right, the radius of which is 3,266.83 feet, and are distance of 69.71 feet to a point; thence along the east line of Lot No. 3, North 42 degrees 42 minutes West 160 feet, more or less, to a point in the South street line of Windsor Road, the place of beginning.

BOUNDED on the North by Windsor Road, on the East by Lot No. 5, Block H, Section 3; on the South by Easton Avenue, and on the West by Lot No. 3, Block H, Section 3.

BEING the same premises which Michael D. Leamon and Wendy Leamon by Deed dated 08/11/2008 and recorded 08/14/2008 in the Recorder's Office of Northampton County, Pennsylvania Deed Book Volume 2008-1, Page 234889, Instrument No. 2008032512, granted and conveyed unto Michael L. Thompson, Jr. and Caitlin E. Miller, as Joint Tenants with rights of survivorship.

BEING KNOWN AS 1928 Windsor Road, Bethlehem, PA 18017.

TAX PARCEL NUMBER: N7NW2-29-4.

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

SEIZED AND TAKEN into execution of the writ as the property of Caitlin E. Miller and Michael L. Thompson, Jr.

LOUIS P. VITTI, ESQUIRE

**No. 2****BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-02161**

ALL THAT CERTAIN message or tenement and lot or piece of ground situate in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, known as 223 East Union Boulevard according to present city numbering, bounded and described as follows:

BEGINNING at a point on the north side of East Union Boulevard, seventeen feet one inch east of the northeast corner of East Union Boulevard and Penn Street, said point being the middle of a party wall; thence running north through the middle of said party wall and parallel with Penn Street one hundred sixty-five (165) feet to Spruce Street; thence eastwardly along the southern line of Spruce Street twenty-two (22) feet, eleven (11) inches, more or less, to a point; thence southwardly sixty-five (65) feet, more or less, to a point; thence eastwardly five (5) feet to a point; thence southwardly one hundred (100) feet to the north line of East Union Boulevard; thence westwardly along the north line of East Union Boulevard twenty-seven (27) feet, eleven (11) inches, more or less, to a point, the place of beginning.

BEING KNOWN AS 223 Union Boulevard, Bethlehem, PA 18018.

TAX PARCEL NUMBER: P6NE1B-17-2.

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

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

MICHAEL T. McKEEVER, ESQUIRE

**No. 3****BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-02770**

ALL THAT CERTAIN parcel or tract of land situate in Lower Nazareth Township, Northampton County, Pennsylvania and designated as Lot No 4, on "Plan Ridgeview Estates" prepared by Samuel F. Shireman, RFE dated April 7, 1971, as revised May 9, 1973, recorded in Plan Book 31 Page 2, Northampton County Records.

Said parcel containing in front on the easterly side of Birch Drive one-hundred thirty-eight and zero one hundredths (138.00) feet and extending depth between parallel lines a distance of one hundred sixty and zero one-hundredths (160 feet and being bounded on the west by Birch Drive, on the north by Lot No. 35, according to said plan on the east by Lot No. 42, according to said plan and on the south by Lot No. 33.

BEING KNOWN AS 408 Birch Drive, Nazareth, PA 18064.

TAX PARCEL NUMBER: L6NE3-3-9 0418.

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

SEIZED AND TAKEN into execution of the writ as the property of Tyla Jackson and David R. Jackson.

MICHAEL T. McKEEVER, ESQUIRE

**No. 5****BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-09159**

ALL THAT CERTAIN message, tenement and lot or piece of ground, situated on the southerly side of Radclyffe Street, between Carlisle Street and Washington Avenue, in the

City of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, known as No. 846 Radclyffe Street, according to city numbering and being Lot No. 39 on a map or plan entitled 'The United States Housing Corporation of Pennsylvania for Project No. 24, Bethlehem, PA, plan showing lot division of Block 2800 Section 1, scale 1 inch equals 40 feet 1921, L.J.H. Grossart, C.E., Bethlehem, PA', bounded and described as follows, to wit:

BEGINNING at a point on the southerly side of Radclyffe Street, distant 290.62 feet, more or less westwardly from the intersection of the said southerly side of Radclyffe Street, with the westerly side of Carlisle Street, thence extending westwardly along the southerly side of Radclyffe St., along a curve curving to the left, the cord thereof having a bearing of South 89 degrees 41 minutes West and a length of 32.14 feet to a point in line with the middle of the partition or party wall between the dwelling on the premises herein conveyed and the dwelling on the premises to the west, known as No. 844 Radclyffe Street, thence extending South 02 degrees 06 minutes East along Lot No. 40 of said plan, and passing through the middle of said partition or party wall a distance of 113 feet to a point on the northerly side of a 15 feet wide alley, thence extending North 87 degrees 15 minutes East along the northerly side of said alley, a distance of 2.84 feet to a point, thence continuing along the northerly side of said alley along a curve curving to the right, having a radius of 370.16 feet and a central angle of 15 degrees 42 minutes a distance of 29.74 feet to a point, thence extending North 02 degrees 17 minutes West along Lot No. 38 on

said plan, a distance of 112.75 feet, to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Stephen J. Wachter and Susan R. Wachter, h/w, by Deed from Donald L. Ryan and Ruth Ann S. Ryan, h/w, dated 04/30/2002, recorded 05/01/2002 in Book 2002-1, Page 113285.

BEING KNOWN AS 846 Radclyffe Street, Bethlehem, PA18017-6015.

TAX PARCEL NUMBER: N6SE3B 15 17 0204.

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

SEIZED AND TAKEN into execution of the writ as the property of Stephen J. Wachter and Susan R. Wachter.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 7**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-08946**

ALL THAT CERTAIN message, or one-half of the twin dwelling and lot or piece of ground situate 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) distance 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.

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

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**No. 8**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10626**

ALL THAT CERTAIN message or tenement and lot or piece of land situate in the City of Bethlehem,

County of Northampton, Commonwealth of Pennsylvania, being Lot 80 on Plan of East Hills, Section 5, recorded in Northampton County Map Book 13, Page 50, and known as 2947 Avon Road according to present city numbering, and bounded and described as follows:

On the north by Lot 81 on said plan; on the east by Avon Road; on the south by Lot 79 and Lot 71 on said plan; and on the west by property of Morris Maltzer. Containing in front or width on Avon Road fifty-five (55) feet; in depth along Lot 79, one hundred sixty-five and six hundredths (165.06) feet; in depth along Lot 81, one hundred sixty-four and ten hundredths (164.10) feet and in the rear, one hundred fifty-six and eighty-eight hundredths (156.88) feet, being irregular in shape.

TITLE TO SAID PREMISES IS VESTED IN Blair D. Miller and Jennifer A. Miller, his wife, by Deed from Katherine S. Vedomsky, widow, dated 10/26/2006, recorded 11/16/2006 in Book 2006-1, Page 473952.

BEING KNOWN AS 2947 Avon Road, Bethlehem, PA 18017-3201.

TAX PARCEL NUMBER: M7SW4 5 8 0204.

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

SEIZED AND TAKEN into execution of the writ as the property of Blair D. Miller and Jennifer A. Miller.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 9**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-07332**

ALL THAT CERTAIN parcel of land with the dwelling house thereon

erected, situate in the Borough of Glendon, Northampton County, Pennsylvania, and being more particularly bounded and described as follows, to wit:

Beginning at a point, said point being the Southeast corner of Lot No. 5, and in the Northern right of way line of Helen Court;

Thence 1) Easterly along Lot No. 5, North 46 degrees, 10 minutes, 00 seconds East 145.00 feet to a point in line of Lot No. 7;

Thence 2) Southerly along said Lot No. 7, South 43 degrees, 50 minutes, 00 seconds East, 164.55 feet to a point in the Western right of way line of Berger Hill Road;

Thence 3) Southerly along the Western right of way line of said Berger Hill Road, South 34 degrees, 30 minutes, 40 seconds West 98.61 feet to a point;

Thence 4) Southerly along the same on a curve to the right, said curve having a radius of 20.00 feet and an arc length of 31.41 feet to a point in the Northern right of way line of Helen Court;

Thence 5) Westerly along the Northern right of way line of said Helen Court, North 55 degrees, 29 minutes, 20 seconds West, 109.98 feet to a point;

Thence 6) Westerly along the same on a curve to the right said curve having a radius of 125.00 feet and an arc length of 25.42 feet to a point;

Thence 7) Westerly still along the same, North 43 degrees, 50 minutes, 00 seconds West 35.95 feet to a point, the place of beginning.

It being all of Lot No. 6 of the Roslen Estate Subdivision recorded in Plan Book 87, page 18, at the Recorder of Deeds Office in Northampton County and being subject to easements as show on said plan.

TITLE TO SAID PREMISES IS VESTED IN Kenan G. Kanopka, by Deed from Kenan G. Kanopka and Karen B. Kanopka, his wife, dated 01/22/1992, recorded 02/06/1992 in Book 854, Page 135.

BEING KNOWN AS 100 Helen Court, Easton, PA 18042-9547.

TAX PARCEL NUMBER: M9 21 20J 0813.

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

SEIZED AND TAKEN into execution of the writ as the property of Kenan G. Kanopka.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 10**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2008-02882**

TRACT NO. 1

ALL THAT CERTAIN lot or piece of land, together with the dwelling thereon erected, known as #731 Jackson Street, in the City of Easton, County of Northampton, State of Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the North side Jackson Street, which said point is approximately 22 feet East of the Northeast corner of Eighth and Jackson Streets, and in line of lands late of Frank Albright and Allen Albright, thence Eastwardly along the North side of Jackson Street to the middle of the partition wall which is the dividing line of premises #731 Jackson Street and #729 Jackson Street, being approximately 19 feet from the starting point, thence extending of that width Northwardly in depth between parallel lines a distance of 84 feet more or less to property now or late of William D. Smull



and wife, BOUNDED on the North by property of William D. Smull and wife, on the East by property of Herbert Albright, on the South by Jackson Street, and on the West by property of Frank Albright Estate.

TRACT NO. 2

ALL THAT CERTAIN lot or piece of ground situate on the Northeast corner of Eighth and Jackson Streets, in the City of Easton, County of Northampton, and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point the Northeast corner of Eighth and Jackson Streets; thence Eastwardly along the North side of said Jackson Street twenty-two (22) feet and thence extending of that width in depth Northwardly eighty-five (85) feet, more or less.

BEING KNOWN AS 731-35 Jackson Street, Easton, PA.

TAX PARCEL NUMBER: L9NE4C 2 12.

THEREON BEING ERECTED a two-story single dwelling with aluminum siding exterior and slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Douglas Varju and Lori A. Mabus.

ROBERT P. DADAY, ESQUIRE

**No. 11**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10065**

ALL THAT CERTAIN messuage or tenement 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, containing in front on Ferry Street aforesaid, 20 feet and extending of that same width in depth Southwardly 116 feet to a 10 feet wide alley.

BOUNDED on the North by Ferry Street, on the East by Lot No. 12 on the South by a 10 feet wide alley and on the West by Lot No. 44, now or late of Lothar Trickel, being Lot No. 13 on Plan of Lots of Lillian G. Neven.

TITLE TO SAID PREMISES IS VESTED IN Anibal Soto Colon, by Deed from Herminio Gonzalez and Carmen L. Gonzalez, h/w, dated 02/28/2005, recorded 03/14/2005 in Book 2005-1, Page 90446.

BEING KNOWN AS 1418 Ferry Street, Easton, PA 18042-4014.

TAX PARCEL NUMBER: L9SW2C 115 0310.

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

SEIZED AND TAKEN into execution of the writ as the property of Anibal Soto Colon.

DANIEL G. SCHMIEG, ESQUIRE

**No. 12**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-11956**

ALL THAT CERTAIN lot or tract or parcel of ground situated in the Borough of Freemansburg, County of Northampton and Commonwealth of Pennsylvania, being known and referred to as Lot 19, as shown and identified on a certain subdivision map, plat or plan entitled 'Market Square', which Plan was recorded on September 27, 2001 in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania in Map Book 2001-5, at Pages 264 and 265.

TITLE TO SAID PREMISES IS VESTED IN Tiffany Holmes, married, by Deed from Scott A. Ernst and Jennifer A. Ernst, dated 04/15/2005, recorded 04/18/2005 in Book 2005-1, Page 139362.



BEING KNOWN AS 147 North Oak Street, Freemansburg, PA 18017-7066.

TAX PARCEL NUMBER: P7 2 3-19 0212.

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

SEIZED AND TAKEN into execution of the writ as the property of Tiffany Holmes.

DANIEL G. SCHMIEG, ESQUIRE

**No. 13**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-06493**

ALL THAT CERTAIN parcel of land situate in the Borough of Bangor, County of Northampton, and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point 15.08 feet South of the intersection of the West building line of South Main Street with the South Building line of Miller Avenue, as measured along the West building line of South Main Street; thence generally West, passing through the middle of partition wall separating residence known as 302 South Main Street and residence known as 304 South Main Street (standing on the tract hereby conveyed) a distance of 47.28 feet to a point where said partition wall terminates at the West (rear) wall of said row of houses; thence, generally West 25.72 feet to a point on the East side of a 14 feet alley to be kept open for the use and benefit of persons occupying residences known as Nos. 302-312 South Main Street, both inclusive; thence South 16 degrees 30 minutes West 15.61 feet to a point, land now or late of Edward Lobb; thence generally East 25.74 feet to a point, the southwest corner of House

No. 304 (standing on the tract hereby conveyed); thence generally East and through the partition wall diving house No. 304 (hereby conveyed) and house No. 306 to a point on the West building line of South Main Street; thence along the West building line of South Main Street North 16 degrees 30 minutes East 15.07 feet to a point, the place of Beginning.

TOGETHER with such rights, privileges and easements as have heretofore been enjoyed by the occupants of said premises and subject to such reservations, restrictions and easements as have heretofore been imposed upon said premises for the benefit of neighboring residences. It is specifically noted that public utility services, including water, sewerages, gas and electricity, have been enjoyed and shall hereafter be enjoyed by the grantee and its successors in title by and through joint access over and across that block of lots on which stands a row of residences known as Nos. 302, 304, 306, 308, 310, and 312 South Main Street. This conveyance is made subject to such rights and privileges as will permit a continuance of the existing facilities for the supply of said services.

TOGETHER with the privilege of using areaway located at the Northwest corner of the residence known as 306 South Main Street, which areaway has dimensions of approximately 2.8 feet (running North and South) X 11.6 feet (running East and West) as is more fully set forth in Deed to the said adjoining premises known as 306 South Main Street from Paul R. LaBar and Ruth S. LaBar, his wife, to Edward Lobb and Jennie Bessie Lobb, his wife, dated July 8, 1960, and recorded in Record Book Volume 128, Page 60.

TITLE TO SAID PREMISES IS VESTED IN Maryellen Lyons, by Deed from James C. Wolfe and Bridgett M. Wolfe, h/w, dated 09/14/2007, recorded 09/19/2007 in Book 2007-1, Page 343949.

BEING KNOWN AS 304 South Main Street, Bangor, PA 18013-2014.

TAX PARCEL NUMBER: E9NE3A 7 1E 0102.

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

SEIZED AND TAKEN into execution of the writ as the property of Maryellen Lyons.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 14**

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

**CV-2011-06307**

ALL THAT CERTAIN eastern half of a two and a half story double brick dwelling house and lot situate on the south side of Locust Street, between Maple and Elm 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 southern line of said Locust Street, distant fifty-seven (57) feet six (6) inches east of the eastern line of a certain twenty foot wide alley immediately east of Maple Street; thence extending eastwardly along the southern lute of said Locust Street a distance of seventeen (17) feet six (6) inches, and of that same width extending southwardly in parallel lines a distance of one hundred and twenty (120) feet to an unnamed twenty foot wide alley.

BOUNDED on the North by said Locust Street, on the East by land now or late of Mary L. Farrell, on the

South by said alley, on the West by land now or late of William W. Speck.

TITLE TO SAID PREMISES IS VESTED IN James W. Tumpey, Jr., by Deed from Frederick C. Heinrich, by his attorney-in-fact, Barbara Jean Heinrich and Francis P. Heinrich, individually and as administrator, C.T.A. of the Estate of Francis J. Heinrich, dated 04/02/1999, recorded 04/30/1999 in Book 1999-1, Page 61701.

BEING KNOWN AS 420 East Locust Street aka 420 Locust Street, Bethlehem, PA 18018-2919.

TAX PARCEL NUMBER: N6SE3D 3 4 02.

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

SEIZED AND TAKEN into execution of the writ as the property of James W. Tumpey, Jr.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 15**

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

**CV-2011-10360**

ALL THAT CERTAIN lot or tract of land, situate in the Township of Hanover, County of Northampton, Commonwealth of Pennsylvania, as shown on the development of Pointe North Phase IV, Section 1, prepared by Spotts, Stevens and McCoy, Inc., Consulting Engineers dated 8/30/1988 and recorded in the Office of the Recorder of Deeds of Northampton County in Plan Book 88, page 307, and being more fully bounded and described as follows, to wit:

BEGINNING at a point on the northwesterly side of Toni Lane (50 feet wide) which point is measured on the arc of a circle curving to the right having a radius of 25.00 feet the arc

distance of 39.27 feet from a point of curve on the southwesterly side of Susan Drive (50 feet wide); thence extending along the northwesterly side of Toni Lane, South 02 degrees 14 minutes 21 seconds West, 100.00 feet to a point; thence extending along Lot #1 on said plan, North 87 degrees 45 minutes 39 seconds West 129.08 feet to a point; thence extending along Lot #21 on said plan, North 02 degrees 14 minutes 21 seconds East 125.00 feet to a point on the southwesterly side of Susan Drive aforementioned; thence extending along the same, South 87 degrees 45 minutes 39 seconds East 104.08 feet to a point of curve; thence extending on the arc of a circle curving to the right having a radius of 25.00 feet the arc distance of 39.27 feet to the point and place of beginning.

BEING Lot #22, Block C on said Plan.

UNDER AND SUBJECT to restrictions as cited in Deed Book Volume 850 Page 215.

TITLE TO SAID PREMISES IS VESTED IN Mark J. Angeli and Kathleen M. Angeli, h/w, by Deed from Timothy D. Layne and Karen S. Layne, h/w, dated 07/16/2004, recorded 07/29/2004 in Book 2004-1, Page 293490.

BEING KNOWN AS 4501 Susan Drive, Bethlehem, PA 18017-8747.

TAX PARCEL NUMBER: M6NW1 5 22 0214.

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

SEIZED AND TAKEN into execution of the writ as the property of Mark J. Angeli and Kathleen M. Angeli.

DANIEL G. SCHMIEG, ESQUIRE

## No. 16

### BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2009-12746

ALL THAT CERTAIN parcel of land located in Lower Saucon Township, Northampton County, Commonwealth of Pennsylvania, known as Lot 55 of Saddle Ridge Major Subdivision, Phase 2B, recorded in Map Book Vol. 2000-5 pages 217-218 on July 6, 2000, bounded and described as follows:

BEGINNING at a point on the westerly right-of-way line of Jake's Place, said point being the northeasterly corner of Lot 57; thence,

Along the said Lot 57 of Saddle Ridge Major Subdivision, Phase 2B South 85 degrees 20 minutes 11 seconds West 292.94 feet to a point; thence,

Along the lands known as Lots M12 and M3 of Saddle Ridge Major Subdivision, Phase 3, North 02 degrees 19 minutes 59 seconds West 202.17 feet to a point; thence,

Along Lot 54 of Saddle Ridge Major Subdivision, Phase 2B, North 85 degrees 20 minutes 11 seconds East 284.71 feet to a point; thence,

Along the aforementioned westerly right-of-way line of Jake's Place, South 04 degrees 39 minutes 49 seconds East 202.00 feet to the point of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Mark Wright, married and Lisa M. Wright, his wife, by Deed from Andrew D. Martin, married and Michael C. Hamm, Married, dated 06/21/2004, recorded 07/14/2004 in Book 2004-1, Page 271055.

BEING KNOWN AS 1450 Jakes Place, Hellertown, PA 18055-2642.

TAX PARCEL NUMBER: R7 23 6-55 0719.

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

SEIZED AND TAKEN into execution of the writ as the property of Mark Wright and Lisa M. Wright.

DANIEL G. SCHMIEG, ESQUIRE

**No. 17**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-12681**

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Forks, County of Northampton and Commonwealth of Pennsylvania, shown as Lot I-41 on the Final Plan of Sullivan's March Phase I as recorded in Map Book 91 Page 36 in the Office of the Recorder of Deeds for Northampton County at Easton, Pennsylvania, being further bounded and described as follows, to wit:

BEGINNING at an iron pin on the southerly right-of-way line of Meco Road (60.00 feet wide) said iron pin being on a corner of Lot I-39 of Sullivan's March Phase I;

THENCE along said southerly right-of-way line of Meco Road (60.00 feet wide) North 84 degrees 17 minutes 42 seconds East 87.93 feet to an iron pin being on a point of curvature;

THENCE along the arc of a curve to the right having a radius of 40.00 feet and central angle of 87 degrees 05 minutes 07 seconds for an arc length of 60.80 feet (Chord: South 52 degrees 09 minutes 45 seconds East 55.11 feet) to an iron pin on the westerly right-of-way line of Wagon Wheel Drive (60.00 feet wide);

THENCE along said westerly right-of-way line of Wagon Wheel Drive (60.09 feet wide) the following two courses and distances:

1. South 08 degrees 37 minutes 11 seconds East 38.35 feet to an iron pin; thence

2. Along the-arc of a curve to the right having a radius of 270.00 feet and a central angle of 05 degrees 12 minutes 13 seconds for an arc length of 24.52 feet (Chord: South 06 degrees 01 minutes 04 seconds East 24.51 feet) to an iron pin on the corner of Lot I-40 of Sullivan's March Phase I;

THENCE along said lands of Lot I-40 of Sullivan's March Phase I South 86 degrees 35 minutes 02 seconds West 130.07 feet to an iron pin on line of lands of Lot I-39 of Sullivan's March Phase I;

THENCE along said lands of Lot I-40 of Sullivan's March Phase I South 86 degrees 35 minutes 02 seconds West 130.07 feet to an iron pin on line of lands of Lot I-39 of Sullivan's March Phase I;

THENCE along said lands of Lot I-39 of Sullivan's March Phase I North 05 degrees 42 minutes 18 seconds West 95.59 feet to an iron pin, the PLACE OF BEGINNING.

CONTAINING 12,300.81 square feet or 0.2824 acres.

TITLE TO SAID PREMISES IS VESTED IN Lawrence Beach and Phyllis R. Beach, h/w, by Deed from J. Brent Alinger and Mary A. Alinger, h/w, dated 07/27/2005, recorded 08/01/2005 in Book 2005-1, Page 288422.

BEING KNOWN AS 900 Meco Road, Easton, PA 18040-8008.

TAX PARCEL NUMBER: K9NW3 8 0311.

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

SEIZED AND TAKEN into execution of the writ as the property of Phyllis R. Beach and Lawrence Beach.

DANIEL G. SCHMIEG, ESQUIRE

**No. 18**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2009-03637**

ALL THAT CERTAIN lot or piece of ground, together with the building and improvements thereon erected, situate in the Township of Forks, County of Northampton and State of Pennsylvania, being Lot No. 47, Peach Tree Trail on the revised Plan of Chestnut Hills, prepared by P. E. Sandt, Registered Professional Engineer, dated April 11, 1953, page 19, Northampton County records, being more particularly described as follows:

BEGINNING at a point located in the westerly property line of Toboggan Trail said point being located South 2 degrees 52 minutes West 117.79 feet from the intersection of the said westerly property line of Toboggan Trail with the easterly property line of Peach Tree Trail; thence along said westerly property line of Toboggan Trail, South 2 degrees 52 minutes West 111.26 feet to a point being the northeast corner of Lot No. 46 as indicated on the Plan of Chestnut Hills; thence along the northerly line of said Lot No. 46, North 87 degrees 23 minutes West 101.00 feet to a point being the northeast corner of Lot No. 48 as indicated on the Plan of Chestnut Hills; thence along the northerly line of said Lot No. 48 North 41 degrees 08 minutes West 95.00 feet to a point in the easterly property line of Peach Tree Trail; thence along the said easterly property line of Peach Tree Trail, North 48 degrees 52 minutes East 114.21 feet to a point of curvature; thence along the arc of a curve deflecting to the right having a radius of 50.00 feet with central angle of 134 degrees 00 minutes, an arc distance of 116.94 feet to its point of tangency, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Edwin Velazquez and BLANCA VELAZQUEZ a/k/a B. VELAZQUEZ, h/w, by Deed from Richard E. Milliron and Liesa E. Milliron, h/w, dated 12/13/2004, recorded 01/05/2005 in Book 2005-1, Page 4764.

BEING KNOWN AS 400 Peach Tree Trail, Easton, PA 18040-1132.

TAX PARCEL NUMBER: K9SE4 11 25 0311.

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

SEIZED AND TAKEN into execution of the writ as the property of Edwin Velazquez and Blanca Velazquez a/k/a B. Velazquez.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 19**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-03940**

ALL THAT CERTAIN tract or parcel of land situate in the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, known as Lot No. 276, bounded and described according to a Record Plan entitled 'Phase 6, Final Plan, Nancy Run Estates, as prepared for Nancy Run Estates Family Limited Partnership,' last dated August 22, 2000, as prepared by Cowan Associates, Inc., Quakertown, PA, as follows, to wit:

BEGINNING at a point on the northwesterly right-of-way of Tamarind Drive, 50 feet wide, said point being the most southeasterly corner of Lot 277 of said subdivision plan; THENCE (A) along the line of lands of Lot 277, North 38 degrees 42 minutes 55 seconds West, 25.00 feet to a point; THENCE (B) along the same, North 10 degrees 30 minutes 18 seconds West, 204.28 feet to a point

along the line of lands of Lot 300 of said plan; THENCE (C) along the line of lands of Lot 300, North 79 degrees 29 minutes 42 seconds East, 75.17 feet to a point, said point being the most northwesterly corner of Lot 275 of said plan; THENCE (D) along the line of lands of Lot 275, South 10 degrees 30 minutes 18 seconds East, 177.80 feet to a point; THENCE (E) along the same, South 21 degrees 06 minutes 25 seconds East, 25.00 feet to a point on the northwesterly right-of-way of Tamarind Drive; THENCE (F) along the right-of-way of Tamarind Drive, following a curve to the left having a radius of 235.34 feet, the arc length of 72.33 feet to the first mentioned point and place of beginning.

CONTAINING 16,100.96 square feet or 0.370 acres.

UNDER AND SUBJECT to drainage and utility easements and buffer easement as shown on aforementioned subdivision plan.

UNDER AND SUBJECT to conditions, restrictions, covenants, notes, reservations, and easements as set forth on Plan of Nancy Run Estates Subdivision, Phase 6, recorded April 18, 2001 at Map Book 2001-5, Page 107, Northampton County Records.

TITLE TO SAID PREMISES IS VESTED IN Benedict F. Thomsen, unmarried, by Deed from Nic Zawarski and Sons Builders, Inc., a Pennsylvania Corporation, dated 07/31/2002, recorded 08/12/2002 in Book 2002-1, Page 211217.

BEING KNOWN AS 3875 Tamarind Drive, Bethlehem, PA 18020-7712.

TAX PARCEL NUMBER: M7 17 1-276 0205.

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

SEIZED AND TAKEN into execution of the writ as the property of Benedict F. Thomsen.

DANIEL G. SCHMIEG, ESQUIRE

**No. 21**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-10027**

All that certain lot or parcel of land situated in the Township of Bushkill, County of Northampton, and Commonwealth of Pennsylvania, being Lot No.4 as shown on a plan entitled, "Final Residential Subdivision, Jacobsburg Manor Estates", dated November 13, 2002, last revised September 22, 2003 prepared by Millennium Design Services Company, Nazareth, Pa. 18064 and recorded in the Northampton County Recorder of Deeds Office in Book 2004-5, Pages 1-4, more particularly described as follows: Beginning at a common corner of Lots No.4 and No.5 on the northwesterly side of Donato Court (50'R.O.W.); thence

1. Along the northwesterly side, South 65 degrees 03 minutes 58 seconds West, a distance of 145.00 feet to a corner of Lot No.3

2. Along Lot No.3, North 24 degrees 56 minutes 02 seconds West, a distance of 306.98 feet to a corner; thence

3. North 65 degrees 20 minutes 21 seconds East, a distance of 145.00 feet to a corner of Lot No.5; thence

4. Along Lot No.5, South 24 degrees 56 minutes 02 seconds East, a distance of 306.29 feet to the first mentioned point and place of beginning.

Containing 44,462 square feet or 1.0207 acres of land.

Property Code No.H7-5-11-04-0406.

Subject to a Sight Triangle as shown on the above referenced Final Residential Subdivision Plan.



Subject to a 30' Drainage Easement as shown on the above referenced Final Residential Subdivision Plan.

Subject to Drainage and Utility Easements stated on the above referenced Final Residential Subdivision Plan as: All lots shall have 15 feet wide easements along road frontage and adjoining lands to the subdivision and ten foot wide easements are established along all interior side and rear lot lines.

THIS BEING the same property conveyed to Steven White and Portia White, husband and wife, as tenants by entirety from Toll PA XI, L.P. in a deed dated July 24, 2007 and recorded July 31 2007 in Book 2007-1, Page 277116.

BEING KNOWN AS 216 Donato Court, Nazareth, PA 18064.

TAX PARCEL NUMBER: H7-5-11-04-0406.

THEREON BEING ERECTED a two-story single dwelling with attached three-car garage with brick exterior and shingle roof; in-law apartment.

SEIZED AND TAKEN into execution of the writ as the property of Steven White a/k/a Steve White and Portia White.

THOMAS M. FEDERMAN,  
ESQUIRE

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**No. 22**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-10561**

ALL that messuage, tenement and lots or pieces of land situate in Bethlehem Township, County of Northampton and Commonwealth of Pennsylvania designated as Lot No. 1 of the Muschlitz Subdivision which is recorded at Plan Book 93, Page 151 in the Office of the Recorder of Deeds for Northampton County, Pennsylva-

nia also known as 1717 Sixth Street and being more particularly described as follows:

Starting at an iron pin denoting the NW corner of the intersection of Sixth and Washington Streets (both fifty feet wide); thence N 5° 1' 0" E, along the West right-of-way of Sixth Street, 100.00' to an iron pin designating the first corner of Lot 1 described herein; thence N 5° 1' 0" E still along said right-of-way line, 100.00' to an iron pin; thence N 84° 59' 0" W, along Lot No. 2; 110.00' to an iron pin set on the East right-of-way line of Chestnut Street (20.00' wide); thence S 5° 1' 0" W, along said right-of-way line, 100.00' to an iron pin; thence S 84° 59' 0" E along the property of William and Elizabeth Chaszar, 110.00' to an iron pin designating the first corner of the lot described herein.

UNDER AND SUBJECT TO compliance with the Bethlehem Township Subdivision and Land Development Ordinance Section 1014A and 1020A concerning the installation of curb and sidewalk along Sixth and Chestnut Streets, same having been deferred by the Board of Commissioners at the time of the approval of the subdivision referenced above but which could be required by them at a future date.

BEING KNOWN AS 1717 Sixth Street, Bethlehem, PA 18020.

TAX PARCEL NUMBER: N7NE4-52.

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

SEIZED AND TAKEN into execution of the writ as the property of Lois A. Ritchie and Jeffrey A. Ritchie.

MICHAEL T. McKEEVER, ESQUIRE



**No. 23**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-06702**

ALL THAT CERTAIN parcel of land situate in the Borough of Wind Gap, County of Northampton. Commonwealth of Pennsylvania, bounded and described in accordance with a survey thereof dated March 2, 1951, made by Brice H. Freestone, registered engineer, as follows:

BEGINNING at a stake on the westerly side of Chestnut Street, a 50 feet wide street; thence along the north side of Fourth Street, N 41° 17' W 50 feet to a stake and a line of Lot No. 106; thence along line of Lot No. 106, N 48° 43' E 125 feet to the southerly side of a 12 feet wide alley; thence along the southerly line of said alley, S 41° 17' E 50 feet to the westerly side of Chestnut Street; thence along the westerly side of Chestnut Street, S 48° 43' W 125 feet to the point and place of beginning. Containing and being Lot No. 105 of the map prepared by E. G. Wire in 1886 for P. S. Yeller and J. A. Angle, and containing in area 6,250 square feet of land, strict measure.

And the said Thomas M. Strunk and Michael P. Strunk are married individuals who are not presently separated, nor are they subject to divorce proceedings in the Commonwealth of Pennsylvania, or any other jurisdiction.

It being the same premises which Leatha Strunk, widow, did, by deed dated April 30, 2001, and recorded in the Office for the Recording of Deeds in and for Northampton County at Easton, Pennsylvania in Deed Book Volume 2001-1, at Page 075799, grant and convey unto Thomas M. Strunk and Michael P. Strunk, their heirs and assigns forever.

TITLE TO SAID PREMISES IS VESTED IN Ryan A. Brinker and Nicole Brinker, his wife by Deed from Leatha Strunk, widow, by and through her attorney in fact Michael P. Strunk, Individually, and Thomas M. Strunk dated 09/27/2006 recorded 10/11/2006 in Deed Book 2006-1 Page 422558.

BEING KNOWN AS 58 East 4th Street, Wind Gap, PA 18091-1401.

TAX PARCEL NUMBER: F8N-W1A-5-6.

THEREON BEING ERECTED a single cape cod style dwelling with aluminum siding exterior and shingle roof; detached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Nicole Brinker and Ryan Brinker.

MARK J. UDREN, ESQUIRE

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**No. 24**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-08877**

ALL THAT CERTAIN lot or piece of ground situate on the south side of Old Carriage Road (SR 3018) in the Township of Allen, County of Northampton, Commonwealth of Pennsylvania, and being Lot 1 on a subdivision plan prepared by Kenneth R. Hahns, PLS and entitled 'minor subdivision for Randy Teets,' drawing number 05-15, dated and last revised May 19, 2006, bounded and described as follows:

BEGINNING at a concrete monument set in the southerly ultimate right of way line of Old Carriage Road (SR 3018), said concrete monument also being the northwesterly property corner of Lot 2 of this subdivision;

THENCE extending along the westerly property lines of Lot 2 of this subdivision, the following two (2) courses and distances;

(1) South 01 degree 15 minutes 00 seconds West, 250.00 feet to an iron pin;

(2) South 18 degrees 45 minutes 00 seconds East, 215.86 feet to an iron pin;

THENCE extending along the northerly property line of now or formerly Robert Nathan Heffelfinger, North 85 degrees 30 minutes 08 seconds West, 388.05 feet to an iron pin;

THENCE extending along the easterly property line of now or formerly Mann Family Trust, et al, North 11 degrees 23 minutes 22 seconds East, 326.11 feet to a concrete monument;

THENCE extending along the southerly and easterly property lines of now or formerly Gary Hunt, the following two (2) courses and distances;

(1) North 85 degrees 15 minutes 00 seconds East, 105.07 feet to a concrete monument;

(2) North 01 degree 15 minutes 00 seconds East, 83.85 feet to an iron pin;

THENCE extending along the southerly ultimate right of way line of Old Carriage Road (SR 3018) North 85 degrees 36 minutes 03 seconds East, 152.43 feet to the place of beginning;

CONTAINING 117,674.27 square feet, 2.7014 acres, more or less.

UNDER AND SUBJECT TO ALL CONDITIONS, COVENANTS AND RESTRICTIONS OF RECORD.

TITLE TO SAID PREMISES IS VESTED IN Randy R. Teets and Cynthia Teets, h/w, by Deed from Randy R. Teets and Cynthia Teets, h/w, dated 11/21/2008, recorded 11/28/2008 in Book 2008-1, Page 313622.

BEING KNOWN AS 159 Old Carriage Road, Northampton, PA 18067-9272.

TAX PARCEL NUMBER: K4 30 2 0501.

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

SEIZED AND TAKEN into execution of the writ as the property of Randy R. Teets and Cynthia Teets.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 25****BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10200**

ALL THAT CERTAIN tract of land situate in the township of Hanover, county of Northampton and commonwealth of Pennsylvania, known as lot 1, as shown on plan of Birchwood estates, section II, recorded in map book volume 66, page 31.

UNDER AND SUBJECT to all covenants and restrictions showing of record.

TITLE TO SAID PREMISES IS VESTED IN Paul M. Cox and Krystina Cox, h/w, by Deed from Michael J. Evans and Mary M. Evans, h/w, dated 10/27/2006, recorded 10/31/2006 in Book 2006-1, Page 450615.

BEING KNOWN AS 1007 Woodmere Drive, Bethlehem, PA 18017-2339.

TAX PARCEL NUMBER: M6SW1 8 1 0214.

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

SEIZED AND TAKEN into execution of the writ as the property of Paul M. Cox and Krystina Cox.

DANIEL G. SCHMIEG, ESQUIRE

**No. 26**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-08342**

ALL THAT CERTAIN message, tenement and lot or piece of ground situate in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the Eastern line of Alaska Street at the distance of 320 feet South from the Southern line of Itaska Street; thence extending Southwardly along Alaska Street 40 feet; thence running back of that width between lines at right angles to said Alaska Street 140 feet to an alley 20 or 25 feet wide.

TITLE TO SAID PREMISES IS VESTED IN Benigno B. Agosto, by Deed from Meriba Tavarez, dated 09/29/2006, recorded 10/11/2006 in Book 2006-1, Page 423575.

BEING KNOWN AS 635 Alaska Street, Bethlehem, PA 18015-2805.

TAX PARCEL NUMBER: P6SW3B 5 23 0204.

THEREON BEING ERECTED a two-story single dwelling with aluminum siding exterior and shingle roof; detached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Benigno B. Agosto.

DANIEL G. SCHMIEG, ESQUIRE

**No. 27**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-03674**

ALL THAT CERTAIN easterly half of lot or piece of land, situate on the North side of Main Street (now Milton Avenue) in the City of Easton (South side), County of Northampton and State of Pennsylvania, being marked on the plan or plot, No. '4', containing in breadth on said Milton Avenue

twenty (20 feet) feet and extending northwardly one hundred and forty (140 feet) feet to a twenty (20 feet) feet wide alley known as Bird Alley. The same premises being bounded on the west by property now or late of James M. Cope, on the North by Bird Alley, on the East by land now or late of Robert C. Boyer, or Lot No. 6, as per plan of said lots, and on the South by said Milton Avenue.

BEING the same premises which Matthew P. Bellis and Renee Panuccio, by deed dated the 25th day of August, 1995, and recorded in and for the Office of the Recorder of Deeds, for Northampton County, Pennsylvania, in Deed Book Volume 1996-1, Page 032039, did grant and convey unto Matthew P. Bellis.

TITLE TO SAID PREMISES IS VESTED IN Joshua Sager, by Deed from Matthew P. Bellis, dated 11/30/2005, recorded 12/07/2005 in Book 2005-1, Page 494357.

BEING KNOWN AS 841 West Milton Street a/k/a 841 Milton Street, Easton, PA 18042-6367.

TAX PARCEL NUMBER: M9NE1A 16 9 0310.

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

SEIZED AND TAKEN into execution of the writ as the property of Joshua Sager.

DANIEL G. SCHMIEG, ESQUIRE

**No. 28**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-13751**

All that certain lot or piece of land situate in the City of Bethlehem, County of Northampton and Commonwealth of PA. commonly known and designated as 629 Hellener Street, bounded and described as follows:

beginning at a stake in the intersection of the East property line of Hellener Street with the North property line of Sioux Street; thence along the East property line of Hellener Street North 25 degrees 00 minutes west distance of 24.42 feet to a cross cut in line of Lot No. 627 Hellener Street; thence along Lot No. 627 Hellener Street and passing partly through the center of a party wall North 65 degrees 00 minutes East a distance of 80 feet to a stake; thence south 25 degrees 00 minutes East a distance of 28.85 feet to a stake in the North property line of Sioux Street South 68 degrees 10 minutes West a distance of 80.12 feet to the point, the place of beginning.

Being the same premises of Brad L. Weaver and Kurt Weaver, by their deed dated 5/20/09 and recorded on 5/29/09 in the Recorder of Deeds Office of Northampton County Pennsylvania in Deed Book Volume 2009-1 page 130953 granting and conveying unto Brad Weaver.

BEING KNOWN AS 629 Hellener Street, Bethlehem, PA 18015.

TAX PARCEL NUMBER:  
P6SW3A-6-11.

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

SEIZED AND TAKEN into execution of the writ as the property of Brad L. Weaver.

LOUIS P. VITTI, ESQUIRE

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**No. 29**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10900**

ALL THAT CERTAIN lot or piece of ground with the improvements thereon erected and known as 122 South 6th Street, City of Easton, County of Northampton, state of

Pennsylvania, bounded and described as follows :

BEGINNING at a point in the easterly line of south 6th street, said point being a distance of 199 feet from the southerly line of ferry street on a course south 11 degrees 00 minutes west; thence (1) along premises known as 120 south 79 degrees 00 minutes east 110 feet to a point; thence (2) along the westerly line of a 20 foot alley south 11 degrees 00 minutes west 21 feet to a point; thence (3) along premises known as 124 north 79 degrees 00 minutes west 110 feet to a point; thence (4) along the easterly line of south 6th street north 11 degrees 00 minutes east 21 feet to a place of beginning

BEING the same premises which Non Say and Bunnary Say, also known as Bunnery Say, husband and wife by Deed dated January 3, 2005 and recorded January 7, 2005 in the Office of the Recorder of Deeds in and for Northampton County in Deed instrument No. 2005001712, granted and conveyed unto Bunnarith Sou.

BEING KNOWN AS 122 South 6th Street, Easton, PA.

TAX PARCEL NUMBER:  
L9SE2D-3-17.

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

SEIZED AND TAKEN into execution of the writ as the property of Bunnarith Sou.

STEVEN K. EISENBERG, ESQUIRE

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**No. 30**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-12116**

ALL THAT CERTAIN messuage, tenement and piece of ground situated in the Borough of Nazareth, County of Northampton and Com-

monwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the north side of a private alley and the corner of other land now or late of the said John S. Mularik; thence northwardly along the same seventy five (75) feet to a point in line of land now or late of Frank Williams; thence westward along said land now or late of Frank Williams, forty seven (47) feet and two (2) inches, more or less, to land now or late of Tony Frenszak; thence along the same, south seventy five (75) feet to the aforesaid private alley; thence eastward along the north side of said alley, forty seven (47) feet and two (2) inches to the place of BEGINNING.

BOUNDED on the north by land now or late of Frank Williams; on the south by said private alley; on the east by other land now or late of the said John S. Mularik, and on the west by land now or late of Tony Franszak.

BEING THE SAME PREMISES WHICH John Pierzga et al lby deed dated 10/27/1988 and recorded 11/8/1988 in Northampton County Record Book 758, Page 843, granted and conveyed unto Andrew Cerniski and Adeline M. Cerniski, his wife. The said Andrew Cerniski is deceased and upon his death, title to the subject premises vested in his wife, Adeline M. Cerniski, by operation of law.

BEING KNOWN AS 209 Lackawanna Avenue, Nazareth, PA 18064.

TAX PARCEL NUMBER: K7N-E2B-9-12.

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

SEIZED AND TAKEN into execution of the writ as the property of Adeline M. Cerniski.

LEON P. HALLER, ESQUIRE

**No. 31**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2009-06936**

ALL THAT CERTAIN tract or piece of ground at Oberly Terrace in the City of Bethlehem (formerly the Borough of Northampton Heights), County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the northern line of Sixth Street, distant four hundred and twenty (420) feet east of the northeast corner of Sixth and Williams Streets; thence extending along the said northern line of Sixth Street, eastwardly, a distance of twenty (20) feet, and of that same width between parallel lines and at right angles to Sixth Street, northwardly a distance of one hundred (100) feet to a fifteen (15) feet wide alley.

BOUNDED on the north by the aforementioned fifteen (15) feet wide alley, on the east by Lot No. 103, on the south by Sixth Street, and on the west by Lot No. 101.

BEING Lot numbered One Hundred and Two (102) according to the Plan of 'Oberly Terrace' as laid out by Foering and Heller and surveyed by R.E. Neumeyer, C.E., and plotted by W.R. Schrabel, C.E., said map or plan being entered for record in the Recorder's Office for Northampton County.

TITLE TO SAID PREMISES IS VESTED IN Richard K. White and Rosa L. White, h/w, by Deed from Andrew J. Micklos, dated 02/15/1985, recorded 02/20/1985 in Book 677, Page 464.

BEING KNOWN AS 1443 6th Street, Bethlehem, PA 18015.

TAX PARCEL NUMBER: P7SW1A 11 32 0204.

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

SEIZED AND TAKEN into execution of the writ as the property of Richard K. White and Rosa L. White.

DANIEL G. SCHMIEG, ESQUIRE

**No. 32**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-12427**

ALL THAT CERTAIN frame messuage or tenement and lot or piece of ground situate on the South side of Pine Street in the City of Easton, County on Northampton, and Commonwealth of Pennsylvania, beginning at a point at the Northeast corner of land now or late of Margaret Sippel, thence East along the South side of said Pine Street, sixteen (16) feet and four (4) inches, more or less, and extending of that name width in depth South ninety (90) feet to land now or late of F. Louis Morgenstern.

BOUNDED on the North by said Pine Street, on the East by lot now or late of George Arm, on the South by lot now or late of F. Louis Morgenstern, and on the West by lot now or late of Margaret Sippel.

BEING Parcel No. L9SE1B-28-5-0310.

SUBJECT TO ALL covenants, restrictions, reservations, easements, conditions and rights appearing of record, and SUBJECT to any state of facts an accurate survey would show.

BEING KNOWN AS 722 Pine Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SE 1B 28-5-0310.

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

SEIZED AND TAKEN into execution of the writ as the property of Margie Smith.

MICHAEL T. McKEEVER, ESQUIRE

**No. 33**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10092**

ALL that certain messuage, tenement and lots or pieces of land, hereditaments and appurtenances, situate in the Township of Bethlehem, County of Northampton and State of Pennsylvania, being the Western 10 feet of Lot 532 and all of Lots 531 and 530 on Plan of "Bethlehem Annex" recorded in Northampton County in Map Book 6, Page 49, bounded and described as follows:

BEGINNING at a point on the North side of Keystone Street a distance of 190 feet West of the Northwest corner of Keystone and Third Streets; thence extending North 87 degrees West along the North side of Keystone Street a distance of 50 feet to an iron pipe marker; thence extending along the dividing line between Lots 529 and 530 according to said Plan North 3 degrees East, a distance of 110 feet to an iron pipe marker set in the South side of a 15 foot wide alley; thence extending South 87 degrees East, in and along the South side of said alley a distance of 50 feet to an iron pipe marker; thence extending through Lot No. 532 according to said Plan South 3 degrees West, a distance of 110 feet to the place of beginning.

BEING the same premises granted and conveyed unto Robert McQuiston, III by Deed of Karen Kalman dated May 30, 2003 and recorded June 5, 2003 in Northampton County Record Book 2003-1, Page 205626.

BEING KNOWN AS 3133 Keystone Street, Bethlehem, PA.



TAX PARCEL NUMBER: N7NW3-26-8.

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

SEIZED AND TAKEN into execution of the writ as the property of Robert McQuiston, III.

BARBARA A. FEIN, ESQUIRE

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**No. 34**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-08956**

ALL THOSE TWO CERTAIN TRACTS OF LAND, with improvements thereon erected, situate, lying and being in the Borough of Hellertown, County of Northampton, State of Pennsylvania, BOUNDED and DESCRIBED as follows, to wit:

TRACT NO. 1—BEGINNING on the easterly side of Second Avenue, at a corner between Lot No. 238 and Lot No. 237, thence by the same in an easterly direction One Hundred Twenty (120) feet to a fifteen feet wide alley, thence along the same in a southerly direction Fifty (50) feet to a corner between Lot No. 236 and Lot No. 235, thence by the same in a westerly direction One Hundred Twenty (120) feet to Second Avenue aforesaid, thence by the same in a northerly direction Fifty (50) feet to the place of Beginning.

CONTAINING Six Thousand (6000) square feet of land, more or less, and being all of Lots Nos. 236 and 237 according to Plan of Building Lots on the Koke-le Addition to the Borough of Hellertown, Pennsylvania, in Map Book Vol. 3, Page 41, and subject to all the reservations and conditions contained in the chain of title.

TRACT NO. 2—BEGINNING at the intersection of Lots Nos. 234 and 235

on the easterly side of Second Avenue, thence along the easterly side of Second Avenue, in a northerly direction a distance of Twenty-five feet to the southerly line of Lot No. 236, thence along the same in an easterly direction a distance of One Hundred and twenty (120) feet to the westerly line of a Fifteen feet wide alley, thence along the same in a southerly direction a distance of Twenty-five (25) feet to the northerly line of Lot No. 234, thence along the same in a westerly a distance of One Hundred and Twenty (120) feet to the easterly line of Second Avenue the place of Beginning.

CONTAINING Three Thousand (3000) square feet of land more or less, and being all of Lot No. 235 according to the Plan of Building Lots on the Koke-le Addition to the Borough of Hellertown, Pennsylvania, laid out for Phillips and Ruggles, said Map being duly recorded in the Office for the Recording of Deeds of Northampton County, at Easton, Pennsylvania, in Map Book Vol. 3, Page 41, and subject to all the conditions and restrictions contained in the chain of title.

TITLE TO SAID PREMISES IS VESTED IN Michael C. Barrett and Jenny R. Barrett, h/w, by Deed from Mary Jane Reimer, Executor under the Last Will and Testament of James Petrovich, deceased, dated 09/11/2007, recorded 09/24/2007 in Book 2007-1, Page 350385.

BEING KNOWN AS 1135 2nd Avenue, Hellertown, PA 18055-1605.

TAX PARCEL NUMBER: Q7NW3C 14 8 0715.

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

SEIZED AND TAKEN into execution of the writ as the property of



Michael C. Barrett and Jenny R. Barrett.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 37**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10066**

ALL THAT CERTAIN Messuage or tenement and parcel or piece of land situate in the Second Ward of the Borough of Northampton, Northampton County, Pennsylvania, known as 252 East Twenty-First Street, bounded and described as follows, to wit:

BEGINNING at an iron pin on the Southern line of East Twenty-First Street; thence through the center of a party wall between properties known as 250 and 252 East Twenty-First Street South thirty-one degrees forty-four minutes East for a distance of one hundred sixty-five feet (S. 31 deg. 44 min. E. 165.00 ft.) to an iron pin in line of property formerly of Dr. William F. Boucher; thence along said line North fifty-seven degrees thirty-eight minutes East for a distance of seventy-six and eighty-three one-hundredths feet (N. 57 deg. 38 min. E. 76.83 ft.) to an iron post; thence partly along the Western terminus of a fifteen foot (15.00 ft.) wide alley and partly along property formerly of the Grantors herein North thirty-two degrees twenty-two minutes West for a distance of one hundred sixty-five feet (N. 32 deg. 22 min. W. 165.00 ft.) to an iron pin on the Southern line of East Twenty-First Street; thence along the Southern line of East Twenty-First Street South fifty-seven degrees thirty-eight minutes West for a distance of seventy-five feet (S. 57 deg. 38 min. W. 75.00 ft.) to the place of BEGINNING.

CONTAINING twelve thousand three hundred seventy-five square feet (12,375.00 sq. ft.) of land, more or less.

UNDER AND SUBJECT to rights of way, easements, covenants, conditions, agreements and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN John T. Moyer and Lee Ann K. Moyer, h/w, by Deed from Richard L. Panik, Jr. and Rose A. Panik, h/w, dated 10/20/1989, recorded 10/31/1989 in Book 784, Page 473.

BEING KNOWN AS 252 East 21st Street, Northampton, PA 18067-1204.

TAX PARCEL NUMBER: L4SW1C 19 6A 0522.

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

SEIZED AND TAKEN into execution of the writ as the property of John T. Moyer and Leeann K. Moyer a/k/a Lee Ann K. Moyer.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 38**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-06306**

ALL THAT CERTAIN tract, parcel or piece of land, with the improvements thereon erected, situated in the Township of Moore, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a spike in the center of Pennsylvania State Highway L.R. #48053, leading from Crossroads to Petersville and in the corner of land now or late of E. Brobst, South sixty-six (66) degrees, forty-two (42) minutes East, one hundred seventy-one and one one-hundredths (171.01) feet to a stake and the land now or late of Violetta Edelman, or which this was a part;

THENCE, South fifty-two (52) degrees, zero (0) minutes West, two hundred eighteen and ninety-two one-hundredths (218.92) feet to a stake;

THENCE, still along the same land, North thirty-eight (38) degrees, zero (0) minutes West, one hundred fifty (150) feet, passing over a stake at the edge of the highway to a point in the center of the said highway;

THENCE, along the center of the highway, North fifty-two (52) degrees, zero (0) minutes East, one hundred thirty-six and eighty one-hundredths (136.80) feet to the point and place of beginning.

CONTAINING in area 0.612 of an acre of land according to a survey made by Bruce H. Freestone, Registered Engineer, on May 24, 1961.

Title to said premises is vested in Ronald H. Sigley, Tracy L. Kocher, and Rhodell E. Sigley, as Joint Tenants with rights of Survivorship, by Deed conveying from Walter Janusz dated 10/08/93, recorded 10/14/93, in Book 912, Page 486.

BEING KNOWN AS 2745 Valley View Drive, Bath, PA 18014-9453.

TAX PARCEL NUMBER: H5 25 4 0520.

THEREON BEING ERECTED a ranch single style dwelling vinyl siding and shingle roof; detached two car garage.

SEIZED AND TAKEN into execution of the writ as the property of Ronald H. Sigley and Tracy L. Kocher and Rhodell E. Sigley.

DANIEL G. SCHMIEG, ESQUIRE

**No. 39**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2009-08910**

ALL THAT CERTAIN message or tenement and lot 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 in the center of the Pennsylvania's State Highway No. 12 leading from Wind Gap to Stockerton, and 140 feet southerly from the land of Franklin Colver; thence along the land of Wilbur J. and Dona M. Morrison, now Lots 31 and 32 on the map of Wester Pocono Gardens, recorded in the Office of the Recorder of Deeds in and for Northampton County at Easton, Pennsylvania, in Plan Book 12 at page 61, North 84 degrees 24 minutes East 235 feet to a point and the land of Wilbur J. and Dona M. Morrison, of which this was a part; thence along said land South 8 degrees 16 minutes East 135 feet to a point, then still along the same South 84 degrees 24 minutes West 235 feet to a point in the said highway; thence in and along the highway North 8 degrees 16 minutes West 135 feet to the place of beginning.

UNDER AND SUBJECT to the following covenants and restrictions which are imposed upon the premises hereby granted and shall be binding upon the grantees herein, their heirs and assigns, owners or occupiers of any part of premises herein conveyed:

(1) No trailer shall at any time be placed upon said premises, nor shall any structure of a temporary character be used as a residence.

(2) No factory, manufacturer, or work of an offensive, dangerous or noisy kind, shall be conducted or carried on upon the said premises.

Vested by Warranty Deed, dated 8/16/2007, given by Harold P. Henshue and Donna L. Henshue, husband and wife to Shawn McCaughey and Kaitlin McCaughey, husband

and wife and recorded 10/12/2007 in Book 2007-1 Page 377612 Instrument # 2007048275.

BEING KNOWN AS 6116 Sullivan Trail, Nazareth, PA 18064-9329.

TAX PARCEL NUMBER: G8 10 11N 0626.

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

SEIZED AND TAKEN into execution of the writ as the property of Kaitlin McCaughey and Shawn McCaughey.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 40**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-13438**

ALL THAT CERTAIN Unit 68 in the property known, named and identified as Cedar Park, a Condominium, located in Township of Williams, Commonwealth of PA, 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 Northampton County Department of Records of a Declaration recorded in Deed Book Volume 2006-1 page 138187 and Supplement Declaration recorded in Deed Book Volume 2006-1 page 138275 and Deed Book Volume 2006-1 page 144141 and any amendments thereto.

The By-laws for said Condominium, and the Declaration Plan recorded as part of the Declaration; together with a proportionate undivided interest in the Common Elements (as defined in such declaration).

TITLE TO SAID PREMISES IS VESTED IN Gary Clyburn, Jr., unmarried, by Deed from NVR, Inc., a Virginia Corporation, trading as Ryan

Homes, dated 06/14/2007, recorded 06/25/2007 in Book 2007-1, Page 235029.

BEING KNOWN AS 139 Knollwood Drive, Unit 68, Easton, PA 18042-7117.

TAX PARCEL NUMBER: M10 2 4-68 0836.

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

SEIZED AND TAKEN into execution of the writ as the property of Gary Clyburn, Jr.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 41**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2009-07573**

ALL THAT CERTAIN parcel or tract of land situate in Hanover Township, Northampton County, Pennsylvania, located at the intersection of the Northerly right of way line of Crawford Drive with the Westerly right of way line of Ashley Lane, known and designated as Block N, Lot 4, as shown on the Plan of Pointe North, Phase IV, Section I, prepared by Spotts, Stevens and McCoy, Inc., Consulting Engineers, of Reading, Pennsylvania, and shown on Drawings No. 8734-052-B-001, through 8734-052-B-004, dated August 30, 1988, and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania, in Plan Book Volume 88, pages 307 and 307C, being bounded on the South by Crawford Drive, on the East by Ashley Lane, on the North by Kathi Drive, and on the West by Block N, Lot 3 on said Plan.

CONTAINING 19,692.85 square feet.

TITLE TO SAID PREMISES IS VESTED IN Melinda Kaskisto, by Deed from John C. Lorenz and Eliza-

beth H. Lorenz, h/w, dated 07/27/2006, recorded 08/14/2006 in Book 2006-1, Page 331102.

BEING KNOWN AS 4427 Kathi Drive, Bethlehem, PA 18017-8709.

TAX PARCEL NUMBER: M6NW4 10 4 0214.

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

SEIZED AND TAKEN into execution of the writ as the property of Melinda Kaskisto.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 42**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-01734**

ALL THAT CERTAIN tract or parcel of land and premises, hereinafter particularly described, situate, lying, and being on the south side of Wilkes-Barre Street in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the south side of said Wilkes-Barre Street, being at a point in the middle of the partition wall of a double brick house, said point being distant from the southwest corner of St. John Street and Wilkes-Barre Street 125 feet; thence extending westwardly along the said southern line of said Wilkes-Barre Street a distance of 20 feet to a point; thence extending southwardly of that same width in depth 112 feet, more or less, to Burr Street, being the western 15 feet of Lot No. 112, and the eastern 5 feet of Lot No. 113, on the plan of the property of H. C. P. Orlandi, surveyed by E. A. Mewhinney, April 1915, and intended to be recorded in the Office

for the Recorder of Deeds in and for Northampton County.

BOUNDED on the north by said Wilkes-Barre Street, on the west by the remaining part of Lot No. 113 on said plan, on the south by Burr Street, and on the east by the remaining part of Lot No. 112 on said plan.

TITLE TO SAID PREMISES IS VESTED IN Trevor Gunderman Deed by Trevor Gunderman and Mary Jo Dowling n/k/a Mary Jo Gunderman. Dated 09/04/2008 and recorded 9/25/2008 in Book 2008-1 Page 266572. Instrument # 2008037397.

BEING KNOWN AS 218 West Wilkes Barre Street, Easton, PA 18042-6630.

TAX PARCEL NUMBER: L9SE3D-13-18-0310.

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

SEIZED AND TAKEN into execution of the writ as the property of Trevor Gunderman.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 44**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-09368**

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Upper Nazareth, County of Northampton, Commonwealth of Pennsylvania, shown as Lot 13 on the Final Plan of White Fence Estates" as recorded in Map Book Volume 2003-5, Page 181, in the Office of the Recorder of Deeds for Northampton County at Easton, Pennsylvania, and being further bounded and described as follows, to wit:

BEGINNING at a point on the southerly right-of-way line of White Fence Lane (50 feet wide) at the north-

east corner of Lot 12 of White Fence Estates;

thence along said southerly/westerly right-of-way line of White Fence Lane (50 feet wide) the following three courses and distances:

1. North 88° - 17' - 23" East 127.50 feet to a point; thence

2. along the arc of a curve deflecting to the right having a radius of 125.00 feet and central angle of 83° - 21' - 37" for an arc length of 181.86 feet (chord: South 50° - 01' - 48" East 166.24 feet) to a point; thence

3. South 08° - 21' - 00" East 74.96 feet to a point at a corner of Lot 14 of White Fence Estates;

thence along said lands of Lot 14 of White Fence Estates South 88° - 17' - 23" West 260.33 feet to a point at a corner of Lot 12 of White Fence Estates;

thence along said lands of Lot 12 of White Fence Estates North 01° - 42' - 37" West 185.00 feet to a point, the place of the Beginning.

CONTAINING 43,623.60 square feet or 1.0015 acres.

SAID LOT being subject to any and all drainage and utility easements as shown on the final recorded plan.

Title to said premises is vested in Michael Scianna and Rosemarie Sciannaby deed from CMC DEVELOPMENT CORPORATION dated May 5, 2012 and recorded in Deed Book 2004-1, Page 170474.

BEING KNOWN AS 3330 White Fence Lane, Nazareth, PA.

TAX PARCEL NUMBER: K6 19 9-13.

THEREON BEING ERECTED a colonial single style dwelling with vinyl siding on the side and back and brick on the front with a shingle roof; attached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of

Michael Scianna and Rosemarie Scianna.

MARGARET GAIRO, ESQUIRE

**No. 46**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-07731**

ALL THAT CERTAIN stone hotel building and lot or piece of ground, situate in the Borough of Bath, Northampton County, Pennsylvania bounded and described as follows, to wit:

BEGINNING at a stone place for a corner in the middle of the Easton and Berwick Road and junction of Bethlehem Road, thence up the middle of said Easton Road, South 67 1/2 degrees East 121 feet to a stone corner of Frank S. Schlachach's land, thence by same South 23 1/2 degrees West 140 feet to a stone, thence South 33 1/2 degrees East 10 1/2 feet to a stone, thence South 3/4 degrees East 77 feet to a stone by side of a 16 feet wide alley, thence by said alley North 67 1/2 degrees West 64 feet to a stone in the middle of Bethlehem Road, thence by land now or late of John Snyder up the middle of the said Road North 3/4 degrees West 236 feet to the place of beginning.

CONTAINING 64.4 perches.

PREMISES are known as 104 East Main Street, Bath, Pennsylvania.

BEING the same premises which Richard L. Kantner, individually, by Indenture bearing date the 11th day of September A.D. 1995 and recorded in the Office of the Recorder of Deeds in and for the County of Northampton, aforesaid, in Volume 1995-1 page 084980 &c., granted and conveyed unto Joseph F. Rentko, Jr., individually, in fee.

BEING the same premises which Joseph F. Rentko, Jr., individually, by Indenture bearing date of February

26, 2002 and recorded on March 15, 2002 in the Office of the Recorder of Deeds in and for the County of Northampton, in Deed Book 2002-1 page 70300 et seq., granted and conveyed unto William F. Lovett, individually, in fee.

BEING PARCEL NUMBER K6NW4C-18-1.

To be sold as the property of William F. Lovett.

BEING KNOWN AS 104 East Main Street, Bath, PA.

TAX PARCEL NUMBER: K6NW4C-18-1-0503.

THEREON BEING ERECTED a three-story commercial building with brick and wood exterior and flat roof.

SEIZED AND TAKEN into execution of the writ as the property of William F. Lovett.

FRANK G. MURPHY, ESQUIRE

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**No. 48**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2009-06599**

ALL THAT CERTAIN lot of land situated on the North side of Shawnee Avenue in said City of Easton, Pennsylvania:

BEGINNING at a point in the division line between Lot No. 174 and Lot No. 175;

RUNNING THENCE along said division line one hundred sixty-three (163) feet to the South side of East Paxinosa Avenue;

THENCE extending East along the South side of East Paxinosa Avenue one hundred (100) feet, more or less to the division line between Lot No. 176 and Lot No. 175, which said division line between Lot No. 174 and Lot No. 175;

THENCE South along the division line between Lot No. 176 and Lot No. 175, one hundred thirty (130) feet to

the North side of said Shawnee Avenue;

THENCE West along the North side of said Shawnee Avenue one hundred (100) feet, more or less to the point of BEGINNING.

BOUNDED on the North by East Paxinosa Avenue, East by Lot No. 176, South by Shawnee Avenue, and West by Lot No. 174,

Being Lot No. 175 on the Map of Lands of Paxinosa Heights as compiled by John McNeal, C.E.

Reference #: 106032115939000.

TITLE TO SAID PREMISES IS VESTED IN Roger P. Barlow and Theresa F. Barlow, h/w, by Deed from Jacob Ernest Cooke and Jean Gordon Cooke, h/w, dated 10/30/1998, recorded 11/03/1998 in Book 1998-1, Page 150972.

BEING KNOWN AS 172 Shawnee Avenue, Easton, PA 18042-1372.

TAX PARCEL NUMBER: K10S-W1D4-4-0310.

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

SEIZED AND TAKEN into execution of the writ as the property of Roger P. Barlow and Theresa F. Barlow.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 49**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2012-00678**

ALL THOSE TWO CERTAIN tracts or pieces of land situate and lying in the Township of Plainfield, in the County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1: BEGINNING at a point in the middle of the State Highway leading from Wind Gap to Belfast, said point being thirty seven (37) feet



northeasterly from a thirty (30) inch pine; thence crossing said State Highway obliquely, and along land of Daniel W. Hoagland, South nine (9°) degrees East fourteen (14) perches to a point on line of land of John Boulos; thence along said Boulos' land North seventy-five (75°) degrees West seven (7) perches; thence along same South ten and one-quarter (10 1/4°) degrees West sixty-one (61) perches to land of Peter Pernot; thence along said Pernot's land North forty-nine and three-quarters (49 3/4°) degrees West forty-one and three tenths (41.3) perches to land of Ralph Kemmerer; thence along same North forty (40°) degrees East eight tenths (.8) perch; thence along same North thirty-six and one-half (36 1/2°) degrees West thirty and three tenths (30.3) perches; thence still along same and along land of Henry Cleedorfer North seventy-one (71°) degrees East sixty-eight (68) perches to the place of beginning. Containing fourteen (14) acres and fifty-five (55) perches.

TRACT NO. 2: BEGINNING at a point on the westerly side of the Pennsylvania State Highway Route #12, where that certain stream intersects with the said highway; thence running in a southwesterly direction from said point on the highway, being the middle of the stream at such point, perpendicularly from said highway to other land of the Grantees, or party of the second part; thence running along the line of other land of the Grantee in a northeasterly direction to another point in the land of the Grantee; thence running in a northeasterly direction along other land of the Grantee; thence running along said Pennsylvania State Highway in the southeasterly direction eighty (80') feet more or less to a point in the middle of said stream, where it inter-

sects with the western side of State Highway, being the place of beginning. The said stream referred to is the first stream situate on the southerly side of premises presently owned by the Grantee herein.

LESS AND EXCEPTION a tract of approximately 2.2 acres situate to the West of Pennsylvania Route 33, which tract was Excepted in Deed Book Volume 608, Page 975 and was subsequently conveyed to Plainfield Plaza, Inc., a Pennsylvania corporation by Deed recorded 10/12/1989 in Deed Book Volume 783, Page 80, and as described as follows:

ALL THAT CERTAIN piece or parcel of land situate on the westerly side of Pennsylvania Route 33 (limited access highway) east of Jacobsburg said (S.R. 1001) in the Township of Plainfield, County of Northampton and State of Pennsylvania, more fully described in accordance with a plan of survey prepared by Bascom Sieger, Land Surveyors, for Plainfield Plaza, Inc., dated July 25, 1989, as follows, to wit:

BEGINNING at a point an iron pipe (set) on the westerly right of way line of Pennsylvania Route 33, a corner in common with lands of Plainfield Plaza, Inc.; thence along the westerly right of way line of Pennsylvania Route 33 South 09 degrees 29 minutes 10 seconds East 595.59 feet to a point a corner in common with lands of now or late Matthew C. Hood; thence along same North 48 degrees 47 minutes 30 seconds West 106.10 feet to a point a corner in common with lands of Plainfield Plaza, Inc.; thence along same the two (2) following courses and distances, viz: (1) North 38 degrees 23 minutes 10 seconds West 511.92 feet to a point an iron pipe, and (2) North 68 degrees 47 minutes East 321.32 feet to the point and place of beginning.



CONTAINING in area 2.2634 acres.

UNDER AND SUBJECT to an easement or right-of-way for legislative route #1098 (Rt. 33) and temporary ramp thereto. Misc. Book 172, page 550. Highway condemnation Map Book 1, page 42.

EXCEPTING AND RESERVING unto Anthony D. Mitsos a/k/a Anthony Mitsos an easement or right of way across the within premises granted hereby to allow said Grantor access to the adjoining premises owned by said Grantor as set forth in Deed Book Volume 647, page 75 and identified as Northampton County Tax Parcel Identifier No. F8-19A-21.

LESS AND EXCEPTING THEREOF AND THEREFROM the northernmost (Galley) billboard located on the premises which is subject to a Deed of Easement dated November 30, 2006 by and between the Grantor herein and Anthony J. Mitsos, Jr., and recorded in Record Book 2006-1, page 518051.

UNDER AND SUBJECT to a Deed of Easement dated November 23, 2004 by and between Anthony D. Mitsos and TLC Properties, Inc. recorded in Record Book 2004-1, pages 500240.

UNDER AND SUBJECT to a Deed of Easement dated November 23, 2004 by and between Anthony D. Mitsos and TLC Properties, Inc. recorded in Record Book 2004-1, page 500249.

BEING THE SAME PREMISES which was conveyed to Stefan Hadjiev, the grantor hereof, by Anthony D. Mitsos and Jeannie M. Mitsos by Deed dated March 26, 2007 and recorded on March 27, 2007 in the Office of the Recorder of Deeds in and for Northampton County, in DBV 2007-1, page 110868 (Instrument #2007013862).

BEING KNOWN AS 6615 Sullivan Trail, Wind Gap, PA 18091.

TAX PARCEL NUMBER: F8 19A 5.

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

SEIZED AND TAKEN into execution of the writ as the property of Stefan Hadjiev.

BRICE C. PAUL, ESQUIRE

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**No. 50**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-02933**

All those three certain messuages or tenements and lots or pieces of land situate in the City of Bethlehem, Northampton County, Commonwealth of Pennsylvania, known according to the plan of numbering of the City of Bethlehem as 911-913-915 Wyandotte Street, Bethlehem, bounded and described as follows, to wit:

Tract No. 1: BEGINNING at a point in the easterly line of Wyandotte Street, said point being in the extended middle of a party or partition wall separating the house erected on the premises herein conveyed from the house erected on the premises adjoining on the south and known as 913 Wyandotte Street; thence extending along said Wyandotte Street North 43 degrees 24 minutes East, a distance of seven and sixty-four one hundredths (7.64 feet) feet; thence continuing along said Wyandotte Street North 28 degrees 15 minutes East, a distance of forty-two and thirteen one hundredths (42.13 feet) feet to a point; thence extending South 42 degrees 26 minutes East, a distance of one hundred sixty-seven and thirty one hundredths (167.30 feet) feet to a point; thence extending South 37 degrees 42 minutes West,

a distance of forty-four and ninety-five one hundredths (44.95) feet to a point; thence extending North 42 degrees 26 minutes West, a distance of one hundred twenty-eight and ninety one hundredths (128.90) feet to a point, and thence extending North 47 degrees 52 minutes West along the party or partition wall aforesaid, a distance of thirty-one and eighty one hundredths (31.80) feet to a point, the place of beginning.

Tract No. 2: BEGINNING at a point in the eastern line of said Wyandotte Street; thence extending North 43 degrees 24 minutes East along the same, a distance of thirty-two and five one hundredths (32.05) feet to a point, said point being in the extended middle of a party or partition wall separating the house known as No. 913 Wyandotte Street from the house known as No. 911 Wyandotte Street on the north; thence extending South forty-seven degrees fifty-two minutes East (47 degrees 52 minutes) East, through said partition wall, a distance of thirty-one and eighty one hundredths (31.80) feet to a point; thence extending South 42 degrees 26 minutes East, a distance of one hundred twenty-eight and ninety one hundredths (128.90) feet to a point.; thence extending South 37 degrees 42 minutes West, a distance of thirty-five and fifty-three one hundredths (35.53) feet to a point; thence extending North 42 degrees 26 minutes West, a distance of one hundred sixty-four and thirty-six one hundredths (164.36) feet to the point, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Angel De La Cruz, unmarried by Deed from Miguelina Rodriguez and Marcial Rodriguez, h/w dated 01/31/2006 recorded 02/06/2006 in Deed Book 2006-1 Page 51280.

BEING KNOWN AS 911-915 Wyandotte Street a/k/a 911 Wyandotte Street #915, Bethlehem, PA 18015.

TAX PARCEL NUMBER: P6SW3B-21-9.

THEREON BEING ERECTED a two-story apartment building with aluminum siding and a shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Angel De La Cruz.

MARK J. UDREN, ESQUIRE

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**No. 51**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-02911**

ALL THAT CERTAIN lot of land with the improvements erected thereon situated in the Township of Bushkill, County of Northampton and Commonwealth of Pennsylvania, being designated as Lot No. 31 on Plan of Lots known as Jacobsburg Park Estates, Section III, prepared by East Penn Engineering Company, Inc., Consulting Engineers—Surveyors, dated October 15, 1987 and recorded in Plan Book 88, page 21, Northampton County Records, as follows:

BEGINNING at a point in the Southerly edge of Sexton Road, said point marking the Northeast corner of Lot No. 17 of Jacobsburg Park Estates, Section II; thence along the Southerly edge of Sexton Road (50 feet wide) North 84 degrees 33 minutes 58 seconds East 150.00 feet to a point; thence along Lot No. 32, South 05 degrees 26 minutes 02 seconds East 298.30 feet to a point; thence along land now or late of the Commonwealth of Pennsylvania, South 84 degrees 33 minutes 58 seconds West 150.00 feet to a point; thence along the aforementioned Lot No. 17 of Jacobsburg Park Estates, Section II, North 05 degrees 26 minutes 02 seconds West 298.30 feet to the place of Beginning.

SUBJECT to covenants, restrictions and easements of record.

TITLE TO SAID PREMISES IS VESTED IN Edmund Mehlig, married and Tamara L. Mehlig, h/w, by Deed from Damian Panek and Laura L. Panek, h/w, dated 09/23/2004, recorded 10/01/2004 in Book 2004-1, Page 382314.

BEING KNOWN AS 310 Sexton Road, Wind Gap 18091.

TAX PARCEL NUMBER: G8 7 17 0406.

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 Edmund Mehlig and Tamara L. Mehlig.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 52**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2009-13896**

TRACT NO. 1—ALL THOSE CERTAIN lots or pieces of land situated in the Township of Palmer, County of Northampton and Commonwealth of Pennsylvania, designated on the plan of lots of the 'Highland Park Land Company,' laid out by C. M. Brady for the parties of the first part, and recorded in the Office for Recording Deeds, etc., at Easton, PA., in and for the said County of Hampton, in Book of Maps No. 6, page 20, etc., as lots number 206 and 207, said lots or piece of land bounded and described as follows:

BOUNDED NORTHERLY BY LOT NO. 208, EASTERLY BY 'D' ST., SOUTHERLY BY LOT NO. 205 AND WESTERLY BY BERKS STREET CONTINUING IN FRONT ON BERKS STREET FORTY (40) FEET AND EXTENDING IN DEPTH IN AN EAST-

ERLY DIRECTION OF THAT WIDTH ONE HUNDRED FIFTEEN (115) FEET TO 'D' ST.

TRACT NO. 2—ALL THOSE CERTAIN LOTS or parcels of land, situate in the Township of Palmer, County of Northampton and Commonwealth of Pennsylvania, designated on the plan of lots of 'Highland Park Land Company' laid out by C. M. Brady for Miller S. Willever, Chester Snyder and William J. Danb, and recorded in the office for the recording of deeds, etc., at Easton, PA. in and for said County of Northampton, in Book of Maps #6, Page 620, etc., as lots nos. 208 and 209 Berk Street, Highland Park, Township, County and State aforesaid.

TITLE TO SAID PREMISES IS VESTED IN Mary Luczyszyn, by Deed from Mary Luczyszyn, widow, as her Life Estate interest and Henry Luczyszyn, dated 12/03/2004, recorded 12/13/2004 in Book 2004-1, Page 481582.

BEING KNOWN AS 110 Berks Street, Easton, PA 18045.

TAX PARCEL NUMBER: M8NE3 37 14 0324.

THEREON BEING ERECTED a ranch single 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 Luczyszyn.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 53**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-12979**

All that certain tract or parcel of land and being in the City of Easton, Northampton County, Pennsylvania, on the North side of Wilkes Barre Street, bounded and described as follows, to-wit:

Beginning at a point on the North side of said Wilkes Barre Street Four Hundred Forty (440) feet West of McKeen Street and running westwardly along said Wilkes Barre Street Forty (40) feet and extending northwardly of that width in depth one hundred forty (140) feet to Cooper Alley.

Bounded on the North by Cooper Alley, on the East by property now or late of Benjamin Serfass, on the South by Wilkes Barre Street, and on the West by the property of Frederick Orf.

TITLE TO SAID PREMISES IS VESTED IN John Cordeiro and Ana Cordeiro, h/w, by Deed from Carlene Williamson, aka, Carlene Hunte, dated 04/05/2006, recorded 04/07/2006 in Book 2006-1, Page 139426.

BEING KNOWN AS 1063 West Wilkes Barre Street, Easton, PA 18042-6381.

TAX PARCEL NUMBER: L9SE4D 13 21 0310.

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

SEIZED AND TAKEN into execution of the writ as the property of Ana Cordeiro and John Cordeiro.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 54**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-11924**

ALL THAT CERTAIN message, or tenement and tract or parcel of land situate in the Fourteenth Ward of the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, known as 1527 Linden Street according to city numbering, bounded and described as follows, to wit:

BEGINNING at an iron pin on the westerly line of Linden Street (a street seventy feet wide) said iron pin being located South sixteen degrees fifty-eight minutes West (S.  $16^{\circ} 58'$  W.) one hundred eighty-seven and fifty-eight one-hundredths (187.58) feet measured along said westerly line of Linden Street from the southwest corner of the intersection of said Linden Street and Georgia Avenue (fifty feet wide) said iron pin being also on the extension eastwardly of the middle of the party or partition wall dividing the dwelling hereon erected from the one adjoining it immediately on the north, thence from said point of beginning along the said westerly line of Linden Street the following two courses and distances: South sixteen degrees fifty-eight minutes West (S.  $16^{\circ} 58'$  W.) seven one-hundredths (.07) feet to a point; thence southwestwardly by a curve to the right having a radius of one thousand three hundred sixty-five (1365) feet a distance of twenty and ninety-one-hundredths (20.91) feet to an iron pin; thence leaving the westerly line of Linden Street and along said last mentioned land North sixty-seven degrees thirty minutes West (N.  $67^{\circ} 30'$  W.) one hundred forty and forty-nine one-hundredths (140.49) feet to an iron pin on the easterly line of an alley twenty feet wide, thence along the easterly line of said alley North zero degrees forty minutes East (N.  $0^{\circ} 40'$  E.) twenty-two and fifty-one one-hundredths (22.51) feet to an iron pin; thence leaving the easterly line of said alley and passing in part through the party or partition wall aforesaid, South sixty-seven degrees thirty minutes East (S.  $67^{\circ} 30'$  E.) one hundred forty-seven and two one-hundredths (147.02) feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Ronald Lee Raymond and Tonya Ann Raymond, husband and wife by Deed from Dorothy E. Potkovic, Widow dated 06/23/2006 recorded 06/28/2006 in Deed Book 2006-1 Page 263444.

BEING KNOWN AS 1527 Linden Street, Bethlehem, PA 18017.

TAX PARCEL NUMBER: N6SE1C-27-7.

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

SEIZED AND TAKEN into execution of the writ as the property of Ronald Lee Raymond and Tonya Ann Raymond.

MARK J. UDREN, ESQUIRE

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**No. 55**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-08561**

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

BEGINNING at a corner of land formerly of George Hahn, now others, thence by land formerly of Ames Gum, now others, South 18 1/4 degrees East 21.2 perches to a post, thence by the same South 75 1/4 degrees West 45.8 perches to a post in line of land formerly of Jacob Ruth, now others, thence by the same South 16 3/4 degrees West 21.2 perches to a post in line of the said George Hahn's land, now others, thence by the same North 75 1/4 degrees East 45.2 perches to the place of beginning. Containing 6 acres and 3 perches of land, strict measure.

Less then excepting:

ALL THAT CERTAIN lot, tract or parcel of land situate in the Township

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

BEGINNING at a found spike at or near the centerline of a 33 foot wide road known as TR-529, Benders Church Road, said point being the northeasterly corner of lands of Roy Ealey and common to Lot 1, as shown on a plan entitled, "minor subdivision of land for Robert J. and Shirley Ealey", as recorded in the Office of the Recorder, in and for the County of Northampton, at Easton, Pa., in Plot Book Volume 85, Page 68; thence in and along the centerline of said Benders Church Road North 85 degrees 18 minutes, 34 seconds East 259.95 feet to an iron spike, a corner common to Lot 1 and the remaining lands of Robert J. and Shirley Ealey, the grantors; thence leaving said road and along the lands of the grantors, South 07 degrees, 32 minutes, and 54 seconds East (passing an iron pipe in concrete at 19.06 feet) 349.50 feet to an iron pipe in concrete on line with the lands of John and Anna Strockor; thence by the lands of Strockor, South 85 degrees 15 minutes, 37 seconds West 277.00 feet to a found iron pipe, a corner common to Lot 1 and Roy Ealey; thence by the lands of Roy Ealey, North 04 degrees, 45 minutes, 09 seconds West (passing an iron pipe in concrete at 324.38 feet) to the place of beginning.

CONTAINING a total of 2.15 acres, a net total of 2,002 acres more or less.

TITLE TO SAID PREMISES IS VESTED IN Robert J. Ealey and Shirley A. Ealey, husband and wife, as Tenants by the Entireties by Deed from Robert J. Ealey and Shirley A. Ealey, trustees for the Ealey Family Trust dated July 24, 2000 dated 06/06/03 recorded 01/14/04 in Deed Book 2004-1 Page 15153.

BEING KNOWN AS 856 Benders Church Road, Pen Argyl, PA 18072.

TAX PARCEL NUMBER: G8-13-1.

THEREON BEING ERECTED a colonial single style building with stone exterior and slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Robert J. Ealey and Shirley A. Ealey.

MARK J. UDREN, ESQUIRE

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**No. 57**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-09575**

ALL THAT CERTAIN tract or lot of land, with improvements thereon erected, known as 379 Berwick Street, situated on the North side of Berwick Street, between Davis Street and Seitz Avenue in the City of Easton, County of Northampton, Commonwealth of Pennsylvania, beginning at the Western line of land late of Serenus Johnson, now Vincent Stassi; thence extending Northwardly along said land 125 feet to a 20 foot wide alley; thence Westwardly along the South side of said alley 31 feet to a point; thence Southwardly along land now or late of Robert Kay 125 feet to Berwick Street; thence Eastwardly along the North side of Berwick Street 31 feet to the place of beginning.

BOUNDED on the East by land now or late of Vincent Stassi, known as 377 Berwick Street, on the North by said 20 foot wide alley; on the West by property now or late of Robert Kay, known as 389 Berwick Street, and on the South by Berwick Street.

TITLE TO SAID PREMISES IS VESTED IN Fazeem Ali and Tarmattie Ali, by Deed from Dennis M. Amadore, Jr. and Tina M. Amadore, h/w, dated 06/27/2006, recorded 07/25/2006 in Book 2006-1, Page 300149.

BEING KNOWN AS 379 West Berwick Street, a/k/a 379 Berwick Street, Easton, PA 18042-6557.

TAX PARCEL NUMBER: L9SE3D 20 10 0310.

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 Tarmattie Ali and Fazeem Ali.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 58**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10508**

All those certain lots, pieces or parcels of land, situate in the Township of Upper Mt. Bethel, County of Northampton and Commonwealth of Pennsylvania being lots nos. 53 and 54 on map of portion of land owned by Lutheran Brethren Conference Center, as surveyed by Mt. Bethel Associates, Inc. in December, 1973, which Plan is recorded in Northampton County records in Map Book Volume 43 Page 51, and which consolidation of lots nos. 53 and 54 has been surveyed by Thomas R. Merritt, Land Surveyor, and is more particularly described as follows:

Beginning at point 1 a set nail in the center of Chippawa Circle Road; thence, along the centerline of said road South 24 degrees 03 minutes 13 seconds East a distance of 100.00 feet to point 2 a set nail in the center of Chippawa Circle Road; thence along lands of the Lutheran Brethren Conference Center (lot 55) North 80 degrees 28 minutes 05 seconds East a distance of 156.69 feet to point 3 a set iron pin; thence along lands of the Lutheran Brethren Conference Center North 25 degrees 19 minutes 34 seconds West a distance of 170.00 feet to point 4 a set iron pin; thence



along lands of Anderson (lot 52) South 54 degrees 14 minutes 02 seconds West a distance of 151.06 feet to a set nail in the center of Chippawa Circle Road, which is the point of beginning. Having an area of 20,211.91 square feet, 0.464 acres.

Under and subject nevertheless, to a utility easement in favor of the grantee herein, which easement shall not merge with title to the property but shall run with the land and which easement is bounded and described as follows:

Beginning at point 4 as described above; thence along the interior of Lot 54 as described above South 12 degrees 55 minutes 17 seconds East a distance of 163.87 feet to point 5 a set iron; thence along lands of the Lutheran Brethren Conference Center (lot 55), North 80 degrees 28 minutes 05 seconds East a distance of 36.58 feet to point 3 a set iron pin; thence along lands of the Lutheran Brethren Conference Center North 25 degrees 19 minutes 34 seconds West a distance of 170.00 feet to point 4 a set iron pin, which is the point of beginning. Having an area of 2,992.1 square feet, 0.07 acres.

Under and subject nevertheless to the right-of-way of Chippawa Circle to the extent incorporated in the above noted description as shown in Map Book Volume 43 Page 51.

Under and subject to all utility easements and any other easements and restrictions noted on recorded plot plan, recorded in map book volume 43 page 51.

Under and subject to easements, conditions, restrictions and covenants of record.

Under and subject to Tuscarora Village Property Owners Association having the right of first refusal to purchase the above described prem-

ises from grantee, upon grantee voluntarily offering said premises for sale, with any offer from third parties to be transmitted in writing to Tuscarora Village Property Owners Association, Inc., who must exercise said right of first refusal within thirty (30) days of receipt of said notice, said right of first refusal in Tuscarora Village Property Owners Association, Inc., to terminate automatically after said thirty (30) day period if not exercised within that time; provided, however, that said right shall not apply to involuntary sales resulting from executions upon legally enforceable liens by future creditors. This covenant shall run with the land.

TITLE TO SAID PREMISES IS VESTED IN Suzanne F. Larsen and Timothy R. Larsen, w/h, by Deed from Lutheran Brethren Conference Center, Inc., dated 07/15/2002, recorded 07/22/2002 in Book 2002-1, Page 189722.

BEING KNOWN AS 88 Chippawa Circle, Mount Bethel, PA 18343-6152.

TAX PARCEL NUMBER: D12 8 2-69 0131.

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

SEIZED AND TAKEN into execution of the writ as the property of Suzanne F. Larsen and Timothy R. Larsen.

DANIEL G. SCHMIEG, ESQUIRE

**No. 59**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-11754**

Parcel No. 1

All that certain tract, parcel or piece of land with the tenements thereon erected, situate in the Borough of Walnutport, County of

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

Beginning at an iron pin near the North side of the public road leading from Walnutport to Cherryville, thence by lands now or late of James Fritzinger, North thirteen and one-half (13-1/2) (erroneously described in prior deed as eighteen and one-half (18-1/2) degrees West one hundred fifty-eight (158.00 feet) feet to a post, thence by the same South seventy-eight and one-quarter (78-1/4) degrees West thirty-five (35.00 feet) feet to a point, thence by land now or late of Ervin H. Bittner, South fourteen and one-half (14-1/2) degrees East sixty (60.00 feet) feet to a point, thence South seventy-five (75) degrees West four (4 feet) feet three (3) inches to an iron pin, thence South fifteen (15) degrees East one hundred one (101 feet) feet six (6) inches to an iron pin and along said public road thence North sixty-nine (69) degrees thirty-five (35) minutes East thirty-eight (38 feet) feet six (6) inches to the place of beginning.

Parcel No. 2

All that certain piece or parcel of land situate in the Borough of Walnutport, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

Beginning at a point at the curb of the pavement, the Southwest corner of property known as #111 Main Street (Parcel No. 1 hereof), thence along said Main Street South sixty-nine (69) degrees thirty-five (35) minutes West nine (9 feet) feet six (6) inches to a point, the middle of an alley, thence along middle of said Alley North fourteen (14) degrees West one hundred twelve (112.00 feet) feet to an iron pin, thence North seventy-

nine (79) degrees forty-five (45) minutes East fourteen (14 feet) feet nine (9) inches more or less to the other land now or late of Ervin H. Bittner, and thence along said line South fifteen (15) degrees East one hundred twelve (112.00 feet) feet, to the point and place of beginning.

The correct composite description of the above two parcels in accordance with a survey made of said premises is as follows:

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

Beginning at an iron pin at the curb of the pavement on the North side of the public Highway leading from Walnutport to Cherryville; thence by land late of Milton Kuntz and now or formerly of the Fritzinger Estate North twelve (12) degrees West one hundred fifty-eight (158.00 feet) feet (erroneously in prior deed as one hundred forty-eight (148.00 feet) feet erroneously in prior deed as one hundred forty-eight (148.00 feet) feet) to an iron pin; thence by the same South eighty (80) degrees forty-five (45) minutes West thirty-five (35.00 feet) feet to an iron pin; thence by land deeded to Roland Snyder and wife South fifteen (15) degrees East forty-six and a half (46-1/2 feet) feet to an iron pin near the southeast a corner of a shed; thence by the same South seventy-nine (79) degrees forty-five (45) minutes West nineteen (19.00 feet) feet to an iron pin; thence by land of the same South fourteen (14) degrees East one hundred twelve (112.00 feet) feet to an iron pin on the edge of the said pavement on the North side of the said Public Highway; thence along the edge of the same

North sixty-seven (67) degrees thirty (30) minutes East forty-nine and one third (49-1/3 feet) feet to the place of beginning.

UNDER AND SUBJECT to all conditions, covenants, restrictions, easements, and rights-of-way as of record, including, but not limited to, those listed on the recorded plan (if any) and the following (if any): Subject to Possible Public Utility Easements not appearing of record.

Subject to Public and Private Rights lying in the bed of all abutting streets, roads, and alley ways.

TITLE TO SAID PREMISES IS VESTED IN Christopher M. Eckhart, single, by Deed from Charles Meixsell, Jr., unmarried, dated 08/05/2005, recorded 09/22/2005 in Book 2005-1, Page 369502.

BEING KNOWN AS 111 Main Street, Walnutport, PA 18088-1632.

TAX PARCEL NUMBER: J2SW1A 3 2 1033.

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

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

DANIEL G. SCHMIEG, ESQUIRE

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**No. 60**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-01577**

All that certain premises situated on the East side of South Fourteenth Street, between Spruce and Lehigh Streets, in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

Beginning at a point on the East side of South Fourteenth Street, a distance of fifty-six and seventy-eight one-hundredths (56.78) feet, more or

less, South from the Southern building line of Spruce Street; thence South along the East side of said South Fourteenth Street, fourteen and eighty-nine one-hundredths (14.89) feet, more or less, to a point; thence Eastwardly at right angles with the said Fourteenth Street and through the middle line of the partition wall between this and the adjoining premises to the South seventy (70) feet to premises now or late of George Purdy; thence by the same Northwardly and parallel with South Fourteenth Street a distance of fourteen and eighty-nine one-hundredths (14.89) feet, more or less, to premises now or late of Anna Wykoff; thence Westwardly in part through the middle of an alleyway four (4) feet nine (9) inches wide, and at right angles with Fourteenth Street a distance of seventy (70) feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Alison Wolf and Natale Mazzaferro, as joint tenants with the right of survivorship, deeded by Rochelle M. Marth, dated 9/3/08, recorded 9/10/08, in book 2008-1, page 255990 and instrument# 2008035817.

BEING KNOWN AS 144 South 14th Street, Easton, PA 18042-4061.

TAX PARCEL NUMBER: L9SW2C 18 18 0310.

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

SEIZED AND TAKEN into execution of the writ as the property of Alison Woolf and Natale Mazzaferro.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 61**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-06492**

All that certain lot or piece of ground situate in Bushkill Township,

County of Northampton, Commonwealth of Pennsylvania beginning at an iron pin in the easterly edge of Pennsylvania Route 512, said pin also marking the westernmost corner of Lot 15 of the subdivision of Woodsedge'; thence along said Lot South 12 degrees 57 minutes 41 seconds East 286.36 ft to an iron pin; thence along the northerly edge of Cherrywood Drive on a curve to the left having a radius of 225 feet a distance of 100.00 feet to an iron pin; thence along Lot 13 of the Subdivision of Woodsedge' North 37 degrees 22 minutes 51 seconds West 240.654 feet to an iron pin; thence along the easterly edge of Pennsylvania Route 512, first mentioned, north 52 degrees 37 minutes 09 seconds East 215.51 feet to the place of beginning.

CONTAINING 0.905 acres.

SUBJECT to utility easements as shown on the Final Plat Plan of 'Woodsedge'

TITLE TO SAID PREMISES IS VESTED IN John Drexler and Theresa Drexler, h/w, by Deed from William E. Weisenbach, single, dated 10/02/1995, recorded 07/26/1996 in Book 1996-1, Page 76756

BEING KNOWN AS 236 Cherrywood Drive, Wind Gap, PA 18091-9795.

TAX PARCEL NUMBER: G7 8 27-7 0406.

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

SEIZED AND TAKEN into execution of the writ as the property of John Drexler and Theresa Drexler.

DANIEL G. SCHMIEG, ESQUIRE

#### **No. 62**

#### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2009-12747**

ALL THAT CERTAIN message, tenement and lot or piece of land

situate on the West side of 17th Street in the Borough of Wilson, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the West building line of 17th Street, said point being distant 118.58 feet South of the southwest corner of Fairview Avenue and 17th Street; thence extending Southwardly along the West building line of said 17th Street 17 1/2 feet and extending of that width in depth Westwardly 147 1/2 feet, more or less, to Maple Street.

BOUNDED on the North by property now or late of Jessie B. Davis and Robert W. Davis, her husband; on the East by 17th Street; on the South by land late of Alfred Moser's Estate; and on the West by Maple Street.

TITLE TO SAID PREMISES IS VESTED IN Francisco Jimenez, Deed by Froilan A. Rodriguez by deed from Froilan A. Rodriguez, dated 03/27/2008 and recorded 3/28/2008 in book 2008-1 Page 86343 Instrument # 2008011142.

BEING KNOWN AS 137 South 17th Street, Easton, PA 18042-3959.

TAX PARCEL NUMBER: L9S-W2D-19-7-0837.

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 Francisco Jimenez.

DANIEL G. SCHMIEG, ESQUIRE

#### **No. 63**

#### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2011-09815**

TRACT NO. 1:

ALL THAT CERTAIN tract or piece of land situate in the Township of East Allen, County of Northampton

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

BEGINNING at a stake on the southern right of way line of the public road leading from Northampton to Bath and 84.00 feet west of the northwestern corner of East Allen Township School District property; thence along said right of way line South eighty-two (82) degrees thirty (30) minutes West for a distance of sixty-six (66.00) feet to a stake; thence through the property of which the herein described tract was formerly a part South one (1) degree 00 minutes West for a distance of one hundred five (105.00) feet to a stake on the northern side of a proposed public alley; thence by same North eighty-two (82) degrees thirty (30) minutes East for a distance of sixty-six (66.00) feet to a stake at the southwestern corner of property of Michael and Johanna Legath; thence along the western line of said property North one (1) degree 00 minutes East for a distance of one hundred five (105.00) feet to the place of beginning.

CONTAINING 6,854.40 square feet.

TRACT NO. 2:

ALL THAT CERTAIN lot or piece of vacant land situate in the Township of East Allen, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin at the southeastern corner of other property now or late of the grantees herein; thence along the western line of property about to be conveyed to Michael and Johanna Legath, husband and wife, South 1 degree 00 minutes West for a distance of 52.38 feet to an iron pin; thence along the line of other property now or late of grantors herein North 87 degrees 29

minutes West for a distance of 102.39 feet to an iron pin; thence along the eastern line of property about to be conveyed to Michael and Rose Zastko, husband and wife, North 1 degree 00 minutes East for a distance of 34.38 feet to an iron pin; thence partly along the line of property now or late of Fehnel and partly along the line of other property of the grantees herein North 82 degrees 30 minutes East for a distance of 103.50 feet to the place of beginning.

CONTAINING 4,440.16 square feet.

TRACT NO. 3:

ALL THAT CERTAIN lot or tract of land situated in the Township of East Allen, County of Northampton, and State of Pennsylvania, designated as Lot 4 on Plan of Johanna Dichinat, recorded in the Office of the Recorder of Deeds in and for the County of Northampton in Map Book 44, page 53, more particularly described as follows, to wit:

BEGINNING at an iron pipe located at the southerly property corner of Stephen Paukovits and the southwesterly property corner of Michael Zastko; thence along the southerly property line of Michael Zastko South 87 degrees 29 minutes 00 seconds East 111.30 feet to an iron pipe, the true point or place of beginning; thence along the southerly property line of Edward Dischinat South 87 degrees 29 minutes 00 seconds East 102.40 feet to an iron pipe; thence along the westerly property line of Lot 5 South 01 degrees 00 minutes 00 seconds West 164.46 feet to an iron pipe; thence along the northerly property line of D. E. Spengler North 87 degrees 38 minutes 51 seconds West 102.39 feet to an iron pipe; thence along the easterly property line of Lot 3 North 01 degrees 00 minutes 00

seconds East 164.76 feet to the true point or place of beginning.

CONTAINING 16,850.161 square feet.

TITLE TO SAID PREMISES IS VESTED IN Gary J. Thomas, by Deed from Edward J. Dischinat, Jr. and Rosalie A. Yanders, Executors under the last will and testament of Edward Dischinat, aka Edward J. Dischinat, aka Edward Dischinat, Sr., aka Edward J. Dischinat, Sr., deceased, late, dated 06/29/2001, recorded 07/02/2001 in Book 2001-1, Page 124850.

BEING KNOWN AS 5314 Nor Bath Boulevard, Northampton, PA 18067-9062.

TAX PARCEL NUMBER: L5NW3 3 4 0508.

THEREON BEING ERECTED a ranch single style dwelling with vinyl side and back and stone front and shingle roof; detached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Gary Thomas a/k/a Gary J. Thomas.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 64**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2011-10571**

All that certain piece, parcel and tract of land situate in the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania shown as Lot 6-38 on the Final Plan of The Vineyard at Wagner Farms, Phase 6 as recorded in Map Book 2003-5, Pages 43-45 in the Office of the Recorder of Deeds for Northampton County at Easton, Pennsylvania and being further bounded and described as follows, to wit:

Beginning at a point on the easterly right-of-way line of Merlot Drive (50 feet wide) at the northwest corner

of Lot 6-39 of The Vineyard at Wagner Farms, Phase 6;

thence along said easterly right-of-way line of Merlot Drive (50 feet wide) North 07°-18'-03" West 68.00 feet to a point at a corner of Lot 6-37 of the Vineyard at Wagner Farms, Phase 6;

thence along said lands of Lot 6-37 of the Vineyard at Wagner Farms, Phase 6 North 82°-41'-57" East 103.26 feet to a point on a line of lands of Lot 1 of the Minor Subdivision of Lands of Elaine T. Emrick;

thence along said line of lands of Lot 1 of the Minor Subdivision of Lands of Elaine T. Emrick South 08°-07'-24" East 68.01 feet to a point at a corner of lands of Lot 6-39 of the Vineyard at Wagner Farms, Phase 6; thence along said lands of Lot 6-39 of The Vineyard at Wagner Farms, Phase 6 South 82°-41'-57" West 104.24 feet to a point, the place of the Beginning.

Containing 7,055.02 square feet or 0.1620 acre.

Said lot being subject to any and all drainage and utility easements as shown on the final recorded plan.

Being the same premises which Wagner Enterprises, Ltd., by Deed dated February 16, 2003 recorded February 19, 2004, in the Office for the Recorder of Deeds in and for Northampton County, in Deed Book Volume 2004-1, Page 62673, conveyed unto James Attinello.

BEING KNOWN AS 1822 Merlot Drive, Easton, PA 18045.

TAX PARCEL NUMBER: N8-2-5-38-0205.

THEREON BEING ERECTED a cape cod 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 James J. Attinello.

GREGORY JAVARDIAN, ESQUIRE



**No. 65****BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-09816**

All that certain property or unit being Unit D-2 in Building No.25 situate, lying and being in the Township of Lower Saucon, County of Northampton, Commonwealth of Pennsylvania, being known as 1929 Willings Lane, Hellertown, PA 18055 in Society Hill at Saucon Valley Condominium, together with an undivided .318 interest in the Common Elements appurtenant thereto as amended from time to time in accordance with and subject to the terms, limitations, conditions, covenants, restrictions, and other provisions of the Declaration of Society Hill at Saucon Valley Condominium, dated May 11, 1990 and recorded on June 1, 1990 with the Recorder of Deeds in Northampton in Misc. Book 374, page 18, et. Seq. as amended from time to time.

Being the same premises which Kerry Kowalchuk, married and Beth Hanson, by Deed dated May 31, 2007 recorded June 14, 2007, in the Office for the Recorder of Deeds in and for Northampton County, in Deed Book Volume 2007-1, Page 219861, conveyed unto Lois Fegely.

BEING KNOWN AS 1929 Willings Lane, Hellertown, PA 18055.

TAX PARCEL NUMBER: Q7SW4-1-25D2-0719.

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

SEIZED AND TAKEN into execution of the writ as the property of Lois Fegely.

GREGORY JAVARDIAN, ESQUIRE

**No. 66****BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-02686**

ALL THAT CERTAIN messuage or tenement and parcel or piece of land situate in the 2nd ward of the Borough of Northampton, Northampton County, Pennsylvania, being the easternmost 25.00 feet of Lot No. 67 and the westernmost 30.00 feet of Lot No. 66 on the Laubach Heights Plan of Town Lots, as revised on 1/22/1921, and now known as 311 East 19th Street, bounded and described as follows, to wit:

BEGINNING at a point on the north side of East 19th Street in Lot No. 67; thence northwardly through Lot No. 67 and along the line of property formerly of Harold Q. Dotter and Grace D. Dotter, husband and wife, for a distance of 138.50 feet to a point on the south side of a public alley; thence eastwardly along said alley for a distance of 55.00 feet to a point in Lot No. 66; thence southwardly through Lot No. 66 and along the line of property of Howard Dotter and Althea Dotter, husband and wife for a distance of 138.50 feet to a point on the north side of East 19th Street; thence westwardly along the north side of East 19th Street for a distance of 55.00 feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Joseph Terfinko, Sr. by Deed from Joseph Terfinko, Sr. and Tammy Lynn Terfinko dated 03/22/2002 recorded 03/28/2002 in Deed Book Document No. 2002016906.

BEING KNOWN AS 311 East 19th Street, Northampton, PA 18067.

TAX PARCEL NUMBER: L4SW 4B 7 9 0522.

THEREON BEING ERECTED a ranch 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 Tammy Lynn Terfinko and Joseph Terfinko, Sr.

MARK J. UDREN, ESQUIRE

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**No. 67**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-10008**

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Upper Nazareth, County of Northampton and Commonwealth of Pennsylvania shown as Lot II-15 on the final plan of Farmview Estate Phase II as recorded in Map Book 1993-5, page 13 in the Office of the Recorder of Deeds for Northampton County at Easton, Pennsylvania, being further bounded and described as follows, to wit:

BEGINNING at a point on the southerly right-of-way line of Fourth Street (50.00 feet wide); said point being at the northeast corner of Lot II-14 of Farmview Estates Phase II;

THENCE along said southerly right-of-way line of Fourth Street South 64°-47'-27" East 80.00 feet to a point at a corner of Lot II-16 of Farmview Estates Phase II;

THENCE along said lands of Lot II-16 of Farmview Estates Phase II South 25°-12'-33" West 132.50 feet to a point at a corner of Lot III-5 of Farmview Estates Phase III;

THENCE along said lands of Lot II-14 of Farmview Estates Phase II North 25°-12'-33" East 132.50 feet to a point, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Olubunmi Oshodi by Deed from Debra A. Vatalaro dated 07/07/06 recorded 07/11/06 in Deed Book 2006-1 Page 280967.

BEING KNOWN AS 142 4th Street, Nazareth, PA 18064.

TAX PARCEL NUMBER: J8SW4-27-5.

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 Olubunmi Oshodi.

MARK J. UDREN, ESQUIRE

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**No. 68**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-07245**

ALL THAT CERTAIN lot, parcel, or piece of land situate in the Township of Forks, County of Northampton, and Commonwealth of Pennsylvania, known as Lot 20, of the Estates at Steeplechase North Subdivision as shown on a certain subdivision map or plan entitled 'Estates at Steeplechase North Subdivision,' dated August 8, 2002, last revised July 14, 2003, prepared by Environmental Design & Engineering, filed in the Northampton County Recorder of Deeds Office in Plan Book Volume 2003-5, Pages 363 to 367, as amended by the Amendment to Recorded Plan, filed in the Northampton County Recorder of Deeds Office in Record Book Volume 2004-1, Page 422537.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER NO.: Map J9, Block 1, Lot 6-20.

TITLE TO SAID PREMISES IS VESTED IN Dolores A. Tyrone, unmarried, and Joseph Andrew Tyrone and Jessica Tyrone, husband and wife, as tenants by the entireties as between Joseph Andrew Tyrone and Jessica Tyrone, husband and wife, and as joint tenants with the right of

survivorship as between Dolores A. Tyrone, Joseph Andrew Tyrone and Jessica Tyrone, with Dolores A. Tyrone having a 1/3 interest and Joseph Andrew Tyrone and Jessica Tyrone having a 2/3 interest, deeded from Nic Zawarski and Sons Builders, Inc., a Pennsylvania Corporation, dated 12/12/06, recorded 12/21/06, in Book 2006-1, Page 526372, Instrument # 2006073445.

BEING KNOWN AS 4510 Farrcroft Drive, Easton, PA 18040-6746.

TAX PARCEL NUMBER: J9 1 6-20 0311.

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 Dolores A. Tyrone and Joseph Andrew Tyrone and Jessica Tyrone.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 69**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-08381**

ALL THAT CERTAIN piece or parcel of land shown as lot number 126, Situate in the Township of Hanover, County of Northampton, Commonwealth of Pennsylvania, on the final Record Plan of Monocacy Farms, prepared by The Pidcock Company, being dated 5/21/2001 and last revised 5/10/2002, recorded in Map Book Volume 2004-5 page 190-191, in the Recorder of Deeds Office, Northampton County, Commonwealth of Pennsylvania being more fully described thereon.

Being Lot #126 as shown on said Plan.

TITLE TO SAID PREMISES IS VESTED IN William Robert Bedford and Melissa Anne Bedford, h/w, by Deed from NVR, Inc., a Virginia Cor-

poration, trading as Ryan Homes, dated 12/29/2005, recorded 01/10/2006 in Book 2006-1, Page 11762.

BEING KNOWN AS 5934 Monocacy Drive, Bethlehem, PA 18017.

TAX PARCEL NUMBER: L6 15 10-126 0214.

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 William Robert Bedford and Melissa Anne Bedford.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 70**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10120**

ALL THAT CERTAIN tract of land situate in the Township of Lower Saucon, in the County of Northampton, Commonwealth of Pennsylvania, being Parcel B as shown on and described in accordance with the Survey Plan for Joseph M. Reibman, prepared by Barry Isett & Associates, Inc. Trexlertown, Pennsylvania, dated January 6, 1999 and revised on January 12, 1999 and being more particularly bounded and described as follows, to wit:

BEGINNING at a concrete monument at the intersection of the Southerly ultimate right-of-way line of Redington Road (60 feet wide) and the Southwesterly property line of the lands of Robert K. and Corine K. Kraemer; thence along the said lands of Robert K. and Corine K. Kraemer, South 48 degrees 40 minutes 21 seconds East, 489.88 feet to a concrete monument; thence along the lands of William Helms, South 40 degrees 06 minutes 38 seconds West, 1,361.75 feet; thence along the same, North 82 degrees 07 minutes 44 seconds West, 96.43 feet; thence

along the Easterly legal right-of-way line of Helms Road, North 37 degrees 28 minutes 02 seconds West, 211.12 feet; thence along the Easterly legal right-of-way line of an existing dirt road North 01 degree, 56 minutes 25 seconds West, 337.86 feet; thence along the same, North 40 degrees 03 minutes 35 seconds East, 920.52 feet; thence South 49 degrees 56 minutes 25 seconds East, 12.29 feet; thence along the aforesaid Southerly ultimate right-of-way line of Redington Road, North 43 degrees 38 minutes 59 seconds East, 207.17 feet to the POINT OF BEGINNING.

CONTAINING approximately 15.6215 acres of land.

SUBJECT to any and all easements, covenants and/or restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Ashley Development Corporation by Deed from Lehigh Valley Site Contractors, Inc. dated 8/2/2006 and recorded 8/9/2006 in the County of Northampton in Book 2006-1 Page 326276.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER NO.: Map N8 Block 15 Lot 1.

BEING KNOWN AS Helms Road and Redington Road, Northampton, PA 18067.

TAX PARCEL NUMBER: N8 15 1 0719

THEREON BEING ERECTED vacant land.

SEIZED AND TAKEN into execution of the writ as the property of Ashley Development Corporation.

RACHEL HEINRICH, ESQUIRE

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**No. 71**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-01011**

ALL THAT CERTAIN tract of land lying and being situate in the Township of Lower Saucon, County of

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

BEGINNING at an iron pipe a corner, said point being the Northwesternmost corner of a larger tract of land now or late of Charles Baller, said point also being the Northeasternmost corner of lands now or late of Frank Dravez and in line of lands now or late of Charles Daniel; thence from said described point of beginning along lands now or late of Charles Daniel and Leonard Nemeth, South eighty-six degrees forty minutes and thirty-nine seconds East (S. 86° 40' 39" E.) for a distance of six hundred thirty-six and seventy-five hundredths (636.75) feet to a corner; thence along lands now or late of Leonard Nemeth, North twelve degrees and forty eight minutes East (N. 12° 48' E.) for a distance of one thousand one hundred and eighty-eight (1,188.00) feet to a set-stone corner on line of lands now or late of Preston Laubach; thence along lands of said Laubach, South four degrees thirteen minutes West (S. 04° 13' W.) for a distance of two hundred seventy and five hundredths (270.05) feet to a steel pin and stone corner; thence along same, North eighty-nine degrees thirty-three minutes and thirty-seven seconds East (N. 89° 33' 37" E.) for a distance of five hundred ninety-four and thirteen-hundredths (594.13) feet to a Nail in the crotch of a Wild Black Cherry tree; thence along lands now or late of Frank and Mary John, South seven degrees and thirty minutes West (S. 07° 30' W.) for a distance of four hundred thirty-five and thirty-seven hundredths (435.37) feet to a steel pin corner; thence along same South eighty-eight degrees and zero minutes West (S. 88° 00' W.) for a distance of two hundred fifty-one and

eighty-one hundredths (251.81) feet to a steel pin corner; thence along same South five degrees and thirty minutes East (S. 05° 30' E ) for a distance of two hundred five and thirty-nine hundredths (205.39) feet to a R.R. spike corner in the center of the macadam of Township Road #395 which runs Easterly to Leg. Rt. 48009 and Westerly to Twp. Road #389; thence following along the center line of said Township Road #395 and along lands now or late of Edward Gerstenberg, South seventy-four degrees and forty-nine minutes West (S. 74° 49' W.) for a distance of two hundred thirteen and eighty-four hundredths (213.84) feet to a R.R. spike corner in the center of said road; thence along same South seventy-seven degrees and fifty-eight minutes West (S. 77° 58' W.) for a distance of one hundred ninety-two and four-hundredths (192.04) feet to a R.R. spike corner in the center of said road; thence along same, South eighty-two degrees and five minutes West (S. 82° 05' W.) for a distance of four hundred thirty-two and eighty-three hundredths (432.83) feet to a R.R. spike corner in the center of said road; thence along lands now or late of Sandor Chaszar, North five degrees and twenty-eight minutes West (N. 05° 28' W.) for a distance of eighty-nine and thirty-three hundredths (89.33) feet to a steel pin corner; thence along same South eighty-six degrees and zero minutes West (S. 86° 00' W.) for a distance of three hundred and fifty-eight (358.00) feet to a steel pin corner; thence along lands now or late of Charles Baller of which this is part, North fifteen degrees and fifty-eight minutes East (N. 15° 58' E.) for a distance of two hundred fifty-eight and nine hundredths (258.09) feet to a steel pin corner;

thence along same North eighty-nine degrees and fifty-four minutes West (N. 89° 54' W) for a distance of three hundred forty-six and eighty-six hundredths (346.86) feet to a steel pin corner; thence along same, seventy-five degrees and twenty-five minutes West (N. 75° 25' W.) for a distance of one hundred twenty-six and eighty-two hundredths (126.82) feet to a steel pin corner; thence along same South eighty-seven degrees and thirty minutes West (S. 87° 30' W.) for a distance of five hundred two and one-hundredths (502.01) feet to a steel pin corner in line of lands now or late of Frank Dravez; thence along lands now or late of said Dravez, North two degrees and fifteen minutes West (N. 02° 15' W.) for a distance of four hundred fifty-nine and forty-hundredths (459.40) feet to a staked corner hence along same North five degrees and eleven minutes West (N. 05° 11' W.) for a distance of three hundred four and forty-hundredths (304.40) feet to the point and place of beginning.

CONTAINING forty-four and nine hundred sixty-one thousandths (44.961) acres, more or less.

LESS AND EXCEPTING thereout and therefrom the premises described below which was conveyed from John J. Fischel and Lois T. Fischel, husband and wife, to Kenneth R. Fishel and Pamela L. Fischel, husband and wife, by Deed dated July 7, 1971, and recorded July 12, 1971, in Deed Book Volume 403, page 117, more fully described as follows:

ALL THOSE CERTAIN lots or pieces of ground situate in the Township of Lower Saucon, Northampton County, Pennsylvania, and being designated as Lots Nos. 8, 10, and 11 Block B, according to Map or Plan entitled "Plan of Lots of Section I of

the Marlin Hills Subdivision" prepared by J.M. Frances, Registered Surveyor, dated April, 16, 1962, and recorded in Plan Book 17, page 12, Northampton County Records.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER NO. Map P8, Block 12, Lot 13A.

BEING KNOWN AS 2296, 2295, 2294, 2292, 2291, and 2288 Marlin Road and 2282, 2284, and 2286 Vista Drive, Hellertown, PA 18055.

TAX PARCEL NUMBER: P8 12 13A 0719.

THEREON BEING ERECTED multiple dwellings.

SEIZED AND TAKEN into execution of the writ as the property of Marlin Hills, LLC.

DANIEL P. MAZO, ESQUIRE

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**CONTINUED FROM THE  
MAY 11, 2012 SHERIFF'S SALE  
No. 31**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-01019**

ALL THAT CERTAIN lot or piece of ground, situate in Bethlehem Township, Northampton County, described according to a Final Plan of Pennway Estates Phase II, made by Ludgate Engineering Corporation, dated February 19, 1988 and last revised August 3, 1989 and recorded in the Office of the Recorder of Deeds at Easton, Pennsylvania in Plan Book 89, page 335 as follows to wit:

BEGINNING at a point on the Southerly side of Concord Drive (50.00 feet wide) said point being the 3 following courses and distances from a point of curve on the Easterly side of Ohio Street (60.00 feet wide); (1) on the arc of a circle curving to the right having a radius of 30.00 feet the arc distance of 56.07 feet to a point of compound curve (2) on the arc of

a circle curving to the right having a radius of 275.00 feet the arc distance of 8.10 feet to a point of tangent and (3) North 83 degrees 45 minutes 50 seconds East along the southerly side of Concord Drive 297.00 to the point of beginning; thence extending from said point of beginning North 83 degrees 45 minutes 50 seconds East along the Southerly side of Concord Drive 80.00 feet to a point; thence extending South 06 degrees 14 minutes 10 seconds East 125.00 feet to a point; thence extending South 83 degrees 45 minutes 50 seconds West 80.00 feet to a point; thence extending North 06 degrees 14 minutes 10 seconds West 125.00 feet to the first mentioned point and place of beginning.

BEING KNOWN AS 4805 Concord Drive, Easton, PA.

TAX PARCEL NUMBER: M8SW2 27 5.

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

SEIZED AND TAKEN into execution of the writ as the property of Hugh C. McFadden, Jr. and Kimberly L. McFadden.

ROBERT P. DADAY, ESQUIRE

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**CONTINUED FROM THE  
MAY 11, 2012 SHERIFF'S SALE  
No. 32**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10025**

ALL THAT CERTAIN message, tenement and tract of land located on the west side of Main Street, between Fifteenth and Sixteenth Streets, in the Borough of Northampton, County of Northampton, Commonwealth of Pennsylvania, being 1558 Main Street, bounded and described as follows, to wit:



BEGINNING at a point on the westerly property line of Main Street, 60 feet south of the southerly property line of Sixteenth Street; thence along the westerly property line of land now or late of the Northampton Area School District, known as 1540 Main Street, South 58 degrees, 45 minutes West 140 feet to Railroad Alley; thence along the same, North 31 degrees 15 minutes West, 20 feet to a point; thence along the southerly property line of 1560 Main Street, passing partly in and through a party wall, North 58 degrees, 45 minutes East 140 feet to the place of BEGINNING.

CONTAINING 2,800 square feet (0.0643 acre).

BEING THE SAME PREMISES WHICH Ronald L. Morey and Catherine G. Morey, husband and wife, by deed dated 11/30/95 and recorded in Northampton County Record Book 1995-1 Page 116823, granted and conveyed unto Michael D. Harrigle and Lori A. Harrigle, husband and wife.

BEING KNOWN AS 1558 Main Street, Northampton, PA 18067.

TAX PARCEL NUMBER: L4S-W4C-15-4.

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

SEIZED AND TAKEN into execution of the writ as the property of Lori A. Harrigle and Michael D. Harrigle.

LEON P. HALLER, ESQUIRE

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**CONTINUED FROM THE  
MAY 11, 2012 SHERIFF'S SALE  
No. 33  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-07708**

ALL THAT CERTAIN two and one half story frame dwelling house and lot or piece of ground, situate in the

Borough of North Catasauqua (formerly Township of Allen), County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows:

COMMENCING at a point on house line of Fourth Street where it intersects with other lands now or late of Harvey F. Kidd and Carrie M. Kidd, his wife, and known as No. 1044 North Fourth Street, thence in a westernly direction and partly through the middle of a party wall, one hundred eighty (180) feet along lands last mentioned to house line of Church Alley; thence in a southerly direction twenty (20) feet along house line of alley last mentioned to land now or late of James Hart; thence in an easternly direction one hundred eighty (180) feet along said line of lands last mentioned to house line of Fourth Street aforesaid; thence in a northerly direction twenty (20) feet along house line of Fourth Street to the place of BEGINNING.

BEING THE SAME PREMISES WHICH Michael Kotrosits and Karen J. Kotrosits, his wife, by deed dated 8/27/98 and recorded 8/31/98 in Northampton County Instrument #1998035783, granted and conveyed unto Richard A. Dotterer and Kathleen A. Dotterer, his wife.

BEING KNOWN AS 1042 North Fourth Street, Catasauqua, PA 18032.

TAX PARCEL NUMBER: M4SE4D-25-3.

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

SEIZED AND TAKEN into execution of the writ as the property of Kathleen A. Dotterer and Richard A. Dotterer and The Secretary of Housing and Urban Development.

LEON P. HALLER, ESQUIRE

**CONTINUED FROM THE  
MAY 11, 2012 SHERIFF'S SALE  
No. 34  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-02879**

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Forks, County of Northampton and Commonwealth of Pennsylvania, shown as Lot TH E131 on the Final Plan of Vista Estates as recorded in Map Book 1998-5, Page 340, in the Office of the Recorder of Deeds of Northampton County at Easton, Pennsylvania, and being further bounded and described as follows:

BEGINNING at a point on the Westerly right of way line of Middle Way (50 feet wide) at the Southeast corner of Lot TH E130 (previously erroneously referred to as Lot TH E131) of Vista Estates; thence along said Westerly right of way line of Middle Way (50 feet wide) the following 3 courses and distances: (1) South 03 degrees 44 minutes 12 seconds East 4.36 feet to a point; thence (2) along the arc of a curve deflecting to the right having a radius of 125.00 feet and a central angle of 27 degrees 19 minutes 26 seconds for an arc length of 59.61 feet (chord: South 09 degrees 55 minutes 31 seconds West 59.05 feet) to a point; thence (3) South 23 degrees 35 minutes 14 seconds West 14.73 feet to a point at a corner of Lot TH E132 of Vista Estates; thence along said lands of Lot TH E132 of Vista Estates North 66 degrees 24 minutes 46 seconds West 120.00 feet to a point on line of lands of Lot TH E125 of Vista Estates; thence along said lands of Lot TH E125 of Vista Estates North 23 degrees 35 minutes 14 seconds East 22.22 feet to a point at a corner of Lot TH E130 of Vista Estates; thence

along said lands of Lot TH E130 of Vista Estates North 86 degrees 15 minutes 48 seconds East 117.12 feet to a point, the place of BEGINNING.

CONTAINING 6,002.31 square feet.

Said Lot being subject to any and all drainage and utility easements as shown on the final recorded Plan.

Under and subject to Deed Restrictions of record.

BEING THE SAME PREMISES WHICH Robert L. Ryan and Marie T. Ryan by deed dated 11/30/05 and recorded 12/19/05 in Northampton County Record Book 2005-1, Page 511553, granted and conveyed unto Joseph Parker.

BEING KNOWN AS 2700 Middle Way, Easton, PA 18040.

TAX PARCEL NUMBER: K9-37A-25.

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

SEIZED AND TAKEN into execution of the writ as the property of Joseph Parker.

LEON P. HALLER, ESQUIRE

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**CONTINUED FROM THE  
MAY 11, 2012 SHERIFF'S SALE  
No. 35  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-06278**

ALL THAT CERTAIN message, tenement, and lot or parcel of land situate in the Township of Forks, Northampton County, Pennsylvania, designated as Lot No. 330 on the Plan of Penn's Ridge, Phases 10 and 12, as said Plan is recorded in the Recorder of Deeds Office in and for Northampton County, Pennsylvania in Map Book Vol. 2003-5, Page 358, being more fully bounded and described as follows, to wit:

BEGINNING at a point on the eastern right-of-way line of Hawthorn Drive (46 feet wide), said point being the northwest corner of Lot 331 and the southwest corner of the herein described Lot 330;

thence along a curve having a radius of four hundred seventy-seven feet (477.00 feet), central angle of seven degrees twenty-two minutes and fifty-five seconds (07 degrees 22 minutes 55 seconds), a length along the arc of sixty-one and forty-six one-hundredths feet (61.46 feet), and a tangent distance of thirty and seventy-seven one-hundredths feet (30.77 feet) to a point;

thence along the southern boundary line of Lot 329, South eighty-eight degrees fifty minutes thirty-two seconds East (S 88 degrees 50 minutes 32 seconds E), a distance of one hundred twenty-six and seventy one-hundredths feet (126.70 feet) to a point;

thence along the western boundary lines of Lot 307 and Lot 306, South two degrees fifty-six minutes five seconds West (S 2 degrees 56 minutes 05 seconds W), a distance of thirty-five and eight one-hundredths feet (35.08 feet) to a point;

thence along the northern boundary line of Lot 331, South seventy-eight degrees forty-three minutes twenty-seven seconds West (S 78 degrees 43 minutes 27 seconds W), a distance of one hundred nineteen and seven one-hundredths feet (119.07 feet) to the place of BEGINNING.

CONTAINING in area 5,924.16 square feet or 0.136 acres.

UNDER AND SUBJECT, nevertheless, and together with, a certain ten-foot wide access easement as more fully described and illustrated in a certain Declaration and Imposition of Cross-Easement document

recorded in the recorder's office in Miscellaneous Volume 2003-1, Pages 436891-436897.

UNDER AND SUBJECT to covenants, easements, and restrictions as shown on the aforementioned Plan of Penn's Ridge and otherwise of record.

TITLE TO SAID PREMISES IS VESTED IN Ryan A. Alin and Kristin L. Moll and Louise T. Perugini, as joint tenants with the rights of survivorship and not as tenants in common, by deed from Hornstein Enterprises, Inc., dated 8/2/05 and recorded 8/8/05 in Book 2005-1, Page 299363.

BEING KNOWN AS 2480 Hawthorn Drive, Easton, PA 18040-5829.

TAX PARCEL NUMBER: K9 10 6-330 0311.

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

SEIZED AND TAKEN into execution of the writ as the property of Louise T. Perugini and Ryan A. Alin and Kristen L. Moll.

DANIEL G. SCHMIEG, ESQUIRE

**CONTINUED FROM THE  
MAY 11, 2012 SHERIFF'S SALE  
No. 36  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-08945**

ALL THAT CERTAIN tract or parcel of land situate on the East side of Movie Court known as Lot 10, Starlite Estates as shown on Plan entitled ASubdivision Plan, Starlite Estates prepared by DMS Real Estate Designs and Plans, 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 XX Page XX, in the Township

of Palmer, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING on the Westerly right-of-way line of Ashlee Court (50.00 feet wide); said point also being on the Northerly property line of land N/F Lot 14, Starlite Estates; thence along the same South 60 degrees 57 minutes 57 seconds West 148.00 feet to the Easterly property line of land N/F Lot 7, Starlite Estates; thence along the same and along land N/F Lot 6, Starlite Estates North 29 degrees 02 minutes 03 seconds West 144.89 feet to the Southerly right-of-way line of Freemansburg Avenue (S.R. 2018) (40.00 feet from the centerline); thence along the same the following two (2) courses and distances; (1) North 56 degrees 47 minutes East 113.84 feet to a point of curvature; and (2) curving to the left with a radius of 11,499.19 feet, an included angle of 0 degrees 21 minutes 33 seconds and arc length of 72.08 feet, a tangent of 36.04 feet and a chord of North 56 degrees 36 minutes 33 seconds East 72.08 feet to a point on the Westerly property line of land N/F Lot 16, Starlite Estates; thence along the same South 33 degrees 34 minutes 13 seconds East 109.15 feet to the Northerly right of way line of Ashlee Court (50.00 feet from the centerline of cul-de-sac); thence along the same curving to the left with a radius of 50.00 feet, an included angle of 85 degrees, 27 minutes 39 seconds an arc length of 74.58 feet, a tangent of 46.19 feet and a chord of South 13 degrees 41 minutes.

Title to said premises is vested in Marc S. Dela Rama and Carolina E. Dela Rama, husband and wife, by deed from MARC S. DELA RAMA AND CAROLINA E. DELA RAMA dated

August 12, 2005 and recorded August 24, 2005 in Deed Book 2005-1, Page 325057.

BEING KNOWN AS 17 Ashlee Court, Easton, PA 18045.

TAX PARCEL NUMBER: M8E3-32-1-15.

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

SEIZED AND TAKEN into execution of the writ as the property of Marc S. Dela Rama and Carolina E. Dela Rama.

MARGARET GAIRO, ESQUIRE

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**CONTINUED FROM THE  
MAY 11, 2012 SHERIFF'S SALE  
No. 37  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-07931**

ALL THAT CERTAIN messuage, tenements and parcel or piece of land situate in the Borough of Northampton, Northampton County, Pennsylvania, known and designated as Lot 56 on the Final Major Subdivision Plan entitled Wynnewood Estates Phase II of Horwith Leasing Co., Inc. trading as Northampton Development Center, a Pennsylvania Corporation, dated February 14, 1986 and recorded on September 10, 1986 in the Office of the Recorder of Deeds of Northampton County, at Easton, Pennsylvania, in Map Book Volume 86, page 285, with the subject description prepared on July 16, 1986 by Larry S. Turoscy, P.E. No. 16705-E and R.S. No. 14112-E, bounded and described as follows, to wit:

BEGINNING at an iron pin located along the Northerly legal right-of-way of Buckingham Drive (25.00 feet from centerline), said pin being also lo-

cated along the common boundary line of Lot No. 67 and the lands herein described; thence North 82 degrees 46 minutes 51 seconds West 99.87 feet along the Northerly legal right of way line of Buckingham Drive to an iron pin; thence North 07 degrees 13 minutes 09 seconds West 121.11 feet along the Lot NO. 55 to an iron pin; thence South 82 degrees 46 minutes 51 seconds East 99.87 feet along Lot No. 61 to an iron pin; thence South 07 degrees 13 minutes 09 seconds West 121.11 feet along Lot No. 57 to the place of beginning. CONTAINING 12,071.40 Square Feet of Land.

Title to said premises is vested in Wendy B. Ewing and Stephen M. Ewing, husband and wife, by deed from THOMAS B. McRICKARD AND AND MARY ANN McRICKARD, HUSBAND AND WIFE dated August 15, 1997 and recorded September 16, 1997 in Deed Book 1997-1, Page 100661.

BEING KNOWN AS 621 Buckingham Drive, Northampton, PA 18067.

TAX PARCEL NUMBER: L4 19 19 0522.

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

SEIZED AND TAKEN into execution of the writ as the property of Wendy B. Ewing and Stephen M. Ewing.

MARGARET GAIR0, ESQUIRE

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**CONTINUED FROM THE  
MAY 11, 2012 SHERIFF'S SALE  
No. 38  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-04912**

ALL THAT CERTAIN message, tenement and lot or parcel of ground situate in the Borough of Bath,

County of Northampton and State of Pennsylvania, being now designated as No. 257 Penn Street and being bounded and described as follows, to wit:

BEGINNING at a point in the center line of Penn Street in line of land late of Lewis Westmeyer, now or late of John A. Siegfried thence along the same northwardly two hundred fourteen and five tenths (214.5) feet, more or less, to the south side of an alley; thence eastwardly along the same eighty (80) feet to a point; thence southwardly along lands now or late of Joseph A. Horner, tow hundred fourteen and five-tenths (214.5) feet, more or less, to the center line of Penn Street; thence westwardly along the same, eighty (80) feet to the point, the place of Beginning.

Title to said premises is vested in Roger L. Gold and Jessica A. Gold, husband and wife, by deed from ANDRE C. CHARRON, MARRIED AND KANTHLEEN M. CHARRON, HIS WIFE dated October 15, 2003 and recorded November 6, 2003 in Deed Book 2003-1, Page 467474.

BEING KNOWN AS 257 Penn Street, Bath, PA 18014.

TAX PARCEL NUMBER K6NW3D-2-2.

THEREON BEING ERECTED a two-story single dwelling with aluminum siding exterior and shingle roof; detached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Roger L. Gold and Jessica A. Gold.

MARGARET GAIR0, ESQUIRE

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**CONTINUED FROM THE  
MAY 11, 2012 SHERIFF'S SALE  
No. 39  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2011-10839**

ALL THAT CERTAIN message and lot of land situated on the North

side of Lehigh Street, in the Borough of Wilson (formerly Palmer Township), County of Northampton and State of Pennsylvania, and known as No. 1533 Lehigh Street, containing in front on said Lehigh Street, 20 feet and extending Northwardly of that same width in depth 107 feet to a 10 feet wide alley, being Lot No. 6 on a certain map or plan of lots called Meuser Tract, recorded in the Office for the Recording of Deeds at the City of Easton in and for said County of Northampton in Map Book No. 2, page 130.

BOUNDED on the North by the said alley, on the East by Lot No. 7, on the South by said Lehigh Street, and on the West by Lot No. 5, formerly property of J.C. Meuser.

Title to said premises is vested in Angel Vasquez by deed from WILLIAM G. MODZELEWSKI AND KATHLEEN A. MODZELEWSKI, HUSBAND AND WIFE dated October 22, 2007 and recorded November 9, 2007 in Instrument # 2007053328.

BEING KNOWN AS 1533 Lehigh Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SW2C 15 31 0837.

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

SEIZED AND TAKEN into execution of the writ as the property of Angel Vasquez.

MARGARET GAIR0, 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

May 17, 24, 31



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**LISA A. WALLAS, Plaintiff v. MARK C. WALLAS, Defendant***Paternity by Estoppel—Presumption of Paternity—Motion for Reconsideration.*

Mother filed a Motion for Reconsideration of the Court's Order holding that Wallas has no support liability for A.W. Although Wallas is not A.W.'s biological father, Mother alleges he is estopped from denying paternity.

The parties appeared for a *de novo* hearing and submitted briefs. After consideration of the parties' arguments and evidence of record, the Court concluded that Wallas openly held out A.W. to be his own, and not only received A.W. into his home, but also provided support to A.W. Therefore, Wallas was estopped from denying paternity.

In the Court of Common Pleas of Northampton County, Pennsylvania,  
Domestic Relations Section—Docket No. DR-90411, PACSES Case No.  
125112546.

STEPHEN M. MOWREY, ESQUIRE, for Plaintiff.

JOHN S. PHILLIPS, ESQUIRE, for Defendant.

Order of the Court entered on January 20, 2012 by KOURY, JR., J.

*OPINION*

This matter is before the Court on Plaintiff Lisa A. Wallas' ("Mother") Motion for Reconsideration of this Court's October 24, 2011 Order, holding that Defendant Mark C. Wallas ("Wallas") has no support liability for A.W. ("Child"). Although Wallas is not Child's biological father, Mother alleges that he is estopped from denying paternity. The parties presented evidence and submitted briefs. The matter is now ready for disposition.

*I. FINDINGS OF FACT<sup>1</sup>*

Mother and Wallas were married on May 17, 1986 and had two biological children together, J.W. and M.W. Transcript of Proceedings at 2-3, *Wallas v. Wallas*, C-48-DR-90411 (C.P. Northampton, Sept. 28, 2011) [hereinafter "N.T., Sept. 28, 2011"]. In 1992, shortly after M.W.'s birth, Wallas underwent a vasectomy which rendered him sterile. *Id.* at 3. Wallas informed his mother, father and sister about the procedure. *Id.* at 4. Moreover, it was generally "public knowledge" that Wallas had a vasectomy. *Id.* at 20.

<sup>1</sup> After listening to both parties' testimony and observing their behavior and body language during the hearing on this matter, we determined that, to the extent that Mother's testimony conflicted with Wallas' testimony, Mother's testimony was credible and Wallas' testimony was not credible. See *Mackay v. Mackay*, 984 A.2d 529, 533 (Pa. Super. 2009), *appeal denied*, 995 A.2d 354 (Pa. 2010) (citing *Stokes v. Gary Barbera Enterprises, Inc.*, 783 A.2d 296, 297 (Pa. Super. 2001), *appeal denied*, 568 Pa. 723, 797 A.2d 915 (2002)) (In assessing the credibility of a witness, "[w]hen the trial court sits as fact finder, [sic] the weight to be assigned the testimony of the witnesses is within its exclusive province, as are credibility determinations, [and] the court is free to choose to believe all, part, or none of the evidence presented.").

During her marriage to Wallas, Mother had several extramarital affairs, one of which resulted in Mother becoming pregnant by John Cantler (“Cantler”) and subsequently giving birth to Child on July 14, 1998. *Id.* at 21-22; Transcript of Proceedings at 4, *Wallas v. Wallas*, C-48-DR-90411 (C.P. Northampton, Dec. 7, 2011) [hereinafter “N.T., Dec. 7, 2011”]. Neither Mother nor Wallas ever disputed that Child was not Wallas’ biological child. N.T., Sept. 28, 2011 at 21. Rather, the parties agree that Cantler is Child’s biological father. *Id.*

Wallas was at work when he was informed that Mother went into labor with Child. *Id.* at 4-5. Wallas immediately returned home, arriving within an hour of Child’s birth, which occurred at his residence in the presence of a midwife. *Id.* at 4-5, 22. Mother and Wallas decided to reconcile their marriage and believed that placing Wallas’ name on the birth certificate as Child’s father would facilitate the reconciliation. *Id.* at 6, 22-23; N.T., Dec. 7, 2011 at 13. As such, Mother and Wallas wanted to welcome Child into their marriage and to present Child as Wallas’ child. N.T., Dec. 7, 2011 at 13. Wallas was thus listed as father on Child’s birth certificate. N.T., Sept. 28, 2011 at 18; N.T., Dec. 7, 2011 at 12-13.

Mother and Wallas remained married for nine years after Child’s birth. N.T., Dec. 7, 2011 at 5. After Child’s birth, Wallas allowed Mother, Child, J.W., M.W. and Mother’s younger half-sister, D.G.,<sup>2</sup> to live in his house. N.T., Sept. 28, 2011 at 8. While the four children lived in Wallas’ house, he treated all of the children the same and did not discriminate between biological and non-biological children. *Id.* at 8, 25. Moreover, Child has always used Wallas’ last name as her own.

After Wallas and Mother separated, Wallas voluntarily paid \$1,100 per month in child support for M.W. and Child. *Id.* at 5. Payment of this support was memorialized in a letter, dated June 27, 2009, which he wrote and signed for Mother to use in obtaining a bank loan. N.T., Dec. 7, 2011 at 6-7. Wallas stopped paying this support for M.W. and Child in May 2011. N.T., Sept. 28, 2011 at 5-6. When Wallas ceased child support payments, he wrote Mother an e-mail explaining that he had completed his financial obligations and hoped there were “no hard feelings.” *Id.* at 12-13.

Wallas claimed J.W., M.W. and Child as his daughters and dependents on his 1998, 1999 and 2000 United States Federal income tax returns. N.T., Dec. 7, 2011 at 6, Ex. 1A, 1B, 1C. Child’s name was also listed on Wallas’ health insurance policy as a dependent for approximately thirteen years, from her birth until January 2011. N.T., Sept. 28, 2011 at 11; N.T., Dec. 7, 2011 at 7-8, 23. Moreover, Wallas’ name also appears on some of Child’s medical records and forms.<sup>3</sup> N.T., Sept. 28, 2011 at 18; N.T., Dec. 7, 2011 at 7-8, 23.

<sup>2</sup> Mother and Wallas had shared custody of D.G. with her biological mother since D.G. was six years old. N.T., Sept. 28, 2011 at 24-25.

<sup>3</sup> Wallas removed Child from his health insurance in January 2011 because he was remarrying and would be covered by his new wife’s health insurance plan. N.T., Dec. 7, 2011 at 7-8.

Wallas admitted that he presented himself as Child's father for thirteen years, *i.e.*, since Child's birth. N.T., Sept. 28, 2011 at 18. Child always called Wallas "dad" and has only known him as her father. N.T., Dec. 7, 2011 at 5. Wallas and Child corresponded by e-mail, using terms like "Dear [Child], love, Dad" or "Dear Dad, love, [Child]." *Id.* at 9. Wallas and Child always had a loving relationship, acted very affectionately towards one another, and, in fact, had pet names for each other. *Id.* at 5, 18. However, Wallas' relationship with D.G. was different. *Id.* at 5. D.G. recognized Wallas as someone other than her father and called him "Mark." *Id.*

Following the parties' separation and divorce, Wallas continued to visit and communicate with Child. N.T., Sept. 28, 2011 at 8; N.T., Dec. 7, 2011 at 14, 15, 23-24. Child made Wallas a present for his birthday in 2010. N.T., Dec. 7, 2011 at 19. Finally, there was never any indication by Wallas that he did not recognize Child as his own. *Id.* at 18.

After the instant support proceedings were commenced against Wallas, Mother informed Child that Cantler is her biological father. *Id.* at 14. Notwithstanding such revelation to Child, Mother has never filed a claim for support against Cantler. *Id.* at 15.

## II. PROCEDURAL HISTORY

On June 21, 2011, Mother filed a Complaint against Wallas seeking financial support for Child. *See generally*, Complaint for Support, *Wallas v. Wallas*, C-48-DR-90411 (C.P. Northampton, Jun. 21, 2011). Following a conference on July 20, 2011, this Court, by the Honorable Paula A. Roscioli, ordered Wallas to pay to Mother \$753.00 per month for the support of Child. *See generally*, Order, *Wallas v. Wallas*, C-48-DR-90411 (C.P. Northampton, Jul. 29, 2011) [hereinafter "Judge Roscioli's Order"].

On August 17, 2011, Wallas filed an appeal of Judge Roscioli's Order requesting a hearing *de novo*. *See generally*, Order for Court Hearing, *Wallas v. Wallas*, C-48-DR-90411 (C.P. Northampton, Aug. 17, 2011). The *de novo* hearing occurred before the undersigned on September 28, 2011, at which time Wallas and Mother presented testimony and additional evidence. *See generally*, N.T., Sept. 28, 2011. On October 24, 2011, this Court, by the undersigned, issued an Order holding that Wallas was not the Child's biological parent and had no support liability for Child. *See generally*, Order of Court, *Wallas v. Wallas*, C-48-DR-90411 (C.P. Northampton, Oct. 26, 2011) [hereinafter "October 24, 2011 Order"]. Thereafter, Mother filed a Motion for Reconsideration of the October 24, 2011 Order, seeking to present evidence that Wallas is estopped from denying paternity of Child. *See generally*, Motion for Reconsideration of Court Order Dated October 24, 2011, *Wallas v. Wallas*, C-48-DR-90411 (C.P. Northampton, Nov. 15, 2011) [hereinafter "Motion for Reconsideration"]. On November 10, 2011, we granted reconsideration of our October 24, 2011 Order of Court and permitted the parties to present additional testimony on December 7, 2011.

Order, *Wallas v. Wallas*, C-48-DR-90411 (C.P. Northampton, Nov. 10, 2011); *see generally*, N.T., Dec. 7, 2011.

### III. DISCUSSION

Pennsylvania Courts have long recognized a strong presumption of paternity, *i.e.*, the man married to a child's mother is the father of that child. *Brinkley v. King*, 549 Pa. 241, 701 A.2d 176, 177 (1997). In fact, the Pennsylvania Supreme Court has repeatedly acknowledged that "[o]ne of the strongest presumptions in Pennsylvania law is that a child conceived or born in a marriage is a child of the marriage." *Id.* The "public policy in support of the presumption of paternity is the concern that marriages which function as family units should not be destroyed by disputes over the parentage of children conceived or born during the marriage." *Id.* at 180.

Although there is a strong presumption of paternity, the presumption can be rebutted. *Id.* at 177. "In order to rebut the presumption it must be proved by clear and convincing evidence that at the time of conception, the husband either was not physically capable of procreation or had no access to the wife." *Id.*

Even if the presumption of paternity has been rebutted, the parties may nevertheless be estopped from denying paternity under the doctrine of paternity by estoppel. *See id.* Paternity by estoppel is defined as:

the legal determination that because of a person's conduct (*e.g.*, holding out the child as his own, or supporting the child) that person, regardless of his true biological status, will not be permitted to deny parentage, nor will the child's mother who has participated in this conduct be permitted to sue a third party for support, claiming that the third party is the true father. As the Superior Court has observed, the doctrine of estoppel in paternity actions is *aimed at 'achieving fairness as between the parents by holding them, both mother and father, to their prior conduct regarding the paternity of the child.'*

*Freedman v. McCandless*, 539 Pa. 584, 591-92, 654 A.2d 529, 532-33 (1995) (quoting *Gulla v. Fitzpatrick*, 408 Pa. Super. 269, 279, 596 A.2d 851 (1991)) (emphasis added) (footnote omitted). Accordingly, "[o]ne or both of the parties may be prevented from making a claim based on biological paternity because they have held themselves out or acquiesced in the holding out of a particular person as the father." *Brinkley*, *supra*, 701 A.2d at 179-80. Furthermore,

[e]stoppel is based on the public policy that children should be secure in knowing who their parents are. If a certain person has acted as the parent and bonded with the child, the child should not be required to suffer the potentially damaging trauma that

may come from being told that the father he has known all his life is not in fact his father.

*Id.* at 180. Paternity by estoppel is codified at 23 Pa. C.S. §5102(b),<sup>4</sup> which requires clear and convincing evidence that, during the lifetime of the child, the father openly held out the child as his own and either received the child into his home or provided support for the child. 23 Pa. C.S. §5102(b).

The legal analysis for a paternity challenge is as follows:

[F]irst, one considers whether the presumption of paternity applies to a particular case. If it does, one then considers whether the presumption has been rebutted. Second, if the presumption has been rebutted or is inapplicable, one then questions whether estoppel applies. Estoppel may bar either a plaintiff from making the claim or a defendant from denying paternity. If the presumption has been rebutted or does not apply, and if the facts of the case include estoppel evidence, such evidence must be considered. If the trier of fact[s] finds that one or both of the parties are estopped, no blood tests will be ordered.

*Brinkley*, supra at 180. With regard to paternity matters, the Supreme Court has stated:

The presumption of paternity and the doctrine of estoppel, therefore, embody the two great fictions of the law of paternity: the presumption of paternity embodies the fiction that regardless of biology, the married people to whom the child was born are the parents; and the doctrine of estoppel embodies the fiction that, regardless of biology, in the absence of a marriage, the person who has cared for the child is the parent.

*Id.*

In the instant case, Mother and Wallas had reconciled their marriage by the time Child was born. N.T., Sept. 28, 2011 at 24; N.T., Dec. 7, 2011 at 13. As a result, the presumption of paternity applies. See *Brinkley*, supra, 701 A.2d at 177. However, Wallas was rendered sterile by his vasectomy approximately six years before Child's conception. N.T., Sept. 28, 2011 at 4, 20-21. Therefore, the presumption of paternity has been rebutted by clear and convincing evidence that Wallas was not physically capable of procreation at the time of conception. See *id.*; see also, *Strauser v. Stahr*, 556 Pa.

<sup>4</sup> (b) Determination of paternity—For purposes of prescribing benefits to children born out of wedlock by, from and through the father, paternity shall be determined by any one of the following ways:

(1) If the parents of a child born out of wedlock have married each other.

(2) If, during the lifetime of the child, it is determined by clear and convincing evidence that the father openly holds out the child to be his and either receives the child into his home or provides support for the child.

(3) If there is clear and convincing evidence that the man was the father of the child, which may include a prior court determination of paternity.

23 Pa. C.S. §5102(b).



83, 726 A.2d 1052, 1054 (1999) (the paternity “presumption can be rebutted only by proof either that the husband was physically incapable of fathering a child or that he did not have access to his wife during the period of conception.”); N.T., Sept. 28, 2011 at 4, 20-21.

Having determined that the presumption of paternity has been rebutted, we must turn to the issue of paternity by estoppel. *Brinkley*, supra, 701 A.2d at 180 (“if the presumption has been rebutted or is inapplicable, one then questions whether estoppel applies”). In *Zadori v. Zadori*, 443 Pa. Super. 192, 661 A.2d 370 (1995), the Superior Court was confronted with facts similar to those before us. In that case, the child was born only three or four months after the mother and putative father began sexual relations, and the mother admitted that the putative father was not the biological father. *Id.* at 195-96, 661 A.2d at 372. The Superior Court emphasized that although the putative father had always known the child was not his, he nonetheless agreed to list himself as the father on the child’s birth certificate. *Id.* at 196, 661 A.2d at 372-73. In addition, the parties lived together for almost three years after the child’s birth, at which time the putative father “admittedly fed, clothed, housed, and provided for the physical, medical and emotional needs of the child.” *Id.* As a result, the Superior Court found that the putative father held the child out as his own, and, therefore, was estopped from denying paternity. *Id.*

At the September 28, 2011 and December 7, 2011 hearings, the parties presented evidence establishing that Wallas held Child out as his own. Both Mother and Wallas knew that Wallas’ vasectomy rendered him sterile and that Cantler was Child’s biological father. N.T., Sept. 28, 2011 at 3, 21. Nonetheless, Mother and Wallas decided to reconcile their marriage and remained married for nine years after Child’s birth. *Id.* at 22-24; N.T., Dec. 7, 2011 at 5. Furthermore, in order to facilitate this reconciliation, and in the best interest of their family, Mother and Wallas agreed to place Wallas’ name as Child’s father on her birth certificate. N.T., Dec. 7, 2011 at 12-13. Moreover, Mother and Wallas decided to welcome Child into their marriage and present Child as Wallas’ child. *Id.* at 13. In addition, Wallas allowed Mother, their two biological daughters, Mother’s younger sister, and Child, all to live in the house after Child’s birth. N.T., Sept. 28, 2011 at 8. While living together, Wallas never treated Child differently than his biological children. *Id.* at 8, 25.

Wallas acknowledges that he financially supported Child by allowing Mother and the four children to live at his house. *Id.* at 8. Following the parties’ separation, Wallas voluntarily paid \$1,100 per month in child support for both M.W. and Child, which Wallas acknowledged in a signed letter. N.T., Dec. 7, 2011 at 6-7. Further, Wallas listed Child on his health insurance plan for approximately thirteen years, and had his name on some of Child’s medical records. N.T., Sept. 28, 2011 at 18; N.T., Dec. 7, 2011 at 7-8, 23. Moreover, Wallas listed his biological children, J.W. and M.W.,

as well as Child, as his daughters and dependents on his United States Federal income tax returns for 1998, 1999 and 2000. N.T., Dec. 7, 2011 at 6.

Finally, Wallas has publicly presented himself as Child's father for thirteen years, and Child calls him "dad." N.T., Sept. 28, 2011 at 18. This is in contrast to the relationship between Wallas and D.G., who knew Wallas was not her father and referred to Wallas as "Mark" rather than "dad." N.T., Dec. 7, 2011 at 5. Furthermore, Wallas and Child had "pet names" for each other and acted affectionately toward one another. *Id.* at 5, 18. In communicating with each other, Wallas and Child used terms like "Dear [Child], love, Dad" and "Dear Dad, love, [Child]." *Id.* at 9. Following the parties' separation, Wallas remained in contact with Child and arranged visits with her. *Id.* at 5-6.

The instant case is similar to the facts in *Zadori*. See generally, *Zadori*, supra. Like the mother and putative father in *Zadori*, here, although both Mother and Wallas knew that Child was not Wallas' biological child, Wallas nevertheless agreed to place his name on Child's birth certificate as Child's father. See *id.* at 196, 661 A.2d at 372-73. In addition, like the putative father in *Zadori*, Wallas, despite the knowledge that he was not Child's biological father, continued to live with Mother and Child for approximately nine years after Child's birth. See *id.* Finally, like the putative father in *Zadori*, Wallas housed and provided medical care for Child. See *id.* Perhaps most compelling is the fact that Wallas and Child enjoyed a loving father and daughter relationship, and Wallas openly presented himself as Child's father for thirteen years. N.T., Sept. 28, 2011 at 18; N.T., Dec. 7, 2011 at 5. Accordingly, we hold that, by clear and convincing evidence, Wallas openly held out Child to be his own, and not only received Child into his home but also provided both financial and emotional support to Child. See 23 Pa. C.S. §5102(b). As such, notwithstanding that Wallas is not the biological father of Child, he is estopped from denying paternity.

Wallas argues that (1) Mother cannot assert paternity by estoppel because Mother concealed the true paternity of Child, and (2) paternity by estoppel does not apply because Mother has informed Child that Wallas is not her biological father. We reject both arguments as specious.

First, we acknowledge that "[w]hen an individual acknowledges paternity only as a result of fraud and outside the context of an intact family, the application of estoppel does not serve the underlying policy interest[.]" and such fraud generally precludes the application of paternity by estoppel. See *Glover v. Severino*, 946 A.2d 710, 713, 716 (Pa. Super. 2008) (holding that mother's failure to inform putative father of her sexual relations with another man constituted fraud); see also, *Gebler v. Gatti*, 895 A.2d 1, 3-5 (Pa. Super. 2006) (fraud existed because "Mother [held] all the cards here; only she knew that another man might be the biological father" and failed to inform putative father of this information). In the instant case,

because Wallas underwent a vasectomy six years before the birth of Child, he undoubtedly knew that he was not Child's biological father. N.T., Sept. 28, 2011 at 21. Moreover, neither Wallas nor Mother ever disputed that Child was not Wallas' biological child. *Id.* at 21. Rather, the parties agree that Cantler is Child's biological father. *Id.* Therefore, no fraud existed and Wallas cannot argue that he was fraudulently induced into acting as Child's father. *Id.* at 3, 21.

Second, Wallas cites *Wieland v. Wieland*, 948 A.2d 863 (Pa. Super. 2008), for the proposition that because Mother informed Child that Wallas is not her biological father, the public policy reason for paternity by estoppel is moot, and Mother is accordingly precluded from asserting estoppel against Wallas. *Wieland*, supra at 870. However, Wallas' reliance on *Wieland* is misplaced.

In *Wieland*, mother and biological father, who were married, separated and reunited on several occasions during the year of 2001. *Id.* at 865. During this time period, mother was also living with putative father. *Id.* Mother became pregnant in July 2001, and told putative father that he was the biological father. *Id.* In all respects, putative father lived with and acted as the child's father from birth until 2006. *Id.* at 865-66. Following mother's separation from putative father in 2006, she informed the child that putative father was not child's biological father. *Id.* at 866. Mother then filed a complaint for support against the biological father, her ex-husband, through which she asked the trial court to declare paternity in favor of her ex-husband. *See id.* at 863-64. The putative father sought to intervene in order to estop mother from having the biological father named the child's father. *See id.* at 864. The trial court denied putative father's request to estop mother. *Id.* at 866.

On appeal, the Pennsylvania Superior Court affirmed, holding that the trial court's denial of putative father's request to estop mother was not an abuse of discretion. *Id.* at 866-67. In affirming the trial court, the Superior Court explained that because mother informed the child that putative father is not child's biological father, the public policy reason for paternity by estoppel is no longer being served. *See id.* at 870. Accordingly, the Superior Court held that the trial court's *denial of putative father's request to estop mother was not an abuse of discretion.* *Id.* at 870. The specific holding in *Wieland*, based upon the facts at issue, was that the lower court's ruling was not an abuse of discretion. The Superior Court certainly did not hold that every paternity by estoppel case should be denied when the public policy reason for estoppel is not being served.

As noted above, paternity by estoppel is defined as:  
the legal determination that because of a person's conduct (*e.g.*, holding out the child as his own, or supporting the child) that person, regardless of his true biological status, will not be permitted to deny parentage, nor will the child's mother who

has participated in this conduct be permitted to sue a third party for support, claiming that the third party is the true father. *Freedman v. McCandless*, 539 Pa. at 591, 654 A.2d at 532 (quoting *Gulla v. Fitzpatrick*, 408 Pa. Super. 269, 279, 596 A.2d 851 (1991)). With respect to the issue of paternity by estoppel, “[e]very such case must be decided after a close analysis of all of the facts and circumstances[.]” *Kohler v. Bleem*, 439 Pa. Super. 385, 399, 654 A.2d 569, 577 (1995) (citing *Gulla v. Fitzpatrick*, 408 Pa. Super. 269, 596 A.2d 851 (1991)). Moreover, the proper focus is on the relationship between father and child. *Id.* We have closely analyzed the facts and circumstances of this case, focusing on the father/child relationship. Based upon our analysis, we hold that, by clear and convincing evidence, Wallas openly held out Child to be his own, and not only received Child into his home but also provided both financial and emotional support to Child. *See* 23 Pa. C.S. §5102(b). As such, notwithstanding that Wallas is not the biological father of Child, he is estopped from denying paternity.

*WHEREFORE*, we enter the following:

#### *ORDER*

AND NOW, this 20th day of January, 2012, upon consideration of Plaintiff Lisa A. Wallas’s (“Mother”) Motion for Reconsideration of this Court’s October 24, 2011 Order, and upon consideration of the parties’ briefs and evidence thereon, it is hereby ORDERED and DECREED that Mother’s Motion for Reconsideration is GRANTED. It is further hereby ORDERED that (1) Mark C. Wallas is estopped from denying his paternity of A.W.; and (2) the Order of Court, dated July 20, 2011, is reinstated and made final.

**DAVID S. FUSACCHIA and DEBORAH A. FUSACCHIA,  
Individually and As Husband and Wife, Plaintiffs v.  
WPL PARTNERS, INC., Defendant v. BLUE MOUNTAIN  
CONSUMER DISCOUNT CO., Additional Defendant**

*Preliminary Objection—Demurrer—Breach of Contract—Unjust Enrichment—Promissory Note—Amended Joinder Complaint—Sole Liability—Liability Over.*

Plaintiffs, David and Deborah Fusacchia, brought an action against Defendant, WPL Partners, Inc., for breach of contract and unjust enrichment. Plaintiffs claim Defendant failed to pay Plaintiffs pursuant to promissory notes issued by Defendant. Defendant joined Additional Defendant, Blue Mountain Consumer Discount Co., for claims of sole liability and liability over. In its Amended Joinder Complaint, Defendant avers that the loan was given by Plaintiffs to Additional Defendant, and Additional Defendant is obligated to pay the notes.

Additional Defendant filed Preliminary Objections, in the nature of demurrers, to Defendant's Amended Joinder Complaint, alleging a failure to support a claim for sole liability and liability over. Alternatively, Additional Defendant argues that the Amended Joinder Complaint lacks sufficient factual specificity. The Court found that Defendant failed to plead facts sufficient to support claims for sole liability and liability over, and sustained Additional Defendant's Preliminary Objections.

In the Court of Common Pleas of Northampton County, Pennsylvania,  
Civil Division—Law—No. C-48-CV-2010-13767.

MATTHEW J. GOODRICH, ESQUIRE, for Plaintiffs.

MARSHALL E. ANDERS, ESQUIRE, for Defendant.

VICTOR E. SCOMILLIO, ESQUIRE, for Additional Defendant.

Order of the Court entered on November 29, 2011 by KOURY, JR., J.

*OPINION*

This matter is before the Court on Additional Defendant Blue Mountain Consumer Discount Co.'s ("Blue Mountain") Preliminary Objections to Defendant WPL Partners, Inc.'s ("WPL") Amended Joinder Complaint. It was assigned to the Honorable Michael J. Koury, Jr. from the September 6, 2011 Argument List. The parties submitted briefs and the matter is now ready for disposition.

*I. FACTUAL AND PROCEDURAL BACKGROUND*

In the initial Complaint, Plaintiffs David and Deborah Fusacchia (collectively "Plaintiffs") assert causes of action against WPL for breach of contract and unjust enrichment. Plaintiffs allege that they entered into contracts with WPL on five separate occasions whereby Plaintiffs loaned \$20,000 to WPL, totaling \$100,000. Complaint at ¶¶6, 10, 14, 18, 22, *Fusacchia v. WPL Partners, Inc., et al.*, C-48-CV-2010-13767 (C.P.

Northampton, Dec. 9, 2010) [hereinafter “Complaint”]. For each loan, WPL provided Plaintiffs with a payable on demand promissory note in the amount of \$20,000. *Id.* at ¶¶6, 10, 14, 18, 22. On November 19, 2010, Plaintiff David Fusacchia (“Fusacchia”) presented the five notes to WPL and demanded payment. *Id.* at ¶¶7, 11, 15, 19, 23. WPL refused to pay the notes. *Id.* at ¶¶8, 12, 16, 20, 24.

WPL filed an Answer and New Matter to Plaintiffs’ Complaint. *See* Answer and New Matter to Complaint, *Fusacchia v. WPL Partners, Inc. et al.*, C-48-CV-2010-13767 (C.P. Northampton, Jan. 13, 2011) [hereinafter “WPL’s New Matter”]. In addition, WPL filed a Complaint Joining Additional Defendant Blue Mountain, and incorporated therein its Answer and New Matter. *See* Complaint Joining Additional Defendant, *Fusacchia v. WPL Partners, Inc. et al.*, C-48-CV-2010-13767 (C.P. Northampton, Jan. 25, 2011) [hereinafter “Joinder Complaint”]. Blue Mountain filed preliminary objections, in the nature of demurrers, to WPL’s Joinder Complaint. *See* Additional Defendant’s Preliminary Objections to Joinder Complaint, *Fusacchia v. WPL Partners, Inc. et al.*, C-48-CV-2010-13767 (C.P. Northampton, Mar. 9, 2011). On May 9, 2011, this Court, by the Honorable Paula A. Roscioli, sustained the preliminary objections and granted WPL leave to amend its Joinder Complaint. *See* Order of Court, *Fusacchia v. WPL Partners, Inc. et al.*, C-48-CV-2010-13767 (C.P. Northampton, May 9, 2011).

Thereafter, WPL filed an Amended Joinder Complaint, which also incorporated its Answer and New Matter. Through its Amended Joinder Complaint, WPL alleges that on April 4, 2007, Francis J. Cinelli, the owner of Blue Mountain, requested that Plaintiffs fund a loan from Blue Mountain to Anthony Casciano (“Casciano”). Amended Complaint Joining Additional Defendant at ¶5, *Fusacchia v. WPL Partners, Inc. et al.*, C-48-CV-2010-13767 (C.P. Northampton, May 17, 2011) [hereinafter “Amended Joinder Complaint”]. The repayment of this loan would be secured by a mortgage encumbering a property owned by Casciano and Constance Stambaugh (the “Property”). *Id.* Upon Cinelli’s request, Plaintiffs loaned Blue Mountain \$227,084.26 with an annual interest rate of ten percent (10%). *Id.* at ¶6. WPL alleges that these facts created a contract between Plaintiffs and Blue Mountain. *Id.*

Pursuant to the terms of a mortgage between Blue Mountain and Casciano, Blue Mountain loaned the money funded by Plaintiffs to Casciano. *Id.* at ¶7. The repayment of the loan from Plaintiffs to Blue Mountain was not conditioned upon Casciano paying his loan with Blue Mountain. *Id.* at ¶8. Shortly thereafter, Casciano defaulted on his loan from Blue Mountain. *Id.* at ¶9. Notwithstanding Casciano’s default, Blue Mountain paid Plaintiffs the agreed upon 10% interest. *Id.* at ¶10.

Blue Mountain attempted to repay \$100,000 of the principal owed to Plaintiffs with five \$20,000 checks. *Id.* at ¶¶11, 12. When Walter Lambert



(“Lambert”), a representative of Blue Mountain, presented these checks to Fusacchia, he rejected payment and instead demanded a note from an entity other than Blue Mountain evidencing that \$100,000 was owed to Plaintiffs. *Id.* at ¶13. As a result, Blue Mountain solicited WPL, without consideration, to execute notes payable to Plaintiffs in the amount of \$100,000. *Id.* at ¶¶40, 41, 44. Blue Mountain assured WPL that these notes would be cancelled once the Property was sold. *Id.*

Blue Mountain filed Preliminary Objections to WPL’s Amended Joinder Complaint, claiming that WPL failed to state a cause of action for sole liability or liability over. *See generally*, Additional Defendant’s Preliminary Objections to Amended Complaint Joining Additional Defendant, *Fusacchia v. WPL Partners, Inc. et al.*, C-48-CV-2010-13767 (C.P. Northampton, June 6, 2011) [hereinafter “Preliminary Objections”]. Alternatively, Blue Mountain contends that the Amended Joinder Complaint lacks sufficient factual specificity. *See generally, id.*

## II. DISCUSSION

When evaluating preliminary objections based on a claim of legal insufficiency, this Court must accept as true all of the well-pleaded, material, and relevant facts alleged in the complaint and all inferences fairly deducible therefrom. *See Mazur v. Trinity Area School District*, 599 Pa. 232, 961 A.2d 96, 101 (2008). We need not, however, accept argument, opinion, conclusions of law, or unwarranted inferences. *See Penn Title Insurance Company v. Deshler*, 661 A.2d 481, 483 (Pa. Commw. 1995).

The court may not sustain a preliminary objection seeking to dismiss a cause of action unless “it is clear and free from doubt that the complainant will be unable to prove facts legally sufficient to establish a right to relief.” *Mazur*, supra, 961 A.2d at 101. *See also, In re B.L.J., Jr.*, 938 A.2d 1068, 1071 (Pa. Super. 2007); *Kane v. State Farm Fire and Casualty Company*, 841 A.2d 1038, 1041 (Pa. Super. 2003) (noting that demurrer should be sustained only where “plaintiff has failed to assert a legally cognizable cause of action”). If any doubts exist as to the legal sufficiency of the complaint, we must examine those doubts in the context of the complaint as a whole and, thereafter, should resolve any lingering doubt in favor of overruling the demurrer. *See Kane*, supra at 1041; *Rachlin v. Edmison*, 813 A.2d 862, 870 (Pa. Super. 2002).

Pennsylvania Rule of Civil Procedure 2252 sets forth the requirements for a joinder complaint:

- (a) Except as provided by Rule 1706.1, any party may join as an additional defendant any person not a party to the action who may be
  - (1) solely liable on the underlying cause of action against the joining party, or

\* \* \* \* \*

(4) liable to or with the joining party on any cause of action arising out of the transaction or occurrence or series of transactions or occurrences upon which the underlying cause of action against the joining party is based

\* \* \* \* \*

(b)(2) The complaint [filed by original defendant], in the manner and form required of the initial pleading of the plaintiff in the action, shall set forth the facts relied upon to establish the liability of the joined party and the relief demanded.

Pa. R.C.P. 2252. “[C]ause of action” has been construed “to mean that the ‘additional defendant’s liability [be] related to the original claim which plaintiff asserts against the original defendant ...’” *Olson v. Grutza*, 428 Pa. Super. 378, 387, 631 A.2d 191, 195 (1993) (quoting *Somers v. Gross*, 393 Pa. Super. 509, 514, 574 A.2d 1056, 1058 (1990) (quoting *Incollingo v. Ewing*, 444 Pa. 263, 290, 282 A.2d 206, 220 (1971))). “Rule 2252(a) does not permit joinder where the allegations of the original complaint and the allegations of the joinder complaint ‘relate to different harms to be proven with different evidence as to different occurrences happening at different times.’” *Id.* at 387, 631 A.2d at 195-96 (quoting *Somers*, supra at 518, 574 A.2d at 1060-61).

#### A. Sole Liability

To support a cause of action for sole liability, the original defendant must aver facts demonstrating the additional defendant can be found solely liable for the underlying cause of action brought by the plaintiff. *See* Pa. R.C.P. 2252(a). Therefore, the original defendant must aver facts which demonstrate the plaintiff could have brought his original cause of action against the additional defendant. *See Somers*, supra at 514, 574 A.2d at 1058. (“The requirement of Rule 2252(a) that joinder on the ground that the joined party is solely liable to the plaintiff ‘on the cause of action declared upon by the plaintiff,’ has been broadly construed to mean ‘... the harm of which the plaintiff complains.’”)

Here, Plaintiffs brought two causes of action against WPL: (1) breach of contract, and (2) unjust enrichment. To establish a breach of contract, a party must aver facts demonstrating: “(1) the existence of a contract, (2) a breach of a duty imposed by the contract, and (3) damages.” *Sullivan v. Chartwell Investment Partners, LP*, 873 A.2d 710, 716 (Pa. Super. 2005) (citing *J.F. Walker Co., Inc. v. Excalibur Oil Group, Inc.*, 792 A.2d 1269 (Pa. Super. 2002)). Moreover, “[w]hile not every term of a contract must be stated in complete detail, every element must be specifically pleaded.” *CoreStates Bank, N.A. v. Cutillo*, 723 A.2d 1053, 1058 (Pa. Super. 1999).

Here, WPL has pleaded facts sufficient to demonstrate the existence of a contract:

5. That on or about the 4th day of April, 2007, Francis F. Cinelli, the owner of Blue Mountain Discount Company, requested the Plaintiffs to fund a loan from Blue Mountain Discount Co. to Anthony Casciano, the repayment of which would be secured by a mortgage encumbering property owned by Anthony Casciano and Constance Stambaugh in Roseta, Pennsylvania.

6. That, based upon the aforementioned request, the Plaintiffs lent the sum of \$227,084.26 to Blue Mountain Consumer Discount Company, which Blue Mountain agreed to repay with interest at the rate of ten (10%) percent per annum, thereby creating a contract between the parties.

Amended Joinder Complaint at ¶¶5, 6. However, WPL has failed to allege sufficient facts that Blue Mountain breached a duty imposed upon it by the contract. WPL contends that Blue Mountain paid and continued to pay the interest due upon Plaintiffs' loan. *Id.* at ¶¶10, 14. In addition, Blue Mountain attempted to repay \$100,000 of the principal to Plaintiffs with five \$20,000 checks. *Id.* at ¶¶11, 12. Fusacchia rejected these checks and instead demanded a note from an entity other than Blue Mountain evidencing that \$100,000 was owed to Plaintiffs. *Id.* at ¶13. Blue Mountain then solicited WPL to execute notes in favor of Plaintiffs totaling \$100,000. WPL's New Matter at ¶41.

Rather than averring facts demonstrating that Blue Mountain breached its contract with Plaintiffs, WPL has averred facts that appear to prove the opposite, *i.e.*, compliance with the contract. Pursuant to the contract, Blue Mountain has paid and continued to pay the 10% annual interest rate. *Id.* at ¶¶10, 14. Also, Blue Mountain attempted to partially pay the loan by delivering five \$20,000 checks to Plaintiffs. *Id.* at ¶12. In addition, after Fusacchia rejected these checks, pursuant to his request, Blue Mountain had WPL execute notes for \$100,000 payable to Plaintiffs. WPL's New Matter at ¶41. Therefore, WPL has not averred facts demonstrating Blue Mountain breached its duty under the contract with Plaintiffs. Accepting as true all of the pleaded, material and relevant facts alleged in WPL's New Matter and Amended Joinder Complaint and all inferences fairly deducible therefrom, WPL has failed to aver facts sufficient to support a cause of action by Plaintiffs against Blue Mountain for breach of contract.

Plaintiffs also brought a cause of action against WPL for unjust enrichment. To establish a claim for unjust enrichment, facts must be averred demonstrating: "(1) benefits conferred on defendant by plaintiff; (2) appreciation of such benefits by defendant; and (3) acceptance and retention of such benefits under such circumstances that it would be inequitable for defendant to retain the benefit without payment of value." *Mitchell v. Moore*, 729 A.2d 1200, 1203 (Pa. Super. 1999) (citing *Schenck v. K.E. David, Ltd.*, 446 Pa. Super. 94, 666 A.2d 327 (1995)). "The application of the doctrine

depends on the particular factual circumstances of the case at issue. *In determining if the doctrine applies, our focus is not on the intention of the parties, but rather on whether the defendant has been unjustly enriched.*" *Id.* at 1203-1204 (emphasis in original).

Parties bound in a contract are not entitled to remedies under the theory of unjust enrichment because the terms of the contract define their rights, duties and expectations. *Wilson Area School District v. Skepton*, 586 Pa. 513, 895 A.2d 1250, 1254 (2006). The Pennsylvania Supreme Court has explained:

it has long been held in this Commonwealth that the doctrine of unjust enrichment is inapplicable when the relationship between parties is founded upon a written agreement or express contract, regardless of how 'harsh the provisions of such contracts may seem in the light of subsequent happenings.'

*Id.* (citation omitted).

Here, WPL has not asserted sufficient facts to support a cause of action for unjust enrichment by Plaintiffs against Blue Mountain. As averred by WPL, the relationship between Plaintiffs and Blue Mountain is one founded upon a contract.<sup>1</sup> Because the relationship between Plaintiffs and Blue Mountain is based upon a contract, Plaintiffs would have no claim for unjust enrichment against Blue Mountain. *See id.* Moreover, WPL has failed to sufficiently aver facts demonstrating benefits conferred on Blue Mountain by Plaintiffs, an appreciation of these benefits by Blue Mountain, and an acceptance and retention of these benefits under such circumstances that it would be inequitable for Blue Mountain to retain the benefit without payment of value. *See Mitchell*, supra at 1203 (citing *Schenck*, supra at 98, 666 A.2d at 328).

Accepting as true all of the pleaded, material, and relevant facts alleged in WPL's New Matter and Amended Joinder Complaint and all inferences fairly deducible therefrom, WPL has failed to aver facts sufficient to support a cause of action against Blue Mountain for unjust enrichment. *See Mazur*, supra, 961 A.2d at 101. Because WPL has failed to set forth sufficient facts demonstrating that Blue Mountain can be found solely liable for Plaintiffs' underlying causes of action against WPL for breach of contract and unjust enrichment, WPL has failed to establish a cause of action for sole liability. *See Somers*, supra at 514, 574 A.2d at 1058; *Mazur*, supra, 961 A.2d at 101.

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<sup>1</sup> In its Amended Joinder Complaint, WPL asserts:

6. That, based upon the aforementioned request [that Plaintiffs fund a loan to Blue Mountain], the Plaintiffs lent the sum of \$227,084.26 to Blue Mountain Consumer Discount Company, which Blue Mountain agreed to repay with interest at the rate of ten (10%) percent per annum, thereby creating a contract between the parties.  
Amended Joinder Complaint at ¶6.

### B. Liability Over

As noted above, Pennsylvania Rule of Civil Procedure 2252(a)(4) states:

(a) Except as provided by Rule 1706.1, any party may join as an additional defendant any person not a party to the action who may be

(4) liable to or with the joining party on any cause of action arising out of the transaction or occurrence or series of transactions or occurrences upon which the underlying cause of action against the joining party is based.

Pa. R.C.P. 2252(a)(4). Furthermore, “[p]aragraph (4) permits a joining party to join an additional defendant who may be liable over on the underlying cause of action against the joining party or jointly and severally liable with the joining party.” Note, Pa. R.C.P. 2252(a)(4).

WPL has failed to plead sufficient facts demonstrating Blue Mountain is liable over to WPL. WPL avers:

13. That at the time the representative of Blue Mountain Consumer Discount Company, Walter Lambert, attempted to deliver to the Plaintiff, David Fusacchia, the checks to repay the Plaintiffs’ loan to Blue Mountain Consumer Discount Company, he refused to accept them, requesting that he be given something, preferably a Note from another entity other than Blue Mountain, so that he had something evidencing the \$100,000.00 dollars that was owned [sic] to him.

Amended Joinder Complaint at ¶13.

41. That based upon the premise [sic] and misrepresentations of the Plaintiff, David S. Fusacchia, Walter Lambert, on behalf of WPL partners [sic], Inc., executed the Notes which are attached as Exhibits to the Complaint, notwithstanding there was no consideration for same.

WPL’s New Matter at ¶41.

These are the only allegations supporting WPL’s claim that Blue Mountain is liable over to WPL. WPL has not set forth facts establishing Blue Mountain is liable to or with WPL on the underlying cause of action for breach of contract. The Notes, executed by WPL, do not mention any liability by Blue Mountain. WPL’s New Matter at ¶41; Complaint at Exhibit A-E. Moreover, WPL does not aver facts alleging Blue Mountain is an actual party to the Notes. *Id.* As such, WPL has failed to establish that Blue Mountain is liable to or with WPL on the underlying cause of action for breach of contract. Therefore, accepting as true all of the pleaded, material, and relevant facts alleged in WPL’s New Matter and Amended Joinder Complaint and all inferences fairly deducible therefrom, WPL is unable to prove facts legally sufficient to establish liability over against Blue Mountain. *See Mazur*, supra, 961 A.2d at 101.

WHEREFORE, we enter the following:

*ORDER*

AND NOW, this 29th day of November, 2011, upon consideration of Additional Defendant Blue Mountain Consumer Discount Co.'s ("Blue Mountain") Preliminary Objections to Defendant WPL Partners, Inc.'s ("WPL") Amended Joinder Complaint, and upon consideration of the parties' briefs thereon, it is hereby ORDERED and DECREED that

1. Blue Mountain's preliminary objections, in the nature of demurrers, seeking to dismiss the claims for sole liability and liability over, are SUSTAINED. Defendant shall be permitted to file a second amended joinder complaint within twenty (20) days of the filing date of this Order.<sup>[2]</sup>

2. Blue Mountain's preliminary objection that the Amended Joinder Complaint lacks sufficient factual specificity, is OVERRULED as moot.

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<sup>2</sup> Generally, this Court liberally grants parties leave to amend deficient complaints. Absent an error of law or demonstrated prejudice to an adverse party, such a decision is proper. *See Ibn-Sadiika v. Riester*, 380 Pa. Super. 397, 406, 551 A.2d 1112, 1116-17 (1988). Although we will grant WPL leave to file a second amended joinder complaint, we note that the right of amendment is not absolute and "the decision to grant or deny leave to amend is within the sound discretion of the trial court." *Id.* at 407, 551 A.2d at 1117 (citations omitted). Moreover, "[w]here allowance of an amendment would ... be a futile exercise, the complaint may properly be dismissed without allowance for amendment." *Carlino v. Whitpain Investors*, 499 Pa. 498, 505, 453 A.2d 1385, 1388 (1982) (citations omitted).



**JEANNENE J. SMITH v. COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION,  
BUREAU OF DRIVER LICENSING, Appellant**

We would like to thank the Honorable Anthony S. Beltrami for notifying us that the decision in the case of *Smith vs. Commonwealth of Pennsylvania, Department of Transportation*, which was published in the Northampton County Reporter on April 26, 2012, was recently reversed by the Commonwealth Court of Pennsylvania on March 21, 2012.

In the Commonwealth Court of Pennsylvania—No. 1313 C.D. 2011,  
Submitted: December 30, 2011.

Before: HONORABLE BERNARD L. MCGINLEY, JUDGE, HONORABLE ROBERT  
SIMPSON, JUDGE, HONORABLE ROCHELLE S. FRIEDMAN, SENIOR JUDGE

Order of the Court entered on March 21, 2012 by MCGINLEY, J.

The Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing (DOT) challenges the order of the Court of Common Pleas of Northampton County (trial court) that granted Jeannene J. Smith's (Smith) appeal from an order of DOT which required Smith to install an ignition interlock system.

On March 31, 2010, Smith was arrested and charged with DUI. The police were called to the area of 2420 Sycamore Street to a rear alley in Wilson Borough, Northampton County, after reports of a vehicle striking a garage. Smith failed field sobriety tests. Her blood alcohol content was .35. On May 19, 2010, Smith was again arrested and charged with DUI. Police responded to a call from a woman who reported that a silver Lexus with a female driver struck her car on Lehigh Street in Easton, Pennsylvania. Police stopped Smith. She again failed field sobriety tests. Her blood alcohol content was .26.

On November 4, 2010, Smith appeared before the Court of Common Pleas of Northampton County, Criminal Division (criminal court) and pled guilty to both charges. The criminal court accepted the guilty pleas and deferred sentencing until December 16, 2010. Notes of Testimony, November 4, 2010, at 6-8, and 14-15; Reproduced Record (R.R.) at 59a-61a, and 67a-68a.

On December 17, 2010, the criminal court sentenced Smith to a term of three days to six months with credit for five days of inpatient rehabilitation and fined her \$1,000 plus costs for the March 31, 2010 infraction. Smith also had to perform ten hours of community service, undergo an evaluation and attend an alcohol highway safety program. That same day, the criminal court issued the same sentence for the second infraction to be served consecutively to the first.

By notice dated January 27, 2011, DOT advised Smith that her driving privilege was suspended for one year effective March 3, 2011, as a result of her conviction for violating Section 3802(c) of the Vehicle Code, 75 Pa. C.S. §3802(c), on March 31, 2010. Also, by separate notice dated January 27, 2011, DOT advised Smith that her driving privilege was suspended for one year effective March 3, 2012, as a result of her conviction for violating Section 3802(c) of the Vehicle Code, 75 Pa. C.S. §3802(c), on May 19, 2010. The notice also informed Smith that prior to the restoration of her driving privilege, she had to install an ignition interlock system in her vehicle(s).

Smith did not appeal the suspensions of her driving privilege. She did appeal the requirement that she install the ignition interlock system on her vehicle(s) to the trial court.

On May 12, 2011, the trial court held a *de novo* hearing. Smith introduced the transcript of the criminal court hearing and the certified copies of the sentences. DOT introduced a certified copy of Smith's driving record. DOT argued that Smith was convicted of the first DUI before the second, even though both convictions were on the same date, so that Smith came under the ignition interlock requirement. DOT phrased the argument as "whether or not when someone pleads guilty simultaneously, is it a first and second or can it be treated simultaneously as first offenses." Notes of Testimony, May 12, 2011, at 11; R.R. at 31a.

By order dated June 24, 2011, the trial court granted Smith's appeal. The trial court reasoned:

DOT may require the Ignition Interlock System as a condition of issuing a license '[i]f a person *violates* section 3802 (relating to driving under influence of alcohol or controlled substance) and, within the past ten years, has a *prior offense* as defined in section 3806(a) (relating to prior offenses).' 75 Pa.C.S.A. §3805(a) (emphasis added). ...

When the language of a statute is clear, this Court is required to apply its plain meaning. ... The General Assembly used the term 'violates' in Section 3805(a) of the Vehicle Code ... . The term 'violates' refers to 'the date on which the offense took place.' ... In this case, the *violation* for which DOT seeks to impose the Ignition Interlock System took place on May 19, 2010. Thus, in applying Section 3805(a), DOT only had authority to require the Ignition Interlock System if Appellant [Smith] had a 'prior offense' as of May 19, 2010. ...

The General Assembly used the term 'conviction' in defining a 'prior offense.' ... For purposes of the Vehicle Code, 'a conviction includes a plea of guilty, a plea of *nolo contendere*, a finding of guilty by a court or an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance

in court' ... Sentencing does not have to occur for a 'conviction' to constitute a 'prior offense.' ... There is no evidence before the Court that *as of May 19, 2010*, Appellant [Smith] had a 'prior offense' in imposing the condition of the Ignition Interlock System in this case, as of May 19, 2010, Appellant [Smith] had not been 'convicted' of the March 31, 2010 violation. Thus, the March 31, 2010 violation could not have triggered Section 3805(a) of the Vehicle Code with regard to the violation that occurred on May 19, 2010.

In sum, for purposes of applying the Ignition Interlock System provisions of the Vehicle Code when presented with two or more Section 3802 DUI violations, DOT may only apply the Ignition Interlock System provisions *when the conviction on the first violation of Section 3802 occurred before the offender committed the subsequent violation of Section 3802. If no conviction on that previous violation had occurred by the time the offender committed the subsequent violation, the offender cannot be required to have any vehicles equipped with an Ignition Interlock System to have a license restored.* This interpretation is consistent not only with the plain language of Sections 3805(a) and 3806(a) of the Vehicle Code but also with the reasoning of the Supreme Court and the Commonwealth Court in similar contexts. ... Accordingly, DOT did not have the authority to require the Ignition Interlock System with regard to the suspension imposed for Appellant's [Smith] violation that occurred on May 19, 2010, and Appellant's [Smith] appeal will be granted. (Emphasis added by trial court and emphasis added). (Citations omitted).

Trial Court Opinion, June 24, 2011, at 2-5; R.R. at 96a-99a.

DOT contends that because Smith was convicted of her first DUI violation before she was sentenced for her second DUI violation, she had a prior offense at the time she was sentenced for her second violation, which required the installation of an ignition interlock system.<sup>1</sup>

Section 3805(a) of the Vehicle Code (Code), 75 Pa. C.S. §3805(a), provides:

(a) *General rule.*—If a person violates section 3802 (relating to driving under influence of alcohol or controlled substance) and, within the past ten years, has a prior offense as defined in Section 3806(a) (relating to prior offenses) or has had their operating privileges suspended pursuant to section

<sup>1</sup> This Court's review is limited to determining whether the trial court's findings of fact are supported by competent evidence, whether legal errors were committed or whether the trial court's determination reflects an abuse of discretion. *Schneider v. Commonwealth, Department of Transportation, Bureau of Driver Licensing*, 790 A.2d 363 (Pa. Commw. 2002).

1547(b. 1) (relating to chemical testing to determine amount of alcohol or controlled substance) or 3808(c) (relating to illegally operating a motor vehicle not equipped with ignition interlock) and the person seeks a restoration of operating privileges, the department shall require as a condition of issuing a restricted license pursuant to this section that the following occur:

(1) Each motor vehicle owned by the person or registered to the person has been equipped with an ignition interlock system and remains so for the duration of the restricted license period.

(2) If there are no motor vehicles owned by the person or registered to the person that the person so certify to the department. A person so certifying shall be deemed to have satisfied the requirement that all motor vehicles owned by the person or registered to the person be equipped with an ignition interlock system as required by this subsection.

Section 3806 of the Code, 75 Pa. C.S. §3806, provides:

(a) *General rule.*—Except as set forth in subsection (b), the term ‘prior offense’ as used in this chapter shall mean a conviction, adjudication of delinquency, juvenile consent decree, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition *before the sentencing on the present violation for any of the following*:

- (1) an offense under Section 3802 (relating to driving under influence of alcohol or controlled substance);
- (2) an offense under former section 3731;
- (3) an offense substantially similar to an offense under paragraph (1) or (2) in another jurisdiction; or
- (4) any combination of the offenses set forth in paragraph (1), (2) or (3).

(b) *Repeat offenses within ten years.*—The calculation of prior offenses for purposes of sections 1553(d.2) (relating to occupational limited license), 3803 (relating to grading) and 3804 (relating to penalties) shall include any conviction, adjudication of delinquency, juvenile consent decree, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition within the ten years before the present violation occurred for any of the following:

- (1) an offense under section 3802;
- (2) an offense under former section 3731;
- (3) an offense substantially similar to an offense under paragraph (1) or (2) in another jurisdiction; or
- (4) any combination of the offenses set forth in paragraph (1), (2) or (3). (Emphasis added).

Very recently, in *Whalen v. Department of Transportation, Bureau of Driver Licensing*, \_\_\_ Pa. \_\_\_, 32 A.3d 677 (2011), our Pennsylvania Supreme Court addressed the application of the ignition interlock requirement. For purposes of this discussion, the key point made in *Whalen* was that the term “prior offense” for purposes of Section 3805(a) of the Code, 75 Pa. C.S. §3805(a), is defined in Section 3806(a) of the Vehicle Code, 75 Pa. C.S. §3806(a). *Whalen*, supra, 32 A.3d at 680.

Therefore, an analysis of Section 3806(a) is necessary to determine what constitutes a “prior offense.” Section 1903 of the Statutory Construction Act, 1 Pa. C.S. §1903, provides that words and phrases shall be construed according to their common and approved usage. *Appeal of Manor Investments, Ltd.*, 163 Pa. Commonwealth Ct. 226, 640 A.2d 946 (1994). Here, Section 3806(a) of the Vehicle Code, 75 Pa. C.S. §3806(a), specifies that a prior offense includes a “conviction ... *before the sentencing on the present violation for any of the following*: (1) an offense under Section 3802 (relating to driving under influence of alcohol or controlled substance).” Section 3805(a) of the Code, 75 Pa. C.S. §3805(a), provides that DOT shall impose an ignition interlock requirement in situations where a person commits a DUI violation and has a prior offense within the last ten years.

Here, Smith was convicted of the two DUI charges on November 4, 2010. She was not sentenced for the second DUI conviction until December 16, 2010, and, therefore, at the time of the sentencing, Smith did have a conviction for the March 31, 2010 first DUI. This conviction constituted a prior offense under the definition contained in Section 3806(a). As a result, Smith had a prior offense within the last ten years so that DOT properly imposed the ignition interlock requirement as set forth in Section 3805(a) of the Code.

Accordingly, this Court reverses.

#### ORDER

AND NOW, this 21st day of March, 2012, the order of the Court of Common Pleas of Northampton County in the above-captioned matter is reversed.



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## **PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, May 21, 2012**