

# Northampton County Reporter

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VOL. LIII

EASTON, PA April 8, 2004

NO. 67

Northampton County Reporter Digest—2004-4

## CONTENTS

Audit Notice .....	10	Legal Secretary .....	11, 12
Bar News .....	3	Northampton County Reporter Digest—2004-4 .....	13
Estate Notices .....	6	Notices of Incorporation .....	9
INSERT: .....	Blue	Thank You .....	4
1) "Three Perspectives of Zoning Appeal: Municipality, Applicant & Objectors"			
2) "Take Your Daughters and Sons to Work Day!"			
3) "Northampton DUI Practice under the New ACT"			
4) "Estate Program and Regulations"			

### NOTICE TO THE BAR

#### **Praecipes in Criminal Matters**

In an effort to insure up to date and accurate information is contained in the Criminal Case Management System, The Criminal Clerk of Court has been instructed not to accept any *praecipe* for a criminal proceeding that does not possess the name of the Assistant District Attorney assigned to the case and/or the defense counsel representing the defendant.

During the early segment of July, the Criminal Clerk of Courts will be required to install Case Management software developed and maintained by the Administrative Office of the Pennsylvania Courts. To provide a seamless transition and satisfy the future requirements of Commonwealth, your assistance is appreciated.

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

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Karl F. Longenbach ..... President-elect  
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***Northampton County Reporter***

**Attorney Referral & Information Service**

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Deborah J. Flanagan ..... Attorney Referral

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

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Robert C. Brown, Jr., Esquire

Editor

### **NOTICES TO NCBA MEMBERS—BAR NEWS**

☞ **INCLUDED IN THIS ISSUE** is the list of participants from this year's Mock Trial Competition. It wouldn't have been a success without each and every one of you!

☞ **See front page for “NOTICE TO THE BAR”** for Praecipes in Criminal Matters!

☞ **PLEASE NOTE** 40 Hours Divorce Mediation Training offered April 15-17 and April 22-24 located at the Comfort Inn on Route 202, Brandywine Valley. Pennsylvania lawyers will earn 31 Substantive and 2.5 Ethics CLE Credits to complete the course as a Divorce Mediator. Contact Mediation Works at (610) 725-8061 or go online at [www.mediationworks.ws](http://www.mediationworks.ws)

☞ **INCLUDED IN THIS ISSUE** are the announcements and registration forms for the following events: **(1) April 20<sup>th</sup>**—Lunch/Lecture “*Three Perspectives of Zoning Appeal: Municipality, Applicant & Objectors*” **(2) April 22<sup>nd</sup>**—“*Take Your Daughters & Sons to Work Day*” **(NEW) (3) May 5<sup>th</sup>**—“*Northampton County DUI Practice under the New Act*” **(4) May 13<sup>th</sup>**—“*Estate Recovery Program*”

☞ **COULD YOU USE AN INTERN FOR THE SUMMER?** If so, please contact any one of the following students:

**NACC Paralegal Students** want summer work; please contact Mary Kate Smereczynsky or her sister Gina Smereczynsky at (610) 258-7227.

**Political Science Major/Pre-law at Arcadia University** is looking for an internship this summer. Contact Michael C. Bertolino @ (610) 253-0499.

**1L w/Paralegal & Government Experience** is seeking part-time work to supplement judicial internship. Contact Abigail Baird (978) 505-1088 (cell) or [bairda@bc.edu](mailto:bairda@bc.edu)

☞ **PBI/CLE SEMINAR @ NCBA**—“*Boundary Law in Pennsylvania*”—**Wednesday, April 14, 2004—9:30 a.m. to 2:00 p.m.—4/0 CLE Credits** Register early by calling (800) 932-4637 or go online at [www.pbi.org](http://www.pbi.org)

#### ☞ **BAR ASSOCIATION OF LEHIGH COUNTY**

##### **SPONSORED SEMINARS FOR 2004:**

**[April 20<sup>th</sup>**—“*Basic International Trade Law*”] **[May 12<sup>th</sup>**—“*Lanham Act, False Advertising & Unfair Competition*”] Call BALC for details such as times, fees, credits, meals and/or to register at (610) 433-6401, ext. 16.

# THANK YOU

On behalf of the Northampton County Bar Association, a sincere **thank you** goes out to the following Judges, Law Clerks, Attorneys, District Justices, Courthouse Staff, Paralegals and Secretaries for their volunteer efforts in making the "2004 Mock Trial Competition" one of the best yet! Your participation always helps to make this program a tremendous success.

A special thanks to *Mock Trial Program Chair Janet Hay Subers & Co-Chair Maura Zajac McGuire* for their time and effort in the planning and implementation that went into this year's **Mock Trial Competition**. GREAT JOB!

## Thank you Everyone!

Nancy Aaroe	Jean Dorton
Jason Banonis	Gay L. Elwell, D.J.
James Bathgate	Hillary Feldman
Anthony Beltrami	Theresa Flanagan
Frank Baker	Leah Finlayson
Hon. Stephen Baratta	Thomas Fischer
Joseph Barner, D.J.	Hon. Robert A. Freedberg
Steven Boell	Michael Gaul
William Clements	Antonia Grifo
Mark Combi	Charles Gordon
Raymond DeRaymond	Steven Goudsouzian
Michael Deschler	Jeffrey Guth

William F. Harris  
Catherine Heimbach  
Meredith Hemphill  
Hon. James Hogan  
Susan Hutnik  
Donald Klein  
Abraham Kassis  
Henry Kemmerer  
Sheila Kissinger  
Stephen Kreglow  
Larissa Koscky  
Richard Kovacs  
Paul Laughlin  
Peter Lehr  
Alyssa Lopiano-Reilly  
Richard Luse  
Lynne Madnick  
Joshua Mazin  
Debbie McClellan  
Hon. F.P. Kimberly McFadden  
Alan McFall  
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Barbara Renkert  
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Paula Roscioli  
Glenn Roth  
Mark Scoblionko  
Victor Scomillio  
Andrew Shaw  
Christopher Shipman  
Jennifer Sletvold  
Charles Smith  
Hon. Edward G. Smith  
Jill Smith  
Daniel Snyder  
Christopher Spadoni  
Lisa Spitale  
Janet Hay Subers  
Donald Swan, Jr.  
Jacqueline Taschner  
John Thomas, III  
Michael Thompson  
Lisa Tresslar  
Laura Tobey  
Joshua Waller  
David Williams  
Dennis Winegar  
Tara Zimmerman  
Alicia Zito

**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****AYKROYD, EDITH D.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA  
 Executrix: Ruth D. Mickolay  
 c/o Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726  
 Attorney: Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

**DOLLAR, ROBERT L. a/k/a ROBERT LOWE DOLLAR,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA  
 Executrix: Terri J. Weidner  
 c/o Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726  
 Attorney: Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

**FINELLI, IDA G.,** dec'd.

Late of the Borough of Bangor, Northampton County, PA  
 Executor: Scott Morgan  
 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

**HELMS, GLENN L.,** dec'd.

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

Administrator: Alfred S. Pierce, Esquire, 124 Belvidere Street, Nazareth, PA 18064  
 Attorneys: Alfred S. Pierce, Esquire, I.D. No. 21445, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

**KIMSEY, THOMAS M.,** dec'd.

Late of the Borough of Bangor, Northampton County, PA  
 Executor: Paul T. Kimsey, 11 Smithfield Village, East Stroudsburg, PA 18301-9049  
 Attorneys: Daniel M. Corveleyn, Esquire, Newman, Williams, Mishkin, Corveleyn, Wolfe & Fareri, P.C., 712 Monroe Street, Stroudsburg, PA 18360-0511

**KISTLER, DOROTHY S.,** dec'd.

Late of Bethlehem, Northampton County, PA  
 Executrix: Margaret K. Fulmer  
 c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517  
 Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

**LOKAY, JOANNA J. a/k/a JOANNA LOKAY,** dec'd.

Late of the Borough of Northampton, Northampton County, PA  
 Executrix: Janet Marie Kline  
 c/o James J. Narlesky, Esquire, 717 Washington Street, Easton, PA 18042  
 Attorney: James J. Narlesky, Esquire, 717 Washington Street, Easton, PA 18042

**MARTOCCI, JOSEPH F. a/k/a JOSEPH F. MARTOCCI, SR.,** dec'd.

Late of the Borough of Roseto, Northampton County, PA  
 Co-Executors: Mr. Nicholas J. Martocci and Mr. Joseph F. Martocci, Jr., 409 Falcone Avenue, Roseto, PA 18013  
 Attorney: Vaughn A. Terrinoni, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

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

Late of Bethlehem, Northampton County, PA  
 Executrix: Debra Joy Smith c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517  
 Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

**NIXON, HILDA M.,** dec'd.

Late of the Borough of Nazareth, Northampton County, PA  
 Executrix: Delores E. Nixon, 90 Porter Street, Nazareth, PA 18064  
 Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

**PETRO, ROSEMARIE G. a/k/a ROSEMARIE A. PETRO,** dec'd.

Late of the City of Bethlehem, Northampton County, PA  
 Administrator: Charles J. Petro c/o Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726  
 Attorney: Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

**PINTANDE, JOSEPHINE L.,** dec'd.

Late of the City of Easton, Northampton County, PA  
 Executor: Thomas Pintande c/o Gus Milides, Esquire, 654 Wolf Avenue, Easton, PA 18042  
 Attorney: Gus Milides, Esquire, 654 Wolf Avenue, Easton, PA 18042

**TRINKER, MARCIA,** dec'd.

Late of the Township of Palmer Township, Northampton County, PA  
 Executor: Gary Trinker, 1865 Clarendon Drive, Easton, PA 18040

**SECOND PUBLICATION****DOTTA, ANTHONY,** dec'd.

Late of Nazareth, Northampton County, PA  
 Executor: Wayne A. Dotta, 407 Gladstone Rd., Langhorne, PA 19047

**HAJDUK, CATHERINE E.,** dec'd.

Late of the Borough of Freemansburg, Northampton County, PA  
 Executor: Raymond Hayduk, 419 Main Street, Freemansburg, PA 18017  
 Attorneys: Joanne Kelhart, Esquire, Shay, Santee & Kelhart, 44 East Broad Street, Bethlehem, PA 18018

**HORSCROFT, W. FRANK, JR.,** dec'd.

Late of Bethlehem, Northampton County, PA  
 Co-Executrices: Carol H. Clarke and Sara R. Kurtz, 228 Creek Road, Frenchtown, NJ 08825  
 Attorneys: Robert W. Brown, Esquire, Brown, Brown, Solt

& Ferretti, 1425 Hamilton Street, Allentown, PA 18102

**RISSMILLER, ADA K.**, dec'd.

Late of the Township of Moore, Northampton County, PA  
Executor: Alan R. Rissmiller, 635 Weston Dr., Toms River, NJ 08755

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

**SZABO, ARPAD**, dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Lynn M. Rosario c/o Chester A. Reybitz, Esquire, 429 East Broad St., P.O. Box 1445, Bethlehem, PA 18016-1445

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

**WELTON, IRENE R.**, dec'd.

Late of the Township of Washington, Northampton County, PA

Administrator: Wooster Welton c/o McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, P.O. Box 147, Bangor, PA 18013

Attorneys: McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, P.O. Box 147, Bangor, PA 18013

**THIRD PUBLICATION**

**ARNOLD, ERWIN J.**, dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executrix: Helen A. Buchanan 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

**BEDICS, MARY A.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

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

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

**BOUCHER, JOHN M.**, dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executor: Martin Boucher c/o Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

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

**GOLDEN, HELEN a/k/a HELEN W. GOLDEN**, dec'd.

Late of the Borough of Bangor, Northampton County, PA

Executor: Dennit Golden c/o Michael A. Gaul, Esquire, King, Spry, Herman, Freund & Faul, One West Broad Street, Suite 700, Bethlehem, Pa 18018

Attorneys: Michael A. Gaul, Esquire, King, Spry, Herman, Freund & Faul, One West Broad Street, Suite 700, Bethlehem, Pa 18018



**HANLON, JOSEPH ROBERT,**  
dec'd.

Late of HCR Manorcare, 2600 Northampton Street, Easton, Northampton County, PA

Executrix: Jennifer Mae DeLaTorre c/o Robert B. Roth, Esquire, Roth & Roth, Attorneys at Law, 123 North Fifth Street, Allentown, PA 18102  
Attorneys: Robert B. Roth, Esquire, Roth & Roth, Attorneys at Law, 123 North Fifth Street, Allentown, PA 18102

**HUNSICKER, RICHARD L.,**  
dec'd.

Late of the Township of Williams, Northampton County, PA

Executrix: Judy L. Kunsman c/o Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

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

**LaBAR, NORMAN W.,** dec'd.

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

Co-Executrices: Arlene J. Raub, 4706 Cheryl Drive, Bethlehem, PA 18017-8717 and Joyce E. Weidlick, 223 Independence Way, Mount Bethel, PA 18343

**McCARTHY, PATRICIA KELLEY**  
**a/k/a PATRICIA K. McCARTHY,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Justin K. McCarthy, Esquire, Law Offices of Justin K. McCarthy, Suite 100,

528 North New Street, Bethlehem, PA 18018

Attorneys: Justin K. McCarthy, Esquire, Law Offices of Justin K. McCarthy, Suite 100, 528 North New Street, Bethlehem, PA 18018

**SCANLON, EDWARD C. a/k/a EDWARD C. SCANLAN,** dec'd.

Late of the Township of Hanover, Northampton County, PA  
Administratrix: Heather Scanlon c/o Leigh A. Jerner, Esquire, Jerner & Palmer, P.C., 7152 Germantown Avenue, Suite 200, Philadelphia, PA 19119

Attorneys: Leigh A. Jerner, Esquire, Jerner & Palmer, P.C., 7152 Germantown Avenue, Suite 200, Philadelphia, PA 19119

**THOMPSON, ROSEMARY C.,**  
dec'd.

Late of Forks Township, Northampton County, PA

Administrator: William A. Thompson c/o Ralph J. Bellafatto, Esquire, 4480 William Penn Highway, Easton, PA 18045

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

**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, PA, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, approved December 21, 1988, P.L. 1444, NO. 177 as amended.

The name of the Corporation is:  
**HANGERS ETC. INC**  
The Articles of Incorporation were filed on February 25, 2004.  
Apr. 8

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on February 25, 2004 for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa. C.S. Section 1101. The name of the corporation is:

**JS HERMAN SERVICES, INC.**

The purpose for which the corporation is organized is for marketing, selling and buying items.

Apr. 8

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, (P.L. 1444, No. 177), by the following corporation:

**LEHIGH VALLEY  
CHOPPERS, INC.**

Barbara L. Baldo, Esquire  
Barbara L. Baldo, P.C.  
742 North Main Street  
Bethlehem, PA 18018

Apr. 8

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on February 17, 2004, for the purpose of obtaining a Certificate of Incorporation of a proposed business corpo-

ration to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, Section 103, effective October 1, 1989, as amended.

The name of the corporation is:  
**MANUFACTURED VESSELS  
& SYSTEMS, INC.**

George K. Keenan, Esquire  
I.D. No.: 07870  
117 East Broad Street  
P.O. Box 718  
Bethlehem, PA 18016-0718  
(610) 867-2401

Apr. 8

**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

KATHLEEN DEUTSCH AKA  
KATHLEEN DEUTSCH PRITCHARD; Gerald Deutsch, Executor  
ROBIN A. HALLETT AKA ROBIN A. FRABLE; Melissa A. Frable, Executrix

DOROTHY E. KIEFFER TRUST; Mellon Bank (formerly Gerard Bank), Trustee

JESSE KIEFFER MARITAL TRUST; Mellon Bank (formerly Gerard Bank), Trustee

JESSE KIEFFER RESIDUARY TRUST; Mellon Bank (formerly Gerard Bank), Trustee

JUNE E. PANCHEROVICH; George Mlynek, 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, APRIL 30, 2004 AT  
9:00 A.M. IN COURTROOM #1

Dorothy L. Cole  
Clerk of Orphans' Court  
Apr. 8, 15

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**LEGAL SECRETARY**

Part-time leading to full-time or  
full-time, hours flexible. Responsi-

bilities include: legal correspon-  
dence, filing, data entry, answering  
telephones, scheduling. Must be  
organized, self motivated, detail ori-  
ented, and reliable. Send resume  
to Secretary, P.O. Box 1151, Easton,  
PA 18044-1151.

Apr. 1, 8, 15, 22, 29;  
May 6, 13, 20

**LEGAL  
SECRETARY**

Full-time with benefits for Bethlehem law office. Successful applicant will assist in estate administration, long-term care and estate planning. Fax or mail resume in confidence to:

Law Offices of Stanley M. Vasiliadis, CELA,  
65 E. Elizabeth Avenue, Suite 400,  
Bethlehem, PA 18018.  
Fax: (610) 694-9829.

Apr. 8, 15

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**NORTHAMPTON COUNTY REPORTER DIGEST—2004-4**  
RECENT DECISIONS OF THE COURTS OF COMMON PLEAS  
OF NORTHAMPTON COUNTY

**COMMONWEALTH OF PENNSYLVANIA v. MARTIN SHAMLIAN**

*P.C.R.A.*

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 2001-1950.

Order of Court entered dismissing the P.C.R.A. Petition filed on behalf of the Defendant.

Jay Jenkins, Esquire for Commonwealth.

Nuria Sjolund, Esquire for Defendant.

Order of Court entered on November 5, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court dismissed the instant P.C.R.A. Petition because the Court found that totality of the circumstances indicated that Defendant understood the nature of the charges to which he pled guilty, that on numerous occasions he was apprised of the fact that the crime was rated as a misdemeanor of the second degree, and that he was aware of, but did not take advantage of, his right to withdraw his guilty plea prior to sentencing. Accordingly, the Court dismissed the Petition.

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**FEDERAL NATIONAL MORTGAGE ASSOCIATION v.  
ROSEMARIE STOUT AND OCCUPANTS OF  
1541 RAVENO STREET, BETHLEHEM, PA 18015**

*Request for Ejection*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2003005264.

Order of Court granting Plaintiff's, Federal National Mortgage Association's, Motion for Summary Judgment.

Barbara Fein, Esquire for Plaintiff.

Leonard Cohn, Esquire for Defendant.

Order of Court entered on November 4, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The court entered an order granting Summary Judgment for the Defendant because there were no issues of material fact left in the case. The only reason enumerated by Defendant as to why she should not be required to vacate the premises no longer owned by her was the fact of her disability. Disability is not sufficient excuse for failure to vacate property. Hence, Summary Judgment was proper at this time.

**FEDERAL NATIONAL MORTGAGE ASSOCIATION v.  
ROSEMARIE STOUT AND OCCUPANTS OF  
1150 EASTON ROAD, HELLERTOWN, PA 18055**

*Request for Ejectment*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV20034556.

Order of Court granting Plaintiff's, Federal National Mortgage Association's, Motion for Summary Judgment.

Barbara Fein, Esquire for Plaintiff.

Leonard Cohn, Esquire for Defendant.

Order of Court entered on October 30, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The court entered an order granting Summary Judgment for the Defendant because there were no issues of material fact left in the case. Here, Defendant argued that she was a tenant of years and therefore had priority, throughout the duration of her lease, over the new owner of the property. However, Defendant failed to produce a signed lease or any other evidence, other than her bald assertion, to prove her status as a tenant for years. We therefore could not properly find that she retained such status, and no other operation of law enabled her to assume higher status than the rightful owner of the property. Hence, Summary Judgment was proper at this time.

---

**SHARYN A. PRICE v. WAYNE E. PRICE**

*Request for Enforcement of Settlement Agreement*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. 1998-C-6383.

Order of Court granting Plaintiff's, Sharyn Price's, Motion to Enforce Settlement Agreement.

Vivian Appel, Esquire for Plaintiff.

Megan McDonald, Esquire for Defendant.

Order of Court entered on October 30, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court granted the Motion to Enforce Settlement filed by the Plaintiff. The record established that the parties had negotiated and reached an agreement as outlined in the contract they both signed. Because the monies at issue here are characterized as support money, negotiated by the parties, and not as alimony or alimony pendente lite and ordered by the Court, the Court found that it could not modify the contract.

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**LAFAYETTE AMBASSADOR BANK, SUCCESSOR BY MERGER WITH  
LAFAYETTE BANK v. BRUCE W. LAUSER**

*Preliminary Objections*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2002008856.

Order of Court entered overruling the Preliminary Objections of Defendant, Bruce W. Lauser.

Alfred S. Pierce, Esquire for Plaintiff.

David A. Eisenberg, Esquire for Defendant.

Order of Court entered on October 21, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court overruled the Preliminary Objections filed on behalf of the Defendant, Bruce W. Lauser. The Court found that sufficient transactions or occurrences occurred in Northampton County for the county to retain venue properly. Plaintiff maintains its principal place of business in Northampton County, and Northampton County entered a judgment against Defendant; the present action was filed by Plaintiff in an attempt to collect that judgment. Accordingly, the Preliminary Objections were overruled.

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**THE PHOENIX INSURANCE COMPANY, AS SUBROGEE OF  
ROBERT TAYLOR AND SUSAN TAYLOR, H/W, v.  
MARRONI MASON CONTRACTOR, INC.**

*Preliminary Objections*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Laws, No. C0048CV2002007611.

Order of Court entered overruling the Preliminary Objections of Defendant, Marroni Mason Contractor, Inc.

Patrick J. Moran, Esquire for Plaintiff.

Michael P. Shay, Esquire for Defendant.

Order of Court entered on October 21, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court overruled the Preliminary Objections filed on behalf of the Defendant, Marroni Mason Contractor, Inc. The Court found that the Complaint was sufficiently specific to adequately place the Defendant on proper Notice, accordingly, the Preliminary Objections were overruled.

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**FRANKLIN W. LAMBERT v. EASTON AREA SCHOOL DISTRICT**

*Motion for Summary Judgment*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2001005346.

Order of Court entered granting Defendant's, Easton Area School District's, Motion for Summary Judgment.

John E. Freund, III, Esquire for Plaintiff.

Donald Russo, Esquire for Defendant.

Order of Court entered on October 15, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The court entered an order granting Summary Judgment for the Defendant because there were no issues of material fact left in the case. The Court determined that Plaintiff had not presented any evidence that could lead a fact-finder to conclude that Easton Area School District's failure to promote him was a result of age or disability discrimination, nor a result of his taking FMLA-qualifying leave. Hence, Summary Judgment was proper at this time.

**LUCINDA M. OLESH AND LAWRENCE J. OLESH v. JAY A. BENFIELD,  
PEGGY J. BENFIELD, AND CITIZENS UTILITIES  
WATER COMPANY OF PENNSYLVANIA**

*Motion in Limine*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2001-006826.

Order of Court entered granting leave of Plaintiff's expert to file a report that includes the facts, information or data relied upon by the expert in forming his opinion.

Harold J.J. DeWalt, Jr., Esquire for Plaintiffs.

Joanne Kelhert, Esquire for Defendants Benfield.

Christopher Underhill, Esquire for Defendant Citizens Utilities.

Order of Court entered October 14, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court granted the Defendants' Motion in Limine seeking to preclude the use of Plaintiffs' expert report because the report was not sufficiently detailed, in that it failed to set forth the facts, information or data relied upon by the expert in forming his opinion. Plaintiffs were granted leave to file a suitable expert report.

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**COMMONWEALTH OF PENNSYLVANIA v. RICHARD DIXON**

*Omnibus Pretrial Motions*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. 2003-1856.

Order of Court entered denying the Omnibus Pretrial Motions filed on behalf of Defendant Richard Dixon.

William Blake, Esquire for Commonwealth.

Gary Neil Asteak, Esquire for Defendant.

Order of Court entered on September 19, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court denied the Omnibus Pretrial Motions of Defendant Dixon, finding that the use of hotel personnel to knock on Defendant Dixon's door was constitutional, subsequent entry into his hotel room was constitutional, and the contraband viewed by the police officers fell squarely into the plain view exception to the search and seizure doctrine stated in the Constitutions of Pennsylvania and the United States. Accordingly, the Omnibus Pretrial Motions were properly denied and dismissed.

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**WILLIAM B. BELL v. ISMET KALAR, INDIVIDUAL, AND  
GULDANE KALAR, INDIVIDUAL, AND ISMET KALAR AND  
GULDANE KALAR, T/A/D/B/A THE GAP DINER**

*Motion for Summary Judgment*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2002000341.

Order of Court entered denying Defendants', Ismet Kalar, Guldane Kalar, and Ismet and Guldane Kalar t/a/d/b/a The Gap Diner's, Motion for Summary Judgment.

Eugene F. Hickey, Esquire for Plaintiff.

William Coffin, Esquire for Defendants.



Order of Court entered on September 19, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court entered an order denying Summary Judgment for the Defendants because there were remaining issues of material fact left in the case. The Court determined that neither of the doctrines cited by Defendants, the “hills and ridges” and the “choice of ways” doctrines, applied to this case. With neither of these preclusive doctrines available, the central issue in the case remained factually questioned. Hence, Summary Judgment was improper at this time.

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**CAROLYN VERBA v. BROWN & BROWN OF LEHIGH VALLEY, INC.**

*Preliminary Objections*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C-0048CV2002001457.

Order of Court entered sustaining the Preliminary Objections of Defendant, Brown & Brown of Lehigh Valley, Inc.

Donald P. Russo, Esquire for Plaintiff.

Nancy Conrad, Esquire and Joseph Meiss, Esquire for Defendant.

Order of Court entered on September 11, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court sustained the Preliminary Objections filed on behalf of the Defendant, Brown & Brown of Lehigh Valley, Inc. The Court found that the failure to sign a required employment agreement, even if upon the advice of an attorney, is sufficient cause for termination of employment; accordingly, the Second Amended Complaint was legally insufficient and the Preliminary Objections were sustained.

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**ADAM M. ROTH, JUDD K. ROTH, AND GERALD I. ROTH, T/A ATLANTIC PARTNERS v. ERIC A. AUGELLO AND MARITA AUGELLO**

*Preliminary Objections*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C-48-CV-2003-4885.

Order of Court entered overruling the Preliminary Objections of Plaintiffs, Adam Roth, Judd Roth, and Gerald Roth.

Gerald Roth, Esquire for Plaintiffs.

James Preston, Esquire for Defendants.

Order of Court entered on September 3, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court overruled the Preliminary Objections filed on behalf of the Plaintiffs, Adam Roth, Judd Roth, and Gerald Roth. The Court found that the Court Order of July 25, 2003 did not limit the content of Defendants’ Answer to the Petition for Special Relief, and therefore the Counterclaim was not precluded. Further, the Counterclaim was timely filed as a responsive pleading and violates no Rule of Civil Procedure. Accordingly, the Preliminary Objections were overruled.

**EARL DIMMING AND ESTELLE DIMMING, CO-ADMINISTRATORS OF  
THE ESTATE OF BRENDA MOZELESKY AND ROBERT K. MOZELESKY,  
CO-ADMINISTRATOR OF THE ESTATE OF BRENDA MOZELESKY v.  
BROWN & LYNCH AMERICAN LEGION POST #9**

*Preliminary Objections*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2003001498.

Order of Court entered sustaining the Preliminary Objections of the Defendant, Brown & Lynch American Legion Post #9.

William W. Spalding, Esquire and Robert M. Motta, Esquire for Plaintiffs.

M. Scott Gamberling, Esquire for Defendant.

Order of Court entered on August 29, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court sustained the Preliminary Objections filed on behalf of the Defendant, Brown & Lynch American Legion Post #9. The Court found that a licensee has no legal authority to prevent a patron from operating his or her automobile even if the patron is intoxicated, therefore Defendant had no duty to warn Plaintiffs' Decedent of the effects of alcohol, nor to prevent Plaintiffs' Decedent from driving her automobile. Accordingly, the Preliminary Objections were sustained.

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**CHASE MANHATTAN MORTGAGE CORPORATION v.  
WILLIAM P. BARRETT AND SUSAN E. BARRETT**

*Preliminary Objections*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2003-4514.

Order of Court entered overruling the Preliminary Objections of Defendants, William Barrett and Susan Barrett.

Jenine R. Davey, Esquire for Plaintiff.

William P. Barrett and Susan E. Barrett, Pro Se.

Order of Court entered on August 29, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court overruled the Preliminary Objections filed on behalf of the Defendants, William Barrett and Susan Barrett. The Court found that the Plaintiff's Complaint met the level of specificity required under Rule 1147 of the Pennsylvania Rules of Civil Procedure, accordingly, the Preliminary Objections were overruled.

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**THE BETHLEHEM CLUB v. DUAL-TEMP CO., INC.**

*Preliminary Objections*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2002005432.

Order of Court entered overruling the Preliminary Objections of Defendant, Dual-Temp Co.

Kevin P. Smith, Esquire and John J. McCullough, Jr., Esquire for Plaintiff.

Eugene A. Luciw, Esquire for Defendant.

Order of Court entered on August 29, 2003 by Stephen G. Baratta, Judge.

## DESCRIPTION OF DECISION

The Court overruled the Preliminary Objections filed on behalf of the Defendant, Dual-Temp Co. The Court found that the Plaintiff had adequately pled causes of action based in negligence and breach of contract to place the Defendant on proper Notice; accordingly, the Preliminary Objections were overruled.

**COMMONWEALTH OF PENNSYLVANIA v. TERRANCE LEE***P.C.R.A.*

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, Nos. 1998-3349, 1998-3350.

Order of Court entered dismissing the P.C.R.A. Petition filed on behalf of the Defendant.

Bruce A. Thomas, Esquire for the Commonwealth.

Robert C. Keller, Esquire for Defendant.

Order of Court entered on September 3, 2003 by Stephen G. Baratta, Judge.

## DESCRIPTION OF DECISION

The Court dismissed the instant P.C.R.A. Petition because the Court found that it no longer held jurisdiction over Defendant's Motion. The Defendant has requested relief from the deductions that were being taken from his inmate account by the Pennsylvania Department of Corrections. Under 42 Pa. C.S.A. §9728(b)(5), the Department of Corrections is authorized to make "monetary deductions from inmate personal accounts for the purpose of collecting restitution or any other court-ordered obligation." Furthermore, the Department of Corrections is charged with developing guidelines for its responsibilities in this regard. Accordingly, the Court dismissed the Petition.

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