

Northampton County Reporter

(USPS 395-280)

VOL. LIII

EASTON, PA January 15, 2004

NO. 55

Eric Peters, Plaintiff v. Richard Ernst et al., Defendants

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

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

**NORTHAMPTON COUNTY BAR ASSOCIATION
2004 BAR ASSOCIATION OFFICERS**

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Northampton County Reporter

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155 South Ninth Street, Easton, PA 18042-4399

Phone (610) 258-6333 Fax (610) 258-8715

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PBA (800) 932-0311—PBI (800) 932-4637

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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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Telephone (610) 258-6333 FAX (610) 258-8715

Robert C. Brown, Jr., Esquire

Editor

NOTICES TO NCBA MEMBERS—BAR NEWS

☞ **PLEASE NOTE:** All Corporation Bureau fees other than filings made under the Uniform Commercial Code have been increased effective immediately (please see **Revised Fee Schedule** inside this issue of the Reporter). Any filing submitted to the Corporation Bureau will be rejected if accompanied by an insufficient fee. If you have any questions or concerns, please contact the Department of State, Office of Legislative Affairs (717) 783-1771. The Revised Fee Schedule is also available online at www.dos.state.pa.us

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

INCLUDED IN THIS ISSUE is the announcement and registration form for the February 19th Lunch/Lecture on “Environmental Law Contamination in PA Real Estate Transactions.”

INCLUDED IN THIS ISSUE is the announcement and registration form to sign up to be photographed for the 2004 Photo Directory of NCBA Attorneys. Please be sure to correct any address, phone, FAX and/or email address changes you may have made recently, and return to the Bar Association immediately.

ANNOUNCEMENTS

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

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

April 20th—Lunch/Lecture “Three Perspectives of Zoning Appeal; Municipality, Applicant & Objectors”

May 13th—Lunch/Lecture “Medical Assistance Estate Recovery”

PBI/CLE SEMINAR @ NCBA

Wednesday, March 3, 2004—9:30 a.m. to 5:30 p.m.—6/0 CLE Credits

“Trial Preparation: The 100-Day Countdown”

BAR ASSOCIATION OF LEHIGH COUNTY (BALC)

SPONSORED SEMINARS FOR 2004:

[January 22nd—“Alternate Dispute Resolution”] [January 28th “DUI Law Update”]

[February 4th—“New Ways to think about Illicit Substances & Legalization”]

[February 18th—(*Rescheduled from 12/18/03 & 1/21/04*) “U.S. Patriot Act: A Constitutional Overview”] Call BALC for details such as times, fees, credits, meals and/or to register at (610) 433-6401, Ext. 16.

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**BERGER, MABLE M. a/k/a**

MABEL M. BERGER, dec'd.

Late of Bushkill Township, Northampton County, PA
Co-Executrices: Barbara A. Dotter, 486 Knauss Road, Nazareth, PA 18064 and Carol J. Yeska, 2008 Blossom Hill Road, Nazareth, PA 18064

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

BLOSE, WARREN C., dec'd.

Late of Mountain View Mobile Park, B102, Walnutport, Northampton County, PA

Co-Executrices: Patricia A. Serfass, 712 Lehigh Gap St., Walnutport, PA 18088, Barbara J. Rauch, 6095 Route 100, New Tripoli, PA 18066 and Donna M. Bowers, Blue Mountain View Lot 35, Kunkletown, PA 18058

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

BRESSOUD, HARRIET C., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Marius L. Bressoud, Jr. c/o Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 65 East Elizabeth Avenue, Suite 804, Bethlehem, PA 18018-6516

Attorneys: Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 65 East Elizabeth Avenue, Suite 804, Bethlehem, PA 18018-6516

BUCHANIN, KATHRYN E., dec'd.

Late of 8101 Airport Road, Bath, Northampton County, PA

Co-Executors: Dean C. Buchanin, 8101 Airport Road, Bath, PA 18014 and Karen A. Dougherty, 1628 Rexford Drive, Hemet, CA 92545

Attorneys: Lee A. Conrad, Esquire, Thomas, Conrad and Conrad, 515 West Linden Street, Allentown, PA 18101

CUNNINGHAM, JOHN W., dec'd.

Late of the Township of Upper Mt. Bethel, Northampton County, PA

Executrix: Geraldine Ann Siggins 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

FAILER, STELLA a/k/a STELLA FEILLER a/k/a STELLA T. FAILER, dec'd.

Late of Northampton Borough, Northampton County, PA

Co-Executors: Theresa Bauer and John Feiler, Jr. c/o Frank

M. Skrapits, Esquire, 2152 Main Street, Northampton, PA 18067-1211

Attorney: Frank M. Skrapits, Esquire, 2152 Main Street, Northampton, PA 18067-1211

FASSL, JOHN, JR., dec'd.

Late of 120 Constitution Avenue, Nazareth, Northampton County, PA

Executor: William R. Fassel, 120 Constitution Avenue, Nazareth, PA 18064

Attorneys: Lee A. Conrad, Esquire, Thomas, Conrad and Conrad, 515 West Linden Street, First Floor, Allentown, PA 18101

FAUERBACH, VIRGINIA M., dec'd.

Late of the Borough of Wilson, Northampton County, PA

Executrix: Joan M. Borger c/o Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

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

HANSSEL, ELIZABETH A., dec'd.

Late of the Township of Hanover, Northampton County, PA Administrator, C.T.A.: Thomas J. Hyclak 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

KELLY, DANIEL T., dec'd.

Late of Hellertown, Northampton County, PA

Executrix: Susan K. Daniels, 21 Rockleigh Road, Rockleigh, NJ 07647-2705

MORGAN, RUSSELL E. a/k/a RUSSELL E. MORGAN, SR. a/k/a DR. RUSSELL E. MORGAN, SR. a/k/a RUSSELL E. MORGAN, M.D. a/k/a DR. RUSSELL E. MORGAN, SR., M.D., dec'd.

Late of 1 Kirland Village, Bethlehem, Northampton County, PA

Executor: Russell E. Morgan, Jr., 3916 Rosemary Street, Chevy Chase, MD 20815

Attorney: William G. Malkames, Esquire, 509 Linden Street, Allentown, PA 18101

PAAR, BEATRICE, dec'd.

Late of Northampton, Northampton County, PA

Co-Executrices: Linda Sibbach, 3036 Valley View Drive, Bath, PA 18014 and Kathleen P. Jones, 308 Blacksmith Road, Douglassville, PA 19518

Attorneys: David B. Shulman, Esquire, Shulman, Shabbick & Ettinger, 1935 Center Street, Northampton, PA 18067

RITTER, HOWARD W., dec'd.

Late of Lower Nazareth Township, Northampton County, PA

Co-Executors: Dennis Ritter and Dolores Fehnel c/o Alan D. Williams, III, Esquire, Williams and Schildt, 1007 W. Broad St., Quakertown, PA 18951

Attorneys: Alan D. Williams, III, Esquire, Williams and Schildt, 1007 W. Broad St., Quakertown, PA 18951

ROEMMELT, ARLINE D., dec'd.

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

Administratrix: Arline R. Pfeiffer, 1304 Sycamore Ave., Easton, PA 18040

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

SHARER, DOROTHY T., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Justine F. Matala c/o Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446

WAGNER, GARY L., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Kipp M. Wagner, 4215 Farquhar Ave., Los Alamitos, CA 90720

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

SECOND PUBLICATION**ANDREWS, VIOLET M.,** dec'd.

Late of Riverview Drive, Walnutport, Northampton County, PA

Co-Executors: Barbara Strohl, 222 Spruce St., Walnutport, PA 18088, Nancy Scheckler, 777 Walnut St., Lehigh, PA 18235 and Roger L. Andrews, 1052 Walnut Drive, Danielsville, PA 18038

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

COFFEY, DR. JOHN A., dec'd.

Late of the City of Easton, Northampton County, PA

Executor: Frank S. Poswistilo, Esquire, Ste. 300, 101 Larry Holmes Drive, Easton, PA 18042

Attorney: Frank S. Poswistilo, Esquire, Ste. 300, 101 Larry Holmes Drive, Easton, PA 18042

HARAS, ANNA, dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Oksana E. Koziak c/o John W. Rybak, Esquire, Rybak & Rybak, 408 Adams Street, Bethlehem, PA 18105

Attorneys: John W. Rybak, Esquire, Rybak & Rybak, 408 Adams Street, Bethlehem, PA 18105

ISAAC, MAL B. a/k/a MELAID B. ISAAC, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Mrs. Rebecca S. Isaac, 2900 Northampton Street, Easton, PA 18045

Attorney: Charles Bruno, Esquire, 203 South Seventh Street, Easton, PA 18042-4315

JEAVONS, PHILLIP H. a/k/a PHILIP H. JEAVONS, dec'd.

Late of Easton, Northampton County, PA

Executrix: Gale R. Ott, 60 Springfield Rd., Easton, PA 18042

Attorneys: Christopher M. McLean, Esquire, Zator Law Offices, 29 W. Tilghman St., Allentown, PA 18104

JENNINGS, DIVONA M., dec'd.

Late of the Township of Washington, Northampton County, PA

Executor: James J.F. Jennings
c/o McFall, Layman & Jordan,
P.C., Attorneys at Law, 134
Broadway, Bangor, PA 18013
Attorneys: McFall, Layman &
Jordan, P.C., Attorneys at Law,
134 Broadway, Bangor, PA
18013

KOTZMANN, MARGARET, dec'd.

Late of Allen Township, North-
ampton County, PA

Executrix: Maureen Kane c/o
Frank M. Skrapits, Esquire,
2152 Main Street, Northamp-
ton, PA 18067-1211

Attorney: Frank M. Skrapits,
Esquire, 2152 Main Street,
Northampton, PA 18067-1211

MEASE, GRACE H., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executor: Dale Earley c/o
Frank J. Danyi, Jr., Esquire,
Maloney, Danyi, Davis &
Sletvold, 901 West Lehigh
Street, Bethlehem, PA 18016-
1279

Attorneys: Frank J. Danyi, Jr.,
Esquire, Maloney, Danyi,
Davis & Sletvold, 901 West
Lehigh Street, Bethlehem, PA
18016-1279

RINKER, ELIZABETH ANN,
dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Co-Executors: William C.
Rinker and Jeffrey P. Rinker,
220 Apollo Drive, Bethlehem,
PA

Attorney: Augustine C. Con-
cilio, Esquire, 18 E. Market
Street, P.O. Box 1446, Bethle-
hem, PA 18016-1446

RUTE, MADELINE L., dec'd.

Late of the City of Danielsville,
Northampton County, PA

Co-Executors: Jayne D. Har-
mon and Ryan D. Rute c/o
Tallman, Hudders & Sorren-
tino, P.C., The Paragon Cen-
tre, 1611 Pond Road, Suite
300, Allentown, PA 18104-
2256

Attorneys: Tallman, Hudders
& Sorrentino, P.C., The Para-
gon Centre, 1611 Pond Road,
Suite 300, Allentown, PA
18104-2256

SZY, MARY THERESA a/k/a
MARY T. SZY, dec'd.

Late of Hellertown, Northamp-
ton County, PA

Executrix: Lillian M. Hall 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, Bethle-
hem, PA 18016

WALDMAN, ELVIRA, dec'd.

Late of the City of Easton,
Northampton County, PA

Co-Executors: Herman B.
Waldman and Mark S.
Waldman c/o Herbert Fish-
bone, Esquire, Fishbone &
Scheer, 6 South Third Street,
Suite 502, P.O. Box 1099,
Easton, PA 18044-1099

Attorneys: Herbert Fishbone,
Esquire, Fishbone & Scheer,
6 South Third Street, Suite
502, P.O. Box 1099, Easton,
PA 18044-1099

WENZL, HELEN, dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executor: Richard H. Kresge
c/o Joseph F. Leeson, Jr., Es-
quire, Leeson, Leeson &
Leeson, 70 E. Broad Street,

P.O. Box 1426, Bethlehem, PA 18016-1426

Attorneys: Joseph F. Leeson, Jr., Esquire, Leeson, Leeson & Leeson, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

YOUNG, MARIE M., dec'd.

Late of the Township of Lower Mount Bethel, Northampton County, PA

Executor: Frank B. Miller, Jr., 4862 Miller Road, Bangor, PA 18013

Attorneys: Leonard N. Zito, Esquire, Alyssa A. Lopiano-Reilly, Esquire, Zito, Martino and Karasek, 641 Market Street, Bangor, PA 18013

THIRD 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. Z-

nakos, 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

**IN THE NORTHAMPTON
COUNTY COURT OF
COMMON PLEAS**

ORPHANS' COURT DIVISION

The following Executors, Administrators, Guardians & Trustees have filed Accounts in the Office of the Orphans' Court:

ESTATE; Accountant

RICHARD L. MANNING, SR.;
Dawn Teada, Executrix

JOSEPH MILLER; Julia E. Miller,
Executrix

ALOIS C. PUSKARITZ; Mary Ann
Puskaritz & Louis F. Puskaritz, Co-
Executors

JOHN J. SCHLAMP; Nazareth
Bank (formerly Nazareth National
Bank and Trust Co.), a Division of
Keystone Nazareth Bank and Trust
Co., Executor

AUDIT NOTICE

All Parties interested are notified that an audit list will be made up of all Accounts and the said list will be called for audit at the Northampton County Government Center, Easton, PA on: FRIDAY, JANUARY 30, 2004 AT 9:00 A.M. IN COURTROOM #1.

Dorothy L. Cole
Clerk of Orphans' Court

Jan. 8, 15

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 of a proposed business corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:

ALCHEMEDIA, INC.

Peters, Moritz, Peischl, Zulick
& Landes, LLP

1 South Main Street
Nazareth, PA 18064

Jan. 15

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on December 11, 2003 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:

**BROAD & NEW
DEVELOPMENT CORP.**

Henry R. Newton, Esquire
Herster, Newton & Murphy

127 North Fourth Street
P.O. Box 1087
Easton, PA 18044-1087

Jan. 15

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 pursuant to the provisions of the Pennsylvania Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988 (P.L. 1444, No. 177), as amended, by the following corporation:

The name of the corporation is:

GTS Concepts, Inc.

The Articles of Incorporation were filed on or about December 15, 2003.

JEFFREY F. HUSSAR, ESQUIRE
946 Third Street
Whitehall, PA 18052

Jan. 15

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

The name of the corporation is:

POSH BANGOR, INC.

The Articles of Incorporation were filed on December 5, 2003.

JAMES L. BROUGHAL, ESQUIRE
BROUGHAL & DeVITO, L.L.P.
38 West Market Street
Bethlehem, PA 18018

Jan. 15

VIMALRAJ INC.

incorporated in the Commonwealth of Pennsylvania under the provisions of Pennsylvania Business Corporation Law of 1988.

Flora L. Dufour
Corporation Representative

Jan. 15

**FICTITIOUS NAME
REGISTRATION NOTICES**

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 311 of Act 1982-295, a Fictitious Name Registration was filed with the Department of State of the Commonwealth for:

BROWN'S BRIDAL BASICS

with its principal place of business at: 2509 Willow Park Road, Bethlehem, Pennsylvania 18020. The name and address of the person owning or interested in said business is: Loriann J. Brown, 2723 Fifth Street, Bethlehem, Pennsylvania 18020.

Loriann J. Brown
2723 Fifth Street
Bethlehem, PA 18020

Jan. 15

An application for registration of the fictitious name:

**LEHIGH VALLEY
INVESTMENT GROUP**

559 Main St., Ste. 340, Bethlehem, PA 18018, was filed in the Department of State at Harrisburg, PA, on December 16, 2003, pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is: Robert H. Brown, CLU, ChFC, 559 Main St., Ste. 340, Bethlehem, PA 18018.

PETRIELLO & ROYAL, LLP
790 Penllyn Pike
Suite 202
Blue Bell, PA 19422

Jan. 15

An application for registration of the fictitious name:

V.I. Personal Business Services

1873 Caryn Dr., Hellertown, PA 18055, was filed in the Department of State at Harrisburg, PA, December 15, 2003, pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is: Valerie J. Penna, 1873 Caryn Dr., Hellertown, PA 18055.

Jan. 15

**NOTICE OF PROFESSIONAL
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:
EDWARD L. REDDING, P.C.

The Articles of Incorporation were filed on December 30, 2003 and the number is 3189285.

The purpose for which the corporation has been organized is: Law Office. 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. 15

**LIMITED LIABILITY
COMPANY NOTICE**

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed with the Pennsylvania Department of State for:

UNDOCTOR'S DIAGNOSIS, LLC
in accordance with the provisions of the Limited Liability Act of 1994.

This Certificate of Organization-Domestic Limited Liability was filed on November 21, 2003.

WILLIAM R. COOPER, ESQUIRE
Solicitor
333 North Broad Street
Lansdale, PA 19446

Jan. 15

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that an application was made to the Department of State of the Common-

wealth of Pennsylvania at Harrisburg, PA, on November 10, 2003 by **JDJ Financial Group, Inc.**, a foreign corporation formed under the laws of New Jersey, where its principal office is located at 1048 State Route 94, Blairstown, NJ, for a Certificate of Authority to do business in Pennsylvania. The registered office in Pennsylvania will be located at 2150 N. Delaware Drive, Suite 3, Mount Bethel, PA.

Jan. 15

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

ERIE INSURANCE GROUP
2200 West Broad Street
Bethlehem, PA 18018
and

RICHARD E. HOWEY
811 Stones Crossing Road
Easton, PA 18045-5025
and

DOROTHY J. HOWEY
811 Stones Crossing Road
Easton, PA 18045-5025

Plaintiffs,

v.

JEFFREY HUNT
3002 Jones Boulevard
Easton, PA 18045

Defendant.

NO. C0048CV2003004788

JURY TRIAL DEMANDED

NOTICE TO DEFEND

You have been named as a defendant in a civil action instituted against you by plaintiffs, Erie Insurance Group and Richard E. Howey and Dorothy J. Howey, in this Court concerning an automobile accident which occurred on or about August 10, 2001.

You are hereby notified to plead to the Complaint in this case, of which the above is a brief summary,

within twenty (20) days from date of publication.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the foregoing pages, you must take action within twenty (20) days after this Complaint and notice are served by entering a written appearance personally or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service
155 South 9th Street
Easton, PA 18042

Telephone No. (610) 258-6333

JUDITH A. LOVE, ESQUIRE

Attorney I.D. No. 35092

FORRY, ULLMAN, ULLMAN

& FORRY, P.C.

Attorneys for Plaintiffs,

Erie Insurance Group, Richard E.

Howey and Dorothy J. Howey

One Montgomery Plaza

Suite 900

Norristown, PA 19401

(610) 278-7520

Jan. 15

PARALEGAL

Bethlehem area law firm has a position available for a full-time Paralegal. Civil litigation experience required. Knowledge of Word/WordPerfect necessary with strong organizational and typing skills. Timeslips and Excel a plus. Fax Resume to Cecile Patriarca, Office Manager, at (610) 866-9490 or mail to 107 North Commerce Way, Bethlehem, PA 18017.

Jan. 15, 22

LEGAL SECRETARY

Four-attorney Palmer Township Law Firm seeking full-time legal secretary with excellent communication and interpersonal skills and keyboard proficiency with MS Word. Familiarity with Timeslips and litigation process a plus. Pleasant atmosphere and convenient location near Routes 22 & 33. Excellent benefits. Salary negotiable with experience. References required. Send confidential resume to Nicholas Noel, III, Noel & Kovacs, P.C., 400 S. Greenwood Avenue, Suite 300, Easton, PA 18045, or fax to (610) 258-5264.

Jan. 15

ASSOCIATE

Established Lehigh Valley (Allentown, Bethlehem, Easton) personal injury and litigation practice seeks ASSOCIATE, experience required. Salary and bonuses commensurate with experience. All Benefits Available. Send Resume to: Office Manager, 2940 William Penn Highway, Easton, PA 18045-5227.

Jan. 15, 22, 29; Feb. 5

NOTICE OF TRANSFER OF ATTORNEYS TO INACTIVE STATUS

NOTICE IS HEREBY GIVEN that the following Northampton County

attorneys have been transferred to Inactive Status by Order of the Supreme Court of Pennsylvania dated December 11, 2003, pursuant to Rule 219, Pa. R.D.E., which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$175.00. The Order became effective January 10, 2004.

James A. Hemstreet

Alicia M. Howard

Elaine M. Bixler

Executive Director and Secretary

The Disciplinary Board of the
Supreme Court of Pennsylvania

Jan. 15

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on February 6, 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-2003-006686**

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

BEGINNING at an iron pin in the center of the public road leading from Hellertown to the Polk Valley School; said point being also the

Northwest corner of land now or late of John Jamicky; thence in and along the center of the aforesaid road in a Westerly direction a distance of one hundred (100') feet to a point; thence extending Southwardly of this same width between parallel lines at right angles to the aforesaid road a distance of two hundred thirty-five (235') feet to lands of the grantors herein mentioned. Bounded on the North by the public road aforesaid, on the West by lands of the grantors, on the South by lands of the grantors, and on the East by land now or late of John Jamicky.

CONTAINING 23,500 square feet, more or less.

ALL THAT CERTAIN lot or parcel of land situate South of the Hellertown Polk Valley School Road, PA. State Highway Rt. No. 48093, in the Township of Lower Saucon, County of Northampton and Commonwealth of Pennsylvania, bounded and described according to a Survey thereof made the 12th day of December 1956 by Leonard M. Fraivillig Company Engineers, Bethlehem, Pennsylvania, as follows to wit:

BEGINNING at a point the Southeast corner of land of Robert F. Zimpfer, Sr., the grantees hereof, said point of beginning being in line of land of John Jamicky and distant Southwardly, along said John Jamicky line, two-hundred thirty-five (235') feet from the middle of the Hellertown Polk Valley School Road, thence extending South eighty-three degrees six minutes thirty seconds West (S. 83 degrees-06' 30" W) along the Southerly line of said Robert F. Zimpfer land, a distance of one-hundred (100') feet to a point; thence extending South four degrees eight minutes thirty

seconds East (S 4° 08' 30" E) along land now or late of Glenmora A. Thatcher, the grantor hereof, a distance of two-hundred ninety-four and fifty-nine hundredths (294. 59') feet to an iron pipe; thence extending South eighty-six degrees fifty-two minutes thirty seconds East (S 86° 52' 30" E) a distance of one-hundred and sixty-nine hundredths (100.69') feet to an iron pipe, in line of land of John Jamicky; thence extending North four degrees eight minutes thirty seconds West (N 4° 08' 30") along land of said John Jamicky, a distance of three-hundred twelve and thirteen hundredths (312.13') feet to the point, the Southeast corner of land of Robert F. Zimpfer, Sr., the point the place of beginning.

CONTAINING six-thousand nine hundred fifty-six ten-thousandths (0.6956) acres, strict measure.

TITLE TO SAID PREMISES IS VESTED IN Roy Alan Zimpfer by Deed from Roy Alan Zimpfer and Julie Marie Zimpfer dated 9/30/1993 and recorded 11/20/1993 in Record Book Volume 1993-2 Page 002866.

Premises being: 2348 POLK VALLEY ROAD, HELLERTOWN, PA 18055.

Tax Parcel No. R8-1-7A.

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

SEIZED AND TAKEN into execution of the writ as the property of Roy Alan Zimpfer.

FRANK FEDERMAN, ESQUIRE

No. 2

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

CV-2003-006683

ALL THAT CERTAIN messuage, tenement and lot or parcel of land

situate along the westerly side of First Avenue at Thomas Avenue, and being known as No. 1086 First Avenue, in the Borough of Hellertown, County of Northampton and Commonwealth of Pennsylvania. Containing 1326.63 square feet.

BEING the same property conveyed to Peter J. Bennish and Frances A. Bennish, husband and wife, by Deed from Gerald Sarajian, single, recorded 11/01/1977 in Deed Book 573, Page 848.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: Q7SW2A-2-1A.

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

SEIZED AND TAKEN into execution of the writ as the property of the estate of Peter Bennish, Peter Loughman, Executor and all heirs at law of the estate of Peter Bennish, and John Benes, Devisee of the estate of Peter Bennish.

FRANK FEDERMAN, ESQUIRE

No. 3

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

CV-2000-009464

ALL THAT CERTAIN Messuage, tenement and lot or piece of land situate in the Township of Upper Nazareth, County of Northampton and State of Pennsylvania, marked and designated on the map or plan of lots entitled "East Lawn Gardens Section B" dated September, 1949, recorded in the Office of the Recorder of Deeds in and for the County of Northampton, in Map Book No. 12, Page 31, as Lot No. 181, bounded and described as follows, to wit;

BEGINNING at a point on the Northerly side of Mitchell Avenue, corner of Lot No. 182, thence along

the Northerly side of Mitchell Avenue South 80 degrees, 3 minutes West, 71.71 feet to a point, thence along Lot No. 167 North 9 degrees 57 minutes West, 90 feet to a point, thence along Lot No. 166 North 33 degrees, 8 minutes East, 39.82 feet to a point, thence along Lot No. 180 South 66 degrees 47 minutes East, 56.13 feet to a point thence along Lot No. 182 South 9 degrees 57 minutes East, 908 feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Frederick J. Kichline, Single by Deed from Verena E. Kichline, Widow dated 2/21/89, recorded 2/23/89, in Deed Book 763, Page 1079.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: J8SW1-12-18.

BEING KNOWN AS 45 Mitchell Avenue, Nazareth, Pennsylvania.

THEREON BEING ERECTED a ranch style dwelling with brick and aluminum siding exterior and shingle roof; attached one-car garage; inground pool.

SEIZED AND TAKEN into execution of the writ as the property of Frederick J. Kichline.

FRANK FEDERMAN, ESQUIRE

No. 5

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006429**

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

TRACT NO. 1

ALL THOSE two certain building lots situate in the Fourth Ward in the Borough of Bangor, aforesaid, beginning at a point in the west side of North Sixth Street, corner of land

now or late of the late John J. Stofflet, deceased, which was conveyed to him by Louisa E. Messinger, by Deed recorded in Deed Book A, Volume 48, Page 373, THENCE along the north side of said land now or late of the late John J. Stofflet, deceased, in a westerly direction one hundred forty-two and one-half (142 1/2) feet to the east side of a twelve (12) feet wide alley; THENCE along the east side of said alley, in a northerly direction, seventy (70) feet to land late of Ira Hagerty, deceased, of which this was formerly a part; THENCE along the south side of said land, late of Ira Hagerty, deceased, in an easterly direction, one hundred forty-seven (47) feet to the west side of North Sixth Street; THENCE along the west side of North Sixth Street in a southerly direction seventy (70) feet to said corner of said land now or late of the late John J. Stofflet, deceased, the place of beginning. CONTAINING two building lots aggregating seventy (70) feet in width, front and rear, and one hundred forty-two and one half (142 1/2) feet in depth on the south side and one hundred forty-seven (147) feet in depth on the north side.

TRACT NO. 2:

BEGINNING at a point in the west side of North Sixth Street and land of the grantees, said point being distant from 70 feet measured northwardly along the west side of North Sixth Street, from the corner of land now or late of John J. Stofflet; THENCE along land of the grantees westwardly one hundred forty-three feet, more or less, to a point in the east side of a twelve foot wide alley; THENCE along land of the grantors eastwardly one hundred forty-three feet to a point in the west side of said North Sixth

Street; THENCE along the west side of said North Sixth Street eastwardly twenty-two and three-tenths feet to the place of beginning. It being a triangular lot having a frontage of 22.3 feet on the west side of North Sixth Street and extending one hundred forty-three (143) feet, more or less to the east side of a twelve foot wide alley.

IT BEING THE SAME premises which the trustees of the First Assembly of God Church did by deed dated April 19, 1993 and recorded in the Office of the Recorder of Deeds in and for Northampton County at Easton, Pennsylvania in Deed Book 893, Page 412, grant and convey unto David J. Tanzosh and Timothy J. Tanzosh, as joint tenants with the right of survivorship.

Vested by: Warranty Deed dated 02/28/01, given by David J. Tanzosh and Timothy J. Tanzosh, by his Attorney-in-Fact, David J. Tanzosh, as joint tenants with the right of survivorship to Lois Strunk, her heirs and assigns recorded 03/01/01 in Book: 2001-1 Page: 030443.

Premises being: 200 NORTH 6TH STREET, BANGOR, PA 18013.

Tax Parcel No. E9NE1B-2-5.

THEREON BEING ERECTED a bi-level stucco dwelling with attached one-car garage and shingle and metal roof.

SEIZED AND TAKEN into execution of the writ as the property of Lois J. Strunk and Charles E. Strunk.

FRANK FEDERMAN, ESQUIRE

No. 7

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

CV-2003-005690

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

of Lower Saucon, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located at the intersection of the Northwest corner of Black River Road (L.R. 48001) and the Southwest corner of a private lane entering the property of Eugene Polgar, then proceeding N. 78 degrees 19' W. 345.08' to an iron pin the point of beginning. From thence proceeding at a radius of 150.00' to the right for a distance of 96.21' to a point, the continuing N. 41 degrees 34' W. a distance or 174.155' to an iron pin, thence continuing N. 42 degrees 58' E. 313.36' along a common boundary line of Lehigh County and Northampton County to an iron pin, thence continuing S. 4 degrees 03' E. 222.50' to an iron pin and continuing South 9 degrees 57' West 187.95' to the point of beginning.

CONTINUING 1.143 acres and designated as Lot No. 1 as shown on plan of property of James Mease, showing Lot No. 1, prepared by Samuel F. Shireman, Registered Professional Engineer dated October 13, 1971, scale one inch equal fifty feet (1" = 50') and intended to be recorded in the Office of the Recording of Deeds in and for Northampton County, at Easton, Pennsylvania.

Northampton County Uniform Parcel Identifier: Q6SW1-1-6A.

HAVING erected thereon a dwelling known and numbered as R.D. 3, Black River Road, Bethlehem, Northampton County, Pennsylvania. 18015, according to the present system of City numbering.

TITLE TO SAID PREMISES IS VESTED IN Joseph A. Armstrong and Kathleen A. Armstrong,

Husband and Wife by Deed from Dematos Enterprises, Inc. dated 5/29/2002 and recorded 5/30/2002 in Volume 2002-1, Page 139468.

BEING KNOWN AS 2297 Black River Road, Bethlehem, Pennsylvania.

THEREON BEING ERECTED a bi-level dwelling with aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Joseph A. Armstrong and Kathleen A. Armstrong.

FRANK FEDERMAN, ESQUIRE

No. 9

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006077**

ALL THAT CERTAIN situated along the southeasterly side of the road leading from Bethlehem to Nazareth, (commonly known as Nazareth Pike), in the City of Bethlehem, County of Northampton and State of Pennsylvania, bounded and described according to a survey thereof made on the 17th day of March, 1951, by Allen G. Zoll and Chas D. Remaly, Registered Surveyors, Bethlehem, PA, as follows to wit:

BEGINNING at an iron spike in the Nazareth Pike and in line with the middle of the party or partition wall, located between the dwelling on the herein conveyed premises and the dwelling located on the adjoining to the southwest, thence extending north thirty degrees, thirty-eight minutes (30° 38') east in and along said Nazareth Pike, a distance of seventy-seven and forty one hundredths (77.40) feet to a point, thence extending along lands now or late of Harvey Kipp, the two following courses and distances to wit: south sixty-seven degrees three

minutes (67° 3') east, a distance of two hundred and thirteen and sixty-eight one hundredths (213.68) feet to a concrete post and south twenty-four degrees and twenty-eight minutes (24° 28') west a distance of one hundred and sixteen and seventy-two one hundredths (116.72) feet to an iron pipe, thence extending north fifty-six degrees forty-eight minutes (56° 48') west along property now or late of Paul Klaus and Elizabeth Klaus, his wife, and passing through the middle of aforesaid party or partition wall, a distance of two hundred and twenty four and fifty-nine one hundredths (224.59) feet to the iron spike in said Nazareth Pike, the point the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Catherine E. McLain by Deed from Brian H. Kunsman dated 1/24/2001 and recorded 2/1/2001 in Volume 2001-1, Page 15371.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: M7-2-8.

BEING KNOWN AS 3412 Linden Street, Bethlehem, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Catherine E. McLain.

FRANK FEDERMAN, ESQUIRE

No. 11

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2002-004228**

ALL THAT CERTAIN messuage or tenement and lot or piece of ground, situate on the East side of Wyandotte Street in the City of Bethlehem, County of Northampton and State of Pennsylvania, being

known and designated according to the present system of city numbering as 521 Wyandotte Street, Bethlehem, Pennsylvania.

BOUNDED and described as follows, to wit: On the North by exact middle of the partition wall between the dwelling house on the premises herein conveyed and the dwelling house immediately adjoining on the North, and the property late of Peter P. Bauder, on the East by a Fifteen (15) feet wide alley (now Hess Street), on the South by property now or late of John Flexsteiner, and on the West by Wyandotte Street aforesaid.

CONTAINING in front on said Wyandotte Street Twenty (20) feet and extending of that width Eastwardly at right angles to said Wyandotte Street, seventy (70) feet to land now or late of David Hinkle.

TITLE TO SAID PREMISES IS VESTED IN The Estate of Gail R. Murry, deceased by reason of the following:

BEING THE SAME premises which William R. Rowe, Jr. by Deed dated 3/10/2000 and recorded 3/13/2000 in the County of Northampton in Deed Book Volume 2000-1, Page 028460 conveyed unto Gail R. Murry.

AND THE SAID Gail R. Murry died on 3/20/2002, intestate.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: P6SW2C-21-34.

BEING KNOWN AS 521 Wyandotte Street, 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 Willie Nelson, Heir of Gail R. Murry, Deceased and Unknown Heirs, Suc-

cessors, Assigns and all Persons, Firms, Associations claiming right, title or interest from or under Gail R. Murry, Deceased.

FRANK FEDERMAN, ESQUIRE

No. 12
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006280

ALL THAT CERTAIN messuage, tenement and lot or piece of land situate in the First Ward of the Borough of Northampton, County of Northampton and State of Pennsylvania, and being known as 260 West 26th Street, bounded and described as follows, to wit:

BEGINNING at a point on the South side of West 26th Street, said point of beginning being common with property now or late of Mary Miko and Mike Miko; thence South 50° 22' East along property of the said Mary Miko and Mike Miko 146.5 feet to an iron pin on the North side of a 16 foot wide alley; thence South 39° 38' West along the aforementioned alley 25 feet to an iron pin; thence North 50° 22' West along property of the grantors herein 146.5 feet to a point on the South side of West 26th Street; thence North 39° 38' East along the South side of West 26th Street 25 feet to the place of Beginning.

Tax Parcel #L4NW4D-4-2.

TITLE TO SAID PREMISES IS VESTED IN Francis X. Friel and Amelia Friel, his wife by Deed from Susan Ruth Mientus, single dated 6/30/1995 and recorded 7/3/1995 in Record Book Volume 1995-1 Page 58322.

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

SEIZED AND TAKEN into execution of the writ as the property of Amelia Friel and Francis X. Friel.

FRANK FEDERMAN, ESQUIRE

No. 13
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006631

ALL THAT CERTAIN messuage, tenement and lot or piece of land situate on the east side of Fiot Avenue, in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, known as 737 Fiot Avenue, according to present city numbering, bounded and described as follows:

BEGINNING at a point in the easterly side of Fiot Avenue 165 feet 6 inches north from the northeast corner of Fiot Avenue and Wyandotte Street; thence northwardly along the easterly side of Fiot Avenue a distance of 20 feet, and extending eastwardly of that width between parallel lines at right angles' to said Fiot Avenue 110 feet.

Tax Parcel #P6SWB 13-6.

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 Manuel Jimenez.

BARBARA A. FEIN, ESQUIRE

No. 16
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2002-008256

ALL THAT CERTAIN lot, tract or parcel of land, together with the buildings and improvements thereon and the privileges and appurtenances thereto appertaining, situate lying and being in the Township of Lower Mount Bethel, in the County of Northampton, and State

of Pennsylvania, more particularly described as follows:

BEGINNING at a point, such point being located by the following courses and distances from a bolt in the center line of U. S. Route No. 611 at the intersection of the East side of a concrete road produced which road leads into the plant of the Lehigh Portland Cement Company, North fifty-seven degrees fifty-five minutes East, five hundred forty-nine and twenty-six hundredths feet (549.26) and North fifty-two degrees five minutes East, one hundred one and twenty-nine hundredths feet (101.29); thence by line of Lot No. 12 North twenty-nine degrees thirty-seven minutes West, one hundred twenty and eighty-nine hundredths feet (120.89) to a cut on a concrete curb on the Northerly side of a concrete road running at right angles to this course; thence again by the same bearing of North twenty-nine degrees thirty-seven minutes West, one hundred fifty feet (150) to an iron pipe stake on the South side of a lane; thence again by the same bearing of North twenty-nine degrees thirty seven minutes West, two hundred five and fifty-five hundredths feet (205.55) to a corner in line of lands of the Lehigh Portland Cement Company; thence along the line of the Lehigh Portland Cement Company, North forty-two degrees thirty-three minutes thirty seconds East fifty-two degrees thirty-three minutes thirty seconds East fifty-two and fifty-two hundredths feet (52.52) to a corner; thence by land of Lot No. 14 South twenty-nine degrees thirty-seven minutes East two hundred twenty-one and sixty-three hundredths feet (221.63) to an iron pipe stake; thence again by

the same bearing of South twenty-nine degrees thirty-seven minutes East one hundred fifty feet (150) to a cut on a concrete curb; thence again by the same bearing South twenty-nine degrees thirty-seven minutes East, one hundred thirteen and sixty-seven hundredths feet (113.67) to corner in the right-of-way of U. S. Route No. 611, aforesaid; thence through U. S. Route No. 611, South fifty-two degrees five minutes West, fifty and fifty-three hundredths feet (50.53) to the place of BEGINNING.

BEING the same premises which Maynard E. Kise and Ellen Lawlea Kise, his wife, by indenture dated 9th day of March 1988 and recorded in the Office of the Recorder of Deeds in and for the Northampton County in Deed Book 744, Page 521, granted and conveyed unto Maynard E. Kise and Ellen Lawlea Kise, his wife.

CONTAINING 0.552 Acres of land, being the same more or less.

UNDER AND SUBJECT to the conditions and restriction as set forth in the chain of title.

ALSO KNOWN as Northampton County Uniform Parcel Identifier: H10-11-5E.

BEING KNOWN and NUMBERED as 5018 Lehigh Road, Easton, PA 18042.

THEREON BEING ERECTED a stucco bungalow with shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Maynard Kise and Ellen Kise.

GEOFFREY S. SHUFF, ESQUIRE

No. 17
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006301

ALL that certain tract or parcel and tenement of land situate along

the westerly side of Pawnee Street south of West Fourth Street, being known as #410 Pawnee Street, in the First Ward, City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the westerly street line of Pawnee Street, said point being in the party wall separation #410 & #412 Pawnee Street and being distant eighty-one and forty-three one-hundredths (81.43) feet south of the intersection of the southerly street line of West Fourth Street with the westerly street line of Pawnee Street; thence in and through lands now or late of Charles Simon & wife, and line being and through the party wall separating #410 & #412 Pawnee Street the three following courses and distances; (1) North forty-six degrees twenty-two minutes West (N. 46° 22' W.) a distance of twenty-seven and ninety one-hundredths (27.90) feet to a point; (2) south forty-three degrees West (S. 43° 00' W.) a distance of forty-five one-hundredths (0.45) feet to a point; and (3) North forty-seven degrees West (N. 47° 00' W.) a distance of seven and eighty one-hundredths (7.80) feet to a point; thence along the northerly face of an existing wood rail and wire fence North forty-seven degrees thirty-nine minutes forty five seconds West (N. 47° 39' 45" W.) a distance of thirty-eight and ninety-two one-hundredths (38.92) feet to a point on the easterly face of an existing concrete wall in line of lands now or late of Ester Simon; thence along the easterly face of said wall North forty-three degrees East (N. 43° 00' E.) a distance of seventeen and ninety-eight

one-hundredths (17.98) feet more or less to a point in line of Lot No. 408; thence along Lot No. 408, and passing through a mutual alley way, South forty-six degrees eleven minutes East (S. 46° 11' E.) a distance of seventy-five (75) feet to a point in the westerly street line of Pawnee Street South forty-three degrees West (S. 43° W.) a distance of sixteen and fifty-four one-hundredths (16.54) feet more or less to a point in the party wall separating #410 & #412 Pawnee Street, the point the place of beginning.

KNOWN as Parcel Number P6SW2B/10/4A.

BEING the same premises which Michael J. Murphy III by Deed dated May 25, 2001 and recorded in the Office of the Recorder of Deeds of Northampton County on June 8, 2001 in Deed Book Volume 2001-1, Page 105257, granted and conveyed unto Angel L. Leon.

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 Angel L. Leon.

DANIEL J. BIRSIC, ESQUIRE

No. 18
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-005221

All that certain lot or piece of ground situate on the Southwest corner of Northampton and Craig Streets in the Bath Borough, County of Northampton, Commonwealth of Pennsylvania, known as 142 East Northampton Street as shown on a plan prepared by Kenneth R. Ushn, RS on Drawing No. 83-110- dated April 13, 1983 and bounded and described as follows:

BEGINNING at a point in the middle of East Northampton Street and the extended Westerly side of Craig Street; thence extending along the Westerly side of Craig Street, (16 feet wide) south 10 degrees 42 minutes 30 seconds West., 191.93 feet to a point at the intersection of the Westerly side of Craig Street and the Northerly side of Schaffer Street; thence extending along the Northerly side of Schaffer Street (16 feet wide) North 89 degrees 19 minutes West 22.50 feet to an iron pin set from a previous survey; thence extending along the Easterly property line of now or late James Buskirk, house No. 136 East Northampton Street as recorded in Deed Book Volume 581 on Page 333 North 3 degrees 50 minutes East, 189.47 feet to a point in the middle of East Northampton Street; thence extending along the middle of East Northampton Street, South 89 degrees 05 minutes East 45.50 feet to the place of BEGINNING.

Parcel ID: K6NW4B 9 8.

Commonly known as: 142 E. Northampton Street, Bath, PA 18014.

Title is vested in: David Harka by deed from David Harka and Judith Ann Harka, his wife dated 03/31/1989 and recorded on 06/22/1989 in Book/Volume 772, Page 434.

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

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

TERRENCE J. McCABE,
ESQUIRE

No. 19
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006108

ALL THAT CERTAIN lot or piece of ground situate in the Borough of Walnutport, County of Northampton and Commonwealth of Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at a point in the easterly line of Lincoln Avenue (formerly known as Cypress Avenue) said point being also the corner of land now or formerly of Garfield J. Edwards and Verna Edwards, husband and wife; THENCE along said lands now or formerly of Garfield J. Edwards, et ux, North 81° 00' East, 146.88 feet to a point in the westerly side of Gap Street; THENCE, along said Gap Street 40.00 feet to a point on the said westerly side of Gap Street; THENCE Southwest 81° 00' West 146.88 feet through a party wall to a point on the easterly side of said Lincoln Avenue; THENCE along said Lincoln Avenue in a northerly direction 40.00 feet to the point or place of beginning.

CONTAINING 5,875.20 square feet, and known as 717 Lincoln Avenue.

BEING KNOWN AS: 717 LINCOLN AVENUE, WALNUTPORT, PA 18088.

PROPERTY ID NO.: J2-26-3E.

TITLE TO SAID PREMISES IS VESTED IN Mary Kathryn Kominsky by deed from Ronald B. Heller and Carol A. Heller, husband and wife dated 6/17/1985 recorded 6/19/1985 Book 682 Page 1095.

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

SEIZED AND TAKEN into execution of the writ as the property of Mary Kathryn Kominsky.

MARK J. UDREN, ESQUIRE

No. 20
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-004292

ALL THAT CERTAIN messuage, or tenement and tract of land designated on the Plan of Lots laid out for the Estate of John A. Geissinger, Deceased, as Lot No. Ten (10), and recorded in the office for the Recording of Deeds, in and for the County of Northampton in Map Book No. 4, page 27, etc., situated on the West side of Main Street in the Borough of Hellertown, Pennsylvania, between Hampton Avenue and Division Street.

CONTAINING in front along the building line of said West side of Main Street thirty-five (35') feet, and extending of that width Westwardly one hundred and thirty-eight (138') feet to the East side of Oak Alley.

BOUNDED on the North by Lot No. 9 on the aforesaid Plan, on the East by said Main Street, on the South by Lot No. 11, and on the West by said Oak Alley.

BEING KNOWN and designated as No. 770 Main Street.

Being Tax Parcel Identifier: Q7SW2D-3-7.

BEING KNOWN AS: 770 MAIN STREET, HELLERTOWN, PA 18055.

PROPERTY ID NO.: Q7SW2D-3-7.

TITLE TO SAID PREMISES IS VESTED IN David J. Mihalko. as sole owner by deed from Richard E. Eckert and Nancy J. Eckert, his wife dated 3/29/02 recorded 4/5/02 Book 2002-1 Page 089378.

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

SEIZED AND TAKEN into execution of the writ as the property of David J. Mihalko.

MARK J. UDREN, ESQUIRE

No. 21
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006428

ALL THAT CERTAIN tract or parcel of land situate in the Fourteenth Ward of the City of Bethlehem, Northampton County, Pennsylvania, bounded and described as follows:

BEGINNING at a point, the northwest corner formed by the intersection of the western line of a twenty foot wide alley and the northern line of Homer Avenue, said point also being one hundred sixty feet due west of the northwest corner of Jefferson Avenue and Homer Avenue, THENCE north, along the western side of said twenty foot wide alley, a distance of 133 feet, more or less, to the division line between the property hereby conveyed and land now or late of William Luckenbach, THENCE along said division line South 47 degrees West 200 feet, more or less, to a point where said last mentioned line intersects the northern line of Homer Avenue, THENCE east, along the northern line of Homer Avenue, a distance of 150 feet to the point, the place of beginning. Known as 1734 Memorial Avenue, Bethlehem, Pennsylvania.

BOUNDED on the east by the aforesaid twenty foot wide alley, on the south by Homer Avenue, and on the north and west by premises now or late of William Luckenbach.

BEING KNOWN AS: 1734 Memorial Avenue, Bethlehem, PA.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: N6SE1B-6-1.

THEREON BEING ERECTED a split-level dwelling w/attached one-car garage, brick and stone exterior and shingle roof.

ALSO:

ALL THOSE CERTAIN mesuages, tenements and lots or pieces of land situate in the City of Bethlehem, (formerly in the Township of Bethlehem), County of Northampton and State of Pennsylvania bounded and described as follows, to wit:

BEGINNING at a point in the eastern line of Chelsea Avenue (formerly Scott Avenue) where the same intersects the southern, line of Washington Avenue, thence extending along the eastern line of Chelsea Avenue South 11° 9' 00" West 120.52' to an iron pin; thence South 78° 48' 45" East 70.10' to an iron pin; thence North 3° 48' 00" East 128.54' along the dividing line between 34 Washington Avenue and 38 Washington Avenue to an iron, pin on Washington Avenue; thence North 86° 12' 00" West 54.10' along Washington Avenue to the point the place of beginning.

BOUNDED on the North by Washington Avenue, on the East by 38 Washington Avenue, on the South by lands now or late of Lawrence E. Behr and wife and on the West by said Chelsea Avenue.

BEING COMMONLY KNOWN and designated according to the present Plan of City numbering as Nos. 32-34 East Washington Avenue, Bethlehem, Pennsylvania and also known as Lot No. 1 on Plan showing minor subdivision on land of Milton J. Goodman in the City of Bethlehem dated February 20, 1981

and revised July 30, 1981 and recorded in Plan Book 67, page 17.

ASSESSMENT MAP BLOCK AND LOT NUMBER: N6SE1D-15-1.

BEING KNOWN AS 32-34 Washington Avenue, Bethlehem, Pennsylvania.

THEREON BEING ERECTED a two and one-half story single brick dwelling.

SEIZED AND TAKEN into execution of the writ as the property of Filio Kondoleon.

MARK J. UDREN, ESQUIRE

No. 22

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2001-003918**

ALL THAT CERTAIN tract, piece or parcel of land, with the message or tenement No. 1324 Easton Avenue thereon erected situate, lying and being in the Fifteenth Ward, City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the east side of Easton Avenue, three hundred and twenty-two (322') feet six (6") inches southwardly from the intersection of the southerly line of Beech Street and the easterly side of Easton Avenue, thence extending southwardly along the easterly side of Easton Avenue twenty-one (21') feet nine (9") inches to a point, said point being the middle of a partition wall of the premises hereby conveyed and the one immediately adjoining it to the south, thence extending eastwardly of that same width and through the middle of said partition wall one hundred and twenty (120') feet to a twenty (20') foot wide alley.

BOUNDED on the north by land now or formerly of W.E. Stump and

wife on the east by the aforementioned alley twenty (20') feet wide, on the south by land now or formerly of Earl A. and Mary F. Ziegenfuss and on the west by Easton Avenue.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: N6SE3A-16-21.

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 William L. Parkinson Trust.

DAWN M. SCHMIDT, ESQUIRE

No. 23

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-002094**

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 described as follows, to wit:

BEGINNING at a point in the north line of Sixth Street distant one hundred twenty-four and one-half (124 1/2) feet east from the northeast corner of William and Sixth Streets; thence extending along the north line of Sixth Street, eastwardly a distance of fifteen and one-half (15 1/2) feet, and of that same width between parallel lines at right angles to said Sixth Street, northwardly, a distance of one hundred (100) feet to a fifteen (15) feet wide alley. BEING KNOWN AS No. 1413 East Sixth Street and being the eastern fifteen and one-half (15 1/2) feet to Lot No. 87, according to plan of Oberly Terrance, at laid out by Foering and Heller, and surveyed by R.E. Neumeyer, C.E., and plotted by W.R. Schnabel, C.E., said map or plan being entered for record in the

Recorder's Office for Northampton County.

BOUNDED on the north by aforementioned fifteen (15) feet wide alley, on the east by Lot No. 88, on the south by Sixth Street and on the West by the western four and one-half (4 1/2) feet of Lot No. 87, according to said plan.

HAVING ERECTED THEREON a dwelling known and numbered as 1413 East Sixth Street, Bethlehem, Northampton County, Pennsylvania, according to the present system of city numbering.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: P7SW1A-11-38.

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 Richard Muthard.

DAWN M. SCHMIDT, ESQUIRE

No. 24

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-007009**

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

BEGINNING at a point in the Southern line of Broadway one hundred and thirty nine feet five inches (139' 5") from the Southeast corner of Broadway and Bishopthorpe Streets; thence, in an Easterly direction along the Southern line of said Broadway sixteen feet (16') to a point; thence, in a Southerly direction at right angles to Broadway through the middle of a brick partition wall one hundred and twenty

feet (120') to a twenty foot (20') wide alley, thence in a Westerly direction along the Northern line of said alley sixteen feet (16') to a point; thence, in a northerly direction through the middle of a brick partition wall one hundred and twenty feet (120') to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Cynthia Check by Deed from Paul Lorrach, dated 4/14/2000 and recorded 4/17/2000 in Volume 2000-1, Page 043887.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: P6SW3A-2-24.

BEING KNOWN AS 820 Broadway, Bethlehem, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Cynthia Check.

FRANK FEDERMAN, ESQUIRE

No. 25

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-005347**

ALL THAT CERTAIN messuage, tenement and lot or parcel of ground, Situate along the East side of Red Oak Lane, 200 feet, Southwardly from the Southerly Street line of Oakwood Drive in the Township of Hanover, County of Northampton, State of Pennsylvania, bounded and described according to a survey thereof made by Charles D. Remaly and Ralph H. Kocher, Registered Surveyors, Bethlehem, PA on 4/7/1962, as follows, to wit:

BEGINNING at an iron pie on the Easterly Street line of Red Oak Lane, said point being distant 200 feet on a course of South 01 degree 09 minutes West, from an iron pipe, the intersection of the Easterly Street line of Red Oak Lane, with the

Southerly Street Line of Oakwood Drive; thence extending, Southwardly along the Easterly Street line of Red Oak Lane, the two (2) following courses and distances, South 01 degree 09 minutes West, a distance of 68.41 feet to an iron pipe, a point on a curve, the curve continuing to the right and having a radius of 30.00 feet, a distance of 17.58 feet to an iron pipe; thence extending, South 88 degrees 51 minutes East, through lands now or formerly of John V. Cressman, a distance of 85 feet to an iron pipe; thence, North 88 degrees 51 minutes West, along lands of George F. Heimberger, John Kavas and Raymond Flurer, a distance of 250.00 feet to an iron pipe, on the Easterly Street line of Red Oak Lane, the point the place of beginning.

BOUNDED on the West by Red Oak Lane, on the South by other lands now or late of John V. Cressman, on the East by lands now or late of Edward Bartholomew, and on the North by properties now or late of George F. Heimberger, John Kavas and Raymond Flurer.

BEING THE SAME PREMISES which Gerald R. Cunningham and Sallyann C. Longfellows, Executors of the Estate of Charmaine K. Cunningham, by Deed dated March 16, 1999 and recorded April 13, 1999 in the Office of the Recorder of Deeds in and for Northampton County, at Easton, PA, in Volume 1999-1 Page 50493 did grant and convey unto Gerald T. Cunningham and Donna L. Cunningham, husband and wife, in fee.

BEING KNOWN AS 2850 Red Oak Lane, Bethlehem, PA 18017

Also known as Northampton County Uniform Parcel Identifier: Map N6NW1 Lot: 9 Block: 2A.

THEREON BEING ERECTED a bi-level brick dwelling w/attached one-car garage and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Gerald T. Cunningham and Donna L. Cunningham.

CRAIG H. FOX, ESQUIRE

No. 26

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-002497**

TRACT # 1

ALL THAT CERTAIN tract or piece of land and messuage thereon erected, situate in the Borough of Walnutport, County of Northampton and Commonwealth of Pennsylvania, being part of a certain tract of land which was laid out into building lots by Rev. J.J. Reitz, through G. T. Oplinger surveyor of Slatington, Pennsylvania, on August 1, 1895, a draft of which plan is recorded in Book of Maps No. 1, page 55 in the Recorder's Office at Easton, Pennsylvania, bounded and described as follows, to wit:

LOT #9

BEGINNING at a stake on the West side of the public road leading from Lehigh Gap to Lockport, thence along the West side of said public road South eight and one-half (8 1/2) degrees West seventy-two and one-half (72 1/2) feet to a stake at the northwest corner of aforesaid public road and Chestnut Street; thence along the North side of Chestnut Street South eighty-two and one-quarter (82-1/4) degrees West one hundred sixteen and seven-twelfths (116-7/12') feet to a stake at the Northeast corner of said Chestnut Street and Center Alley seven and three-quarters (7-3/4) degrees West one hundred nine and two-thirds (109-2/3') feet to a point;

thence along Lot 8 South eighty-one and one-half (81 1/2) degrees East one hundred forty-two and seven-twelfths (142-7/12') feet to a stake the point of beginning

TRACT #2

ALL THAT CERTAIN tract or piece of land situate in the Borough of Walnutport, County of Northampton and Commonwealth of Pennsylvania, being designated as Lot No. 8 in a plan or plot of land now or late of J.J. Reitz, surveyed by G. T. Oplinger on August 1, 1895 and recorded at Easton, Pennsylvania, for the County of Northampton, in Recorder of Deeds Office in Book of Maps No. 1, page 55 and is bounded and described as follows, to wit:

BEGINNING at a stake at the West side of a public road leading from Lehigh Gap to Lockport, thence along Lot No. 9 North eighty-one and one-half (81-1/2) degrees West one hundred forty-two and seven-twelfths (142-7/12') feet to a stake; thence along the West side of Center Alley North seven and three-quarters (7-3/4) degrees West forty-one and two-thirds (41-2/3') feet to a stake; thence by Lot No. 7 South eighty-one and one-half (81-1/2) degrees East one hundred fifty-four and one-sixth (154-1/6') feet to a stake; thence along the West side of aforesaid public road South eight and one-half (8 1/2) degrees West forty (40') feet to the place of beginning.

BEING THE SAME PREMISES which Ronald E. Feinour, Jr. and Christina R. Yoder, now Christina R. Feinour, husband and wife, granted and conveyed to Ronald E. Feinour, Jr. and Christina R. Feinour, husband and wife, by deed dated September 27, 1996 and intended to be recorded in the Office

for the recording of Deeds in and for Northampton County.

UNIFORM PARCEL IDENTIFIER: J2SW2D-3-2.

BEING KNOWN AS 646 Lehigh Gap Street, Walnutport, 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 Ronald E. Feinour, Jr. and Christina R. Feinour, husband and wife.

MARC KRANSON, ESQUIRE

No. 27

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-004293**

ALL THAT CERTAIN piece, parcel or tract of woodland situate on the northwest side of Deer Path Drive (40 feet wide street) as shown on a recorded plan of the development of "Mountain Acres" as laid out by Richard C. Becker and Naomi J. Becker, his wife, in December, 1962 in the Township of Lehigh, County of Northampton and State of Pennsylvania, and being more fully bounded and described in accordance with a survey in June, 1962, by George W. Knehr, Registered Professional Surveyor of Reading, Pennsylvania, as follows, to wit:

BEGINNING at an iron pin on the Northwest side of Deer Path Drive, said pin being South thirty nine degrees thirteen minutes West (S 39 degrees 13' W) one hundred eleven and forty two one-hundredths feet (111.42') from a point of curvature having a radius of one hundred forty feet (140') and a central angle of 33 degrees 22'; thence along said Northwest side of Deer Path Drive, South thirty nine degrees thirteen minutes West (S 39 degrees 13' W)

one hundred feet (100') to an iron pin; thence leaving Deer Path Drive along property belonging to Richard C. Becker and Naomi J. Becker, his wife, North forty three degrees eleven minutes West (N 43 degrees 11' W) one hundred thirty two and eight one one-hundredths feet (132.81') to an iron pin in line of property belonging to now or late Asher R. Snyder; thence along same, North forty one degrees fourteen minutes East (N 41 degrees 14' E) ninety feet (90') to an iron pin; thence along property belonging to Richard C. Becker and Naomi J. Becker, his wife, South forty seven degrees twenty seven minutes East (S 47 degrees 27' E) one hundred twenty eight and seven tenths feet (128.70') to an iron pin, the place of beginning.

CONTAINING two hundred eighty four one-thousandths of an acre (0.284 acre).

BEING KNOWN AS: 1323 Deer Path Drive, Walnutport, Pennsylvania 18088.

PROPERTY ID NO.: H3NW1-5-2.

TITLE TO SAID PREMISES IS VESTED IN Nicholas Speach and Penny Speach, husband and wife by Deed from Nicholas Speach and Penny Speach, Co-Executors of the Estate of Geza J. Kovacs, deceased, husband and wife dated 10/30/97 recorded 11/05/97 Book 1997-1 page 123125.

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

SEIZED AND TAKEN into execution of the writ as the property of Nicholas Speach and Penny Speach.

MARK J. UDREN, ESQUIRE

No. 28

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2003-006253

ALL THAT CERTAIN messuage or tenement and lot or piece of land situate in the Township of Bushkill, County of Northampton and State of Pennsylvania, being Lot No. 68 of Section I, of Map of Lots known as "Bushkill Acres", prepared by T & T Associates, and recorded in the Office for the Recording of Deeds, at Easton, Pennsylvania, in and for the County of Northampton, in Plan Book 25, Page 25, bounded and described as follows, to-wit:

BEGINNING at an iron pipe located on the North side of Cherry Hill Road, said beginning being the Southwest corner of Lot No. 69 as shown on the above-mentioned map, thence along the Northerly side of Cherry Hill Road North seventy-six (76) degrees nine (9) minutes eighteen (18) seconds West, one hundred (100') feet to an iron pipe set, thence along the dividing line between Lot No. 68 and Lot No. 67 North thirteen (13) degrees fifty (50) minutes forty-two (42) seconds East, one hundred fifty (150') feet to an iron pipe set, thence along the dividing line between Lot No. 68 and Lot No. 49 South seventy-six (76) degrees nine (9) minutes eighteen (18) seconds East, one hundred (100') feet to an iron pipe set, thence along the dividing line between Lot No. 68 and Lot No. 69 South thirteen (13) degrees fifty (50) minutes forty-two (42) seconds West, one hundred fifty (150') feet to an iron pipe set, the place of beginning.

UNDER AND SUBJECT, nevertheless, to Declaration of Restrictive Covenants as more fully de-

scribed in said Office in Misc. Book Volume No. 196, Page 227.

ALSO UNDER AND SUBJECT, nevertheless, to public utility easements.

BEING KNOWN AS: 436 CHERRY HILL ROAD, NAZARETH, (BUSHKILL TWP.) PA 18064

PROPERTY ID NO.: J7NW1-1-2.

TITLE TO SAID PREMISES IS VESTED IN Carey L. Hawk by deed from Carey L. Hawk and Connie A. Hawk, husband and wife dated 08/31/93 recorded 10/05/93 Book 911 Page 448.

THEREON BEING ERECTED a ranch style dwelling w/attached garage, siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Carey L. Hawk.

MARK J. UDREN, ESQUIRE

No. 29
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006508

ALL THOSE CERTAIN lots or pieces of ground situate along the northerly side of Centre Street, in the Township of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, and known as Lot Nos. 636, 637, 638 and 639 on a certain Map or Plan entitled "Bethlehem Annex", said Plan being recorded in the Office for the Recording of Deeds in and for the County of Northampton at Easton, Pennsylvania, in Book of Maps No. 6, at Page 49, bounded and described as follows:

BEGINNING at a point on the northerly side of Centre Street, said point being one hundred eighty (180) feet west of the northwest intersec-

tion of Centre and Sixth Streets, it also being on the line dividing Lot Nos. 639 and 640; thence extending westwardly along the northerly side of Centre Street a distance of eighty (80') feet to a point on the line dividing Lot Nos. 635 and 636; thence extending northwardly of that same width of eighty (80') feet between said two dividing lines a distance of one hundred ten (110') feet to the southerly line of an unopened fifteen (15) feet wide alley.

BOUNDED on the North by said alley; on the East by Lot No. 640; on the South by Centre Street, and on the West by Lot No. 635 according to aforesaid Plan.

ALSO KNOWN AS NORTHAMPTON COUNTY TAX PARCEL IDENTIFIER: MAP N7NW3 BLOCK 31 LOT 10.

BEING THE SAME PREMISES WHICH Wendy Lorrach and Samuel Sanchez, wife and husband, by Deed dated July 24, 1999 and recorded in the Office for the Recording of Deeds in and for Northampton County at Easton, Pennsylvania in Record Book 2000-1, Page 005537 granted and conveyed unto Wendy Lorrach.

NORTHAMPTON COUNTY PARCEL IDENTIFICATION No. N7NW3 31 10.

BEING KNOWN AS 2831 Roosevelt Street, Bethlehem, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Wendy A. Lorrach.

FRANK L. MAJ CZAN, JR.,
ESQUIRE

No. 30
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
1998-C-02482

ALL THAT CERTAIN piece of ground situate in Lower Saucon Township, County of Northampton and State of Pennsylvania, on which is erected a two and a half story brick and shingle house, bounded and described as follows, to wit:

BEGINNING at a point being the southwestern corner of Strauss and Walter Avenues, thence extending southwardly along the western line of Strauss Avenue eighty (80) feet to a point, thence extending westwardly between parallel lines one hundred and forty (140) feet and at right angles to said Strauss Avenue to a twenty (20) feet wide alley. Being known as Lots Nos. 145, 146, 147 and 148 according to a plan of Wydnor Realty Company, surveyed by Frank H. Ville C.E. April 1st, 1817.

TITLE TO SAID PREMISES IS VESTED IN Louis C. Mahlman, a married person by Deed from John G. Schnalzer and Janet C. Schnalzer, husband and wife dated 7/31/92 recorded 8/5/92 in Deed Book 870 Page 500.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: Q6SW2-15-2.

BEING KNOWN AS: RD3 Strauss Avenue a/k/a 3598 Strauss Avenue, Bethlehem, Pennsylvania.

SEIZED AND TAKEN into execution of the writ as the property of Louis C. Mahlman.

FRANK FEDERMAN, ESQUIRE

No. 31
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006937

ALL THOSE CERTAIN contiguous lots or pieces of ground, together

with the improvements thereon, situated on the North side of St. Joseph Street in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the North side of St. Joseph Street, thence extending northwardly ninety-nine (99') feet to a point, thence East twenty-two (22') feet to a point, thence north twenty-six (26') feet to a point on the South side of Orchard Alley, thence East along the South side of said Orchard Alley thirty-five (35') feet to a point, thence South one hundred twenty-five (125') feet to a point on the North side of St. Joseph Street, thence West along the North side of St. Joseph Street fifty-seven (57') feet to a point, the place of beginning.

Bounded on the North partly by land formerly of Catherine Storm, now of late of Louisa M. McFall, and partly by Orchard Alley, on the East by land formerly of Catherine Storm, now or late of Katherine Dreher, on the South by St. Joseph Street and on the West by land now or late of Louise M. McFall.

TRACT NO. 2

ALL THAT CERTAIN parcel of land situate in the City of Easton, County of Northampton and Commonwealth of Pennsylvania and being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the southern right-of-way line of Orchard Street, said point being located South 82 degrees 58 minutes 45 seconds East, 62.52 feet along the southern right-of-way line of said Orchard Street from the intersection of the eastern right-of-way line of St. John Street and the southern right-of-way line of Orchard Street;

thence 1) southerly along the line of lands of the premises known as 159 St. Joseph Street, South 07 degrees 01 minutes 15 seconds West, 27.10 feet to a point; thence 2) westerly partially along the line of lands of the premises known as 159 St. Joseph Street and partially along lands of Redevelopment Authority disposal parcel no. 19-N North 82 degrees 58 minutes 45 seconds West, 31.00 feet to a point; thence 3) northerly along lands of said Redevelopment Authority disposal parcel no. 19-B, North 07 degrees 01 minutes 15 seconds East, 27.10 feet to a point in the southern right-of-way line of Orchard Street; thence 4) easterly along the southern right-of-way line of said Orchard Street, South 82 degrees 58 minutes 45 seconds East, 31.00 feet to a point, the place of beginning.

CONTAINING 840.10 square feet, 0.0193 acres of land.

Vested by: Special Warranty Deed dated 9-27-91, given by Rafael F. Delgado and Lucy Lopez Delgado, his wife to Kenneth G. Sanders, married recorded 10-1-91 in Book 843 Page 363.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: L9SE3A-13-11.

BEING KNOWN AS 159 West Saint Joseph Street, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Kenneth G. Sanders.

FRANK FEDERMAN, ESQUIRE

No. 32
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2002-002767

ALL THAT CERTAIN parcel of land situate in the Borough of

Hellertown, County of Northampton, Commonwealth of Pennsylvania, known as 228 Northampton Street and being more particularly bounded and described as follows:

TRACT NO. 1

ALL THAT CERTAIN LOT AND TENEMENT situated on the West side of Northampton Street, in the Borough of Hellertown, County of Northampton, and State of Pennsylvania, BOUNDED AND DESCRIBED as follows, to wit:

BEGINNING at a point on the West side of Northampton Street in line of land now or late of Ira L. Eisenhart; thence along said Northampton Street due North a distance of twenty (20') feet in line of land now or late of Erwin F. Heft; thence along the same North, eighty-nine and one-fourth degrees West, one hundred forty-five (145') feet, more or less, to a corner on the East side of a twelve feet wide alley; thence along the same due South, nineteen (19') feet, more or less, to a corner; thence by land now or late of Ira L. Eisenhart, South eighty-seven and three fourth degrees East, on hundred forty-five feet, more or less, to the place of beginning.

BOUNDED on the North by lot now or late of Erwin F. Heft, on the East by Northampton Street, on the South by Lot now or late of Ira L. Eisenhart, and on the West by an alley.

TRACT No. 2

ALL THAT CERTAIN LOT OR PIECE OF GROUND situate in the Borough of Hellertown, County of Northampton, and Commonwealth of Pennsylvania, BOUNDED AND DESCRIBED as follows, to wit:

BEGINNING at a chisel mark on the West side of Northampton Street; thence extending southwardly along

the West side of said Northampton Street, twenty (20') feet to a point in line of land now or late of Frank and Gertrude Feist; thence extending North 88 degrees 39 minutes West, along land now or late of the said Frank and Gertrude Feist, one hundred forty-five and fifty-four one-hundredths (145.54') feet to a point in the East side of a twelve (12) feet wide alley; thence extending northwardly along the East side of said alley, nineteen and eight one-hundredths (19.08') feet to a copper pipe; thence extending South 88 degrees 40 minutes East, one hundred forty-five and forty-four one-hundredths (145.44') feet to a point in the West side of Northampton Street, being the point in the place of beginning.

BEING THE SAME PREMISES which Alice J. Billig by Deed dated August 28, 1997, and recorded in the Office of the Recorder of Deeds in and for Northampton County in Deed Book 1997-1, page 093965, granted and conveyed unto Leslaw Socha and Marta J. Socha, Husband and Wife.

TAX PARCEL I.D. NO: Q7SW3B-11-6.

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

SEIZED AND TAKEN into execution of the writ as the property of Leslaw Socha and Marta J. Socha.

DOUGLAS M. MARINOS,
ESQUIRE

No. 34
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2002-009072

ALL THAT CERTAIN messuage, tenement and tract or piece of land, situate in the Township of East

Allen, in the Village of Jacksonville, County of Northampton and State of Pennsylvania, bounded and described as follow, to wit:

BEGINNING at a point on the South curb line of Second Street; thence South 3 degrees 25 minutes East 209.98 feet to a point in the North curb line of Johns Street, thence along said North curb line of Johns Street South 84 degrees 02 minutes East 18.78 feet to a point; thence along land about to be conveyed to Charles and Ann Kish, formerly a part hereof, North 3 degrees 25 minutes West 213.04 feet, passing through the center of the party wall of the brick dwelling erected hereon to a point in the south curb line of said Second Street; thence along said South curb line South 86 degrees 35 minutes West 18.53 feet to the place of beginning. Being part of what is known as Lots Nos. 203 and 204 of the revised plan of Jacksonville, Pennsylvania, dated April 16, 1936, recorded at Easton, Pennsylvania.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: L5NE2-6-18.

BEING KNOWN AS 6382 Willow Street, Bath, Pennsylvania.

THEREON BEING ERECTED a two 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 Donna M. Tully and Richard P. Tully.

JOSEPH A. GOLDBECK, JR.,
ESQUIRE

No. 36
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006399

ALL THAT CERTAIN lot or parcel of land, being Lot 2 of Township Line Estates Two, Plan Book 1996-

5, Page 378, situate in Township of Bushkill, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the southerly right-of-way line of Sexton Road, said point being in line with the lands known as Lot 1 of Township Line Estates Two; thence,

ALONG said Lot 1 South 10 degrees 16' 16" East 393.65' to a point; thence,

ALONG the lands known as Lot 2B of Township Line Estates South 79 degrees 43' 44" West 140.00' to a point; thence,

ALONG Lot 3 of Township Line Estates Two North 10 degrees 16' 16" West 343.85' to a point; thence,

ALONG the same North 8 degrees 29' 21" West 50.00' to a point; thence,

ALONG the southerly right-of-way line of Sexton Road North 81 degrees 30' 39" East 5.81' to a point; thence,

ALONG the same North 79 degrees 43' 44" East 132.63' to the POINT OF BEGINNING.

CONTAINING: 55,072 sq. ft. or 1.2643 acres.

PARCEL NO.: G8-14-1A-1.

BEING the same premises which Timothy L. Doto and John Kardelis, Co-Partners, t/d/b/a Washington Street Associates, by Deed dated June 27, 1997 and recorded in the Northampton County Recorder of Deeds Office on June 30, 1997 in Deed Book 1997-1 Page 067772, granted and conveyed unto Harold D. Landis, Jr. and Chanel B. Landis, husband and wife.

BEING KNOWN AS 530 Sexton Road, Nazareth, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Harold D. Landis, Jr. and Chanel B. Landis.

DAVID FEIN, ESQUIRE

No. 37
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-001589

ALL THAT CERTAIN tract of land known as Lot #44, situate in Block 3 of Eastgate Townhomes, Borough of Freemansburg, Northampton County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the southerly property line of the cul-de-sac end of Court Cove (R = 50.00 feet), said point of beginning being located the three following courses and distances from the intersection of the easterly property line of Ramblewood Lane (50.00 feet wide) extended, with the said southerly property line of said Court Cove (50.00 feet wide) extended, North 89 degrees 31 minutes 05 seconds East 117.40 feet, North 87 degrees 40 minutes 53 seconds East 125.40 feet and on a curve to the left having a radius of 50.00 feet an arc length of 25.86 feet; thence (1) From the said point of beginning and along the said southeasterly property line of Court Cove, on a curve to the left having a radius of 50.00 feet and arc length of 20.00 feet (chord bearing and distance North 46 degrees 35 minutes 00 seconds East 19.87 feet) to a point; thence along Lot #43 also known as the Storm Water Management Area, the two following courses and distances: (2) South 54 degrees 52 minutes 33 seconds East 47.23 feet to a point and (3) South 02 degrees 19 minutes 07 seconds East 116.31 feet to a point; thence (4) along land now or late of

the Bethlehem Development Corporation, known as Bethlehem Townhouse Apartments, South 87 degrees 40 minutes 53 seconds West 50.00 feet a point; thence along Lot #45 of Block 3, Eastgate Townhomes the two following courses and distances: (5) North 02 degrees 19 minutes 07 seconds West 127.62 feet to a point and (6) North 31 degrees 57 minutes 27 seconds West 5.00 feet to the point or place of beginning.

Containing 6,640 square feet.

Subject to all existing and proposed drainage and utility easements.

BEING all as shown on a plan titled "Development Plan-Final, Eastgate Townhomes, Borough of Freemansburg, Northampton County, Pennsylvania", dated August 30, 1988, last revised March 13, 1989, Plan #P-2940-1, Sheet #1 of 8, as prepared by F & M Associates, Inc., Consulting Civil Engineers, Allentown, Pennsylvania and recorded on June 9, 1989 in Plan Book 89, Page 206 in the Recorder of Deeds Office in the Northampton County Courthouse located in Easton, Pennsylvania.

BEING known as Northampton County uniform parcel identifier Map: N7 BLOCK: 2 LOT: 17.

BEING the same premises which Daniel Ramirez and Celia Ramirez, husband and Wife, by Deed dated October 12, 2000 and recorded in the Northampton County Recorder of Deeds Office on October 13, 2000 in Deed Book Volume 2000-1 Page 135242, granted and conveyed unto Daniel Ramirez, individually.

BEING KNOWN AS 818 Cove Court, Freemansburg, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Daniel Ramirez and Celia Ramirez.

DAVID FEIN, ESQUIRE

No. 38

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

1997-C-01587

ALL THAT CERTAIN messuage or tenement and lot or piece of ground situate in the Ninth Ward of the City of Bethlehem, Northampton County, Pennsylvania, known as 531 East Laurel Street according to present city numbering (and as surveyed and shown upon a certain plan bearing date June 19, 1952, prepared by Daniel R. Cahill, Registered Professional Engineer, of Bethlehem, PA.), bounded and described as follows:

BEGINNING at a point in the northern line of East Laurel Street (seventy feet wide) located one hundred sixty-three feet two inches measured eastwardly from the eastern side of Carson Street (twenty feet wide), thence south 85 degrees zero minutes East, along the Northern Line of East Laurel Street a frontage distance of 16 feet 10 inches to a spike marking the southeastern corner of the premises described herein, thence North 5 degrees zero minutes East, along lands now or late of Shaffer and Cresman, a lot depth or distance of 120 feet to an iron pipe in the southern line of Durham Street (twenty feet wide), marking the northeastern corner of the premises described herein, thence north 85 degrees zero minutes West a distance of 16 feet 1 inch, in and along the southern line of Durham Street, to the iron pipe marking the northwestern corner of the premises described herein and the northern end of a certain divi-

sion line described herein and herein established by Frank Koczan and Rose Koczan, his wife, thence south 5 degrees 22 minutes West, along a fence and said division line, a distance of 64 feet 3 inches to a tack in said fence at the rear of the aforementioned twin dwellings, thence south 5 degrees 20 minutes West, passing through the party wall separating the adjoining premises, known as 529 East Laurel Street, from the within described premises, a distance of 55 feet 9 inches to a point in the northern line of East Laurel Street, the place of beginning.

BEING the same premises which Janice L. Watson by Deed dated April 22, 1994 and recorded in the NORTHAMPTON County Recorder of Deeds' Office on April 25, 1994 in Deed Book 1994-6, Page 12423, granted and conveyed unto Joseph S. Labdik, III.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: N6SE3D-6-14.

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

SEIZED AND TAKEN into execution of the writ as the property of Joseph S. Labdik, III.

DAVID FEIN, ESQUIRE

No. 39
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
1999-C-00571

ALL THAT CERTAIN tract or piece of ground together with improvements thereon, situate in the Third Ward of the Borough of Northampton, County of Northampton and State of Pennsylvania, as follows, to wit:

BEGINNING at a point in Linden Court, said point being South eighty-

three degrees forty-four minutes, West (S 83 degrees 44 minutes W) two hundred ninety-four and seventy-eight one-hundredths (294.78') feet from an iron pin in the right-of-way of Howertown Road, which pin also marks the Southeast corner of the Grantors' tract; thence along Linden Court South eighty-three degrees forty-four minutes West (S 83 degrees 44' W) three hundred thirty-nine and ninety-seven one-hundredths (339.97') feet to an iron pin; thence along lands of William Bennett North forty-one degrees fifty-one minutes West (N 41 degrees 51' W) two hundred seventy and twelve one-hundredths (270.12') feet to an iron pin; thence along lands of the Borough of Northampton North fifty-three degrees twenty-eight minutes East (N 53 degrees 28' E) three hundred seventy-one and fifteen one-hundredths (371.15') feet to an iron pin; thence along lands of Primo and Mary Pagni South sixteen degrees forty-six minutes East (S 16 degrees 46' E) one hundred ninety-three and eighty one-hundredths (193.80') feet to an iron pin; thence still along the lands of Primo and Mary Pagni, South seventy-two degrees seven minutes East (S 72 degrees 7' E) one hundred thirty-four and forty one-hundredths (134.40') feet to a point; thence South twelve degrees forty-nine minutes East (S 12 degrees 49' E) one hundred sixty-two and one one-hundredths (162.01') feet along the lands of the Grantors to the place of beginning.

Grantors also grant, bargain, release, convey and confirm to Grantees, their heirs and assigns, forever, a twenty (20') feet wide easement and right-of-way across the lands of Grantors extending from

the Southeast corner of the home to be placed upon the property by Grantees' assigns, South seventy-six degrees fifty-six minutes and thirty seconds (S 76 degrees 56' 30") approximately one hundred sixty (160') feet more or less to the man-hole at the intersection of Limestone and Linden Court for the purpose of maintenance and repair of a sump pump sewage system which is to be installed under the ground along said right-of-way. The easement is more fully specified in the subdivision plan for the lands of Robert Groller prepared by Kenneth B. Fogle, Jr., P.E., on March 18, 1978 which is to be recorded in the Northampton County Recorder of Deeds Office. Grantees, their heirs and assigns, expressly agree that with respect to excavations and repairs performed pursuant to this easement, that they will restore the surface of Grantors' premises to the condition as it was prior to said excavation and repairs.

TITLE TO SAID PREMISES IS VESTED IN George J. Groller and Theresa M. Groller, husband and wife, as follows:

BEING the same premises which Joseph J. Groller and Elizabeth L. Groller, husband and wife by Deed dated 9/21/78 and recorded 9/22/78 in Deed Book 588 page 406 conveyed unto George J. Groller and Paige A. Kuhns, in fee.

AND ALSO BEING the same premises which Paine A. Kuhns by Deed dated 8/8/80 and recorded _____ in Deed Book 620 Page 713 conveyed her 1/2 interest unto George J. Groller, in fee.

AND ALSO BEING the same premises which George J. Groller and Theresa M. Groller, husband and wife by Deed dated 6/11/81

and recorded 6/12/ 81 in Deed Book 627 Page 785 conveyed unto George J. Groller and Theresa M. Groller, husband and wife, in fee.

Premises being: 599 LINDEN COURT, NORTHAMPTON, PA 18067.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: M4-2-4A.

THEREON BEING ERECTED a two story single dwelling w/attached two-car garage, brick and stucco exterior and shingle roof; in-ground pool.

SEIZED AND TAKEN into execution of the writ as the property of George J. Groller and Theresa M. Groller.

FRANK FEDERMAN, ESQUIRE

No. 40

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006685**

ALL THAT CERTAIN lot or piece of land situate in the Township of Lower Saucon, Northampton County, State of Pennsylvania, being Lot No. 5 of Subdivision Plan of "Sherwood" by Neill J. Dekker, P.E., dated August 6, 1979 and revised September 17, 1979 as recorded in Plan Book 57 Page 1, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Easterly side of Saucon Avenue (cul-de-sac) said point being a corner of Lot No. 4 on said Plan; thence along said Lot No. 4 North 31 degrees 34 minutes 12 seconds East 310.53 feet to a point on the Southerly side of Snyder Avenue (unopened); thence along said Snyder Avenue (unopened) North 88 degrees 56 minutes 18 seconds East 30.00 feet to a point; thence along a portion of lands now or late Richard G. and Judith A. Rudolph, crossing the ter-

minus of Buck Avenue (unopened) and along a portion of lands now or late of Robert J. and Irene T. Galle South 11 degrees 09 minutes 20 seconds East 307.82 feet to a point, a corner of Lot No. 6 on said Plan; thence along Lot No. 6 South 88 degrees 49 minutes 14 seconds West 228.36 feet to a point on the Easterly side of Saucon Avenue (cul-de-sac); thence along said Saucon Avenue by a curve deflecting to the left having a radius of 50 feet and an arc distance of 49.96 feet to a point, the place of Beginning.

TITLE TO SAID PREMISES IS VESTED IN Joseph D. Frey and Ginger M. Frey, his wife by Deed from Roger J. Romanchik and Maureen T. Romanchik, his wife dated 5/26/2000 and recorded 5/31/2000 in Volume 2000-1 Page 065053.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: N7SE4-45-6.

BEING KNOWN AS 2161 Saucon Avenue, Bethlehem, Pennsylvania.

THEREON BEING ERECTED a two story single dwelling w/attached two-car garage, T-111 wood siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Joseph P. Frey and Ginger M. Frey.

FRANK FEDERMAN, ESQUIRE

No. 42

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006778**

ALL THAT CERTAIN lot or parcel of land situate at the northwest corner of Spruce Street and Rentzheimer Drive, in the Borough of Hellertown, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the northerly side of Spruce Street, distant seventeen and twenty hundredths (17.20') feet westwardly along the said northerly side of Spruce Street from the point where the northerly side of Spruce Street extended eastwardly intersects the westerly line of Rentzheimer Drive extended southwardly; thence extending south eighty-eight degrees fifteen minutes west (S 88 degrees 15' W) along the northerly side of Spruce Street a distance of seventy-two and fifty-five one-hundredths (72.55') feet to a point in line of Lot "G" Rentzheimer Farm; thence extending North one degrees forty-five minutes West (N 1 degree 45' W) along the dividing line between Lot G and Lot H, a distance of one hundred eleven and ninety-six hundredths (111.96') feet to a point in line of Lot Number 1, Block "D", Rentzheimer Farm; thence extending north eighty-six degrees forty-six minutes fifty-eight seconds East (N 86 degrees 46' 58" E) along the dividing line between Lot 1 and Lot H, a distance of seventy-one and ninety-five hundredths (71.95') feet to a point on the westerly side of Rentzheimer Drive, thence extending southwardly along the said westerly side of Rentzheimer Drive, along a curve, to the right, having a radius of Three thousand four hundred ninety-four and sixty hundredths (3,494.60') feet an arc distance of Ninety-seven and eighty-six hundredths (97.86') feet to a point of compound curve; thence extending southwestwardly, along a curve, curving to the right, having a radius of Fifteen (15') feet an arc distance of twenty-five and sixty-one one-hundredths (25.61') feet to the point of tangent on the northerly side

of Spruce Street, the point, the place of Beginning.

Tax Map # Q7SW3B-16-10.

BEING the same premises which Manuel F. Cerqueira and Joseph A. Cerqueira, executors of the last Will and Testament of Margaret Grube, by Deed dated November 23, 1994 and recorded in the Northampton County Recorder of Deeds Office on November 28, 1994 in Deed Book Volume 1994-6 Page 100050, granted and conveyed unto Victor D. Henriques and Theresa J. Henriques, husband and wife.

BEING KNOWN AS 220 Rentzheimer Drive, Hellertown, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Victor D. Henriques and Theresa J. Henriques.

FRANK FEDERMAN, ESQUIRE

No. 45

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2002-000126**

ALL THOSE CERTAIN lots of land, situate, lying and being in the Township of Palmer, in the County of Northampton and State of Pennsylvania, and designated as Lots Number Thirty-Two (32), Thirty-Three (33), Thirty-Four (34), Fifty-Four (54), Fifty-Five (55) and Fifty-Six (56) on a certain tract or piece of land known as the Bungalow Park Tract, a map of which is recorded in the Office of the Recorder of Deeds in and for the County of Northampton, in Map Book 4, Page 33, and being more particularly described as containing one hundred eighty feet (180') on Watson Street,

and extending in depth one hundred ninety feet (190') to Ellwood Street. The said lots being bounded and described as follows: On the South by Atkins Street, on the West by Watson Street, on the North Lots Numbers Thirty-One (31) and Fifty-Seven (57) and on the East by Ellwood Street.

ALSO being known as 319 Watson Street, Easton, PA 18042.

Being the same premises which ContiMortgage Corporation, by its deed dated November 16, 1998 and recorded November 24, 1998, in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania in Deed Book Volume 1998-1, Page 162157, granted and conveyed unto Eva Paar.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: M8NE2-3-2.

THEREON BEING ERECTED a ranch style dwelling with attached two-car garage, stone and vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Eva Paar.

SCOTT A. DIETTERICK,
ESQUIRE

No. 46

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2001-008816**

ALL THAT CERTAIN messuage, tenement and lot or piece of ground situate on the Southerly side of Lehigh Street, known as 1820 Lehigh Street, in the Borough of Wilson, County of Northampton, Commonwealth of Pennsylvania as shown on a plan prepared by Kenneth R. Hahn, R.S. drawing No. 83-27, dated January 21, 1983 bounded and described as follows:

BEGINNING at a point on the Southerly right of way line of Lehigh Street, (60 feet wide), said point

being located 200 feet Westerly of the West right of way line of 18th Street;

THENCE extending along the Westerly property line of house No. 1818 Lehigh Street, South 0 degrees 00 minutes West, (due South) 130.00 feet to a point on the Northerly side of Beech Street (15 feet wide);

THENCE extending along the Northerly side of Beech Street, South 90 degrees 00 minutes West, (due West) 20.00 feet to a point;

THENCE extending along the Easterly property line of house No. 1822 Lehigh Street, passing partly in and through the party wall separating 1822 from 1820 Lehigh Street, North 9 degrees 00 minutes East, (due North) 130.00 feet to a point on the Southerly right of way of Lehigh Street;

THENCE extending along the Southerly right of way line of Lehigh Street, North 90 degrees 00 minutes East, 20.00 feet to the place of beginning.

CONTAINING 2,600 square feet.

TAX PARCEL #L9SW2D 24-14.

TITLE TO SAID PREMISES IS VESTED IN Franklin Leroy Barlieb and Dorothea M. Barlieb, his wife by Deed from Eugene A. Shriver and Alberta A. Shriver, his wife dated 5/27/1983, recorded 6/1/1983, in Deed Book Volume 650, Page 434.

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

SEIZED AND TAKEN into execution of the writ as the property of Franklin Leroy Barlieb a/k/a Franklin L. Barlieb and Dorothea M. Barlieb.

MARTHA E. VON ROSENSTIEL,
ESQUIRE

No. 47

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2002-002804

ALL THOSE CERTAIN 5 lots, together with the improvements erected thereon, said lots totaling 100 feet in width and 110 feet in depth, situate in the Township of Bethlehem, County of Northampton and State of Pennsylvania and designated on the "Plan of Bethlehem Annex" as Lots Nos. 789 to 793 inclusive, recorded in Map Book Volume 6, Page 49, in Northampton County Court House, bounded and described as follows, to wit:

BEGINNING at a point, an iron pipe, at the Southeasterly corner of Lot No. 793 on the Northern line of Roosevelt Street (formerly Center Street), thence along said Northern line of Roosevelt Street in a Westerly direction 100.00 feet to an iron pipe at the Southwesterly corner of Lot No. 789; thence at right angles (90 degrees) to Roosevelt Street in a Northerly direction along the line dividing Lots No. 789 and No. 788, 110.00 feet to an iron pipe on the Southern line of a 15 foot wide alley (not opened at present); thence along the Southern line of said alley in an Easterly direction and parallel to Roosevelt Street 100.00 feet to a point, an iron pipe at the Northeasterly corner of Lot No. 793; thence at right angles (90 degrees) to said alley along the line dividing Lots No. 793 and 794 in a Southerly direction, 110.00 feet to an iron pipe, the point of beginning.

CONTAINING 11,000 square feet—0.252 Acre.

TAX PARCEL #N7NW3-34-7.

BEING KNOWN AS 3147 Roosevelt Street, Bethlehem, Pennsylvania.

THEREON BEING ERECTED a bungalow dwelling with siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Robert G. Holva.

BARBARA A. FEIN, 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

Jan. 15, 22, 29

Corporation Bureau Fee Schedule**Domestic Corporation/Association Profit and Non-Profit**

Articles of Incorporation or like instrument incorporating a corporation or association	\$125
Articles of Conversion	\$70
Each ancillary transaction	\$70
Articles of Merger, Consolidation or Division	\$70
Additional fee for each association which is a party to a merger or consolidation	\$40
Additional fee for each association resulting from a division	\$125

Foreign Corporations

Certificates of Authority or like qualifications to do business	\$250
Amended Certificate of Authority of like change in qualification to do business	\$250
Domestication	\$125
Each ancillary transaction	\$70
Statement of Merger or Consolidation	\$70
Additional fee for each association which is a party to a merger or consolidation	\$40

Fictitious Name

Registration	\$70
Each ancillary transaction	\$70

Trademark

Registration	\$50
Renewal	\$50
Assignment	\$50

Insignia, Marked Articles and Like Matters

Registration	\$50
Amendment	\$50

Domestic Limited Partnership

Registration	\$125
Each ancillary transaction	\$70
Certificate of Merger, or Consolidation of Division	\$70
Additional fee for each association which is a party to a merger or consolidation	\$40
Additional fee for each "new" association resulting from a division	\$125

Foreign Limited Partnership

Registration	\$250
Amended registration	\$250
Domestication	\$125
Each ancillary transaction	\$70

Domestic Limited Liability Partnership

Registration	\$125
Each ancillary transaction	\$70
Annual registration	at least \$240

Domestic Limited Liability Company

Certificate of Organization	\$125
Each ancillary transaction	\$70
Certificate of Merger, Consolidation or Division	\$70
Additional fee for each association which is a party to a merger or consolidation	\$40

Additional fee for each new association resulting from a division	\$125
Annual registration	at least \$360
Foreign Limited Liability Partnership/Limited Liability Company	
Registration	\$250
Amended registration	\$250
Domestication of Foreign Limited Liability Company	\$125
Each ancillary transaction	\$70
Annual registration (Partnership)	at least \$240
Annual registration (Company)	at least \$360
Change of Registered Office by Agent	\$5

Certification Fees

Record searches listing the entity number, name, address, and file date (these may also indicate a no record)	\$15
Good standing certificates evidencing status	\$40
Plain copies	\$15 plus \$3 per page
Certified copies	\$55 plus \$3 per page
Engrossed certificates bearing the secretary's seal (non-existence certificates and great seals)	\$70
Printouts of the computer screen are available in the reception room	\$3 per page
All microfilm records are available for public inspection and copying in the Corporation Bureau reception room	\$3 per page
Service of Process, Each Defendant Names or Served	\$70

Uniform Commercial Code

Financing Statement	\$84
Financing Statement Amendment	\$84
Correction Statement	\$84
Attached pages to UCC-1 or UCC-3 filings	NO ADDITIONAL CHARGE
UCC-11 Information Request	\$12
UCC-11 Copy Request	\$12 + \$3 per page of copies; and \$28 if certification is requested

Other Fees

Duplicate certificates are available	\$70
Name Reservation/Registration	\$70
Name Availability (3 names)	\$15
Expedited	\$70 per transaction
FAX	\$3 per page (outgoing fax)
Business List	\$12 + \$.25 per name

* If you have any questions, please contact the **Corporation Bureau** at (717) 787-1057.

Jan. 15

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ERIC PETERS, Plaintiff v. RICHARD ERNST et al., Defendants*Summary Judgment—Federal Pre-emption—Negligence—Railroads.*

Plaintiff filed a Complaint alleging, among others, negligence on the part of Defendant railway company in the design and construction of a grade crossing resulting in personal injuries to Plaintiff when the car he was riding in collided with a train at the crossing. Defendant railway company filed a Motion for Summary Judgment, arguing that the occupied crossing rule and federal pre-emption barred Plaintiff's claims. The court held that the occupied crossing rule did not apply to this case, and that federal pre-emption did bar some, but not all, of Plaintiff's claims.

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2000-004370.

Order of Court granting in part and denying in part Defendant's Motion for Summary Judgment.

HARRY DEWALT, ESQUIRE, for Plaintiff.

JUDITH RING, ESQUIRE, for Defendant.

Order of Court entered December 18, 2002 by MORAN, J.

ORDER

AND NOW, this 18th day of December 2002, Defendant Consolidated Rail Corporation's Motion for Summary Judgment is disposed of as follows:

1. Conrail's Motion for Summary Judgment on the theory of the occupied crossing rule is DENIED.
2. Conrail's Motion for Summary Judgment on Plaintiff's claim of excessive train speed is GRANTED.
3. Conrail's Motion for Summary Judgment on Plaintiff's claim of insufficient crossing warning devices is GRANTED.
4. Conrail's Motion for Summary Judgment on Plaintiff's claim of inadequate on-train warning devices is DENIED.
5. Conrail's Motion for Summary Judgment on Plaintiff's claim of failure to yield the right of way is DENIED.
6. Conrail's Motion for Summary Judgment on Plaintiff's claim of failure to provide flagmen is GRANTED.
7. Conrail's Motion for Summary Judgment on Plaintiff's claim of failure to keep a proper lookout is GRANTED.
8. Conrail's Motion for Summary Judgment on Plaintiff's claim of failure to remove obstructions is GRANTED.

STATEMENT OF REASONS

On June 29, 2000, Plaintiff Eric Peters ("Peters") filed a Complaint alleging negligence on the part of Defendants resulting in a collision be-

tween a car, driven by Defendant Richard Ernst (“Ernst”) and a train operated by Defendant Consolidated Rail Corporation (“Conrail”). Peters was a passenger in the front seat of the car. Currently before the court is the Motion for Summary Judgment filed by Defendant Conrail.

Standard of Law—Summary Judgment

Pennsylvania Rule of Civil Procedure 1035.2 states that where there is no genuine issue of material fact and the moving party is entitled to relief as a matter of law, summary judgment may be entered. However, a nonmoving party may not rest on averments contained in pleadings or answers to survive a Motion for Summary Judgment if the burden of proof rests on the nonmoving party. *Manzetti v. Mercy Hospital of Pittsburgh*, 565 Pa. 471, 776 A.2d 938 (2001). In determining whether summary judgment should be entered, the record must be viewed in a light most favorable to the nonmoving party, and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party. *Manzetti* (citations omitted).

Pennsylvania Rule of Civil Procedure 1035.1 defines what the relevant record is for deciding these Motions. The following statement of facts is taken from the pleadings, affidavits, and depositions submitted by the parties, and any exhibits submitted by the parties that have been authenticated either by verification or through deposition testimony.

Factual Summary

On September 25, 1998, Eric Peters was the front seat passenger in a 1987 Ford Tempo which was being driven by Defendant Richard Ernst. In the back seat were passengers Bradford Huttie and Chad Uhl. The vehicle was heading northbound on Township Line Road in Lower Nazareth Township, Northampton County, Pennsylvania. At approximately 11:20 a.m., the car approached the intersection of Steuben Road and Township Line Road. Charles R. Kunsman, a former Conrail employee was on Steuben Road at the intersection and observed the car drive by.

It was a misty morning, so all the windows in the car were rolled up. Music was playing on the car stereo at a volume that was low enough to allow conversation among the occupants. The car was traveling at a speed between 40 and 55 miles per hour.

At the same time, a Conrail train was proceeding from Allentown to Stockertown. The tracks upon which the train was traveling cross Township Line Road approximately 130 feet north of the intersection with Steuben Road. As the car approached the train tracks, the Conrail train crossed the road traveling at approximately 15 miles per hour.

The engineer on the train, Stephen B. Gothreau (“Gothreau”) was seated on the lead engine of the train. He did not see the car as he approached Township Line Road. The conductor, John Hedneck (“Hedneck”),

now deceased, never told Gothreau that he had seen the car before crossing Township Line Road. John Moser, the brakeman on the engine also did not see the car before crossing Township Line Road.

None of the occupants in the car heard a whistle or bell. Nor did they see the train until it started to cross the road. Ernst states that a house, some trees, and bushes obstructed his view and did not allow him to observe the train before it started crossing the street. Ernst, upon seeing the train, tried to stop the car before hitting the train. Unfortunately, he was unable to stop the car, and the car collided with the rear of the lead engine at a point approximately 50 feet from the front of the engine.

As a consequence of the collision, Peters' face forcefully impacted with the windshield of the car, shattering the glass. As a result, Peters has suffered scarring to his face, neck, and right shoulder. Furthermore, he may have suffered permanent injury to his neck and back.

The Occupied Crossing Rule

Conrail's first argument contends that all of Peters' claims fail as a matter of law because of the "occupied crossing rule." Under the "occupied crossing rule"

railroads are under no legal duty to provide warning or protection to highway users at grade crossings *or on streets or highways* where an engine or a draft of cars is on the crossing *or street or highway* and is visible to such highway users, the presence of the engine or draft on the crossing *or street* being sufficient warning to them of the dangers incident thereto.

Cella v. Pennsylvania R.R. Co., 364 Pa. 82, 70 A.2d 638 (1950) (emphasis in original) (quoting *Pennsylvania R.R. Co. v. Driscoll et al.*, 336 Pa. 310, 9 A.2d 621 (1939)). Essentially, the rule assumes that the presence of the train at the crossing is sufficient warning to anyone using the highway with ordinary care. *Id.* Therefore, the operator of the train is under no duty to supply other warnings when the train occupies the crossing. *Id.* Another way to state the "occupied crossing rule" is that an operator of a motor vehicle is under the duty to drive using ordinary care and in a manner sufficient to stop within the distance that the train in the crossing could plainly be seen. *Wink v. W. Maryland Ry.*, 116 Pa. Super. 374, 176 A. 760 (1935). The owner of the train is under no duty to protect against drivers who breach such a duty. Thus, if the rule applies, no claim in tort is available.

In the situation presently before the court, the uncontradicted testimony is that the driver of the vehicle, Ernst, first saw the train as it began to cross Township Line Road. He immediately attempted to stop. The factual scenario presented in this case involves the lead locomotive appearing in the crossing immediately prior to the accident. These allegations raise an issue of fact as to whether the locomotive, as the lead portion of the train, was in the crossing at a point in time that would have prompted a driver

using ordinary care to stop before hitting the train. The ultimate determination of this fact is critical to the application of the occupied crossing rule. The occupied crossing rule cannot logically apply to a train as it initially enters a crossing without warning or observation by a careful driver of a car. Thus, we cannot conclude, as a matter of law, that if Ernst had been driving with ordinary care he could have avoided colliding with the train. Conrail's first argument for Summary Judgment is denied.

Speed of the Train

Conrail next argues that Peters' allegation of Conrail operating the train in excess of the federally authorized speed limit must fail for lack of proof. Furthermore, Conrail argues, common-law allegations of negligence regarding train speed are pre-empted by federal regulation. Peters does not address this issue in his brief.¹

Initially, we note that allegations of negligence related to the speed of a train at a grade crossing are pre-empted by federal regulations issued by the Secretary of Transportation. *CSX v. Easterwood*, 507 U.S. 658, 113 S.Ct. 1732 (1993). We further note that there is no evidence in the record that could establish that the train involved was exceeding the federally authorized track speed. Therefore, Summary Judgment is granted against all claims alleging the speed of the train as a basis for liability.

Crossing Warning Devices

Conrail also argues that Peters' negligence claims regarding the adequacy of crossing warning devices are pre-empted by federal regulation. Once again, Peters does not address this issue in his brief.

The Supreme Court of the United States has found in cases involving warning signs at grade crossings that state law negligence principles are pre-empted where regulations pursuant to the Federal Rail Safety Act have "covered" the field. *Easterwood*, supra. When federal funds participate in the installation of crossing warning devices, 23 C.F.R. §§646.214(b)(3) and (4) govern the selection and installation of the crossing warning devices. *Id.* Therefore, if federal funds are used in the installation of crossing warning devices, regulations of the Federal Rail Safety Act "cover" the field.

In the present situation, the Affidavit of H. Frederick Daniels, a PennDOT employee, has been filed. In his Affidavit and its accompanying exhibits, Daniels indicates that federal funds were used in the installation of the warning devices at the Township Line Road crossing. As a result, Peters' negligence claim regarding inadequate crossing warning devices is

¹ We note that Conrail has in several of its motions argued that federal law or regulation pre-empt's Plaintiff's claims. In a technical sense, federal law does not pre-empt the Plaintiff's claims. Rather, it merely establishes the duty owed by Conrail. What is pre-empted is any negligence claim that Conrail breached a duty not contained in the federal law.

pre-empted by federal regulation. Finally, there is no evidence in the record concerning noncompliance with federal standards regulating crossing warning devices. Conrail's Motion for Summary Judgment is granted against all claims alleging the inadequacy of the crossing warning devices at the Township Line Road crossing.

On-Train Warning Devices

Conrail next argues that Peters' claims based on the adequacy of the warning devices on the train must fail for two reasons. First, Conrail argues, the issue of what warning devices are required to be on a train is pre-empted by the Federal Locomotive Boiler Inspection Act. Second, Conrail argues, Peters has presented no evidence that the appropriate warning devices were not employed. We conclude that Conrail is correct in its first argument, but not in its second.

Under the FRSA, 49 U.S.C. §20101 *et seq.*, the federal Department of Transportation has issued train safety regulations as to both audible warning devices and headlights and auxiliary lights. 49 C.F.R. §229.125 (lights); 49 C.F.R. §229.129 (audible warning devices). Therefore, regulations pursuant to the FRSA have "covered" this area, and Peters' claims regarding the adequacy of the on-train warning devices are subject only to a claim that Conrail violated the federal regulations.

Peters' claims regarding on-train warning devices also contain an allegation that the devices were not properly activated. Conrail argues that no evidence has been presented by Plaintiff to support this claim. However, a review of the deposition transcripts of the four occupants of the car reveals adequate support for such claims.

The driver of the car, Ernst testified that he did not hear any whistle or horn while approaching the crossing (Ernst Depo., p. 41). Furthermore, he did not see any lights on the train (Ernst Depo., p. 37). Passenger Huttie did not see any lights or hear any whistles or bells (Huttie Depo., p. 55). Passenger Uhl never heard a whistle or horn, and did not see lights on the train (Uhl Depo., pp. 54-55). Peters himself did not hear a horn or bell from the train (Peters Depo., p. 42).

This testimony, while it does not directly address the issue of whether the warning devices were activated, is sufficient circumstantial evidence to allow a reasonable jury to conclude that the devices were not activated. Accordingly, Conrail's Motion for Summary Judgment regarding the activation of the on-train warning devices is denied.

Failure To Yield the Right of Way

Conrail next argues that it has no duty to yield the right of way to an automobile at a grade crossing. As a result, Conrail argues, Peters' allegation of negligence based upon a failure to yield must fail. Peters responds by arguing that the cases cited by Conrail are distinguishable, and further-

more, that the “stop, look, and listen” rule has been abrogated by case law and by statute.

Under Pennsylvania law, a railroad has the superior right of travel over an automobile at a grade crossing. *Wilson v. Pennsylvania Railroad Co.*, 421 Pa. 419, 219 A.2d 666 (1966) (citations omitted). The Pennsylvania Supreme Court, in an early case, explained the duties of the respective parties at a grade crossing as follows:

Undoubtedly, when both are approaching the crossing at a rate of speed which would put them on it at the same time, unless one or the other slows up or stops, disaster to one or the other or both follows. *If the train has given the proper warning signal to the traveler*, of its intention immediately, for a very short space of time, to occupy the crossing, the further duty of slowing up or stopping until the traveler has safely passed is not, by law, imposed upon it. That duty is on the traveler. (Emphasis added.)

Newhard v. Pennsylvania R.R. Co., 153 Pa. 417, 26 A. 105 (1893). In other words, a train has no duty to yield the right of way to a motor vehicle at a grade crossing if the train has given the proper warning signal. As discussed previously, Plaintiff has adduced sufficient evidence of record to allow a reasonable jury to find that the train did not give the proper warning signal. Therefore the cases cited by Conrail do not act to relieve Conrail of a duty to yield the right of way at the Township Line Road crossing if it is found that Conrail did not give the proper warning signal.

In addition, Conrail argues that all motorists have a duty to stop, look, and listen at all railroad crossings. However, the stop, look, listen rule is not a bar to recovery when such conduct would not have prevented the accident. *Fallon v. Penn Central Transportation Co.*, 444 Pa. 148, 279 A.2d 164 (1971). As has been discussed previously, Peters has adduced sufficient evidence to allow a reasonable jury to find that had Ernst stopped, looked, and listened, he would not have seen or heard anything. Accordingly, Conrail’s Motion for Summary Judgment with regard to the allegation of failing to yield the right of way is denied.

Failure To Employ Flagmen

Peters, in his Complaint, alleges that Conrail was negligent in not employing flagmen at the Township Line Road crossing. Conrail argues that it was under no duty to provide flagmen at the crossing, as the issue is pre-empted by federal regulation. We conclude that Conrail is correct.

As discussed previously, the FRSA regulates the installation of crossing warning devices. If federal funds are used in the installation of crossing warning devices, the devices employed must be approved by the Secretary of Transportation. The issue of the adequacy of these warnings is therefore “covered” by federal law. We conclude that the use of flagmen is another

form of crossing warning device. Both are merely methods of warning oncoming motor vehicles of the imminent arrival of the train in the crossing. The issue of whether flagmen are required to be employed is “covered” by federal regulations. There is no evidence of record that would tend to establish that Conrail did not comply with the federal regulations. Therefore, Conrail’s Motion for Summary Judgment on the allegation of failure to employ flagmen is granted.

Failure To Keep a Proper Lookout

Peters, in his Complaint, alleges that Conrail was negligent in failing to keep a proper lookout when approaching the Township Line Road crossing. Conrail argues that it has no duty to keep a lookout as it approaches a grade crossing. We conclude that Conrail did have a duty to keep a lookout as the train approached the Township Line Road crossing. However, the facts of the situation force us to conclude that any breach of that duty could not have been a cause of the accident.

Conrail argues that since there is no duty to stop or slow trains merely because a car is observed approaching a grade crossing, there can be no duty to keep a lookout for vehicles. In its broadest sense, this statement is not true in Pennsylvania: “At a dangerous public crossing the operator of a trolley car (even though it has a superior right of way) owes a duty of exercising a high degree of care towards persons reasonably to be expected to appear at the crossing, such as pedestrians, motorists and other travelers.” *Scholl v. Philadelphia Suburban Transp. Co.*, 356 Pa. 217, 221, 51 A.2d 732 (1947). “It is the duty of a motorman to keep a constant lookout ahead, and to have such control of his car as to avoid dangers ordinarily incident to its operation, and also to avoid such unusual and unexpected dangers as he saw in time to avoid.” *Id.* at 221-22.

This duty, however, applies only to what is already in the track ahead of the train. The duty in *Scholl* arose when a vehicle was stopped temporarily in a crossing while waiting to make a left turn into traffic. The court held that the train operator had a duty to take reasonable efforts to avoid hitting a vehicle that had already occupied the crossing. Furthermore, Conrail is correct in asserting that a train need not slow or stop for a car approaching a crossing. Therefore, even if Conrail had failed to keep a proper lookout for a vehicle occupying the Township Line Road crossing, it cannot be said that this breach was a cause of Ernst’s car hitting the engine approximately 50 feet behind the front edge of the engine. Accordingly, Conrail’s Motion for Summary Judgment on the allegation of failure to keep a proper lookout is granted.

Failure To Remove Obstructions

Finally, Conrail argues that the Plaintiff has failed to carry its burden of proof on his allegation that Conrail failed to remove obstructions to the

visibility of motorists traveling northbound on Township Line Road from its property. Specifically, Conrail argues that Plaintiff has failed to adduce any evidence that the obstructions are located on Conrail property. Plaintiff did not address this issue in his brief.

After a review of the record, we conclude that Peters has not presented any evidence of the ownership of the land on which the alleged obstructions exist. As a result, Plaintiff has failed to comply with *Manzetti* and produce evidence supporting his allegations on an issue where he bears the burden of proof. Accordingly, Conrail's Motion for Summary Judgment on the issue of whether Conrail was negligent for failing to remove obstructions is granted.

2004 PHOTO DIRECTORY OF MEMBERS

The Northampton County Bar Association is pleased to present a new pictorial directory of our association members for 2004. The last pictorial directory was published in 1997. The directory will include photos, names, addresses, phone numbers and e-mail addresses. I hope that this directory will also assist our members in recognizing and knowing one another; it can become increasingly difficult to keep up with the growing numbers each year.

As a convenience to our many members, for both parking and location, the **JURY LOUNGE** at the Northampton County Government Center will be the site of the photo shoot. The scheduled dates for the photo shoot are **February 4th, 5th and 6th from 10:00 a.m. to 4:00 p.m.**

Please pick one of the following dates that would be most convenient to you to have your picture taken. Secondly, pick a time that best suits your schedule on that date. Please realize these times will not be exact, overlapping will occur. The photographer will try to keep everything moving as smoothly as he can. Please remember to be patient and flexible and try to make it to the Jury Lounge on one of the listed dates: make-up dates may not fit your schedule as well. Please wear appropriate business attire; judges may wish to wear a robe.

10:00 a.m.	11:00 a.m.	12:00 p.m.	1:00 p.m.	2:00 p.m.	3:00 p.m.
10:05 a.m.	11:05 a.m.	12:05 p.m.	1:05 p.m.	2:05 p.m.	3:05 p.m.
10:10 a.m.	11:10 a.m.	12:10 p.m.	1:10 p.m.	2:10 p.m.	3:10 p.m.
10:15 a.m.	11:15 a.m.	12:15 p.m.	1:15 p.m.	2:15 p.m.	3:15 p.m.
10:20 a.m.	11:20 a.m.	12:20 p.m.	1:20 p.m.	2:20 p.m.	3:20 p.m.
10:25 a.m.	11:25 a.m.	12:25 p.m.	1:25 p.m.	2:25 p.m.	3:25 p.m.
10:30 a.m.	11:30 a.m.	12:30 p.m.	1:30 p.m.	2:30 p.m.	3:30 p.m.
10:35 a.m.	11:35 a.m.	12:35 p.m.	1:35 p.m.	2:35 p.m.	3:35 p.m.
10:40 a.m.	11:40 a.m.	12:40 p.m.	1:40 p.m.	2:40 p.m.	3:40 p.m.
10:45 a.m.	11:45 a.m.	12:45 p.m.	1:45 p.m.	2:45 p.m.	3:45 p.m.
10:50 a.m.	11:50 a.m.	12:50 p.m.	1:50 p.m.	2:50 p.m.	3:50 p.m.
10:55 a.m.	11:55 a.m.	12:55 p.m.	1:55 p.m.	2:55 p.m.	3:55 p.m.
Wednesday—February 4, 2004		Thursday—February 5, 2004		Friday—February 6, 2004	
[]		[]		[]	

PLEASE PRINT NAME
PHONE NUMBER
*Please return this form, by fax (610) 258-8715 or by mail, to the NCBA at your earliest convenience.