

# Northampton County Reporter

(USPS 395-280)

VOL. LIII

EASTON, PA December 25, 2003

NO. 52

**John O. Ehritz and Arlene Ehritz, Plaintiffs v. Richard Foley  
and Kathleen Foley, Defendants**

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### **The Northampton County Court Announces Dates and Times for Swearing-In Ceremonies**

The Northampton County Court is pleased to announce the Swearing-In Ceremony for District Attorney John Morganelli and his staff, County Controller John Schimmel, incumbent and newly elected district justices and county council members will be held on **Monday, January 5, 2004 at 1:30 p.m. in Courtroom No. 1.**

In addition, please note that the **Induction Ceremony of the Hon. Emil A. Giordano** as Judge of the Northampton County Court of Common Pleas will be held on **Wednesday, January 21, 2004 at 2:00 p.m. in Courtroom No. 1.**

**NORTHAMPTON COUNTY BAR ASSOCIATION  
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*Northampton County Reporter*  
**Attorney Referral & Information Service**  
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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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Robert C. Brown, Jr., Esquire  
Editor

**NOTICES TO NCBA MEMBERS—BAR NEWS**

☞ **Check out the Front Cover for Dates & Times of Swearing-In Ceremonies.**

**INCLUDED IN THIS ISSUE** is an Administrative Order in the Court of Common Pleas of Northampton County Pennsylvania, Civil Division/2003-9—Judicial Assignments. Effective date is January 1, 2004.

**LEGAL NOTICES DEADLINE FOR NEW YEAR'S:** The deadline for receiving Legal Notices for the January 1, 2004 issue of the Reporter is 10:00 A.M. on Monday, December 29, 2003.

**NCBA OFFICE WILL BE CLOSED** December 26<sup>th</sup> as part of the Christmas Holiday & January 1<sup>st</sup> New Year's Day. The NCBA Office closes at NOON on Wednesday, December 31<sup>st</sup>.

**INCLUDED IN THIS ISSUE** is the announcement and registration form for the Annual Association Meeting on January 22, 2004.

**REMINDER—IT'S THAT TIME AGAIN** to notify the NCBA Office of any changes in your business address, phone & fax numbers or e-mail address. The 2004 Directory of NCBA Attorneys will be a *photo directory*. Watch for dates and times to have your pictures taken after the first of the year.

**ANNOUNCEMENTS & REGISTRATION FORMS:**

**January 16<sup>th</sup>**—SKI DAY at Blue Mountain with Bar Association of Lehigh Valley.  
**February 19<sup>th</sup>**—Lunch/Lecture "Environmental Law as it relates to Real Estate"  
**March 26<sup>th</sup>**—Reception for the Court—Silver Creek Country Club

**BAR ASSOCIATION OF LEHIGH COUNTY**

**(BALC) SPONSORED SEMINARS FOR 2004:**

[**January 21<sup>st</sup>**—"U.S. Patriot Act: A Constitutional Overview"] [**January 22<sup>nd</sup>** "Alternate Dispute Resolution"] [**January 28<sup>th</sup>** "DUI Law Update"] The above seminars are all from 12:00 Noon to 1:30 p.m. *Lunch included*. Call BALC for details and/or to register at (610) 433-6401, Ext. 16. ♦Please note that the December 18<sup>th</sup> seminar "US Patriot Act" has been rescheduled to January 21<sup>st</sup>.

**NORTHAMPTON COUNTY COURT OF COMMON PLEAS  
HOLIDAY COURT SCHEDULE**

☞ **December 26, 2003:** The Courthouse *will be open* and normal motions schedule will occur.

☞ **December 29, 2003:** Miscellaneous Court is scheduled on this date.

☞ **December 31, 2003:** The Courthouse *will be open* and normal motions schedule will occur.

☞ **January 2, 2004:** The Courthouse *will be open* and normal motions schedule will occur.

**ESTATE NOTICES**

Notice is hereby given that in the estate of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

**FIRST PUBLICATION****NEITH, ROBERT L., JR.**, dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Sandra K. Klein c/o Chester A. Reybitz, Esquire, 429 East Broad St., P.O. Box 1445, Bethlehem, PA 18016-1445

Attorney: Chester A. Reybitz, Esquire, 429 East Broad St., P.O. Box 1445, Bethlehem, PA 18016-1445

**REED, HAROLD F.**, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Joseph Reed, 3053 Heritage Avenue, Easton, PA 18045

Attorneys: J. Scott DeMasi, Esquire, DeMasi & Williams, 91 South Main Street, Phillipsburg, NJ 08865

**WHITEFIELD, DORIS S.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Laura Elizabeth Ruch c/o Littler, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18017-1407

Attorneys: Littler, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18017-1407

**SECOND PUBLICATION****BECK, ARDA M.**, dec'd.

Late of the Borough of Bangor, Northampton County, PA

Co-Executors: Ellen J. Sleep and Craig F. Sleep c/o McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013

Attorneys: McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013

**DAVIS, MILDRED G.**, dec'd.

Late of the Borough of Freemansburg, Northampton County, PA

Administrator: Paul A. Davis c/o Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407

Attorneys: Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407

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

Late of the City of Easton, Northampton County, PA

Executrix: Bernice V. Woolf, 606 South Main Street, Stewartsville, NJ 08886-2208

**FASESKY, WALTER F.**, dec'd.

Late of Bethlehem, Northampton County, PA

Administrator: Robert R. Schuster, Esquire, 1204 Maple Street, Bethlehem, PA 18018  
Attorney: Robert R. Schuster, Esquire, 1204 Maple Street, Bethlehem, PA 18018

**HURSH, ADRIENNE M. a/k/a ADRIENNE M. SHINER,** dec'd.

Late of the City of Bethlehem, Northampton County, PA  
 Administrator: Robert E. Hursh c/o James C. Omdahl, Esquire, 54 South Commerce Way, Suite 172, Bethlehem, PA 18017

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

**LINSMAN, CONSTANCE,** dec'd.

Late of the City of Easton, Northampton County, PA  
 Executrix: Diane I. Seiple c/o James J. Narlesky, Esquire, 717 Washington Street, Easton, PA 18042

Attorney: James J. Narlesky, Esquire, 717 Washington Street, Easton, PA 18042

**RICE, MILLARD C.,** dec'd.

Late of Lower Mt. Bethel Township, Northampton County, PA

Co-Executors: Conrad M. Rice, 131 Seigfried Avenue, Nazareth, PA 18064 and Lois C. Ott, 10391 Richmond Road, Bangor, PA 18013

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

**SARGENT, MAE E.,** dec'd.

Late of the Township of Plainfield, Northampton County, PA  
 Executor: Royal Pritchard c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

Attorney: David J. Ceraul, Esquire, 22 Market Street, P.O.

Box 19, Bangor, PA 18013-0019

**SCULAC, SUSAN M. a/k/a SUE MARIE SCULAC,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Joann M. Turocy c/o John J. Bartos, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

Attorney: John J. Bartos, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

**SHIFFER, NORMAN O.,** dec'd.

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

Co-Executors: Edward N. Wagner, Sr. and Nancy A. Wagner c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

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

**SINGER, FRANCES,** dec'd.

Late of the Township of Hanover, Northampton County, PA  
 Executrix: Elaine M. Anderko, 4624 Susan Drive, Bethlehem, PA 18017

Attorney: James J. Holzinger, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

**SLINGLAND, MARY C.,** dec'd.

Late of the City of Easton, Northampton County, PA  
 Executor: William P. Slingland, 128 Phillip Street, Easton, PA 18042

Attorneys: Louis S. Minotti, Jr., Esquire, Minotti & De-

Esch, 2240 Northampton Street, Easton, PA 18042

**THIRD PUBLICATION**

**BARTLETT, CLAUDIA JESSUP a/k/a CLAUDIA J. BARTLETT**, dec'd.

Late of Nazareth, Northampton County, PA

Co-Executors: James Theodore Bartlett, 13515 Shaker Blvd., Apt. B, Cleveland, OH 44120 and Marjorie Bartlett Hill, P.O. Box 13, Wheeler, OR 97147

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

**JONES, EVELYN L.**, dec'd.

Late of Bethlehem Township, Northampton County, PA

Co-Executors: Samuel K. Jones and Kermit J. Jones c/o Jon A. Swartz, Esquire, Joseph J. Plunkett, P.C., 2030 Tilghman Street, Suite 202, Allentown, PA 18104-4354

Attorneys: Jon A. Swartz, Esquire, Joseph J. Plunkett, P.C., 2030 Tilghman Street, Suite 202, Allentown, PA 18104-4354

**POKOTELLO, DOROTHY**, dec'd.

Late of the Township of Moore, Northampton County, PA

Executrix: Samantha Schmoeyer, 6456 Locust Road, Bath, PA 18014

Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

**REIS, RACHAEL H. a/k/a R.H. REIS a/k/a RACHAEL REIS**, dec'd.

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

Executor: Edward W. Adams c/o Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446

Attorneys: Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446

**SCHMELL, BERTRAM G.**, dec'd.

Late of the Township of Hanover, Northampton County, PA

Executor: Robert L. Schmell 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

**SMOTHERS, MARJORIE**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: John E. Smothers and Bonnie Smothers Tohid c/o Kevin Frank Danyi, Esquire, Danyi Law Offices, P.C., 133 East Broad Street, Bethlehem, PA 18018

Attorneys: Kevin Frank Danyi, Esquire, Danyi Law Offices, P.C., 133 East Broad Street, Bethlehem, PA 18018

**WILLIAMSON, LUCENA B. a/k/a LUCENA WILLIAMSON**, dec'd.

Late of 7925 Valley View Road, East Allen Township, Northampton County, PA

Co-Executors: Bruce D. Williamson, 134 East Elm Street, Allentown, PA 18109 and Wayne D. Williamson, 5179

Hillside Road, Northampton, PA 18067  
Attorneys: Edward A. Fedok, Esquire, Stevens & Lee, 190 Brodhead Road, Suite 200, P.O. Box 20830, Lehigh Valley, PA 18002-0830

**ZEMBA, DANIEL L., dec'd.**

Late of Bethlehem, Northampton County, PA  
Executrix: Nancy Zemba, c/o Thomas C. Anewalt, Esquire, McCarthy & Anewalt, LLP, 1248 Hamilton Street, Allentown, PA 18102  
Attorneys: Thomas C. Anewalt, Esquire, McCarthy & Anewalt, LLP, 1248 Hamilton Street, Allentown, PA 18102

**NOTICES OF INCORPORATION  
DECISION POINT, LTD.**

has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

ALAN I. GOLDBERG, ESQUIRE  
2828 Charter Rd.  
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Philadelphia, PA 19154

Dec. 25

**SECRETARY**

Hellertown law firm looking for a full-time or part-time secretary. Experience and shorthand a plus. Salary commensurate with experience. Please fax your resume to McCarthy Law Offices (610) 838-6456.

Dec. 25

**ATTORNEY**

THE OFFICES OF KING, SPRY, HERMAN, FREUND & FAUL, L.L.C., a general practice regional law firm, is seeking an attorney with 1 to 5 years experience in Education Law with emphasis on Special Education Administration and Litigation. PA bar admission required,

as well as excellent academic credentials. We offer a competitive salary and excellent benefits package. Please send resume to:

Attn: Donna Reimer  
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One West Broad Street  
Suite 700  
Bethlehem, PA 18018  
Fax: (610) 332-0314  
E-mail: donna@kingspry.com  
Dec. 25; Jan. 1

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

Petition of Kandida L. Knitter and Katherine Kandida Ellarose Nottle  
**NO. C0048CV2003007415**

**NOTICE**

NOTICE IS HEREBY GIVEN that on October 16, 2003, the Petition of Kandida L. Knitter and Katherine Kandida Ellarose Nottle was filed in the above-named Court, praying for a decree to change the name of the Petitioner, Katherine Kandida Ellarose Nottle to Katherine Kandida Ellarose Knitter.

The Court has fixed January 6, 2004 at 9:00 A.M. in Courtroom 229 of the Northampton County Government Center, 669 Washington Street, Easton, PA as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petitioner should not be granted.

CHRISTOPHER M. SHIPMAN,  
ESQUIRE

Attorney for Petitioner  
726 Walnut Street  
Easton, PA 18042

Dec. 18, 25

**NOTICE**

NOTICE IS HEREBY GIVEN that on December 5, 2003, the Petition of Brian Shane Oswald was filed in Northampton County Court of Common Pleas at No. C0048CV2003 008626, seeking to change the surname of Petitioner from Oswald to Pine.

The Court has fixed Friday, January 16, 2004, at 9:00 a.m. in Rm. 229 at the Northampton County Government Center as the date for hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

BOHDAN J. ZELECHIWSKY,  
ESQUIRE

451 Main Street  
P.O. Box 1414  
Bethlehem, PA 18018

Dec. 18, 25; Jan. 1

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on January 9, 2004 at ten o'clock a.m. in the COUNCIL CHAMBERS, FOURTH 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-2003-001344**

ALL THAT CERTAIN tract, parcel and message of land situate on

the northerly side of Penn Allen Road (Penna. Legislative Route No. 48082) in the Townships of Upper Nazareth and Moore, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a railroad spike in the centerline of Penn Allen Road, said spike being at the southwest corner of the herein described parcel and also the southeast corner of the same land now or formerly of Brice H. Freestone; thence along the following two courses and distances: (1) North 05 degrees 02' 57" West a distance of 495.72 feet to an iron pin, (2) South 84 degrees 57' 03" West a distance of 13.20 feet to an iron pin; thence along land now or formerly of Keith E. and Gene C. Kline North 00 degrees 59' 55" East a distance of 331.57 feet to an iron pin; thence along land now or formerly of Peppino and Eleanora P. Martino South 86 degrees 04' 45" East a distance of 204.60 feet to an iron pin by an old slate corner; thence along land now or formerly of Edgar R. and Edith E. Oswald the following two courses and distances (1) South 02 degrees 12' 11" West a distance of 356.96 feet to an iron pin by an old cherry tree, (2) South 84 degrees 01' 40" East a distance of 28.98 feet to an iron pin; thence along land being conveyed to Nancy L. Beatty the following three courses and distances: (1) South 05 degrees 58' 20" West a distance of 162.48 feet to an iron pin, (2) South 84 degrees 01' 40" East a distance of 191.19 feet to an iron pin, (3) South 17 degrees 30' 00" East a distance of 150.00 feet to a railroad spike; thence in and being along Penn Allen Road South 71 degrees 57' 37" West a distance



of 406.56 feet to a railroad spike, the place of beginning.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER MAP 17 BLOCK 13 LOT 10.

BEING THE SAME PREMISES which NOR-CAR Federal Credit Union, by its Indenture dated April 30, 2002, and recorded in the Office for the Recording of Deeds in and for Northampton County on June 13, 2002, in Deed Book Volume 2002-1, Page 154186, did grant and convey unto Paul Krasnopero and Pamela Krasnopero.

PREMISES BEING: 3202 Penn Allen Road, Nazareth, Pennsylvania 18064.

THEREON BEING ERECTED a two and one-half story single dwelling with brickface over stone exterior and shingle roof; barn.

SEIZED AND TAKEN into execution of the writ as the property of Paul Krasnopero and Pamela Krasnopero.

STEVEN N. GOUDSOUZIAN,  
ESQUIRE

---

**No. 2**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2002-002191**

ALL THAT CERTAIN lot or piece of ground, situate in the Township of Palmer, County of Northampton and State of Pennsylvania, being known as Lot No. 106, as shown on the plan of "Wilden Acres", said map or plan being recorded in Map Book Vol. 12, Page 53, Northampton County Records, and being more particularly bounded and described as follows, to wit

On the North by Middle Court,

On the East by Lots Nos. 107, 108, 109 and 110 on said Plan,

On the South Lots Nos. 125 and 126 (in part) on said plan, and

On the West by Lot No. 105

CONTAINING in front or width, on Middle Court, 65 07' and in depth along Lot No. 105, 157 94' being irregular in shape.

BEING THE SAME premises which Terry Melick, Executrix of the Estate of Frank Milton Ricker, Jr. by her deed of indenture dated 9/4/98 and intended to be recorded forthwith, granted and conveyed unto Fabian B. Wamba and Carla Wamba, his wife, the within mortgagors, their heirs and assigns.

UNDER AND SUBJECT to restrictions as contained in prior deeds of record.

ALSO BEING known as Northampton County Uniform Parcel Identifier.

Vested by Deed, dated 9/4/98, given by Terry Melick, Executor Under the Last Will and Testament of Frank M. Ricker, Jr. a/k/a Frank Milton Ricker, Jr. Deceased to Fabian B. Wamba and Carla Wamba, husband and wife and recorded 9/4/98 in Volume 1998-1 Page 120941.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: M8SE2-18-20.

BEING KNOWN AS 4 Middle Court, Easton, Pennsylvania.

THEREON BEING ERECTED a cape style dwelling w/attached one-car garage, wood shingle exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Fabian B. Wamba and Carla Wamba.

FRANK FEDERMAN, ESQUIRE

---

**No. 3**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2003-005457**

ALL THAT CERTAIN parcel of land, with the Eastern half of a double brick dwelling thereon erected, known as 22.48 Fairview

Avenue, situate on the South side of Fairview Avenue, in the Borough of Wilson, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the Southern building line of said Fairview Avenue, which point is situate Westward from the Southwest corner of Twenty-second Street and Fairview Avenue 436.1 feet; thence Westward along the said Southern building line of said Fairview Avenue a distance of 22' 6" to a point in line with the middle partition wall separating the within described premises from the Western half of said double brick dwelling house, known as 2250 Fairview Avenue; thence of that width between parallel lines at right angles to said Southern building line (and through the middle partition wall separating said double brick dwelling house known as 2248-2250 Fairview Avenue) South 4° 52' West to the North building line of Linden Street a distance of 130 feet.

BOUNDED ON THE North by said Fairview Street, on the East by property known as 2246 Fairview Avenue, on the South by said Linden Street, and on the West by the Western half of said double brick dwelling house known as 2250 Fairview Avenue.

TITLE TO SAID PREMISES IS VESTED IN Sarah E. Winter by Deed from Edward D. McQuillin, Jr. and Elaine L. McQuillin dated 9/30/1993 and recorded 10/1/1993 in Deed Book Volume 911, Page 213.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: L9SW1C-17-3A.

SEIZED AND TAKEN into execution of the writ as the property of Sarah E. Winter.

FRANK FEDERMAN, ESQUIRE

**No. 5**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-004448**

ALL THAT CERTAIN lot or parcel of land situate on the northerly side of Clubhouse Road and indicated as Lot 8 on the subdivision plan of Surrey Glen, prepared by Keystone Consulting Engineers, Inc. for Surrey Glen Development Corporation, recorded in Plan Book 90, Page 72 in the Recorder of Deeds Office for Northampton County at Easton, Pennsylvania in the Township of Lower Nazareth, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the northerly right-of-way line of Clubhouse Road (a 50.00 feet wide street); said point being a common corner of land herein described and Lot 7, Surrey Glen; THENCE along the northerly right-of-way line parallel to and 25.00 feet distant from the centerline of Clubhouse Road, North 89 degrees 24 minutes 31 seconds West, 120.00 feet to a point a corner in common with Lot 9, Surrey Glen; THENCE along Lot 9 North 00 degrees 35 minutes 29 seconds East, 171.00 feet to a point a corner in line of lands now or formerly of Norbert and Lee Anne Valez; THENCE along lands now or formerly of Norbert and Lee Anne Valez and further along lands now or formerly of Caroline E. Rauch, et al, South 89 degrees 24 minutes 31 seconds East, 120.00 feet to a point a corner in common with Lot 7, Surrey Glen; THENCE along Lot 76, South 00 degrees 35 minutes 29 seconds West, 171.00 feet to a point being the point and place of beginning.

SUBJECT to the easements, building restriction lines and covenants indicated on the plan of record.

Vested by: Deed dated 02-26-01, given by Kenneth C. Bedi, married and Karen M. Bedi, his wife to Jennifer L. Werkheiser, as sole owner recorded 03-01-01 in Vol. 2001-1 Page 030168.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: L7SW1-1-2.

BEING KNOWN AS 4648 Fairway Road, Bethlehem, Pennsylvania.

THEREON BEING ERECTED a bi-level dwelling with attached one-car garage, brick and aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Jennifer L. Werkheiser.

FRANK FEDERMAN, ESQUIRE

**No. 6**

**BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2001-001685**

ALL THAT CERTAIN house and lot of ground situate on the north side of Spring Garden Street in the City of Easton, Northampton County, Penna. Said lot containing in front on said street 20 feet and extending northwardly 140 feet of that width to Sassafras Street, bounded on the west by Mulberry Street, on the east by lot of Wm. Adams, on the north by Sassafras Street, and on the south by Spring Garden Street.

PROPERTY ID NO.: L9NE4C-21-8.

HAVING erected thereon a residential dwelling known as 821 Spring Garden Street, Easton, PA 18042.

TITLE TO SAID PREMISES IS VESTED IN Gary R. Stoneback and

Kathleen E. Stoneback, husband and wife by deed from Melba N. Geehr also known as Melba B. Geehr, by her attorney in fact Diane C. Kennerup, power of attorney, dated 6/24/1999 recorded 6/30/1999 in Deed Book 19991 Page 97255.

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

SEIZED AND TAKEN into execution of the writ as the property of Gary R. Stoneback and Kathleen E. Stoneback.

TERRENCE J. McCABE, ESQUIRE

**No. 7**

**BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2003-003817**

ALL THOSE CERTAIN lots, tracks or parcels of land and premises, with dwelling thereon erected, hereditaments and appurtenances, hereinafter particularly described, situate, lying and being the Easterly 15 feet of Lot No. 274 and Lot No. 275, upon the plan of lots known and entitled thereto as "Jones Terrace", Palmer Township, Northampton County, Pennsylvania, laid out by A.D. Chidsey, Jr., Civil Engineer, Easton, Pennsylvania, bounded and described as follows, to wit:

BOUNDED out the North by Jones Boulevard, on the East by Lot No. 276, on the South by 20 feet wide alley, and on the West by the Westerly 5 feet of Lot No. 274, now or late of Harvey O. Brown, who was also the owner of Lot No. 273.

CONTAINING in front on Jones Boulevard, 35 feet and extending in depth of that width Southerly 110 feet to the aforesaid 20 feet wide alley.

TITLE TO SAID PREMISES IS VESTED IN Michael J. Sutton by Deed from Michael J. Sutton and Carrie R. Wendell, both single dated 2/19/1997 and recorded 2/20/1997 in Record Book Volume 1997-1, Page 016430.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: M8NE3-17-7A.

BEING KNOWN AS 3002 Jones Boulevard, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Michael J. Sutton.

FRANK FEDERMAN, ESQUIRE

**No. 8**

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

**CV-2003-005437**

ALL THAT CERTAIN house and lot or land situated on the North-east corner of Ninth and Jackson Streets, in the City of Easton, County of Northampton and State of Pennsylvania, containing in front on said Jackson Street, sixteen feet seven inches (16' 7") and extending of the same width in depth Northwardly along said Ninth Street, one hundred and forty (140) feet to Juniper Street.

BOUNDED on the North by said Juniper Street, on the East by lot now or late of Edwin Laros, on the South by Jackson Street and on the West by said Ninth Street. The premises are presently known and designated as No. 845 Jackson Street.

TITLE TO SAID PREMISES IS VESTED IN Joseph R. Difilippantonio, Single by Deed from Pasquale Daniele, single dated

10/11/1996 and recorded 10/11/1996 in Volume 1996/1, Page 108002.

ASSESSMENT MAPS BLOCK AND LOT NUMBER: L9NE4C-1-16.

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

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

FRANK FEDERMAN, ESQUIRE

**No. 9**

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

**CV-2000-003524**

ALL THAT CERTAIN message, tenement, lot, piece or parcel of land lying and being in the Borough of Portland, County of Northampton, and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the east side of Pennsylvania Avenue, formerly known as Good Street, said point being ninety (90) feet measured in a northerly direction along the east side of Pennsylvania Avenue, formerly known as Good Street, from the northwest corner of land late of Henry LaBarre; thence along the east side of said street North 14-1/2 degrees West 70 feet to a point; thence North 75-3/4 degrees East 120 feet to a point on the west side of Coffin Alley; thence South along the west side of said alley 14-1/2 degrees East 70 feet to a point; thence along other lands of which this is a part South 75-3/4 degrees West 120 feet to the place of Beginning. Containing a lot having frontage of seventy (70) feet on Pennsylvania Avenue (formerly known as Good Street) and extending of that width in depth one hun-

dred twenty (120) feet to Coffin Alley.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: MAP: B11SE3C BLOCK: 7 LOT: 2.

BEING KNOWN AS 504 Pennsylvania Avenue, Portland, Pennsylvania.

THEREON BEING ERECTED a ranch style dwelling with wood exterior and shingle roof; detached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Samuel Kidd and Marie Kidd.

JOSEPH A. GOLDBECK, JR.,  
ESQUIRE

**No. 10**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-005648**

ALL those three (3) lots or pieces of ground situate in Lower Saucon Township, Northampton County, Pennsylvania, known and designated as Lots Nos. 4, 5 and 6, in Block 4 of the First Subdivision of Bethlehem Steel City as recorded in Map Book 6, page 28, bounded and described as follows:

BEGINNING at a point distant two hundred fifty (250') feet from the Southeast corner of Roberts Avenue and Snyder Avenue; thence extending Eastwardly along Snyder Avenue seventy-five (75') feet to a point; thence extending Southwardly in depth of that width one hundred twenty (120') feet to an alley.

HAVING erected thereon a dwelling known as 2116 Snyder Avenue, Bethlehem, PA 18015.

SUBJECT to conditions and restrictions of record.

BEING the same premises which Edward Paul Klesh and Bethann Klesh by Deed dated 07/28/1992

and recorded 08/05/1992 in the Recorder's Office of Northampton County, Pennsylvania, Deed Book Volume 870, page 478, granted and conveyed unto Edward Paul Klesh.

Parcel No. N7SE4-44-4A.

THEREON BEING ERECTED a ranch style dwelling with aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Edward Paul Klesh.

LOUIS P. VITTI, ESQUIRE

**No. 13**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2001-007554**

ALL THAT CERTAIN lot, piece or parcel of land situate in the Borough of Bangor, County of Northampton and State of Pennsylvania, shown as Lot Number 1 on a Plan of the Elinor Fehr Subdivision, according to Drawing 89C2042 as prepared by Joseph E. Policelli, Registered Surveyor and described as follows:

BEGINNING at a point on the northerly building line of Broadway, said point also marking the southwesterly corner of Lot Number 2; thence along said building line, North 78 degrees 30 minutes 00 seconds West, 18.89 feet to a point; thence along land of Wesley Stancombe, North 11 degrees 30 minutes 00 seconds East, 100.00 feet to a point; thence along land of Timothy Shelfto, South 78 degrees 30 minutes 00 seconds East, 19.03 feet to a point; thence along Lot Number 2, above mentioned, South 11 degrees 35 minutes 03 seconds West, passing through the partition wall of a duplex brick dwelling situated on each lot, 100.00 feet to a point on the northerly line of Broadway, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Michael A. Holmes by reason of the following:

BEING THE SAME premises which Susan J. Hendershot, now known as Susan J. Holmes and Michael A. Holmes, husband and wife by Deed dated 10/18/93 and recorded 10/26/93 in the County of Northampton in Deed Book Volume 913, Page 515 conveyed unto Michael A. Holmes and Susan J. Holmes, husband and wife.

AND ALSO BEING THE SAME premises which Michael A. Holmes and Susan J. Holmes, husband and wife by Deed dated 11/29/95 and recorded 12/4/95 in the County of Northampton in Record Book 1995-1, Page 115752 conveyed unto Michael A. Holmes.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: E9NE1C-5-4.

BEING KNOWN AS 333 Broadway, Bangor, Pennsylvania.

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

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

FRANK FEDERMAN, ESQUIRE

**No. 14**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2000-001610**

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Pen Argyl, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner on the West side of "B" Street and corner of land about to be conveyed to Luther Sandercock and wife; thence along the said "B" Street North 15 degrees West 22 feet, more or less,

to corner on the South side of a 30 feet wide street or alley; thence along said street or alley South 75 degrees West 113 1/2 feet to a corner; thence along land now or late of Henry Male South 15 degrees East 22 feet, more or less, to a corner and land about to be conveyed to Luther Sandercock and wife; thence along the same North 75 degrees East 113 1/2 feet to the place of Beginning.

ALSO BEING KNOWN AS NORTHAMPTON COUNTY PARCEL IDENTIFIER NO. E8NE2D-42-1.

BEING THE SAME PREMISES conveyed by Emmajane P. Hagenbuch to Wesley Pfeiffer by Deed dated 1/29/1999, and recorded on 2/9/1999, in the Northampton County Recorder of Deeds Office at Deed Book Volume 1999-1, Page 18093.

BEING KNOWN AS 213 "B" Street, Pen Argyl, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Wesley Pfeiffer.

THOMAS I. PULEO, ESQUIRE

**No. 16**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-005743**

ALL THAT CERTAIN messuage, tenement and piece of ground known as Number 484 First Terrace, situate in Ward Four, City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, comprised of all of Lot 64 and five (5) feet of the Eastern part of Lot No. 65 as shown on plan of H.A. Doster—1896

and as divided and marked out of the ground according to survey made July 6, 1951 and shown upon a certain plan dated July 9, 1951 and marked No. 99-12 prepared by Daniel R. Cahill, Registered Professional Engineer of Bethlehem, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the Southern boundary of First Terrace, said point being also at the Northern end of a division line hereby established by the Grantors herein and marked out upon the ground by above mentioned survey, said division point being also located five (5) feet Westwardly from the Northeast corner of Lot No. 65 and also located twenty-five (25) feet Eastwardly from the Northwest corner of said Lot No. 65; thence Eastwardly along the Southern side of First Terrace a frontage distance of thirty-five (35) feet to the Northwest corner of Lot No. 63 and the Northeast corner of Lot No. 64; thence extending of that same width Southwardly between two parallel lines at right angles to First Terrace a depth of one hundred twenty (120) feet to land now of late of H.A. Doster.

SAID premises bounded on the North by First Terrace, on the East by Lot No. 63, on the South by land now or late of H.A. Doster; and on the West by said division line and lands retained by the Grantors herein. And constructed thereon a single dwelling known as No. 484 First Terrace according to the present house numbering system, established by the City of Bethlehem.

TITLE TO SAID PREMISES IS VESTED IN Mildred Torres by Deed froth Justine M. Schramko, widow

dated 11/17/2000 and recorded 11/27/2000 in Record Book Volume 2000-1, Page 157411.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: P6SE4B-1-14.

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

SEIZED AND TAKEN into execution of the writ as the property of Mildred Torres.

FRANK FEDERMAN, ESQUIRE

**No. 17**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-004464**

ALL THAT CERTAIN tract with buildings and improvements situate in the First Ward, Borough of Northampton, County of Northampton and Commonwealth of Pennsylvania and known as No. 239 West 27th Street, bounded and described as follows:

BEGINNING at a stake on the Northern line of West 27th Street, said stake being North 77 degrees 00 minutes East for a distance of 61.00 feet from the Southeastern corner of property now or late Albert Getz; thence along the Northern line of West 27th Street North 77 degrees 00 minutes East for a distance of 61.00 feet to a stake; thence along the property line of property known as No. 237 West 27th Street, North 23 degrees 00 minutes West for a distance of 142.10 feet to a stake on the Southern line of a sixteen feet wide alley; thence along said line of property of the grantor, of which the hereindescribed tract was formerly a part, South 23 degrees 00 minutes East for a distance of 142.10 feet to the place of beginning.

CONTAINING 8,668.10 square feet.

BEING THE SAME PREMISES conveyed by Clarence K. Stein and Bonnie L. Stein, husband and wife to Clarence K. Stein and Bonnie L. Stein, husband and wife by Deed dated 10/19/1999, and recorded on 10/26/1999, in the Northampton County Recorder of Deeds Office at Deed Book Volume 1999-1, Page 160563.

Tax Parcel #L3-6-7C.

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

SEIZED AND TAKEN into execution of the writ as the property of Bonnie L. Stein.

THOMAS I. PULEO, ESQUIRE

**No. 18**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-004695**

ALL THAT CERTAIN tract of land with improvements thereon erected, situate in Section No. 1 Old Forge Estates, Borough of Bath, Northampton County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the Easterly property line of Old Forge Drive (45.00 feet wide), said point also marks the Northwest corner of Lot No. 46; thence (1) from the point of beginning and along the said Easterly property line of said Forge Drive, North 18.00 feet to a point; thence (2) along Lot No. 28, East 118.68 feet to a point; thence (3) along land of Bath Republican Association on a curve to the right having a radius of 975.37 feet to an arc distance of 18.02 feet (chord bearing and distance S 2 degrees 48' 45" E. 18.02 feet to a point; thence (4) along Lot No. 46, West 119.6 feet to the point or place of beginning.

BEING all as shown on a Final Platt of Section No. 1, Old Forge Estates, Plan #P-1213, dated April 1972, (and last revised August 18, 1972), as prepared by Fogarasi & Moyer, Inc. and said plan is recorded in Plan Book Volume 30 on Page 26 in the Recorder of Deeds Office in the Northampton County Courthouse.

TITLE TO SAID PREMISES IS VESTED IN Robert J. Young, Jr. by Deed from Robert T. Johnson, III and Susan A. Johnson, his wife dated 6/28/2001 and recorded 7/5/2001 in Deed Book Volume 2001-1, Page 128292.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: K6NW4B-1-35.

BEING KNOWN AS 121 Old Forge Drive, Bath, Pennsylvania.

THEREON BEING ERECTED a two story townhouse with one-car garage, brick and vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Robert J. Young, Jr.

FRANK FEDERMAN, ESQUIRE

**No. 19**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-004163**

ALL THAT CERTAIN lot or piece of ground with the improvements thereon erected, situated in the 4th Ward of the City of Easton, Northampton County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the East property line of North 9th Street in line of No. 35 North 9th Street, said point being distant 293.20 feet Northerly from the intersection of the North property line of Northampton Street with the Easton property line of North 9th Street; thence along the East property line of North



9th Street North 01 degree 37 minutes East, 37.92 feet to a point in the Southwest property line of Wood Street; thence along the Southwesterly property line of Wood Street, South 59 degrees 56 minutes 30 seconds East, 79.61 feet to a point in line of No. 35 North 9th Street; thence along No. 35 North 9th Street and passing partly through the middle of a party wall, North 88 degrees 23 minutes West 70.01 feet to the point or place of BEGINNING.

LESS AND EXCEPTING from the aforementioned property, any and all tracts of land that may have been conveyed by prior Deeds and being recorded in the Office of the Recorder of Deeds of Northampton County.

PARCEL NUMBER: L9SE1B-14-9.

BEING the same premises which Rosie Blackwell, Widow by Indenture dated September 11, 1995 and recorded in the Office of the Recorder of Deeds in and for the County of Northampton in Record Book 1995-1 Page 087519, granted and conveyed unto Richard Barrientos.

BEING KNOWN AS 37 North Ninth Street, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Richard Barrientos.

JOSEPH A. GOLDBECK, JR.,  
ESQUIRE

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**No. 20**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2003-005909**

ALL THAT CERTAIN lot, parcel or piece of land with the dwelling thereon erected.

SITUATE, lying and being in the City of Bethlehem, Northampton County and State of Pennsylvania and more particularly known and designated as Lot No. 32 in Block No. 2900 of that certain Plan entitled "U.S. Housing Corporation of Pennsylvania. Project No. 24 Pembroke Village, Bethlehem, PA. Section 1, May 1, 1920" and recorded in the Office of the Recorder of Deeds in and for Northampton County in Easton, PA, in Map Book No. 9, Page 1 and also more particularly shown by Subdivision Map of said Block recorded in Map Book No. 9, Page 12, in the Office of said recorder, said house and lot being known as No. 870 Radclyffe Street, Bethlehem, PA.

TITLE TO SAID PREMISES IS VESTED IN Philip R. Mancuso, married and Sharon M. Mancuso, his wife by Deed from Anthony F. Cuvo, married and Michele M. Potkovic, n/b/m Michele M. Cuvo, dated 8/30/1999 and recorded 8/31/1999 in Record Book Volume 1999-1, Page 133734.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: N6SE3B-15-24.

BEING KNOWN AS 870 Radclyffe Street, Unit 1, Bethlehem, Pennsylvania.

THEREON BEING ERECTED a two story brick row dwelling with shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Philip R. Mancuso and Sharon M. Mancuso.

FRANK FEDERMAN, ESQUIRE

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**No. 21**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**1999-C-04908**

ALL THAT CERTAIN tract or parcel of land and premises situate ly-

ing and being the City of Easton in the County of Northampton and Commonwealth of Pennsylvania situate on the South side of Nesquehoning Street and known as premises 1050 West Nesquehoning Street more particularly described as follows:

BEGINNING at a point on the South side of Nesquehoning Street which point is in a line 1 foot west of the Western side of the brick house as formerly occupied by Ira D.F. Smith, thence extending Westwardly along the Southern side of said Nesquehoning Street 36 feet to property now or late of Annie Brower; thence extending Southwardly of that width 146 feet in depth to Cooper Alley.

BOUNDED on the North by Nesquehoning Street on the East by property now or late of Ira D.F. Smith on the South by Cooper Alley and on the West by property now or late of Annie Brower.

BEING COUNTY PARCEL NUMBER L9SE4D-9-5.

BEING THE SAME PREMISES WHICH William J. Klotz and Lois J. Klotz, husband and wife, by Deed dated January 22, 1998, and recorded in the Recorder of Deeds Office of Northampton County on February 4, 1998 in Deed Book Volume 19981, Page 12270, granted and conveyed unto, Icola Lassiter and Elaine E. Lassiter, husband and wife.

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

SEIZED AND TAKEN into execution of the writ as the property of Icola Lassiter and Elaine E. Lassiter. KRISTINE M. ANTHOU, ESQUIRE

**No. 23**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2002-008416**

ALL THOSE CERTAIN messuages, tracts, or pieces of land situate in the Borough of Bangor, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

**PARCEL 1**

ALL THAT CERTAIN message, tract, or piece of land situate in the Borough of Bangor bounded and described as follows:

BEGINNING at a cut mark in the concrete curb on the easterly side of North Sixth Street at the intersection of the south side of Brown Avenue; thence along the easterly side of said North Sixth Street, South 9 degrees 50 minutes 09 seconds East 156.08 feet to a point on the northerly side of a 12 feet wide alley; thence along the northerly side of said alley, North 82 degrees 00 minutes 00 seconds East, 52.00 feet to an iron pipe; thence along the westerly side of Lot Number 2, North 8 degrees 00 minutes 00 seconds West, 156.00 feet to an iron pipe; thence along the southerly street line of said Brown Avenue, South 82 degrees 00 minutes 00 seconds West, 57.00 feet to the place of the beginning.

CONTAINING 8502 square feet of land.

**PARCEL 2**

ALL THAT CERTAIN message, tract or piece of land situated in the Borough of Bangor bounded and described as follows:

BEGINNING at an iron pipe on the southerly street line of Brown Avenue, said pipe also marking the northeasterly corner of Lot Number

1; thence along the easterly side of said Lot Number 1, South 8 degrees 00 minutes 00 seconds East, 156.00 feet to an iron pipe on the northerly side of a 12 feet wide alley; thence along the northerly side of said alley. North 82 degrees 00 minutes 00 seconds East, 65.00 feet to an iron pipe; thence North 8 degrees 00 minutes 00 seconds West, 156.00 feet to an iron pipe on the southerly side of Brown Avenue, above mentioned; thence along the southerly line of said Brown Avenue South 82 degrees 00 minutes 00 seconds West, 65.00 feet to the place of beginning.

CONTAINING 10.140 square feet of land.

BEING the same premises which Robert Dow and Anne E. Dow, husband and wife, by Deed dated January 15, 1998 and recorded in the Office of the Recorder of Deeds of Northampton County on January 27, 1998, in Deed Book 1998-1, Page 9057, granted and conveyed unto Raymond J. Cobb.

BEING KNOWN AS 546 Brown Avenue, Bangor, Pennsylvania.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: E9NE1B-7-1.

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

SEIZED AND TAKEN into execution of the writ as the property of Raymond J. Cobb.

KRISTINE M. ANTHOU, ESQUIRE

**No. 24**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2000-005506**

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

Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, shown as Lot 14 on the Final Plan/Phase II of Wagner Farms II as recorded in Map Book 89, Page 44 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 northerly right-of-way line of Freemansburg Avenue (40.00 feet from centerline) at the southwest corner of Lot 13 of Wagner Farms II Phase II;

thence along said northerly right-of-way line of Freemansburg Avenue (40.00 feet from centerline) South 81 degrees 31' 48" West 121.44 feet to a concrete monument;

thence along the arc of a curve deflecting to the right having a radius of 30.00 feet and central angle of 90 degrees 00' 01" of an arc length of 47.12 feet (chord: North 53 degrees 28' 22" West 42.43 feet) to a concrete monument on the easterly right-of-way line of Wagner Drive (60.00 feet wide);

thence along said easterly right-of-way line of Wagner Drive (60.00 feet wide) North 08 degrees 28' 22" west 83.43 feet to a concrete monument;

thence along the arc of a curve deflecting to the right having a radius of 30.00 feet and central angle of 90 degrees 00' 00" for an arc length of 47.12 feet (chord: North 36 degrees 31' 38" East 42.43 feet) to a point on the southerly right-of-way line of Country Top Court (50.00 feet wide);

thence along said southerly right-of-way line of Country Top Court (50.00 feet wide) North 81 degrees 31' 38" East 121.44 feet to

a point at a corner of Lot 13 of Wagner Farms II, Phase II;

thence along said lands of Lot 13, of Wagner Farms II, Phase II South 08 degrees 28' 22" East 143.43 feet to a point, the place of BEGINNING.

CONTAINING 21,335 square feet.

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

Said lot being subject to restrictions pertaining to clear sight triangles as shown on the final recorded plan.

TITLE TO SAID PREMISES IS VESTED IN Darren S. Cobb and Cheryl L. Cobb, married by Deed from Julie Ann Wagner, single dated 8/11/1995 recorded 8/14/1995 in Record Book 1995-1, Page 73300.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: N8NW1-7-1.

BEING KNOWN AS 4865 Country Top Court, Bethlehem, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Darren S. Cobb and Cheryl L. Cobb.

FRANK FEDERMAN, ESQUIRE

**No. 25  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-005740**

TRACT NUMBER ONE:

ALL THOSE two certain lots and pieces of land situate in the Township of Bethlehem, County of Northampton and State of Pennsylvania, designated as Lots Nos. 11 and 12, Block 8, on the plan of lots of Prospect Heights; which said plan is recorded in the Office of the Re-

order of Deeds in and for the County of Northampton, Pennsylvania, in Map Book No. 3, page 16, etc., said Lots Nos. 11 and 12, Block 8, being bounded on the North by Lot No. 10 of said block, on the east by Beech Street, on the south by Lot No. 13, of said Block, and on the west by Seventh Street.

TRACT NUMBER TWO:

ALL THOSE two lots and pieces of land situate in the Township of Bethlehem, County of Northampton and State of Pennsylvania, designated as Lots Nos. 13 and 14, Block 8, on plan of lots of Prospect Heights, which said plan is recorded in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania, in Map Book No. 3, Page 16.

SAID lots being located on the east side of Seventh Street, bounded and described as follows: each lot containing in front on said Seventh Street, twenty-five (25') feet or a total frontage of fifty feet (50'); thence extending eastwardly of that same width in depth one hundred and ten (110') to Beech Street.

BOUNDED on the north by Lot No. 12 of said Block 8, on the east Beech Street, on the south by Lot No. 15 of said Block 8, and on the west by said Seventh Street.

TITLE TO SAID PREMISES IS VESTED IN Jessica L. Kitzmiller, unmarried by Deed from Thomas E. Wolley and Janice M. Wolley, husband and wife dated 6/27/2002 and recorded 7/30/2002 in Volume 2002-1 Page 172532.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: N7NE4-42-13.

BEING KNOWN AS 1834 Seventh Street, Bethlehem, Pennsylvania.

THEREON BEING ERECTED a cape style brick dwelling with shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Jessica L. Kitzmiller.

FRANK FEDERMAN, ESQUIRE

**No. 26**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2003-006204**

ALL THAT CERTAIN messuage, tenement and lot or piece of land situate in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania bounded and more particularly described according to a plan of lots of the Hellener Farm as laid out December A.D. 1894 and revised as follows, to wit:

BEGINNING at a point a corner of a lot now or late of Edward D. Bastian on the Eastern line of Bishopthorpe Street and 40 feet South from the Southeast corner of Bishopthorpe Street and a 20 feet wide alley; thence Southwardly along said East side of Bishopthorpe Street 20 feet to a point to property now or late of William S. Roder et al.; thence Eastwardly along the same 136 feet, more or less to a 20 feet wide alley; thence Northwardly along the same 20 3/12 feet to the corner of a lot now or late of Edward D. Bastian; thence Westwardly along the same 142 3/12 feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Marivel Soto and Judith L. Soto by Deed from Chris A. Muth and Lynda J. Muth, formerly known as Lynda J. Swett, husband and wife dated 8/13/1998 and recorded 8/20/1998, in Volume 1998-1, Page 110622.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: P6SW3B-3-30.

BEING KNOWN AS 617 South Bishopthorpe Street, Bethlehem, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Marivel Soto and Judith L. Soto.

FRANK FEDERMAN, ESQUIRE

**No. 27**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2003-007263**

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

BEING part of Lot Numbered 228 according to the plan of plot of land of the Lehigh University, situate on the northeastwardly side of Hillside Avenue and containing in front or breadth on said street 20', and extending Northeastwardly of that breadth parallel lines at right angles with said Hillside Avenue a distance of 150'.

BOUNDED as follows: North-eastwardly by a 20' wide alley; Southwestwardly by Hillside Avenue; and Southeastwardly by the other part of Lot Numbered 228 according to the plan or plot of land of the Lehigh University.

BEING KNOWN AS UNIFORM PARCEL IDENTIFIER NO. MAP P6SE1C BLOCK 10 LOT 17.

BEING KNOWN AS 539 Hillside Avenue, Bethlehem, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Joseph M. Ballek and Judith Ballek.  
JOEL M. SCHEER, ESQUIRE

**No. 28**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**1998-C-03236**

PARCEL NUMBER ONE:

ALL THAT CERTAIN lot or piece of land, with improvements thereon erected, situate on the north side of East Fourth Street, in the Borough of South Bethlehem, (now City of Bethlehem), Northampton County, Pennsylvania, designated as Lot No. 13, on map dated December 23, 1916, entitled "Saucon Land and Improvement Company, South Bethlehem, PA, U.S.A., Plan showing Company Property and Houses between East Fourth Street and N.P.R.R.", being Plan No. L-1-1/2 by C.E. Lehr, recorded in the Office for the Recording of Deeds in and for Northampton County, Pennsylvania, on March 15, 1917, in Map Book 6, page 45. Containing in front on East Fourth Street forty-five (45) feet and extending northwardly of the same width between parallel lines at right angles to East Fourth Street one hundred fourteen and fifty-eight one-hundredths (114.58) feet to the southerly side of East Mechanic Street.

PARCEL NUMBER TWO:

ALL THAT CERTAIN westerly fifteen (15) feet of Lot No. 12 situate on the northerly side of East Fourth Street in the City of Bethlehem, as shown on Map dated December 23, 1916, entitled "Saucon Land Improvement Company, South Bethlehem, PA, U.S.A., Plan showing Company Property and Houses between East Fourth Street and N.P.R.R.", being Plan No. L-1-1/2 by C.E. Lehr, recorded in the Of-

fice for the Recording of Deeds in and for Northampton County, Pennsylvania, on March 15, 1917, in Map Book 6, page 45. Containing in front on East Fourth Street fifteen (15) feet and extending northwardly of that same width between parallel lines at right angles to East Fourth Street one hundred fourteen and fifty-eight hundredths (114.58) feet to the southerly line of East Mechanic Street.

BOUNDED ON the East by the remaining seventeen (17) feet of Lot No. 12, on the South by East Fourth Street, on the West by Lot No. 13, and on the North by East Mechanic Street.

BEING KNOWN AS 1255 East 4th Street, Bethlehem, PA 18015.

PARCEL #P6SE2B-8-4.

BEING THE SAME PREMISES which Mario L. Moreira and Amalia Moreira, husband and wife, by Indenture dated June 23, 1988 and recorded June 30, 1988 in the Office of the Recorder of Deeds in and for Northampton County in Deed Book Volume 750, Page 817, granted and conveyed unto Luz Nelida Colon, married and Florencio M. Haro, married and Lucila Loayza, unmarried, as tenants in common.

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

SEIZED AND TAKEN into execution of the writ as the property of Luz Nelida Colon, Florence M. Haro and Lucila Loayza.

GREGORY JAVARDIAN, ESQUIRE

**No. 33**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2003-001552**

ALL THAT CERTAIN tract of land of ground situate in the City of Easton, County of Northampton and

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

BEGINNING on the southerly side of Bushkill Drive at a point, the Northeast corner of land of Ida Goldman, distant 30 feet Southwardly from the North curb of said Drive; thence along the southerly side of said Drive, 71 degrees 59' E., 95.1 feet to a point; thence by a line curving to the right with a radius of 217.65 feet a distance of 139.9 feet to a point on the westerly side of the bridge 57 degrees 04' East, 18 feet, more or less, to the northerly side of said Creek the following three courses and distances; S. 56 degrees 30' E., 25 feet to a point; S. 39 degrees 00' W. 36.3 feet to a point, and W. 67 degrees 00' West, 6.6 feet to a point; thence in and along said Creek S. 52 degrees 00' W., 148.5 feet to a point along the northern side of said Creek; thence along Tract No. 1 above described and land of the said Ida Goldman N. 39 degrees 30' W., 164.75 feet to a point, the place of beginning.

Northampton County Tax parcel number: L9NE3D-10-2.

BEING KNOWN AS 524 Bushkill Drive, Easton, Pennsylvania.

THEREON BEING vacant land.

SEIZED AND TAKEN into execution of the writ as the property of Churchman Business School.

DAWN M. SCHMIDT, ESQUIRE

**No. 34**

**BY VIRTUE OF A CERTAIN**

**WRIT OF EXECUTION**

**CV-2003-001485**

ALL THAT CERTAIN message, tenement and lot or piece of land situate in the Fourteenth Ward of the City of Bethlehem, County of Northampton, Commonwealth of

Pennsylvania, being lot 832 block 24 according to Plan of Lincoln Park Unit 2 recorded in the office for the recording of deeds in and for Northampton County in Map Book 11 page 38, known as 2239 Lincoln Street according to present city numbering, bounded and described as follows:

BEGINNING at a point on the western line of Lincoln Street one hundred feet south of the center line of Decatur Street; thence extending along Lincoln Street south 2 degrees 19 minutes East a distance of fifty (50) feet to a point in the dividing line between lots 831 and 832 of plan aforesaid; thence extending along said dividing line south 87 degrees 41 minutes West a distance of one hundred fifteen (115) feet to a point in the easterly side of Norman Street; thence extending along the same north 2 degrees 19 minutes West a distance of fifty (50) feet to a point in the dividing line between lots 832 and 833 of plan aforesaid; thence extending along the same north 87 degrees 41 minutes East a distance of one hundred fifteen (115) feet to the point the place of beginning.

BOUNDED north by lot 833 of plan aforesaid, south by lot 831 of plan aforesaid, east by Lincoln Street and west by Norman Street.

BEING Northampton County Tax Parcel #N7NW4A -13-2.

BEING the same premises which James T. Greenfield and Wanda K. Greenfield, by Deed dated November 13, 1995 and recorded in the Office of the Recorder of Deeds of Northampton County on November 15, 1995, in Deed Book 1995-1, Page 108899, granted and conveyed unto Carla R. Roberts.

THEREON BEING ERECTED a two story single brick dwelling with slate roof; detached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Carla R. Roberts a/k/a Carla R. Streano.

KRISTINE M. ANTHOU, ESQUIRE

**No. 37**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-005622**

PARCEL NO. 1

ALL THOSE CERTAIN lots or piece(s) of land and premises, lying and being in the Borough of North Catasauqua, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEING Lots Nos. 10 and 11 in Block No. 13 as designated and laid out on the Plot of Map of the Lackawanna Land Company, situate in the Borough of North Catasauqua, formerly part of the Township of Allen, County of Northampton and State of Pennsylvania, known as the "Fuller Farm", which said Plot or Map is of record in the Office for the Recording of Deeds, etc. in and for the County of Northampton at Easton, Pennsylvania, in Map Book 2, page 142, said Lots Nos. 10 and 11 in Block No. 13 each containing thirty (30) feet in front upon Seventh Street or a total frontage upon Seventh Street of sixty (60) feet, and extending in depth of equal width one hundred fifty (150) feet to a public alley called Cherry Court, twenty feet wide, said Lots being rectangular in shape.

PARCEL NO. 2

ALL THAT CERTAIN lot of land and premises, situate lying and being in the Borough of North Cata-

sauqua (formerly the Township of Allen) in the County of Northampton and State of Pennsylvania, designated and described as follows, to wit:

BEING Lot No. 12 in Block No. 13 as designated and laid out on the plot or map of the Lackawanna Land Company, situate on the Borough of North Catasauqua (formerly the Township of Allen), County of Northampton and State of Pennsylvania, known as the "Fuller Farm", which said Plot or Map is of record in the Office for the Recording of Deeds in and for the said County of Northampton in Map Book No. 2, page 142.

SAID lot being thirty-three and five-tenths (33.5) feet in front on Seventh Street to a public alley twenty (20) feet wide.

ALSO known as Northampton County Uniform Parcel Identifier Tax Map M4SE4B, Block 22, Lot 1.

BEING the same premises which Wilbur L. Delong and Carol J. Delong, husband and wife, by Deed dated January 19, 1995 and recorded in the Northampton County Recorder of Deeds Office on January 24, 1995 in Deed Book 1995-1 Page 006887, granted and conveyed unto Roy K. Luckenbill, Jr. and Judith A. Luckenbill, husband and wife.

BEING KNOWN AS 1050 Seventh Street, North Catasauqua, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Roy K. Luckenbill, Jr. and Judith A. Luckenbill.

DAVID FEIN, ESQUIRE



**No. 38**

**BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2003-004810**

ALL THAT CERTAIN piece or parcel of land Situate on the South side of Jefferson Street in the Borough of West Easton, County of Northampton and State of Pennsylvania, containing in front or breadth on said Jefferson Street 270 feet and extending of that width or breadth at right angles to said Jefferson Street Southwardly 140 feet, more or less, to Laurel Street, containing 37,800 square feet. Bounded Northwardly by said Jefferson Street, Eastwardly by 16th Street extended, Southwardly by Laurel Street, and Westwardly by Lot sold by the Lehigh Coal and Navigation Company to Matilda J. Pizarie by Deed dated August 16, 1944.

PARCEL NUMBER: L9SW3B-5-13.

BEING the same premises which Wayne A. Misero and Carolyn M. Misero, formerly his wife, by Indenture dated August 17, 1993 and recorded on September 7, 1997 in the Office of the Recorder of Deeds in and for the County of Northampton in Deed Book 908 page 418, granted and conveyed unto Wayne A. Misero and Carolyn M. Misero, his wife.

BEING KNOWN AS 72 Jefferson Street, Easton, Pennsylvania.

THEREON BEING ERECTED a bi-level dwelling w/two-car garage, aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Carolyn M. Misero.

STEPHEN M. HLADIK, ESQUIRE

**No. 39**

**BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2003-001636**

ALL THAT CERTAIN message or tenement and tract of land situate on the south side of Railroad Street, in the City of Bethlehem, Northampton County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the south side of Railroad Street, twelve and three tenths (12.3) feet west from the northwest corner of Lot No. 2, according to plan of Herman A. Doster called "Plan of Herman A. Doster of Trone Property" situate in Lower Saucon Township, Northampton County, plan of 1858; thence westwardly twelve and three tenths (12.3) feet to a point; thence, southwardly of that same width between parallel lines at right angles to said Railroad Street ninety-five feet to Lot No. 18 according to the above mentioned plan.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: MAP P6NE3C BLOCK 5 LOT 1.

TITLE TO SAID PREMISES IS VESTED IN Robert Ramos, single, by Deed from Enedino Melendez, dated 12/16/94, recorded 12/20/94, in Deed Book 1994-6, Page 108489.

PROPERTY ID NO.: P6NE3C.5-1.

BEING KNOWN AS 1140 RAILROAD STREET, BETHLEHEM, PA 18015.

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 Robert Ramos.

MARK J. UDREN, ESQUIRE

**No. 40**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2001-008794**

**TRACT #1**

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

BEGINNING at an iron pipe at the Southern edge of Township Road #555 leading from Delps to Point Phillips and the common corner of land now or late of Anna Best and John Fluck, the former Grantor, now or late of Harvey Miller; thence along land now or late of Anna Best South three degrees eight minutes East eight hundred thirty and five one-hundredths feet (830.05') to an angle iron; thence along land now or late of Arthur Muffley the following courses: North seventy-four degrees, fifty minutes West three hundred sixty-eight and eighty-one one-hundredths feet (368.81') to a stone, South one degree twenty-six minutes East eighty-nine feet (89') to a stone, North seventy-seven degrees thirty-nine minutes West two hundred fifty-eight and ninety one-hundredths feet (258.90') to an iron pin and North thirty-one degrees twenty-six minutes West one hundred seventy-eight and twenty-five one-hundredths feet (178.25') to an iron pin, the point of beginning; thence along land now or late of Bum Enterprises North seventy degrees forty-seven minutes East two hundred twelve and seventy-one one-hundredths feet (212.71') to an iron pin and North nine degrees four minutes East four hundred fourteen and four one-hundredths feet (414.04') to the iron pipe; thence

South twenty-nine degrees four minutes West five hundred forty-seven and eighty-five one-hundredths feet (547.85') to the point of beginning.

BEING the same premises surveyed by Harry J. Michaels, R.P.E. # 7674 E, for James H. Hartman on October 16, 1968.

CONTAINING eighty-nine one-hundredths (.89) acres of land.

**TRACT #2**

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

BEGINNING at an iron pipe at the Southern edge of Township Road 555 leading from Delps to Point Phillips and the common corner of land now or late of Anna Best and John Fluck, former Grantors; thence along land now or late of Anna Best South three degrees eight minutes East eight hundred thirty and five one-hundredths feet to an angle iron; thence along land now or late of Arthur Muffley the following courses: North seventy-four degrees fifty minutes West three hundred sixty-eight and eighty-one one-hundredths feet to a stone, South one degree twenty-six minutes East eighty-nine and zero one-hundredths feet to a stone, North seventy-seven degrees thirty-nine minutes West two hundred fifty-eight and ninety one-hundredths feet to an iron pin, and North thirty-one degrees twenty-six minutes West one hundred seventy-eight and twenty-five one-hundredths feet to an iron pin; thence along land now or late of Harvey Miller conveyed from John Fluck North seventy degrees forty-seven minutes East two hun-

dred twelve and seventy-one one-hundredths feet to an iron pin, and North nine degrees four minutes East four hundred fourteen and four one-hundredths feet to an iron pipe; thence along land now or late of Harvey Beidler conveyed from Daniel Marsh South seventy degrees forty-six minutes East seventy and forty-six one-hundredths feet to an iron pipe; thence along other land now or late of Harvey Beidler conveyed from John Fluck South fourteen degrees twenty-six minutes West one hundred fifty and zero one-hundredths feet to an iron pin, South seventy degrees thirty-four minutes East two hundred twenty-one and sixty-nine one-hundredths feet to an iron pin and North fourteen degrees twenty-six minutes East one hundred fifty and zero one-hundredths feet to an iron pin; thence along land to be conveyed to Harvey Beidler by John Fluck South seventy-five degrees thirty-four minutes East, twenty-three and five one-hundredths feet to an iron pin; thence along a private drive North nineteen degrees thirty-one minutes East one hundred eighty and seventy-nine one-hundredths feet to an angle iron and North twenty-one degrees zero minutes East eighty-one and sixty-nine one-hundredths feet to the point of the beginning.

IT BEING the same premises surveyed by Harry J. Michaels, R.P.E. #7674 E, for Harvey F. Miller on December 13, 1965.

CONTAINING six and forty-seven one-hundredths (6.47) acres of land.

BEING Northampton County tax parcel Assessment #G5-13-4B.

BEING the same premises which Gloria M. Hartman and James H.

Hartman, wife and husband, by Deed dated September 11, 1997 and recorded in the Northampton County Recorder of Deeds Office on September 22, 1997 in Deed Book 1997-1, Page 102539, granted and conveyed unto Ralph G. Daney, Jr. and Dawn A. Gress, both single, as tenants in common.

BEING KNOWN AS 2825 Delps Road, Danielsville, Pennsylvania.

THEREON BEING ERECTED a ranch style dwelling w/attached two-car garage, vinyl siding exterior and shingle roof

SEIZED AND TAKEN into execution of the writ as the property of Ralph G. Daney, Jr. and Dawn A. Gress.

DAVID FEIN, ESQUIRE

**No. 41**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-005623**

ALL THAT CERTAIN frame dwelling house and lot of land situate in the Borough of Nazareth, County of Northampton and State of Pennsylvania, beginning at a point on the East side of South Whitfield Street and Southwest corner of Frank Rohatz's lot; thence Southwardly along the East side of South Whitfield Street twenty-five (25) feet, more or less, to land now or late of Albert H. Resnek; thence Eastwardly along the same eight-four (84) feet to a point; thence Northwardly along the same twenty-five (25) feet, more or less, to lot now or late of Frank Rohatz; thence Westwardly along the same eighty-four (84) feet to the place of beginning.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER; MAP: K7NE2B, Block: 9, Lot: 16.

UNDER AND SUBJECT to Restrictions as of Record.

BEING the same premises which Twin Rivers Community Bank by Deed dated June 27, 2000 and recorded in the Northampton County Recorder of Deeds Office on July 24, 2000 in Deed Book Vol 2000-1 Page 92749, granted and conveyed unto David M. Reeser and Lisa M. Reeser.

BEING KNOWN AS 509 South Whitfield Street, Nazareth, Pennsylvania.

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 David M. Reeser and Lisa M. Reeser.

DAVID FEIN, ESQUIRE

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**No. 42**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**1998-C-03484**

ALL THAT CERTAIN lot, message, tenement, tract and piece of land situate in the Borough of Wind Gap, County of Northampton and State of Pennsylvania, bounded and described according to a survey prepared in August 1972 by Gordon E. Wilson, Registered Land Surveyor, as follows, to wit:

BEGINNING at a point at the intersection point of the West curb line of Broadway and the south curb line of proposed Sixth (6th) Street; thence along the South curb line of proposed Sixth (6th) Street North 70 degrees 45 minutes West 278.85 feet to an iron pin on the East curb line of Water Street (Extended); thence along the East curb line of Water Street extended South 21 degrees 15 minutes West 88.48 feet to an iron pin; thence along land

now of Henry A. Segatti South 76 degrees 50 minutes East 280.19 feet to a point on the West curb line of Broadway; Thence along the West curb line of Broadway North 22 degrees 29 minutes East 58.80 feet to the place of BEGINNING.

BEING known as Tax Code No./ Tax Identification No. F8NW1A-3-1 and F8NW1A-3-11.

BEING the same premises which Marie Cavaliere granted and conveyed unto Eric J. Koke and Rose M. Koke by Deed dated February 24, 1988 and recorded in the Office of the Recorder of Deeds for NORTHAMPTON County on February 25, 1988 in Deed Book 743, Page 529.

BEING KNOWN AS 302 South Broadway, Wind Gap, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Eric J. Koke and Rose M. Koke.

DAVID FEIN, ESQUIRE

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**No. 43**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2001-008149**

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 THE122 on the Final Plan of Vista Estates as recorded in Map Book 1998-5, Page 340 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 Upper Way (50.00 feet wide) at the north-

west corner of Lot TH E121 of Vista Estates;

thence along said easterly right-of-way line of Upper Way (50.00 feet wide) North 23°-35'-14" East 26.00 feet to a point at a corner of Lot TH E123 of Vista Estates;

thence along said lands of Lot TH E123 of Vista Estates South 66°-24'-46" East 120.00 feet to a point on line of lands of Lot TH E134 of Vista Estates;

thence along said lands of Lot TH E134 and also along lands of Lot TH E135 both of Vista Estates South 23°-35'-14" West 26.00 feet to a point at a corner of Lot TH E121 of Vista Estates;

thence along said lands of Lot TH E121 of Vista Estates North 66°-24'-46" West 120.00 feet to a point, the place of BEGINNING.

CONTAINING 3,120.00 square feet.

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

TAX IDENTIFICATION NUMBER-K9 37A 14.

BEING the same premises which Strausser Enterprises, Inc., by Deed dated July 14, 2000 and recorded in the Office of the Recorder of Deeds of Northampton County on July 20, 2000, in Deed Book 20001, Page 91645, granted and conveyed unto Connie Mae Roach and Kishon Roach.

BEING KNOWN AS 2675 Upper Way, Easton, Pennsylvania.

THEREON BEING ERECTED a two story townhouse with one-car garage, brick and vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Connie Mae Roach and Kishon Roach.

KRISTINE M. ANTHOU, ESQUIRE

**No. 44**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-001350**

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

BEGINNING at a pipe on the westerly side of the state highway leading from Bath to Delps and on the easterly side of a twenty (20') feet wide private drive, THENCE along the said private drive North twenty (20) degrees forty-eight (48) minutes West, one hundred thirty-seven (137') feet to a stake; THENCE along land of Grantor of which this was formerly a part South sixty-five (65) degrees sixteen (16) minutes East, one hundred fourteen and forty-two one-hundredths (114.42') feet to a stake on the westerly side of said state highway; THENCE along the westerly side of said state highway thirty-four (34) degrees thirty (30) minutes West, ninety-seven and seventeen one-hundredths (97.17') feet to the place of beginning.

CONTAINING five thousand four hundred eighty-three (5,483) square feet.

BEING ALSO KNOWN AS Northampton County Tax Parcel Identifier No. G4-11-15.

BEING more commonly known as Moser Road.

BEING KNOWN AS: 1111 Moser Road, Danielsville, PA 18038.

PROPERTY ID NO.: G4-11-15.

TITLE TO SAID PREMISES IS VESTED IN Harold R. Bergenstock and Barbara M. Bergenstock, husband and wife by deed from Linda L. Frederick, Administratrix of the Estate of Morris A. Brunner, Jr.,

deceased dated 3/10/1997 recorded 3/11/1997 Book 1997-1 Page 22020.

THEREON BEING ERECTED a ranch style dwelling with aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Harold R. Bergenstock and Barbara M. Bergenstock.

MARK J. UDREN, ESQUIRE

**No. 45**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2002-008226**

ALL THAT CERTAIN message and tenement, tract or piece of land, lying and being in the Borough of Bangor, County of Northampton, and Commonwealth of Pennsylvania, bounded and described in accordance with a survey made by David Pritchard, Registered Engineer, on January 17, 1938, as follows, to wit:

BEGINNING at a corner in line with lot belonging now or late to William J. Geeke and in line with North Fifth Street, which corner is seventy-six feet South from the curb line of Pennsylvania Avenue; thence along line of North Fifth Street, South eight and one half degrees West 67.75 feet to the North side of a twelve foot wide alley; thence along the West side of said alley, South eighty-four degrees East thirty feet to Lot No. 92, the property now or late of Abraham Hughes; thence along the same North eight and one-half degrees East 67.75 feet to a corner of aforesaid lot of William J. Geeke; thence along the same North eighty-four degrees West thirty feet, to the place of Beginning; containing the above described lot.

HAVING THEREON ERECTED A DWELLING KNOWN AS 71 North 5th Street, Bangor, Pennsylvania.

BEING THE SAME PREMISES WHICH Kay L. Morris by Deed dated December 3, 1999 and recorded December 7, 1999 in Northampton County Deed Book 1999-1, Page 181240, granted and conveyed unto William T. Allen and Michelle Lambert.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: E9NE1B-14-34.

THEREON BEING ERECTED a ranch style dwelling with stucco and cinder block exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of William T. Allen and Michelle Lambert a/k/a Michelle Allen.

LEON P. HALLER, ESQUIRE

**No. 46**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2003-005038**

ALL THOSE CERTAIN Lots or Parcels of land situate in Bethlehem Township, Northampton County, Pennsylvania being designated as Lots Nos. 21, 22, 23, and 24, Block 36, according to the "Plan of Freemansburg Heights" recorded in Map Book 6, Page 52, Northampton County records. Being known as 1501 Seventh Street, Bethlehem Township, Northampton County, Pennsylvania.

CONTAINING in front on the westerly side of Seventh Street one hundred (100') feet and extending in depth between parallel lines a distance of one hundred ten (110') feet to an unopened street.

KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: N7SE1-14-1-27.

BEING THE SAME PREMISES WHICH Kenrick Builders, Inc., a PA Corporation, by Deed dated March 7, 1978 and recorded on March 9, 1978 in the Office for the Recording of Deeds in and for the County of Northampton at Deed Book Volume 578, page 611, granted and conveyed unto Michael H. Dalmati and Patricia A. Dalmati, Husband and Wife, the within Mortgagors, their heirs and assigns.

THEREON BEING ERECTED a bi-level dwelling w/attached two-car garage, brick and aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Michael H. Dalmati and Patricia A. Dalmati, husband and wife.

THOMAS A. CAPEHART,  
ESQUIRE

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**No. 48**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**1999-C-05091**

All that certain message or tenement and lot or piece of ground situate on the West side of Lincoln Avenue in the Borough of Northampton, County of Northampton and State of Pennsylvania, being now known as No. 1626 LINCOLN AVENUE, bounded and described as follows, to wit:

On the North by Lot No. 182, property of Stephen Balok; on the South by an adjoining dwelling now or late of Robert S. Kohler and Hattie V. Kohler; on the East by Lincoln Avenue; and on the West by a twenty (20) feet wide alley. The southern boundary line being the division or party wall of a double frame dwelling. It being the Northern half of Lot No. 183 on a Plan of town lots laid out of the land of John

Smith, and recorded in Map Book No. 2, Page 60. Said lot having a frontage of twenty (20) feet on said Lincoln Avenue and extending Westwardly at right angles to said Lincoln Avenue a depth of one hundred twenty-five (125) feet to the aforesaid twenty (20) feet wide alley.

HAVING THEREON ERECTED A DWELLING KNOWN AS 1626 LINCOLN AVENUE, NORTHAMPTON, PA 18067.

PARCEL: L4SW4C-11-13.

BEING THE SAME PREMISES WHICH Janet Gronotsky by deed dated 8/27/93 and recorded 8/31/93 in Deed Book 907, Page 489 granted and conveyed unto Donald Frey and Karen Frey, his wife.

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

SEIZED AND TAKEN into execution of the writ as the property of Donald E. Frey and Karen M. Frey.  
LEON P. HALLER, ESQUIRE

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**No. 49**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2001-006470**

ALL THAT CERTAIN message, tenement, lot or piece of ground beginning at a point on the north side of East Broad Street in the City of Bethlehem, Northampton County, Pennsylvania, 224 feet east of the northeast corner of Broad and Maple Streets, running thence north through the middle of a party wall and parallel with Maple Street 108 feet to the middle of a ten (10) foot private alley, said alley to be used in common; thence east along the

middle of said alley 16 feet to a 40 foot wide street; thence south along said 40 foot wide street, 108 feet to Broad Street; thence west along the north side of Broad Street 16 feet to a point, the place of BEGINNING.

BOUNDED south by Broad Street, west by other property of the United Realty Company, north by aforesaid private alley, and east by a 40 foot wide street.

HAVING THEREON ERECTED A DWELLING KNOWN AS 425 EAST BROAD STREET, BETHLEHEM, PA 18018.

PARCEL: P6NE2D-5-2.

BEING THE SAME PREMISES WHICH Harriet J. Marsteller by deed dated 11/29/99 and recorded 12/14/99 in Deed Book 1999-1, Page 184124 gamed and conveyed unto Harriet J. Marsteller and Rosalie Marsteller (mother and daughter).

THEREON BEING ERECTED a two story brick row dwelling with slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Harriet J. Marsteller and Rosalie Marsteller.

LEON P. HALLER, ESQUIRE

**No. 50**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2000-008760**

ALL THAT CERTAIN message, tenement and lot or piece of ground situated on the south side of Pearl Street, in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the south building line of said Pearl Street at the distance of one hun-

dred and seventy feet east of the intersection of said building line with the east building line of Eighth Street; THENCE extending eastward/along said south building line of said Pearl Street nineteen (19) feet, and of that same width extending southwardly eighty-five (85) feet.

BOUNDED on the north by said Pearl Street, on the east and south by land now or late of Josephine Francisco and on the west by land now or late of H. Wilson Heberling.

BEING KNOWN AS 718 Pearl Street, Easton, PA 18042.

PROPERTY ID NO.: L9SE1B-8-5.

TITLE OF SAID PREMISES IS VESTED IN Gloria A. Graves, by deed from Steven Russo, dated 11/12/1999, recorded 11/16/1999, in Deed Book 1999-1, Page 170680.

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

SEIZED AND TAKEN into execution of the writ as the property of Gloria A. Graves.

MARK J. UDREN, 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.

JEFFREY K. HAWBECKER  
Sheriff

Northampton County,  
Pennsylvania

B. LINCOLN TREADWELL, JR.,  
ESQUIRE

Solicitor to the Sheriff

Dec. 18, 25; Jan. 1



**NOTICE**

Starting January 1, 2004, the Recorder of Deeds Office of Northampton County will change its recording process. Instead of returning the original document(s) immediately and working off the copy, we will hold on to the original document(s) throughout our process. When the process is completed, the original document(s) will be returned with a cover sheet attached to each document which will contain all the pertinent recording information. **The Cover Sheet is now the first page of the document and should not be removed for any reason.**

Ann L. Achatz

Northampton County Recorder of Deeds

Dec. 25

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

IN RE: ADMINISTRATIVE ORDER  
2003-9—JUDICIAL ASSIGNMENTS

**ORDER OF COURT**

AND NOW, this 15th day of December, 2003, it is hereby ordered that the judicial assignments shall be revised as follows, effective January 1, 2004.

Domestic Relations

Administrative Judge—Stephen G. Baratta, J.

Associate Judge—Emil A. Giordano

Juvenile Court

Administrative Judge—William F. Moran, J.

Associate Judge—F.P. Kimberly McFadden, J.

Asbestos Docket

Administrative Judge—Edward G. Smith, J.

This order replaces Administrative Order 2000-3 which is vacated effective January 1, 2004.

BY THE COURT:

/s/Robert A. Freedberg

ROBERT A. FREEDBERG, P.J.

Dec. 25

**JOHN O. EHRTZ and ARLEEN EHRTZ, Plaintiffs v. RICHARD FOLEY and KATHLEEN FOLEY, Defendants**

*Lease/Purchase Agreement—Personal Representative—Estate—Amendment of Pleading—Parol Evidence Rule—Dead Man’s Statute.*

Plaintiff, a beneficiary under her father’s will, and her husband filed a complaint alleging breach of a lease/purchase contract between defendants and decedent. Plaintiffs alleged the existence of an alternative oral agreement supplementing the written contract. Defendants contended that no such alternative agreement existed.

The Court concluded that the caption of the case and the pleadings should be amended to reflect that the suit is brought by decedent’s daughter in her capacity as the executrix and personal representative of decedent’s estate, not in her individual capacity. Further, the Court found that defendants were jointly and severally liable to the plaintiff in her capacity as the executrix of decedent’s estate.

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2001-004126.

Verdict of Court entered against defendants in the amount of \$200,000.

JOSEPH P. YANNUZZI, ESQUIRE, for Plaintiffs.

STANLEY J. MARGLE, ESQUIRE, for Defendant, Kathleen Foley.

ALAN D. WILLIAMS, ESQUIRE, for Defendant, Richard Foley

Verdict of Court entered January 15, 2003 by FREEDBERG, P.J.

*DECISION*

This matter is before the court on a complaint wherein plaintiffs, John and Arleen Ehrtiz, allege breach of a lease/purchase contract by defendants, Richard and Kathleen Foley.

A non-jury trial was held before this court on October 28, 2002. Based upon the evidence presented, we make the following:

*FINDINGS OF FACT*

1. Plaintiff Arleen Ehrtiz is the daughter of Stanley D. Carreras and was the executrix and sole beneficiary of his estate. Plaintiff John Ehrtiz is the husband of Arleen Ehrtiz.

2. On March 31, 1994, defendants Richard Foley and Kathleen Foley, husband and wife, entered into a lease/purchase agreement with Kathleen’s father, Stanley D. Carreras, to purchase the property at 2190 Stefko Boulevard, Bethlehem, a restaurant known as Zapata’s Place. The written contract provided that defendants were to make forty monthly payments of \$5000, totaling \$200,000.

3. Kathleen and Richard Foley have been separated since sometime in late 1998.

4. The parties to the lease/purchase agreement agreed that the actual price of the property was to be \$535,000; however, the written contract reflected a sale price of \$200,000 to limit taxation on the profits derived from the sale.

5. The lease/purchase agreement required lessees to maintain property insurance in the amount of \$550,000 for Zapata's Place.

6. Defendants made an initial down payment of \$100,000 to Carreras.

7. Between November 1994 and August 1998, defendants made the following payments to Carreras totaling \$235,000:

1994 payments	= \$ 8,750.00
1995 payments	= \$ 65,000.00
1996 payments	= \$ 63,750.00
1997 payments	= \$ 65,000.00
1998 payments	= \$ 32,500.00
TOTAL PAYMENTS	= \$235,000.00

8. Around the time of Carreras' death on August 19, 1998, defendants ceased to make payments. At the time of Carreras' death, defendants had paid a total of \$335,000 (the down payment plus the payments set forth in finding 7), \$135,000 in excess of the written sale price but \$200,000 less than the agreed upon \$535,000 sale price.

9. In May 2000, the property was purchased by a restaurant franchise corporation for \$575,000.

## DISCUSSION

### *I. Whether Arleen Ehritz As An Individual Is a Proper Plaintiff To This Action for Breach of Contract, or Whether She Must Sue In Her Capacity As the Executrix to Her Father's Estate?*

Generally, an action or proceeding to enforce any right which survives a decedent may be brought by his personal representative. 21 Standard Pa. Practice 2d §115:3; 20 Pa.C.S. §3373 ("An action or proceeding to enforce any right or liability which survives a decedent may be brought by or against his personal representative or with other parties as though the decedent were alive."). The personal representative of the estate of a decedent may bring an action to recover a debt due the decedent. 21 Standard Pa. Practice 2d §115:4 (citing *Lohbrandt v. Smiley*, 37 D. & C. 2d 459 (1965)). An executor may maintain an action for the breach of a contract with the decedent whom he represents, and such action should be brought in a representative capacity. 21 Standard Pa. Practice §115:7 (citing *Commonwealth v. Schmohl*, 80 D. & C. 35 (1952)).

In the instant case, plaintiff does not assert in the complaint that she is suing in her representative capacity. Nor does the case caption state that plaintiff is suing in her representative capacity. "One's appointment as an estate executor confers an honor and trust and, commensurately, the duty

to oversee the administration with competence so as to avoid compromising the probity of the estate.” *Matter of Estate of Frey*, 693 A.2d 1349, 1353 (Pa. Super. 1997). Any debt incurred by defendants through the lease/purchase agreement and owed to Carreras is considered part of decedent’s estate, which would pass to plaintiff Arleen Ehritz, the sole beneficiary. All transfers of property by will are subject to an inheritance tax. *Myers v. Estate of Wilks*, 440 Pa. Super. 176, 655 A.2d 176 (1995) (citing 72 P.S. §9102 (defining a transfer as the passage of ownership of property, or interest from property, or income from property), 72 P.S. §9106 (inheritance tax is imposed upon every transfer subject to tax under this article) and 72 P.S. §9107 (transfers enumerated within this section are subject to the tax imposed by section 9106)). To allow a monetary verdict to plaintiff Arleen Ehritz as an individual would circumvent the above-mentioned procedures and deprive the estate of its asset. Therefore, we find that this suit should have been brought by Arleen Ehritz in her capacity as executrix and personal representative of her father’s estate.

A trial court may on its own motion, permit or require amendment of a pleading, except where surprise or prejudice to the other party would result. *Dilauro v. One Bala Avenue Associates*, 419 Pa. Super. 191, 615 A.2d 90 (1992). Here, defendants would not be prejudiced by this court requiring that the caption of the case and the complaint be amended to indicate that Arleen Ehritz is suing in her representative capacity. The complaint does allege, and it is undisputed, that plaintiff Arleen Ehritz was the executrix of her father’s estate, and we note that defendants did not file preliminary objections challenging the capacity of plaintiffs. We conclude that defendants would not be prejudiced by this amendment.

II. *Whether Evidence of an Agreement Between Decedent Carreras and Defendants To Pay \$535,000 for Zapata’s Restaurant Is Admissible Where a Written Contract Reflects a Sale Price of \$200,000, or Whether That Evidence Is Barred By the Parol Evidence Rule?*

“The parol evidence rule ‘forbids the introduction of parol evidence of antecedent or contemporaneous agreements, negotiations and understandings of the contracting parties for the purposes of varying or contradicting the terms of a contract which both parties intended to represent the definite and complete statement of their agreement.’ ” *Davis v. Davis*, 422 Pa. Super. 410, 415-16, 619 A.2d 743 (1993) (quoting *Am. Bank & Trust Co. of Pa. v. Lied*, 487 Pa. 333, 340, 409 A.2d 377, 381 (1979)). Here, the written lease/purchase agreement, dated March 31, 1994, indicates that defendants would make monthly payments of \$5,000 for 40 months, totaling \$200,000, in consideration for the property known as Zapata’s Place. Additionally, the contract states, “This lease ... constitute[s] the only agreement between Lessor and Lessee and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this lease.”

At trial, plaintiff Arleen Ehritz and defendant Kathleen Foley offered testimony, over defendant Richard Foley's objection, alleging that the actual agreement was that defendants would pay \$535,000 for the property. Arleen Ehritz testified that defendants paid a total of \$335,000 before Carreras' death in 1998, consisting of an initial \$100,000 down payment followed by weekly payments from 1994 until 1998 totaling \$235,000.<sup>1</sup> Further, Kathleen Foley testified that the parties to the contract knew the actual price was \$535,000, but the written contract reflected \$200,000 for "tax purposes," and that she and her husband paid "\$230 some thousand" before decedent's death. *See* N.T. 77. Defendant Richard Foley objected that this evidence was inadmissible as violative of the parol evidence rule. This court overruled the objection.

Defendants paid \$135,000 in excess of the \$200,000 written sale price. This conduct, admitted by all parties to this case, is evidence that the written contract did not reflect the final agreement of the parties. Parol evidence is admissible to explain and supplement a written agreement where such evidence clearly shows that the writing in question was not intended to and did not properly state the entire agreement between the parties. *Dunn v. Orloff*, 420 Pa. 492, 218 A.2d 314 (1966). Evidence of this overpayment establishes that the written agreement did not embody the true agreement of the parties. Thus, the parol evidence rule does not preclude evidence of the agreement for \$535,000.

### III. *Whether Evidence of an Agreement Between Decedent Carreras and Defendants To Pay \$535,000 for Zapata's Restaurant Is Admissible, or Whether It Is Barred By the Dead Man's Rule?*

Pennsylvania's Dead Man's Statute provides, *inter alia*:

In any civil action or proceeding, where any party to a thing or contract in action is dead ... neither any surviving or remaining party to such thing or contract, nor any other person whose interest shall be adverse to the said right of such deceased ... shall be a competent witness to any matter occurring before the death of said party ... .

42 Pa. C.S.A. 5930. "In order to be disqualified as a witness under the Dead Man's Statute, three conditions must be proved: (1) the deceased must have had an interest in the matter at issue, *i.e.*, an interest in the immediate result of the suit; (2) the interest of the witness must be adverse; and, (3) a right of the deceased must have passed to a party of record who represents the deceased's interest." *In re Estate of Rider*, 487 Pa. 373, 377, 409 A.2d 397 (1979).

<sup>1</sup> These payments are alleged in plaintiffs' complaint and are admitted by defendant Richard Foley in his answer.

As stated above, Kathleen Foley offered testimony at trial that the true agreement of the contracting parties was to pay \$535,000 for the property, but that defendants had only paid “\$230 some thousand” toward that price. Defendant Richard Foley objected to this testimony as violative of the Dead Man’s Statute. This court overruled the objection.

“The rationale behind the Dead Man’s Act is that the law should not permit the surviving party to testify since he could lie and attempt to testify favorably to himself and adversely to the deceased party, knowing the other party is incapable of contradicting the fallacious testimony.” *Punxsutawney Municipal Airport Authority v. Lellock*, 745 A.2d 666, 670 (Pa. Super. 2000). A witness is deemed to be competent under the statute where she seeks to testify favorably to the interest of the decedent. 9 Standard Pa. Practice 2d §54:36. Additionally, a statutory exception to the Dead Man’s Act states, “Any person who is incompetent under section 5930 ... by reason of interest may nevertheless be called to testify against his own interest and in that event he shall become a fully competent witness for either party.” 42 Pa. C.S.A. 5932; *see also, Hera v. McCormick*, 425 Pa. Super. 432, 625 A.2d 682 (1993) (holding that witness called by proponent of estate was a competent witness regarding matters occurring before decedent’s death because witness testified as to matters unfavorable to himself). Here, defendant Kathleen Foley was called by plaintiffs, and her testimony was not adverse to the decedent’s interest. She acknowledges that she and defendant Richard Foley did not comply with their agreement to pay \$535,000 for Zapata’s Place. Accordingly, Kathleen Foley is a competent witness regarding matters occurring before decedent’s death. Defendant Richard Foley lacks standing to raise a Dead Man’s Act objection.

*IV. Whether Defendants Are Liable To Plaintiff in Her Representative Capacity As Executor To Her Father’s Estate on a Breach of a \$535,000 Lease/Purchase Agreement Between Decedent and Defendants?*

Upon examination of the testimony and documents of record, we find that the written contract stating a sale price of \$200,000 did not embody the true intentions of the decedent and the defendants. Plaintiff Arleen Ehritz and defendant Kathleen Foley testified that the true sale price was known to be \$535,000. Defendant Richard Foley testified that he recalled discussions with decedent regarding a sale price of \$535,000, but that Foley rejected the offer; Foley further testified that decedent then lowered his demand to \$200,000. Richard Foley also testified that he was unaware that his wife Kathleen had paid any money in excess of the \$200,000 reflected in the written contract. We find this testimony by Richard Foley incredible for the following reasons: (1) Foley should have been on notice that something was amiss when the sale price dropped from \$535,000 to \$200,000; it is incredible and unreasonable for this court to find that Foley did not question this substantial and sudden decline in price; and (2) Foley and his co-

defendant wife, Kathleen Foley, paid approximately \$335,000 to Carreras before his death, *i.e.*, \$135,000 in excess of the price that Foley claims he agreed to pay under contract; it is incredible that Foley would not be aware of such a substantial alleged over-payment.

In establishing the agreed upon sale price, we first note that the lease/sale agreement requires that lessee maintain property insurance in the amount of \$550,000. Further, we consider the testimony of Arleen Ehriz, Kathleen Foley, and Richard Foley, each of whom acknowledges that there were discussions with decedent regarding a sale price of \$535,000. Therefore, we find that the agreed upon sale price was \$535,000, but that payments from defendants to decedent totaled \$335,000. Therefore, defendants are liable to decedent's estate for the remaining \$200,000 on the agreement for the sale.

WHEREFORE, we enter the following:

*VERDICT*

AND NOW, this 15th day of January, 2003, after a non-jury trial held on October 28, 2002, upon consideration of the evidence, arguments, and briefs submitted by the parties, and for the reasons stated above, the court hereby finds that the caption of the case and the pleadings shall be amended to reflect that the suit is brought by Arleen Ehriz in her capacity as the executrix and personal representative of her father Stanley D. Carreras' estate. Further, we find in favor of Arleen Ehriz in her capacity as the executrix of the estate of Stanley D. Carreras, only. Defendants Richard and Kathleen Foley are jointly and severally liable in the amount of two-hundred thousand dollars (\$200,000.00) to the Estate of Stanley D. Carreras.