

Northampton County Reporter

(USPS 395-280)

VOL. LIII

EASTON, PA January 1, 2004

NO. 53

**Michael J. Kavcak et al., Plaintiffs v.
Manorcare Health Services et al., Defendants**

CONTENTS

Attorney Wanted	9	January Court Calendar	34
Bar News	3	Legal Notice	9
Certificate of Organization	8	Notices of Incorporation	7
"Day on the Slopes" BALC	4	Notification of Change Form	48
Estate Notices	5	Sheriff's Sales	9
INSERT:			
Association Meeting	Blue		

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.**

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Northampton County Reporter

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

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Robert C. Brown, Jr., Esquire

Editor

NOTICES TO NCBA MEMBERS—BAR NEWS

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

NCBA OFFICE WILL BE CLOSED on **New Year's Day**. The NCBA Office will close at NOON on Wednesday, December 31st.

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.

ALL MEMBERS WELCOME—See inside for details and registration form—BALC 3rd Annual "Day on the Slopes" Friday, January 16, 2004 @ Blue Mountain Ski Area.

ANNOUNCEMENTS & REGISTRATION FORMS:

January 16th—*SKI DAY* at Blue Mountain with Bar Association of Lehigh Valley.

February 19th—Lunch/Lecture "Environmental Law as it relates to Real Estate"

March 26th—Reception for the Court—Silver Creek Country Club

BAR ASSOCIATION OF LEHIGH COUNTY (BALC)

SPONSORED SEMINARS FOR 2004:

[**January 21st**—"U.S. Patriot Act: A Constitutional Overview"] [**January 22nd** "Alternate Dispute Resolution"] [**January 28th** "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 18th seminar "U.S. Patriot Act" has been rescheduled to January 21st.

NORTHAMPTON COUNTY COURT OF COMMON PLEAS

HOLIDAY COURT SCHEDULE

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



All members of the BALC and of the NCBA, their families and friends are cordially invited to join us for the **Third Annual Ski/Snowboard Day at Blue Mountain!**

3rd Annual ‘Day on the Slopes’
Friday, January 16, 2004
Blue Mountain Ski Area

✧ Lift Tickets including both Day and Twilight Skiing and Snowboarding are available at a cost of \$20.00.

✧ Join the BALC for “Fireside at 4:00” Soup, Chili, Snacks, Beverages and Good Cheer at \$15.00.

✧ All are welcome, whether you ski or board or are a Lodge aficionado. Family and friends are welcome!

✧ Forward your reservations to the Bar Association of Lehigh County at 1114 W. Walnut St., Allentown, PA, or telephone 610-433-6204, ext. 10, or FAX 610-770-9826.

Event sponsors: Fleet Mortgage, Investors Real Estate Group Title Company & the Law Offices of Kevin T. Fogerty

Blue Mountain Registration

Name(s) _____
[] Lift Ticket & “Fireside at 4:00” Package @ \$35.00
[] Lift Ticket only @ \$20.00
[] “Fireside at 4:00” only @ \$15.00

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**BRADNER, MARTHA S.,** dec'd.

Late of Kirkland Village, Bethlehem, Northampton County, PA

Co-Executrices: Judith Williams and Susan Bailly c/o Stuart T. Shmookler, Esquire, Shmookler & Schwartz, Roma Corporate Center, Suite 102, 1621 North Cedar Crest Boulevard, Allentown, PA 18104-2397

Attorneys: Stuart T. Shmookler, Esquire, Shmookler & Schwartz, Roma Corporate Center, Suite 102, 1621 North Cedar Crest Boulevard, Allentown, PA 18104-2397

CHUNKO, JOSEPH, dec'd.

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

Co-Executors: Nancy Lee Jancsarics and Daniel L. Chunko c/o Nicholas M. Zanakos, Esquire, 742 Main Street, Bethlehem, PA 18018
Attorney: Nicholas M. Zanakos, Esquire, 742 Main Street, Bethlehem, PA 18018

HARING, PEARL M., dec'd.

Late of Easton, Northampton County, PA

Personal Representative: Richard C. Haring, 4604 South Delaware Drive, Easton, PA 18042
Attorneys: Alyssa A. Lopiano-Reilly, Esquire, Zito, Martino and Karasek, 641 Market Street, Bangor, PA 18013

LEDER, LAWRENCE H., dec'd.

Late of Bethlehem, Northampton County, PA

Administrator: Robert H. Leder c/o Lawrence Center, Esquire, P.O. Box 1248, 60 W. Broad St., Ste. 103, Bethlehem, PA 18016

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

MOSEBACH, MARC K., dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Lloyd A. Kemmerer c/o Edward L. Redding, Esquire, 548 N. New Street, Bethlehem, PA 18018

Attorney: Edward L. Redding, Esquire, 548 N. New Street, Bethlehem, PA 18018

WENZEL, LEONARD A., dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Jesse R. Wenzel c/o Noonan & Prokup, 526 Walnut St., Allentown, PA 18101
Attorneys: Noonan & Prokup, 526 Walnut St., Allentown, PA 18101

SECOND 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, Phillips-
burg, 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

THIRD 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., Attor-
neys 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 Free-
mansburg, 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, Stew-
artsville, NJ 08886-2208

FASESKY, WALTER F., dec'd.

Late of Bethlehem, Northamp-
ton 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, East-
on, 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 & DeEsch, 2240 Northampton Street, Easton, PA 18042

NOTICES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:
949 E. LINDEN STREET, INC.

The Articles of Incorporation were filed on November 3, 2003 and the number is 3176559.

The purpose for which the corporation has been organized is: real estate investment.

This corporation is incorporated under the Business Corporation Law

of Pennsylvania of 1988 (1988, Dec. 21, P.L. 1444, No. 177, Section 103). EDWARD L. REDDING, ESQUIRE
548 North New Street
Bethlehem, PA 18018

Jan. 1

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on November 21, 2003 for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa.C.S. Section 1101. The name of the corporation is:

**CONVEYOR SYSTEMS
INTEGRATION, INCORPORATED**

The purpose for which the corporation is organized is a Material handling systems engineering company.

Jan. 1

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:
DeHaven Masonry, Inc.

The Articles of Incorporation were filed on November 24, 2003.
JAMES G. MURPHY, ESQUIRE
MURPHY & MURPHY, P.C.
106 N. Franklin St.
Suite 2
P.O. Box 97
Pen Argyl, PA 18072

Jan. 1

NOTICE IS HEREBY GIVEN that the Articles of Incorporation have been filed with the Pennsylvania Department of State on August 18, 2003, pursuant to the Corporation Law of 1988, Act 177, as amended. The name of the corporation is:

**GULF COAST
ENTERPRISES, INC.**

Gregg M. Feinberg, Esquire
1390 Ridgeview Drive
Suite 301
Allentown, PA 18104-9065

Jan. 1

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:
**HOMEOWNERS HANDYMAN
HEADQUARTERS, INC.**

The date the Articles of Incorporation were filed was November 10, 2003.

GARY M. MILLER, ESQUIRE
MILLER & DAVISON
210 E. Broad Street
Bethlehem, PA 18018

Jan. 1

**CERTIFICATE OF
ORGANIZATION**

NOTICE IS HEREBY GIVEN that: **PAUL A. HOLUBOWSKI, LLC** has been organized under the Business Corporation Law of 1988, as amended, and has filed Certificate of Organization—Domestic Limited Liability Company with the Pennsylvania Department of State on December 15, 2003.

Jan. 1

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

KSSF&L

One West Broad Street

Suite 700

Bethlehem, PA 18018

Fax: (610) 332-0314

E-mail: donna@kingspry.com

Dec. 25; Jan. 1

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 messuage 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 Eleanor 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 prem-

ises, 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 hundred 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. 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 North-

ampton, 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 Southwest 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 Re-

corder 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

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

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

wardly 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 inter-

section 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 Recorder 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 message, 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 De-

cember 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 NUMBERTWO:

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 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 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 west-erly 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 messuage, 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 Catasauqua (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 hundred 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

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

ALL THAT CERTAIN lot, mesuage, 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

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 TH E122 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 northwest 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

No. 48

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION 1999-C-05091

All that certain messuage 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

No. 49

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2001-006470**

ALL THAT CERTAIN messuage, 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 messuage, 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 hundred 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

JANUARY 2004 COURT CALENDAR

MON	TUE	WED	THU	FRI
			1 New Year's Day	2
5 Juvenile Status	6 Argument Settlement 1 PM	7 DRS Asb. Court	8 Juvenile DRS Fines & Costs	9 Misc. Hearings
12 Juvenile Criminal	13 Criminal	14 Civil Call Criminal	15 Juvenile Arrestment Criminal	16 Misc. Hearings
19 Martin Luther King Jr. Day (Observed)	20 Juvenile Non-Jury	21 Civi Call Non-Jury	22 Juvenile ARD/ Summaries Non-Jury	23 Misc. Hearings
26 Juvenile Civil	27 Civil	28 Civil	29 Juvenile Arrestment Civil	30 O.C. Audit Misc. Hearings

Lawyers Concerned For Lawyers Lawyers' Only Recovery Meetings

Alcohol, Other Drugs and Gambling

- **Doylestown** 2nd and 4th Tuesday of Month
- **Drexel Hill** Every Wednesday
- **Harrisburg** 1st Wednesday of Month
- **Norristown** 1st Thursday of Month
- **Philadelphia** Every Tuesday
- **Pittsburgh** Every Thursday
- **Reading** 3rd Monday of Month
- **Scranton** Every Thursday
- **State College** 2nd Tuesday of Month
- **Washington** Every Tuesday
- **West Chester** Every Thursday

These are "closed meetings" - that is, only lawyers recovering from or trying to recover from alcohol, other drug or gambling problems may attend.

Stress, Anxiety and Depression

The following are professionally facilitated meetings:

Philadelphia - Stress Information and Recovery (1st Monday of Month)

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**MICHAEL J. KAVCAK et al., Plaintiffs v. MANORCARE
HEALTH SERVICES INC. et al., Defendants**

Preliminary Objections—Wrongful Death—Nursing Home—Negligence Per Se—Corporate Negligence—Recklessness.

Plaintiffs filed a wrongful death Complaint against Defendants concerning the death of a resident at a nursing home. The court held that the Pennsylvania Personal Care Home regulations do not apply to licensed nursing homes and therefore cannot form the basis of a negligence per se claim against licensed nursing homes. However, other state and federal statutes and regulations that regulate nursing homes can form the basis of claims of negligence per se. The court further held that nursing homes are subject to liability under the theory of corporate negligence.

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2002-001115.

Order of Court entered overruling in part and sustaining in part Preliminary Objections.

MARTIN COHEN, ESQUIRE, for Plaintiffs.

MARIA GRANAUDO, ESQUIRE, for Defendants.

Order of Court entered June 6, 2003 by MORAN, J.

ORDER

AND NOW, this 6th day of June, 2003, Defendants Manorcare Health Services, Inc., Manorcare Healthcare Corp., Manor Care, Inc., HCR Manor Care, and HCR Manor Care Inc.'s Preliminary Objections are disposed of as follows:

1. The Preliminary Objection to all allegations of violations of 55 Pa. Code §2620.1 *et seq.* is SUSTAINED.
2. The Preliminary Objection to allegations of violations of 42 C.F.R. §483 is OVERRULED.
3. The Preliminary Objection to allegations of violations of 18 Pa. C.S.A. §2713(a)(1) is OVERRULED.
4. The Preliminary Objection to allegations of violations of 35 P.S. §10225.103 is OVERRULED.
5. The Preliminary Objection to allegations of violations of 28 Pa. Code §211.5(f) is SUSTAINED.
6. The Preliminary Objection to allegations of violations of 28 Pa. Code §§211.10(c) and 211.12 is OVERRULED.
7. The Preliminary Objection on the grounds of insufficient specificity of pleadings for negligence claims under wrongful death is OVERRULED.

8. The Preliminary Objection to the claim in corporate negligence is **OVERRULED**.

9. The Preliminary Objection on the grounds of insufficient specificity of pleadings for corporate negligence claims is **OVERRULED**.

10. The Preliminary Objection to allegations of recklessness is **OVERRULED**.

STATEMENT OF REASONS

Presently before the court are the Preliminary Objections of Defendants Manorcare Health Services, Inc., Manorcare Healthcare Corp., Manor Care, Inc., HCR Manor Care, and HCR Manor Care, Inc. (referred to hereinafter collectively as “Center”), to the Complaint in nursing malpractice filed by Plaintiffs Michael J. Kavcak individually and as executor of the estate of Catherine A. Kavcak (“Catherine Kavcak”). Defendants raise several issues in their Objections, including the applicability of federal law to Plaintiffs’ claims, the applicability of the doctrine of corporate liability to nursing homes, specificity of the pleadings, and whether the pleadings support a claim for punitive damages.

Preliminary Objection Standard

In ruling upon preliminary objections, we must accept as true all well pleaded allegations and material facts averred in the complaint as well as all reasonable inferences deducible therefrom. *Wurth v. City of Philadelphia*, 136 Pa. Commonwealth Ct. 629, 584 A.2d 403 (1990). This court’s analysis is confined to the complaint itself. *Pawlowski v. Smorto*, 403 Pa. Super. 71, 588 A.2d 36 (1991). Therefore, the following recitation of facts is taken entirely from the Complaint, which is assumed to be true for purposes of these Objections.

Factual Summary

In May 2000, Catherine Kavcak fell and broke her right hip. She then underwent an open reduction internal fixation (ORIF) hip surgery on May 25, 2000, at St. Luke’s Hospital. After the surgery, Catherine Kavcak was transferred to the Manorcare—Bethlehem II facility on June 2, 2000, under the care of Dr. James Wertz. At the time of her admission into the Manorcare—Bethlehem II facility, Catherine Kavcak did not have any decubitus ulcers (pressure sores), however, she was at increased risk for such sores due to her impaired mobility and poor nutritional intake.

When she was admitted to the Manorcare—Bethlehem II facility, Catherine Kavcak was prescribed Coumadin, 5 milligrams per day. Coumadin is a medication commonly used to prevent the formation of clots in the bloodstream after surgery. In order to monitor the effects of Coumadin, tests are performed to measure the clotting times of blood, the results being

recorded in International Normalized Ratio (INR) units. Discharge instructions from St. Luke's Hospital included instructions for twice weekly laboratory studies of blood coagulation, in an effort to maintain Catherine Kavcak's INR below approximately 2.0.

On June 8, 2000, treating physicians were notified that Catherine Kavcak's INR had risen to 3.1. Dr. Wertz then gave a verbal order to Lisa Taibi, a Licensed Practical Nurse (LPN) employed by Manorcare, to reduce Catherine Kavcak's Coumadin dosage from 5 milligrams per day to 2 milligrams per day. It is not within the generally permissible scope of an LPN to take verbal medication orders.

Manorcare recorded medications administered to its residents on a Medication Administration Record (MAR). Following Dr. Wertz' verbal order, both Lisa Taibi and Manorcare failed to timely note any reduction in Coumadin dosage on Catherine Kavcak's medical record, including her MAR. Lisa Taibi and Manorcare failed to reduce Catherine Kavcak's dosage of Coumadin from 5 milligrams per day to 2 milligrams per day.

On June 12, 2000, Dr. Wertz was notified that Catherine Kavcak's INR had risen to 7.0, which indicated that her blood was taking longer to coagulate than was desired. Dr. Wertz gave a verbal order to Lisa Taibi on June 12 to discontinue the administration of Coumadin to Catherine Kavcak. At this time, Lisa Taibi discovered that she had failed to enter the order to reduce Catherine Kavcak's dosage of Coumadin from 5 milligrams per day to 2 milligrams per day. In response, Lisa Taibi falsified the MAR by crossing out the original 5 milligram Coumadin order to show that the 5 milligram dose had been discontinued, and then backdating the discontinuance of the 5 milligram order to June 8, 2000. She then created a 2 milligram per day Coumadin order on the MAR and forged the initials of several nurses on the MAR to create the appearance that the 2 milligram per day order had been followed from June 8 until June 12, 2000. In fact, no 2 milligram doses of Coumadin had been dispensed from the pharmacy for Catherine Kavcak.

On June 15, 2000, Catherine Kavcak's INR rose to 8.6. The medical records indicate frequent complaints of pain and a progressive decline in Catherine Kavcak's mental status. Furthermore, during her stay at Manorcare, Catherine Kavcak was frequently refusing meals and evidencing poor meal completions. However, no meal completion records were documented for breakfast or lunch on June 4, 6, 7, 8, 10, or 11.

On June 19, 2000, Catherine Kavcak was readmitted to St. Luke's Hospital where she was diagnosed with internal bleeding due to the use of Coumadin. Catherine Kavcak was also found to have multiple pressure sores of the left buttock, including two small open areas, and an infected sacral wound that was "unstageable" due to the presence of necrotic tissue over an eight by seven centimeter area. On June 29, 2000, Catherine Kavcak died as a result of internal bleeding due to complications from the effects of the overdose of Coumadin.

Violation of Personal Care Home Regulations

In Paragraphs 44(ooo) and 46(a), Plaintiffs allege that Defendants have violated the Personal Care Home regulations. Defendants argue that such allegations cannot possibly be true, as the regulations do not apply to licensed long-term care facilities such as the Manorcare—Bethlehem II facility.¹ Plaintiffs do not address this issue specifically in their brief.

The Personal Care Home regulations are contained in 55 Pa. Code §2620 *et seq.* Section 2620.2(a), “Applicability” states that “This chapter applies to PCHs as defined in this chapter” Section 2620.3 defines “PCH—personal care home” as “a premise ... for ... adults ... who do not require the services in or of a licensed long-term care facility” Paragraph 2 of the Complaint alleges that Defendants, other than Lisa Taibi, are the “owners, operators and/or managers of long-term nursing facilities duly licensed and certified under, inter alia, the laws of the Commonwealth of Pennsylvania and federal law, purporting to provide skilled nursing care throughout the United States and within the Commonwealth of Pennsylvania” Paragraph 3 of the Complaint alleges that the same Defendants “operate and/or manage such a long-term care nursing facility ... known as Manorcare Health Services—Bethlehem II.” Taking the allegations of fact in the Complaint as true, as we must, the Personal Care Home regulations are not relevant to the claims in this case. Even assuming that one of the Personal Care Home facilities that Manor Care Health Services, Inc. admits to owning in its brief has been cited for violating these regulations, such violations are not relevant to the treatment Kavcak received at the licensed long-term care facility known as Manorcare—Bethlehem II. Accordingly, Defendants’ first Preliminary Objection is sustained.

Use of Federal and State Statutes and Regulations

Paragraphs 44(ss) and 45(a) through (o) of the Complaint allege that Defendants violated federal and state statutes and regulations regarding the care, treatment, and supervision of Kavcak. Defendants argue in their second Preliminary Objection that allegations in the Complaint regarding non-compliance with state and federal statutes and regulations are improper. This argument consists of two prongs. First, that these regulations and statutes do not create a private cause of action. Second, that these statutes and regulations are not appropriate for use in establishing negligence *per se*.

Plaintiffs concede that they are not using these statutes and regulations as a basis for a private cause of action. Notwithstanding this concession, Plaintiffs argue that these statutes and regulations do establish a basis

¹ Defendants reference Rule 1023.1 of the Pennsylvania Rules of Civil Procedure in this argument. We note that Rule 1023 contains its own procedures that must be utilized when attempting to enforce its mandates. It is irrelevant and inappropriate to reference Rule 1023 in connection with Preliminary Objections.

for a negligence per se claim. Furthermore, Plaintiffs argue, these statutes and regulations are relevant to Plaintiffs' claims in pure negligence and corporate negligence.

Violations of 42 C.F.R. §483 et al.

Defendants argue that allegations of violations of 42 C.F.R. §483.10 (b)(1), §483.20(b)(1), (b)(2), (d), §483.25, and §483.75 do not constitute negligence *per se*, nor are they evidence of negligence. Plaintiffs respond by arguing that these statutes establish a standard of care for negligence *per se*, and furthermore, that they are evidence of negligence under a pure negligence claim.

Both parties discuss the applicability of *Chalfin v. Beverly Enterprise, Inc.*, 741 F. Supp. 1162 (E.D. Pa. 1989). Initially we note that the Eastern District's interpretation of Pennsylvania law is not binding on this court. *Mishoe v. Erie Insurance Company*, 762 A.2d 369 (Pa. Super. 2000). While the regulations contained in 42 C.F.R. §483 are clearly Federal in origin, the issue of whether they can be used to establish negligence per se is a question of state tort law.

First we note that a recent decision in the Eastern District has explicitly refused to follow *Chalfin*. *McCain v. Beverly Health and Rehabilitation Services, Inc.*, 2002 WL 1565526 (E.D. Pa. 2002). In *McCain*, the court states:

Courts in Pennsylvania have recognized that the 'absence of a private cause of action in a statutory scheme is an indicator that the statute did not contemplate enforcement of an individual harm.' [citations omitted in original]. However, it is just an indicator or a factor to consider and 'does not necessarily preclude [the statute's] use as the basis of a claim of negligence per se.' *Fallowfield Development Corp. v. Strunk*, CIV.A. No. 89-8644, 1990 WL 52745 at *19 (E.D.Pa. April 23, 1990). A statute may still be used as the basis for a negligence per se claim when it is clear that, despite the absence of a private right of action, the policy of the statute will be furthered by such a claim because its purpose is to protect a particular group of individuals. *See id.*

Here, plaintiff's decedent, as a nursing home resident, comes within the older person's protections intended by OBRA [Omnibus Budget Reconciliation Act, Pub. L. 100-203, 101 Stat. 1330 (1987)] and OAPSA [Older Adult Protective Services Act, 35 P.S. Sections 10225.302, 303, and 10225.309 and Pa. Code §§211.10, 211.11, and 211.12.] and the regulations set forth in 42 C.F.R. §483. Moreover, the statutes and regulations are directed, at least in part, to obviate the specific kind of harm which was alleged to have been sustained: 'pressure

sores.’ [citations omitted.] Given these considerations, which arise from the allegations in the complaint, the lack of a private cause of action is not enough to preclude the use of the relevant policies expressed in the statutes and regulations. The furtherance of those protective policies is a basis for delineating a nursing home’s tortious duty in these circumstances.

We find the reasoning in *McCain* persuasive.

Defendant also argues that none of the contrary precedent cited by Plaintiff discusses the applicability of the Restatement (Second) of Torts §288. Section 288 provides exceptions to the general rule of when a court may adopt a legislative enactment as the standard of care, several of which, Defendants argue, are applicable in the instant situation. However, the court in *McCain* explicitly considered §288 before holding that 42 C.F.R. §483 can be used to establish negligence per se. We concur with the analysis of the *McCain* court and add that the comments and illustrations to §288 provide further guidance for our conclusion. Finally, Defendants argue that these regulations are too nebulous and would likely confuse the jury and introduce speculation. As an example, Defendants point to 42 C.F.R. §483.25(c):

(c) Pressure Sores. Based on the comprehensive assessment of a resident, the facility must ensure that—

- (1) A resident who enters the facility without pressure sores does not develop pressure sores unless the individual’s clinical condition demonstrates that they were unavoidable; and
- (2) A resident having pressure sores receives necessary treatment and services to promote healing, prevent infection and prevent new sores from developing.

We conclude that this regulation, as well as the others cited by Plaintiffs in their Complaint, are not so “nebulous” as to confuse a jury. They are clearly no more confusing than the traditional negligence test of “the reasonable man.” As a result, we conclude that the analysis in *McCain* is correct. The regulations contained in 42 C.F.R. §483 have the purpose of protecting residents of facilities such as Defendants’. Accordingly, the Preliminary Objection to the allegations involving 42 C.F.R. §483 are overruled.

*Violations of 18 Pa. C.S.A. §2713(a)(1), 35 P.S. §448.803,
55 P.S. 10225.103, 28 Pa. Code 211.5(f), 211.10(c),
211.12(d)(5) and 55 Pa. Code 2620*

Defendants also object to the allegations of violations of various Pennsylvania statutes and regulations. Defendants repeat their arguments from their objections to the Federal regulations. Plaintiffs again concede that the Pennsylvania statutes and regulations do not explicitly provide for a private cause of action, while arguing that these statutes and regulations are the proper basis for claims of negligence per se. We have already held that

55 Pa. Code §2620 is not relevant to this matter and, therefore, will not address it in this section.

The first Pennsylvania statute cited by the Complaint is 18 Pa. C.S.A. §2713(a)(1). This statute is listed under the title “Crimes and Offenses,” Article B “Offenses Involving Danger to the Person,” Chapter 27 “Assault.” The section itself is titled “Neglect of care-dependent person” and is punishable as a first-degree felony if the victim suffers serious bodily injury. We conclude that there can be no statute more clearly applicable in establishing duties in tort than criminal statutes pertaining to violence against the person. Accordingly, the objection to the allegation of violation of 18 Pa. C.S.A. §2713(a)(1) is overruled. The second Pennsylvania statute cited in the Complaint that Defendants object to is 35 P.S. §10225.103. Section 10225.103 is merely the definition section of the Older Adults Protective Services Act (“OAPSA”). It is not clear from the pleadings how this section may be used to establish a duty on the part of Defendants. We therefore will overrule the Preliminary Objection while noting that this statute’s relevance may be challenged at a later time in these proceedings.

Finally, Defendants object to the allegations of violations of Pennsylvania regulations. These regulations are contained in the subsections of 28 Pa. Code §211. Plaintiffs argue that these regulations are proper bases for establishing negligence per se.

Plaintiffs, in their Complaint, allege that Defendants violated subsection 5(f). Subsection 5 states in relevant part:

(a) Clinical records shall be available to, but not be limited to, representatives of the Department of Aging Ombudsman Program.

...

(f) At a minimum, the resident’s clinical record shall include physicians’ orders, observation and progress notes, nurses’ notes, medical and nursing history and physical examination reports; identification information, admission data, documented evidence of assessment of a resident’s needs, establishment of an appropriate treatment plan and plans of care and services provided; hospital diagnoses authentication—discharge summary, report from attending physician or transfer form—diagnostic and therapeutic orders, reports of treatments, clinical findings, medication records and discharge summary including final diagnosis and prognosis or cause of death. The information contained in the record shall be sufficient to justify the diagnosis and treatment, identify the resident and show accurately documented information.

We conclude that subsection 5 is intended to create a duty upon a facility to maintain records to allow the state to review, in its regulatory function, the operation of the facility. This subsection is not intended to directly benefit

or protect nursing home residents. Accordingly, it is not a proper basis for establishing negligence per se nor does it form the basis of a claim of ordinary negligence. Therefore, the Preliminary Objection to this allegation is sustained.

Next, Defendants object to the alleged violation of subsection 10(c) which states that “[Resident care] policies shall be designed and implemented to ensure that each resident receives treatments, medications, diets and rehabilitative nursing care as prescribed.” Subsection 10(c)’s mandate is aimed at ensuring the safety and health of nursing home residents. It is not administrative in nature, and therefore the Preliminary Objection to subsection 10(c) is overruled.

Finally, Defendants object to the alleged violation of subsection 12 which deals with nursing services. This regulation, while containing certain provisions that are administrative in nature, is aimed at, when viewed broadly, directly benefitting the health and safety of nursing home residents. Accordingly, the Preliminary Objections to subsection 12 are overruled.

Specificity of Pleading

Defendants’ Preliminary Objections contend that the allegations of negligence contained in paragraphs 44(a), (c), (k), (l), (m), (n), (p), (q), (v), (x), (z), (aa), (bb), (pp), (tt), (zz), (aaa), (bbb), (ggg), (hhh), (iii), (jjj), (kkk), (lll), (mmm), (nnn), 45(d), (e), (h), (n), (o), and 46(d) are insufficiently specific under Pennsylvania case law. Plaintiffs counter that, read as a whole, the Complaint is sufficiently specific to allow the Defendants to prepare a responsive pleading and know what claims the Defendants will be expected to defend.

Pennsylvania is a fact-pleading state. *Smith v. Brown*, 283 Pa. Super. 116, 423 A.2d 743 (1980). The material facts on which a cause of action or defense is based must be stated in a concise and summary form. Pa. R.C.P. 1019(a), 42 Pa. C.S.A. The pleadings must put an opponent on notice of what they will be required to defend against at trial and form the issues in an action so as to restrict the proof at trial to those issues. *Cassell v. Shellenberger*, 356 Pa. Super. 101, 514 A.2d 163 (1986).

Insufficient specificity in a pleading is properly raised by the opposing party in a preliminary objection. Pa. R.C.P. 1028(a)(3), 42 Pa. C.S.A. We must consider the complaint as a whole when ruling on a preliminary objection. *Dutchess Underwear Corp. v. Swan Mfg. Co.*, 75 D. & C. 185 (1950). A pleading that contains generalized allegations prejudices the opposing party by enabling the pleading party to plead different theories of liability at later stages of the litigation. *Connor v. Allegheny General Hospital*, 501 Pa. 306, 461 A.2d 600 (1983).

The specific paragraphs objected to by the Defendants, when read in isolation, are vague. However, reading the 73-paragraph, 19-page Com-

plaint as a whole, as we must, we conclude that it is sufficiently specific to narrow the theories of liability Defendants will be expected to defend against.

Corporate Negligence Claim

Defendants object to the allegations of corporate negligence in Paragraphs 66-73, as well as in 44(hh), (oo), (rr), (ss), (ww), (xx), (yy), (ccc), (ddd), and (eee). Defendants argue that the theory of corporate negligence as adopted in *Thompson v. Nason Hospital*, 527 Pa. 330, 591 A.2d 703 (1991), does not apply to nursing homes. We note that this issue has been addressed by this court previously in *Griffith v. Manor Care Health Services*, No. C0048-CV-2002-001115 (C.P. Northampton Cty., 2002) (Smith, J.). In *Griffith*, Judge Smith held that since Pennsylvania law is not clear on this issue, a plaintiff may be able to prove a case which would enable the theory of corporate negligence to be applied to nursing homes. We conclude that the reasoning in *Griffith* is correct, and therefore overrule Defendants' Preliminary Objection in the form of a demurrer to the allegations of corporate negligence.

Specificity of Corporate Negligence Claims

Defendants also object to the specificity of the allegations that form the basis of the claim in corporate negligence. We have set forth the standard for specificity above. Our analysis is identical. We conclude that the 73-paragraph, 19-page Complaint contains sufficient factual averments, read as a whole, to narrow the issues and inform the Defendants of the claims that they will be called to defend against. This Preliminary Objection is overruled.

Allegations of Recklessness

Defendants' final objection concerns the allegations of reckless or willful behavior. Defendants argue that the Complaint fails to set forth any specific factual averments to support a claim of punitive damages against Manorcare. Plaintiffs argue that the Complaint alleges sufficient facts to support claims of reckless conduct on the part of Manorcare under the standard set forth by this court in *Marks v. Notre Dame High School et al.*, No. 1999-C-06646 (C.P. Northampton Cty., 2000) (Freedberg, P.J.). After review of the *Marks* opinion, we conclude that it sets forth the proper standard for reviewing this issue:

It is well settled that '[p]unitive damages are proper only if an actor's conduct was malicious, wanton, willful, oppressive, or exhibited a reckless indifference to the rights of others.' *Costa v. Roxborough Memorial Hospital*, 708 A.2d 490, 497 (Pa.Super.—1998). Punitive damages are awarded in order to punish a defendant for such conduct. *Castetter v. Mr. B. Storage*, 699 A.2d 1268 (Pa.Super.—1997). However, '[n]either

mere negligence, nor even gross negligence, shows sufficient culpability to justify a punitive damage award.’ Casterter, 699 A.2d at 1272.

‘Outrageous conduct is an act done with a bad motive or with a reckless indifference to the interests of others. *Smith v. Brown*, 423 A.2d 743, 745 (Pa.Super.—1980), quoting *Focht v. Rabada*, 268 A.2d 157 (Pa.Super. 1970). In determining whether a defendant exhibited reckless indifference, it must be shown that the defendant ‘actually knew or had reason to know of facts which created a high risk of physical harm to the plaintiff.’ *Field v. Philadelphia Elec. Co.*, 565 A.2d 1170, 1183 (Pa.Super.—1989). Other factors which are important in evaluating such conduct are the nature of the act itself, the wrongdoer’s motive, and the relations between the parties. *Feld v. Merriam*, 485 A.2d 742 (Pa.—1984). A plaintiff’s complaint must outline such facts for a claim involving punitive damages to stand. *Field*, 565 A.2d at 1183.

‘The state of mind of the actor is vital.’ *Feld v. Merriam*, 485 A.2d 742, 748 (Pa.—1984). This can be established by showing that ‘the actor has intentionally done an act of an unreasonable character, in disregard of a risk known to him or so obvious that he must be taken to have been aware of it, and so great as to make it highly probable that harm would follow.’ *Smith v. Brown*, 423 A.2d 743, 745 (Pa.Super.—1980), quoting *Evans v. Philadelphia Trans. Co.*, 212 A.2d 440, 443 (Pa.—1965). Thus preliminary objections will be granted if the plaintiff has failed to plead facts necessary to establish the requisite mental state.

Reading the Complaint as a whole, again as we must, the Complaint sets forth sufficient factual allegations to allow a fact-finder to infer a reckless state of mind on the part of Defendants. The most striking example is contained in Paragraphs 4, 14, 16, 20 and 44(f):

4. Defendant Lisa Taibi, is an adult individual, currently incarcerated, who was, at all times relevant to this claim, an employee of the Defendant, Manorcare, and a licensed practical nurse (LPN).

14. It is not within the permissible scope of a Licensed Practical Nurse to take verbal medication orders.

16. Dr. Wertz then gave a verbal order to Lisa Taibi, on or about June 8, 2000, to reduce Catherine Kavcak’s dosage of Coumadin from 5 mg to 2 mg.

20. Dr. Wertz then gave a verbal order to Lisa Taibi, on or about June 12, 2000, to discontinue the administration of Coumadin to Catherine Kavcak.

44(f). [Defendants Manorcare, Inc. and HCR Manorcare were reckless] in failing to staff the institution with individuals adequately trained and/or certified to record and administer medications as prescribed by treating physicians.

If these allegations are proven, they are sufficient to form a foundation upon which the fact-finder may infer a reckless state of mind on the part of Defendants. Defendants' Preliminary Objection to allegations of recklessness is overruled.

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