

# Northampton County Reporter (USPS 395-280)

VOL. LIII

EASTON, PA October 14, 2004

NO. 94

**Richard Frederick Simmers v. Susan Lee Simmers, Deceased**

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### INSERTS: Goldenrod

1. "The Latest Developments & Current Trends"
2. Workers' Comp—Step 3  
"Preparation for Trial/Hearing"
3. "Bridge the Gap Program"
4. PBI/CLE Seminars @ NCBA,  
BALC & I.U. 20

### Gray:

- 2004 Bench Bar Conference  
Theme:  
"Let's Face It!"

### ☞ NOTICE TO THE BAR...

The Pennsylvania Bar Association's public education campaign for 2004 is "Estate Planning." The NCBA is in receipt of brochures on "Protect Your Family's Future... Today: The Truth about Wills and Trusts." The brochure provides information about Wills, the probate process and trusts as well as the need to consult an attorney to assist in estate planning. If you would like some brochures for your office, please contact the NCBA.

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***Northampton County Reporter***

**Attorney Referral & Information Service**

**155 South Ninth Street, Easton, PA 18042-4399**

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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**

☞ **PLEASE NOTE THAT THE FOLLOWING SEMINAR HAS BEEN MOVED TO A NEW LOCATION:** The **October 29<sup>th</sup>** “Workers’ Comp Judges Reception/ Seminar” has been moved *from* the Jury Lounge *to* the NCBA Facility due to the construction at the Courthouse.

☞ **PLEASE NOTE** that PEMA/FEMA is recruiting volunteer lawyers to help answer victims’ legal questions that have been devastated by the damage caused by the severe storms and flooding that struck several areas of the state in the last two weeks. Please see inside for details and contact the Bar Association to receive a Volunteer Resource Guide.

☞ **PLEASE NOTE** that a student is looking for law related work after school. If you could use some extra help, please contact Victoria Schwab at (610) 866-4207 or (484) 767-5683.

☞ **INCLUDED IN THIS ISSUE** are announcements & registration forms for the **(1) October 29<sup>th</sup>**—“*Workers’ Comp Judges/Reception*” to be held at the NCBA Facility—*not the Jury Lounge*.

**(2) November 5<sup>th</sup>**—“*Quarterly Association Meeting & Bench/Bar Conference.*”

**(3) November 11<sup>th</sup>**—“*Workers’ Comp—Step 3—Preparation for Trial/Hearing.*”

**(4) November 19<sup>th</sup>**—“*Bridge the Gap Program*”

**COMMITTEE MEETINGS:**

**Nov. 9<sup>th</sup>**—Solo Practitioner Committee Mtg.—NOON @ NCBA

☞ **PBI/CLE SEMINARS @ NCBA**—“**Social Security Disability—The Basics**” is scheduled for **Thursday, October 21, 2004** from 9:30 a.m. to 1:30 p.m., 4 Substantive CLE Credits. As always, registration begins at 9:00 a.m. Register early by calling (800) 932-4637 or go online at [www.pbi.org](http://www.pbi.org)

☞ **BAR ASSOCIATION OF LEHIGH COUNTY**

**SPONSORED 2004 SEMINARS:**

[**October 26<sup>th</sup>**—“*Strategies for Representing Victims of Domestic Violence*”]

[**November 3<sup>rd</sup>**—“*Mortgages/Foreclosures/Judgments*”] Call BALC for details such as times, fees, credits, meals and/or to register at (610) 433-6401, Ext. 16.

☞ **REAL FACTS:** *The weight of the moon is 81 billion tons.*

**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****BAHRMAN, JOSEPHINE C.,**  
dec'd.

Late of the City of Bethlehem, Northampton County, PA  
 Executor: Harold A. Eisenhauer 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

**BRINSKO, DEBORAH,** dec'd.

Late of the City of Bethlehem, Northampton County, PA  
 Executrix: Diane Petkavich c/o Mary Ann Snell, Esquire, 915 West Broad Street, Bethlehem, PA 18018  
 Attorney: Mary Ann Snell, Esquire, 915 West Broad Street, Bethlehem, PA 18018

**CICCARELLI, DOMENIC,** dec'd.

Late of the Borough of Bangor, Northampton County, PA  
 Executor: Thomas R. Ciccarella 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

**KOEHLER, VERNA E.,** dec'd.

Late of Allen Township, Northampton County, PA  
 Co-Executors: Edwin Koehler, 5020 Washington Avenue, Whitehall, PA 18052 and Glenn Koehler, Rt. 1, Box 1478, Saylorsburg, PA 18353  
 Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

**LAZZARA, CARMELA VERONICA a/k/a MILLIE VERONICA LAZZARA, a/k/a CARMELA LAZZARA a/k/a MILLIE LAZZARA,** dec'd.

Late of the City of Easton, Northampton County, PA  
 Executor: Joseph A. Bubba c/o Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

Attorneys: Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

**MALETSKY, ANNA,** dec'd.

Late of the Township of Palmer, Northampton County, PA  
 Executor: Bernerd W. Maletsky, Jr., 2723 Freemansburg Avenue, Easton, PA 18045  
 Attorneys: Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

**MURETTA, FRANK,** dec'd.

Late of Easton, Northampton County, PA  
 Co-Executrices: Carol Snyder and Joyce Clause c/o Nancy K. Busch, Esquire, 825 North 19th Street, Allentown, PA 18104  
 Attorney: Nancy K. Busch, Esquire, 825 North 19th Street, Allentown, PA 18104

**PARKER, GLEN E.,** dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Richard W. Shaffer, Esquire, White and Williams, LLP, 3500 Winchester Road—200, Allentown, PA 18104-2263

Attorneys: Richard W. Shaffer, Esquire, White and Williams, LLP, 3500 Winchester Road—200, Allentown, PA 18104-2263

**PAVLINSKY, MARY ANN a/k/a MARY A. PABLINSKY,** dec'd.

Late of Bethlehem, Northampton County, PA

Co-Executors: Irene F. Giordano and Michael G. Pavlinsky 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

**SCHMOYER, ROBERT R.,** dec'd.

Late of Northampton County, PA

Executrix: Susan W. Wagner, 4 Overlook Lane, Bath, PA 18014

**SECOND PUBLICATION****AZAIN, JOHN R.,** dec'd.

Late of Easton, Northampton County, PA

Administratrix: Betsy Ann Azain c/o Donald LaBarre, Jr., Esquire, Gross, McGinley, LaBarre & Eaton, LLP, P.O. Box 4060, Allentown, PA 18105-4060

Attorneys: Donald LaBarre, Jr., Esquire, Gross, McGinley, LaBarre & Eaton, LLP, P.O.

Box 4060, Allentown, PA 18105-4060

**DALMATI, IRENE a/k/a IRENE H. DALMATI,** dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Co-Executors: Eileen C. Brown and Robert H. Littner c/o Littner, Deschler & Littner, P.O. Box 1407, 512 N. New Street, Bethlehem, PA 18018

Attorneys: Littner, Deschler & Littner, P.O. Box 1407, 512 N. New Street, Bethlehem, PA 18018

**GILLESPIE, FRANKLIN B., JR. a/k/a FRANK B. GILLESPIE, JR.,** dec'd.

Late of Hanover Township, Northampton County, PA

Executrix: Lisa Lutz Gillespie c/o Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

Attorneys: Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

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

Late of the Township of Moore, Northampton County, PA

Executrix: Jennifer A. Leseberg, HCR #1, Box 59, Sciota, PA 18354

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

**KANIPER, VIRGINIA F.,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Jeanne K. Aquilante c/o Karl H. Kline, Esquire, Karl Kline P.C., 2925

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

**MILLER, CHARLES a/k/a CHARLES S. MILLER**, dec'd.  
Late of the Borough of Wilson, Northampton County, PA  
Executrix: Linda Fournier, 2765 Freemansburg Avenue, Easton, PA 18045  
Attorney: Christopher T. Spadoni, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

**PURSELL, ELIZABETH F.**, dec'd.  
Late of the City of Bethlehem, Northampton County, PA  
Administrator: William M. Pursell c/o Keith D. Cacciatore, Esquire, Newman, Fox & Cacciatore, 915 West Broad Street, Bethlehem, PA 18018  
Attorneys: Keith D. Cacciatore, Esquire, Newman, Fox & Cacciatore, 915 West Broad Street, Bethlehem, PA 18018

**SACKS, DAVID G.**, dec'd.  
Late of the City of Easton, Northampton County, PA  
Co-Executors: Carol A. Voletto, 26 Clayton Circle, Wernersville, PA 19565 and Philip A. Sacks, 426 Old Grade Rd., Wind Gap, PA 18091  
Attorneys: Peters, Moritz, Peischl, Zulick & Landes, 1 South Main Street, Nazareth, PA 18064

**TAUSCHMAN, MARIE E.**, dec'd.  
Late of 2415 Front Street, Easton, Northampton County, PA

Co-Executrices: Cynthia Gradwohl, 2415 Front Street, Easton, PA 18042 and Cathy Narvaez, 4386 Hecktown Road, Bethlehem, PA 18020  
Attorneys: David A. Martino, Esquire, Zito, Martino and Karasek L.L.P., PA Rte., 209, P.O. Box 420, Brodheadsville, PA 18322

**ZIMMERMAN, JO ANNE**, dec'd.  
Late of the Borough of Wilson, Northampton County, PA  
Administratrix: Lisa Boehm c/o Steven N. Goudsouzian, Esquire, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

Attorney: Steven N. Goudsouzian, Esquire, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

#### **THIRD PUBLICATION**

**BLACK, ELIZABETH a/k/a ELIZABETH S. BLACK**, dec'd.

Late of the Borough of Wilson, Northampton County, PA  
Co-Executors: John E. Black, 168 Overfield Road, E. Greenwich, RI 02818 and Jeffrey D. Black, 26 South 16th Street, Easton, PA 18042

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

**EDELMAN, HAROLD C.**, dec'd.  
Late of the Borough of Wilson, Northampton County, PA  
Executrix: Hazel G. Edelman, 1527 Lehigh Street, Easton, PA 18042

Attorney: Charles S. Smith, Esquire, 340 Dogwood Terrace, Easton, PA 18040

**FARLEIGH, MYRA a/k/a MYRA E. FARLEIGH a/k/a MYRA H. FARLEIGH, dec'd.**

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

Co-Executors: W. Joseph Farleigh, Faith DeCesare and Carolyn Young c/o Craig A. Dally, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

Attorneys: Craig A. Dally, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

**HASCHAK, DENNIS L., dec'd.**

Late of the City of Easton, Northampton County, PA  
Administrator: Satch T. Haschak, 1236 Butler Street, Easton, PA 18042

Attorney: Herbert G. Litvin, Esquire, 151 S. 7th Street, Easton, PA 18042

**HUBER, NADINE V., dec'd.**

Late of the Borough of Tatamy, Northampton County, PA  
Co-Executors: Quentin C. Huber, and Jan C. Huber a/k/a Jan C. Buckage, 734 Prospect Street, Tatamy, PA 18085

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

**MARINELLI, MARGARET B., dec'd.**

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

Administrator: Carmen C. Marinelli, 656 Main Street, Hellertown, PA 18055

Attorney: Carmen C. Marinelli, Esquire, 656 Main Street, Hellertown, PA 18055

**OBERHOLTZER, KENNETH E., dec'd.**

Late of the Borough of Northampton, Northampton County, PA

Executor: Scott K. Oberholtzer, Esquire, 18 East King Street, Lancaster, PA 17602

Attorney: Scott K. Oberholtzer, Esquire, 18 East King Street, Lancaster, PA 17602

**SHAFFER, LINDA L. a/k/a LINDA SHAFFER, dec'd.**

Late of the Township of Palmer, Northampton County, PA  
Executrix: Heidi L. Shaffer 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

**VISCO, ROSE, dec'd.**

Late of Bethlehem Township, Northampton County, PA  
Executor: Robert Visco, 4000 Klien Street, Bethlehem, PA 18020

Attorneys: James A. Bartholomew, Esquire, Scoblionko, Scoblionko, Muir, Bartholomew & Melman, 40 South Fifth Street, Allentown, PA 18101

**WAGNER, HELEN E., dec'd.**

Late of the City of Bethlehem, Northampton County, PA

Executor: Michael Narducci, 1762 West Union Boulevard, Apt. #2, Bethlehem, PA 18018

Attorney: Nicholas M. Zanakos, Esquire, 742 Main Street, Bethlehem, PA 18018

**WALPERT, JEAN D.**, dec'd.  
 Late of the Township of Bethlehem, Northampton County, PA  
 Executor: Glen W. Walpert  
 c/o Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, Suite 508, Wachovia Bank Building, 6 South Third Street, Easton, PA 18042  
 Attorneys: Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, Suite 508, Wachovia Bank Building, 6 South Third Street, Easton, PA 18042

**NOTICES OF INCORPORATION**

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

**PAI LUM, INC.**

The Articles of Incorporation were filed on September 29, 2004.

ROBERT A. NITCHKEY, ESQUIRE  
HEMSTREET, NITCHKEY & FREIDL

730 Washington Street  
Easton, PA 18042

Oct. 14

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 Business Corporation Law of the Commonwealth

of Pennsylvania Act of December 21, 1988 (P.L. 1444, No. 177) by the following corporation:

**RIGAL'S REPAIR SERVICE, INC.**

The Articles of Incorporation have been filed on September 30, 2004.

WILLIAM G. MALKAMES,  
ESQUIRE

509 Linden Street  
Allentown, PA 18101

Oct. 14

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

The name of the corporation is:  
**SEBASTIAN INTERIOR, INC.**

Robert H. Jacobs, Esquire  
Jacobs & Jacobs  
214 Bushkill Street  
Easton, PA 18042-1886

Oct. 14

**FICTITIOUS NAME REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982 (54 Pa. C.S.A. Sec. 311 et seq.), of intention to file, or the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, a Certificate for the conduct of a business in Northampton County, Pennsylvania, under the assumed or fictitious name, style or designation of:

**NEW ELEMENTS SALON & DAY SPA**



with its principal place of business at: 20 South Robinson Avenue, Penn Argyl, PA 18072.

The name and address of the person owning or interested in said business is: Donna Caponigro, 603 McKinley Avenue, Roseto, Pennsylvania 18013.

The Certificate was filed on January 20, 2004.

MATTHEW J. GOODRICH,  
ESQUIRE

641 Market Street  
Bangor, PA 18013

Oct. 14

**LIMITED LIABILITY COMPANY  
NOTICE**

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on or about July 28, 2004, for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106.

The name of the limited liability company is:

**MORELLO LEASING CO., LLC**

Charles Bruno, Esquire  
203 South Seventh Street  
Easton, PA 18042

Oct. 14

**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

HERMAN BLOOM; George Bloom and Keystone Nazareth Bank and Trust Company, Co-Trustees

JOSEPH S. MILISITS, JR. a/k/a JOSEPH S. MILISITS; Ronald J. Milisits, 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, OCTOBER 29, 2004 AT 9:00 A.M. IN COURT-ROOM #1.

Dorothy L. Cole  
Clerk of Orphans' Court  
Oct. 7, 14

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

In re: L.M.J. and L.L.J. minor children of Y.A. and A.M.J.

**NO. 2004-105**

**INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS**

TO: Angel Manuel Jiminez, natural, putative and/or presumptive father of L.M.J. and L.L.J., children born to Yvonne Almodovar on 3/8/98 and 12/6/99, respectively.

**NOTICE**

A Petition has been filed asking the Court to put an end to all rights you have to your child: L.M.J. and L.L.J. The Court has set a hearing to consider ending your rights to your child. The hearing will be held in Room No. 229, Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania, on November 2, 2004 at 10:00 O'Clock A.M. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present.

You have the right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once.

If you cannot afford a lawyer, go to or telephone the office set forth below to find out where you can get legal help.

Lehigh Valley Legal Services  
65 E. Elizabeth Ave.  
Suite 903  
Bethlehem, PA 18018  
(610) 317-8757

If you can afford to hire a lawyer but do not have a lawyer, go to or telephone the office set forth below to find out where you can get legal help.

Lawyer Referral Service  
155 South Ninth Street  
Easton, PA 18042  
(610) 258-6333

Oct. 14

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

IN RE: PETITION FOR  
CHANGE OF NAME OF  
ANTHONY WILLIAM CASANE  
**NO. C0048 CV 2004-006789**

**NOTICE**

NOTICE IS HEREBY GIVEN that, on September 9, 2004 the petition of Anthony William Casane was filed in the above-named court, requesting an order to change his name from Anthony William Casane to Anthony William Casane-Collins.

The Court has fixed the day of October 29, 2004 at 9:00 A.M. in Room 229, of the Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why

the request of the petitioner should not be granted.

RAYMOND J. DeRAYMOND,  
ESQUIRE

717 Washington Street  
Easton, PA 18042-4386  
Telephone: (610) 258-1506  
FAX: (610) 258-0701

Oct. 14

**HEARING NOTICE**

NOTICE IS HEREBY GIVEN that a hearing is scheduled for Friday, November 12, 2004, at the Northampton County Courthouse at 9:00 a.m. with regard to the Bangor Area Foundation and donations made to Bangor charities. The Court will consider how and to whom donations held by the Bangor Area Foundation will be distributed. Any interested individual who would like to be heard by the Court with regard to the Bangor Area Foundation may appear at the above referenced time for testimony.

DOROTA GASIENICA-KOZAK,  
ESQUIRE

KING, SPRY, HERMAN,  
FREUND & FAUL, LLC  
Attorneys for

Bangor Area Foundation  
One West Broad Street  
Suite 700  
Bethlehem, PA 18018

Oct. 14

**ASSOCIATE**

Allentown medical malpractice personal injury law firm seeks associate with 1 to 3 years experience to manage discovery, write briefs and motions and assist in trial preparation. Great learning experience, chance for growth. Must have excellent writing and organizational skills. Word processing. Reply to Peter J. Karoly and Associates, 1511-1525 Hamilton St., Allentown,

PA 18102, or Fax (610) 432-3377.  
All inquiries handled in confidence.  
Oct. 14, 21

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**ASSOCIATE**

Busy solo practitioner with practice focused on labor and employment discrimination litigation seeking full-time associate. Salary and benefits commensurate with experience. Position carries with it additional economic incentives as well as the possibility of a future proprietary interest in the practice, depending upon performance. Electronic replies are encouraged; send to dprusso1@verizon.net or, mail resume and response to Donald P. Russo, Esquire, P.O. Box 1890, Bethlehem, PA 18016-1890. No phone calls please.

Sept. 30; Oct. 7, 14, 21

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**ATTORNEY**

Regional law firm based in Allentown is seeking an attorney with 2-4 years experience in business law and commercial litigation. Pleasant work environment with a competitive salary and benefits. Please send resume to Timothy J. Siegfried, Esquire, Tallman, Hudders & Sorrentino, P.C., 1611 Pond Road, Suite 300, Allentown, PA 18104.

Oct. 14

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**LEGAL SECRETARY**

Easton law practice seeks experienced legal secretary for part-time position. Send letter of interest, resume and references to: Robert H. Jacobs, Esquire, Jacobs and Jacobs, 214 Bushkill Street, Easton, PA 18042, (610) 253-9389.

Sept. 30; Oct. 7, 14

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**PARALEGAL/LEGAL SECRETARY**

The Bethlehem Office of Hecker Brown Sherry and Johnson LLP has an immediate opening for a Parale-

gal/Legal Secretary. Qualified candidates must be proficient with Word and possess strong organizational skills. Interested candidates should send resumes to Rita Sroka, Administrator, Hecker Brown Sherry and Johnson, 1700 Two Logan Square, 18th and Arch Streets, Philadelphia, PA 19103; fax to 215-636-0366; or via e-mail to rsroka@heckerbrown.com.

Oct. 7, 14

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on November 5, 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-2004-003732**

ALL that certain message or tenement and lot or piece of land lying and being on the East side of North Eleventh Street, in the City of Easton, County of Northampton and State of Pennsylvania, and known as No. 24 North Eleventh Street, bounded and described as follows, to wit:

BEGINNING at a point on the East side of North 11th Street, thirty-three and one-third (33-1/3) feet North of Church Street; thence running Northwardly along the East side of said North Eleventh Street,

thirteen and one-third (13-1/3) feet, more or less, to other property now or late of Harry E. Grower; thence extending Eastwardly of that width one hundred (100) feet in depth to a ten feet wide alley. Bounded on the North by other property now or late of Harry E. Grower, on the East by said ten feet wide alley, on the South by property now or late of Samuel Brown and on the West by said North Eleventh Street.

TAX PARCEL NO. L9SE1A-10-22.

BEING the same premises which Margaret J. Herster, by Deed dated November 1, 2001 and recorded in the Office of the Recorder of Deeds of Lancaster County on November 2, 2001, in Deed Book Volume 2001-1, Page 232182, granted and conveyed unto Brad W. Hinkel.

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

SEIZED AND TAKEN into execution of the writ as the property of Brad W. Hinkel.

KRISTINE M. ANTHOU, ESQUIRE

**No. 4**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-008119**

ALL THAT CERTAIN lot or piece of ground with brick dwelling house thereon situated on the North side of Butler Street, known as 1111 Butler Street, in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows:

BEGINNING at the point of intersection of the line extending through the middle of the partition w;; between this property and the property known as 1113 Butler Street, adjoining on the West, with the North side of Butler Street;

thence extending Eastwardly along the North side of Butler Street, 12 feet 9 inches; thence Northwardly along line extending through the middle of the partition wall between this property and the property known as 1109 Butler Street, adjoining on the East, property now or late of Henry G. Merwarth, 125 feet to a private alley; thence Westwardly along the South side of said private alley, 12 feet 9 inches; thence Southwardly along line extending through the middle of the partition wall first mentioned and along the property of Clarence P/ Merwarth, 125 feet to the place of beginning.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: L9SE1D-26-14.

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

SEIZED AND TAKEN into execution of the writ as the property of Charles F. Dittmar, as real owner and mortgagor and Jean D. Dittmar, as mortgagor.

BARBARA A. FEIN, ESQUIRE

**No. 5**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-008266**

ALL THAT CERTAIN lot or piece of ground situated on the East side of North Tenth Street, in the City of Easton, Northampton County, Pennsylvania, bounded and described as follows:

CONTAINING in front forty (40') feet and extending of the same width Eastwardly one hundred forty-five and one-tenth (145-1/10') feet, more or less, bounded and described particularly as follows:

BEGINNING at a point in the building line of North Tenth Street, one hundred (100') feet South of the

intersection of the building line of North Tenth Street and the building line of Wood Street; thence Eastwardly one hundred forty-five and one-tenth (145-1/10') feet, more or less, to the building line of Poplar Street as formerly laid out on the City Map; thence Southwardly along the building line of the last mentioned street forty (40') feet; thence Westwardly one hundred forty-five and one-tenth (145-1/10') feet, more or less, to the building line of North Tenth Street; thence Northwardly along the building line of North Tenth Street forty (40') feet to the place of beginning.

BOUNDED on the North by property now or late of the Estate of Samuel Drake, on the East by Poplar Street, on the South by property now or late of the Estate of Samuel Drake; and on the West by Tenth Street.

KNOWN as no. 107 N. Tenth Street, Easton, Pennsylvania.

Tax Parcel #L9SE1A-12-7.

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

SEIZED AND TAKEN into execution of the writ as the property of Janice Ross.

BARBARA A. FEIN, ESQUIRE

**No. 8**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2004-000953**

ALL THAT CERTAIN lot, piece or parcel of land with the messuage or tenement number 1404 Wood Street thereon erected, situate, lying and being in the Fifteenth Ward of the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point in the Easterly side or line of Wood Street, distant twenty-two and eleven hundredths (22.11) feet Northerly from the intersection of the Easterly line of Wood Street with the Northerly line of Turner Street, said point being also the extension of a line through the middle of the party or partition wall dividing the house erected on these premises from the one adjoining it immediately on the South; thence extending Northwardly in and along the Easterly line of Wood Street aforesaid, a distance of twenty-one and sixty-eight hundredths (21.68) feet to a point, said point being the extension of a line through the middle of the party or partition wall dividing the house erected on these premises from the one adjoining it immediately on the North; and thence extending Eastwardly of that same width of twenty-one and sixty-eight hundredths (21.68) feet and at right angles to Wood Street, a distance of one hundred and two hundredths (100.02) feet to the Westerly line of an unnamed twenty (20) feet wide street.

BOUNDED on the North by land now or formerly of Charles W. Anthony; on the East by an unnamed twenty (20) feet wide street; on the South by land now or formerly of Anthony Paseno; and on the West by Wood Street.

TITLE TO SAID PREMISES IS VESTED IN Peter J. Rivera and Kimberly A. Rivera, his wife by Deed from Edward J. Dennis and Tracy A. Dennis, his wife, dated 12/30/1997 and recorded 12/31/1997 in Volume 1997-1, Page 145626.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: N6SE3A-15-7.

THEREON BEING ERECTED a two story row dwelling with alumi-

num siding exterior and shingle roof; detached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Peter J. Rivera and Kimberly A. Rivera.

FRANK FEDERMAN, ESQUIRE

**No. 9**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2004-001767**

ALL THAT CERTAIN dwelling situate in the County of Northampton, City of Bethlehem and Commonwealth of Pennsylvania, known and numbered as 1420 E. Eighth Street, Bethlehem, Northampton County, Pennsylvania, and being more fully described as follows, to wit:

BEGINNING at a point in the southern line of Eighth Street, one hundred forty-four feet (144') east from the southeast corner of Eighth Street and Brinker Avenue; thence extending along the south side of said Eighth Street eastwardly a frontage of eighteen feet (18') to a point, said point being the exact middle of a tile brick partition or party wall dividing the house erected on these premises from the one adjoining it on the east; thence extending of that same width between parallel lines southwardly one hundred feet (100') to a fifteen feet (15') wide alley. Being the eastern sixteen feet (16') of Lot No. 92 and the western two feet (2') of Lot No. 93 according to map of "Brinker Terrace" by F. H. Ville, C.E., January, 1914, duly recorded.

BOUNDED on the North by Eighth Street, on the East by premises now or late of William H. Opp, on the South by said alley, on the West by the remaining portion of Lot No. 92, according to said plan.

BEING THE SAME PREMISES which James T. Rich and Connie M. Rich by deed dated November 20, 1994, and recorded January 25, 1995, in Northampton County, in Record Book 1995-1, Page 7042, granted and conveyed unto Carlos M. Figueroa and Marta M. Figueroa, husband and wife, in fee.

TAX PARCEL NO. P7SW1D-7-6.

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

SEIZED AND TAKEN into execution of the writ as the property of Carlos M. Figueroa and Marta M. Figueroa.

WILLIAM F. COLBY, JR.,  
ESQUIRE

**No. 10**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-000510**

ALL THAT CERTAIN lot or piece of ground situated on the North side of Wilkes Barre Street in the City of Easton, County of Northampton and State of Pennsylvania, and marked in the plan or plot of formerly the Borough of South Easton, No. 34, being the Western half; containing in [root or breadth on said Wilkes Barre Street twenty (20') feet, and extending in length or depth Northward one hundred forty feet (140') feet to Coopers Alley.

BOUNDED on the West by Lot No. 32, on the North by the said Coopers Alley, on the East by remaining half of Lot No. 34, and on the South by Wilkes Barre Street aforesaid.

TITLE TO SAID PREMISES IS VESTED IN James L. Alvin, Married by Deed from Stephen J. Milkovits, unmarried dated 8/3/2001 and re-

corded 8/9/2001 in Volume 2001-1, Page 159247.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: L9SE4C-15-4.

BEING KNOWN AS 709 West Wilkes-Barre Street, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of James L. Alvin.

FRANK FEDERMAN, ESQUIRE

**No. 11**

**BY VIRTUE OF A CERTAIN WRIT OF EXECUTION  
CV-2004-004077**

ALL THAT CERTAIN MESSAGE OR TENEMENT or one-half twin dwelling and lot or piece of ground situate in the first ward of the City of Bethlehem, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the southwest side of Dakotah Street, which said point is North fifty degrees no minutes West sixty-five (65) feet from the northwest corner of Dakotah and Cherokee Streets; thence along the southwest side of Dakotah Street North fifty degrees no minutes West a distance of sixteen and eighty-five one-hundredths (16.85) feet to a point; thence in and through the party wall of No. 703 Dakotah Street herein described and No. 705 Dakotah Street immediately adjacent to the northwest, and through land now or late of Anna Decrosta South forty degrees no minutes West a distance of seventy-six (76) feet to a stake; thence South fifty degrees no minutes East a distance of sixteen and eighty-five one-

hundredths (16.85) feet to a cross-mark on coping of a retaining wall; thence North forty degrees no minutes East a distance of seventy-six (76) feet to the place of beginning.

BEING KNOWN and designated as No. 703 Dakotah Street, Bethlehem, Pennsylvania according to the present system of city numbering.

IT BEING THE SAME PREMISES which was conveyed by Mariano Bartera and Ethel B. Bartera by Deed dated April 2, 1956 and recorded in the Recorder of Deeds Office for Northampton County in Deed Book Volume E98, Page 136 conveyed unto Mary Elizabeth Lanier (one-half) and William E. White and Mayo M. White, husband and wife (one-half) as tenants in common. The said Mary Elizabeth Lanier, then Mary Elizabeth Cox, died on or about April 13, 1992 at which time her interest passed as a matter of law to Bobby Cox; the said William E. White died on or about May 18, 1987 at which time his interest passed as a matter of law to Mayo White; the said Mayo White passed away on or about April 26, 1995 at which time her interest in the said property passed as a matter of law to Desiree Crawford and Lexine Langley.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: P6SW2B-15-2.

SEIZED AND TAKEN into execution of the writ as the property of Bobby L. Cox and Carol A. Cox, husband and wife.

DONALD L. VANGILDER,  
ESQUIRE

**No. 13**

**BY VIRTUE OF A CERTAIN WRIT OF EXECUTION  
CV-2004-002727**

ALL THAT CERTAIN property situated in the Borough of Freemans-

burg in the County of Northampton and Commonwealth of Pennsylvania, being more fully described in a Deed dated 11/13/2001 and recorded 11/19/2001, among the land records of the county and state set forth above, in Deed Volume 2001-1 and Page 245336, Tax Map or Parcel ID No.: N7SW3C-21-3.

ALL THAT CERTAIN message and tract of land situate in the Borough of Freemansburg, designated on draft of land of John J. Levers as Lot Number One on Freeman Street, now Madison Street, being the Southwest corner of Madison and Church Streets, having a frontage of sixty feet on said Madison Street and extending of that width Southwardly along Church Street aforesaid one hundred and twenty feet.

TAX PARCEL NO. N75W3C-21-3.

PREMISES KNOWN AS 136 Madison Street, Freemansburg, PA 18017.

BEING the same premises which Cindy M. Gerstenberg, by Deed dated November 13, 2001 and recorded November 19, 2001 in Deed Book 2001-1, Page 245336, in the Northampton County Recorder's Office, granted and conveyed unto Joseph A. Wladika.

NOTICE is further given to all parties in interest and claimants. A proposed schedule of distribution of the proceeds in the sale will be filed by the Sheriff of Northampton County, Pennsylvania on 12/06/2004 or a date specified by the Sheriff not later than 30 days after sale and distribution of said proceeds will be made in accordance with said proposed schedule of distribution unless exceptions are filed thereto within ten (10) days thereafter.

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

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

TERRENCE J. McCABE,  
ESQUIRE

**No. 14**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2004-002365**

ALL THAT CERTAIN house and lot of land situate on the North side of Wilkes-Barre Street in the City of Easton, County of Northampton, and Commonwealth of Pennsylvania, known as Lot No. 19 on Plan of Lots of Charles and Frederick Seitz, containing in front on said Wilkes-Barre Street twenty-five (25) feet and extending of that width Northwardly one hundred and fifty-seven (157) feet, more or less, to Cooper Alley. Bounded on the East by Lot No. 18, North by Cooper Alley, West by Lot No. 20, and South by Wilkes-Barre Street.

ALSO, ALL THAT CERTAIN lot of land on the North side of Wilkes-Barre Street in the City of Easton, County of Northampton, and Commonwealth of Pennsylvania, containing in front on said street thirty-one (31) feet, and extending of that width Northwardly one hundred and forty-seven (147) feet on the West side and one hundred and fifty-four (154) feet, more or less, on the East side to Cooper Alley. Bounded on the North by Cooper Alley, East by Lot No. 19, South by Wilkes-Barre Street, and West by land now or late of Peter Dougherty.

BEING Lot No. 20 on the Plan of Lots of Charles ad Frederick Seitz



on Wilkes-Barre Street. TAX PARCEL NO. L9SE4C-18-19.

PREMISES KNOWN AS 467 West Wilkes Barre Street, Easton, PA 18052.

BEING the same premises which Thomas J. Heimbach a/k/a Thomas Jeffrey Heimbach and Paula J. Donham f/k/a Paula J. Heimbach a/k/a Paula Heimbach, by Deed dated August 18, 2002 and recorded September 18, 2002 in Deed Book 2002-1, Page 250833, in the Northampton County Recorder's Office, granted and conveyed unto Thomas J. Heimbach a/k/a Thomas Jeffrey Heimbach.

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 Thomas J. Heimbach a/k/a Thomas Jeffrey Heimbach and Paula J. Donham f/k/a Paula J. Heimbach a/k/a Paula Heimbach.

TERRENCE J. McCABE,  
ESQUIRE

**No. 15**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2004-000167**

ALL THAT CERTAIN message, tenement and lot or piece of ground, situate in the Borough of North Catasauqua, Northampton County, Pennsylvania and known as No. 1021 Howertown Road, bounded and described as follows, to wit:

BEGINNING at a point in line of property 1023 Howertown Road, owned by Fred C. and Rose A. Klinger, husband and wife, thence along Howertown Road South 7 degrees East twenty-one (21) feet to property 1019 Howertown Road, now or late of Ernest M. and Arlene

E. Ferry, husband and wife, thence by said property 1019 Howertown Road North 83 degrees East one hundred seventy-three and one-half (173-1/2) feet to Maple Alley; thence along said alley North 7 degrees West twenty-one (21) feet to 1023 Howertown Road, aforesaid; thence by the same South 83 degrees West one hundred seventy-three and one-half (173-1/2) feet to the place of beginning.

CONTAINING 3,648 square feet.  
Tax Parcel #M4SE4B-33-10.

TITLE TO SAID PREMISES IS VESTED IN James R. Gangaway and Kimberly A. Gangaway, husband and wife by Deed from Constance M. Nammerly, dated 4/14/1997 and recorded 4/23/1997 in Volume 1997-1, Page 38603.

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

SEIZED AND TAKEN into execution of the writ as the property of James R. Gangaway and Kimberly A. Gangaway.

FRANK FEDERMAN, ESQUIRE

**No. 16**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2004-004033**

ALL THAT CERTAIN lot of land with the dwelling thereon erected known as No. 2485 Freemansburg Avenue, situate, lying and being in the Borough of Wilson, County of Northampton and Commonwealth of Pennsylvania, and known and designated as Lot No. 9 on the Colonial Park Tract, a Map of which is now on file at the Recorder of Deeds Office in and for the County of Northampton, and said Lot No. 9 being more particularly described as fronting 20 feet on Freemans-

burg Road and extending back 100 feet.

THE center line of the middle partition wall dividing this property from the adjoining property on the East is to be taken as the Eastern boundary line.

TITLE TO SAID PREMISES IS VESTED IN Robert Madison and Shannon Dudeck, as joint tenants with right of survivorship by Deed from Mary Lynn Langston, now by marriage Mary Lynn Wintermute dated 10/30/1997 and recorded 11/5/1997 in Volume 1997-1, Page 123000.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: M9NW1B-10-16.

THEREON BEING ERRECTED a two and one-half story one-half of a double dwelling with brick and wood exterior and slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Robert Madison and Shannon Dudeck.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 17**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2003-009138**

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

BEGINNING at an old iron pin on the East side of South Main Street, marking the Southwest corner of Dayton Pysher's lot; thence along the Easterly side of South Main Street, South 16-1/4 degrees West 20.48 feet to a point; thence along land of the grantor and the center of the partition wall of a double frame dwelling of which this conveyance is the Northerly part, or

house number 243, South 73 degrees 39 minutes East 150.0 feet to a point in the West side of a public alley reputed to be 16 feet wide; thence along the West side of said alley North 16 degrees 15 minutes East 20.48 feet to a point and land of said Dayton Pysher; thence along the same and passing through an iron post North 73 degrees 39 minutes West 150.0 feet to the place of Beginning.

HAVING THEREON ERRECTED A DWELLING KNOWN AS 243 S. Main Street, Bangor, Pennsylvania 18013. PARCEL: E9NE20-21-3A.

BEING THE SAME PREMISES WHICH Duane C. Krauss and Larry P. Krauss, Executors of the Last Will and Testament of Edith M. Krauss, deceased, by Deed 3/18/91 and recorded 4/3/91 in Northampton County Deed Book 826, Page 231, granted and conveyed unto F. Alan Bilsky and Carol J. Bilsky.

THEREON BEING ERRECTED 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 F. Alan Bilsky and Carol J. Bilsky.

LEON P. HALLER, ESQUIRE

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**No. 18**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2001-003568**

ALL THAT CERTAIN lot or parcel of ground with tenement, Hereditaments and Appurtenances, Situate thereon in the Township of Bethlehem, County of Northampton and State of Pennsylvania, designated as Lot No. 1, Block "G", according to the Plan of Oakland Hills, Section 2, prepared by C. A. Costello, Engineering Company, dated June 17, 1977 and recorded

in Map Book 46 page 19, Northampton County records.

BEING known as 3909 Dundee Road, Bethlehem, Pennsylvania.

BEING the same premises which Walter T. Salaski and Betty N. Salaski, husband and wife, by Indenture bearing data the 15th day of June, A.D. 1979 and recorded in the Office of the Recorder of Deeds &c., in and for the County of Northampton, aforesaid in Deed Book Volume 600 page 592, granted and conveyed unto John S. Favara and Lydia J. Favara, husband and wife, in fee.

BEING KNOWN AS: 3909 Dundee Road, Bethlehem, PA 18020.

PROPERTY ID NO.: M7NW2-2-1.

TITLE TO SAID PREMISES IS VESTED IN John L. Rayam and Doreen E. Rayam, husband and wife by Deed from John S. Favara and Lydia J. Favara, husband and wife dated 11/30/94 recorded 12/13/94 in Deed Book 1994-6 Page 106204.

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

SEIZED AND TAKEN into execution of the writ as the property of John L. Rayam a/k/a John L. Rayam, Jr. and Doreen E. Rayam.

MARK J. UDREN, ESQUIRE

**No. 19**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2004-1265**

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

BEGINNING at a point in the north side of Pen Argyl Street, formerly First Street, as per plan of lots of William Lobb, deceased, recorded in Easton, Pennsylvania, said point being distant, measured westwardly, fifty (50) feet from the northwest corner of "D" Street and Pen Argyl Street; THENCE along the north side of Pen Argyl Street westwardly twenty and three-tenths (20.3) feet to a point and land of Sherwood Longyore; THENCE along the same westwardly one hundred fifteen (115) feet and passing through the center line of double dwelling of which this conveyance is the east side or House No. 607, and also passing through an 8" oak to a point; THENCE North twenty and three-tenths (20.3) feet to a point; THENCE southwardly one hundred fifteen (115) feet to the place of beginning.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: E8NE4B-4-10.

BEING KNOWN AS 607 Pen Argyl Street, Pen Argyl, Pennsylvania.

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 Tammy S. Bright.

JOSEPH A. GOLDBECK, JR.,  
ESQUIRE

**No. 21**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2002-008626**

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Pen Argyl, county of Northampton and Commonwealth of Pennsylvania, being the Eastern half of Lot No. 6 in Block 20 of a Map or Plan of Lots marked "Slateland

View", said plan being now on record in the Office of the Recorder of Deeds at Easton, in and for the County of Northampton and Commonwealth of Pennsylvania, reference being thereunto has and will more fully at large appear, being described as follows to wit:

HAVING a frontage of twenty-five (25) feet on the Southerly side of Mountain Avenue and extending of that same width in a Southerly direction one hundred (100) feet.

BOUNDED on the East by Lots No. 7 and 8 on said Map; on the South by Lot No. 11; on the West by the Western half of said Lot No. 6; now or late of William R. Jeffrey; and on the North by the said Mountain Avenue.

BEING the same premises which Todd C. Oessenick and Benjamin J. Herten, by Deed dated June 24, 1999 and recorded in Northampton County on September 28, 1999 at Deed Book Volume 1999-1, Page 147574, granted and conveyed to Todd Rosko.

ASSESSMENT MAP, BLOCK, AND LOT NUMBER: E8NE2A-9-2.

BEING KNOWN AS 410 West Mountain Avenue, Pen Argyl, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Todd Rosko.

KIMBERLY J. HONG, ESQUIRE

**No. 22**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2002-007347**

ALL THAT CERTAIN parcel or lot of land situate on West Saucon

Street, Borough of Hellertown, County of Northampton, and in the Commonwealth of Pennsylvania, bounded and described according to a survey made the 20th day of September, 1969 A.D. by W. E. Eleckley, Registered Engineer, of Bethlehem, Pennsylvania, as follows, to wit:

BEGINNING at a point on the south property line of Saucon Street said point being North 86 degrees 43 minutes West 147.40 feet from a drill hole marking a corner at the intersection of the West property line of Harris Alley with the south property line of Saucon Street; thence along the west line of No. 48 Saucon Street South 3 degrees 17 minutes West 98.70 feet to an iron pin; thence along land of Clarence W. Templeton North 80 degrees (formerly incorrectly stated as eight degrees) 1 minute West 17.72 feet to an iron pin; thence along the east line of No. 52 Saucon Street thru the center line of a mutual party wall North 3 degrees 17 minutes East 96.63 feet to a point on the south property line of Saucon Street; thence along same property line South 86 degrees 43 minutes East 17.60 feet to the place of beginning.

HAVING THEREON ERECTED A DWELLING KNOWN AS 50 Saucon Street, Hellertown, Pennsylvania 18055.

BEING THE SAME PREMISES WHICH Gary G. Sanders et al by deed dated 2/22/02 and recorded in Deed Book 2002-1 Page 063959 granted and conveyed unto Douglas Palanchar.

TAX PARCEL: Q7SW3A-6-1A.

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 Douglas Palenchar.

LEON P. HALLER, ESQUIRE

**No. 23  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2002-006142**

ALL THAT CERTAIN lot or piece of land lying and being situate in the Borough of East Bangor, County of Northampton, and Commonwealth of Pennsylvania, more particularly bounded and described in accordance with a recent survey of Dale Kulp, Registered Surveyor, of R.D. #2, Box 2134, Mt. Bethel, Pennsylvania, as follows, to wit:

BEGINNING at a point at the property line of the Intersection of Cleveland Avenue and High Street, thence along the North property line of Cleveland Avenue and N 78 degrees W 140.00 feet to a point, thence along the East side of an alley N 12 degrees E 85.00 feet to a point, thence along land now or late of W. Strohe, Sr. S 78 degrees E 140.00 feet to a point on the West side of High Street, thence along the West side of High Street S 12 degrees W 85.00 feet to the point and place of beginning.

CONTAINING: 11,900 square feet.

TITLE TO SAID PREMISES IS VESTED IN Frank Paone and Lori Ann Paone, his wife by Deed from Konstantinos Pirlis and Sotiri Pirlis, his wife, and Antonios Kotretsos, dated 6/8/1999, recorded 6/16/1999, in Record Book Volume 1999-1, Page 088523.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: D10SW2D-5-6.

BEING KNOWN AS 48 South High Street, Bangor, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Frank Paone and Lori A. Paone a/k/a Lori Ann Paone.

FRANK FEDERMAN, ESQUIRE

**No. 24  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2004-004583**

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

BEGINNING at a point in Bachman Street two and one-half (2 1/2) feet east of the intersection of Lot No. 19 and Lot No. 18; thence along the said Bachman Street in an easterly direction twenty-seven and one-half (27 1/2) feet to a point; thence extending of that width in a northerly direction between parallel lines one hundred six (106) feet to the line of Lots Nos. 60 and 61.

BOUNDED on the south by said Bachman Street, on the north by Lots Nos. 60 and 61, on the east by Lot No. 17, and on the west by Lot No. 18.

BEING twenty-two and one-half (22 1/2) feet of Lot No. 18 and five (5) feet of Lot No. 17 according to the plan of lots laid out on Kokle Annex for Herman P. Phillips; which plan is duly recorded in the Office for the Recording of Deeds in and for Northampton County, at Easton, Pennsylvania, in Map Book Volume 6, Page 2, relation being thereunto had will more fully and at large appear.

BEING known and designated as No. 33 Bachman Street, Hellertown, Pennsylvania, according to the present system of Borough numbering.

TITLE TO SAID PREMISES IS VESTED IN Jeri L. Westwood, Married by Deed from Jeri L. Delnero n/k/a Jeri L. Westwood and David S. Westwood, her husband dated 7/16/1999 and recorded 7/20/1999 in Volume 1999-1, Page 109126.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: Q7NW3D-4-16.

BEING KNOWN AS 33 Bachman Street, Hellertown, Pennsylvania.

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 Jeri L. Delnero a/k/a Jeri L. Westwood.

FRANK FEDERMAN, ESQUIRE

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**No. 26**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2003-007901**

ALL THAT CERTAIN parcel or tract of land situate in Hanover Township, Northampton County, Pennsylvania, known and designated as Lot No. 6 on the Plan of Pointe North-Single Family Project-Phase III, Section 2, prepared by Great Valley Consultants, Consulting Engineers, of Wyomissing, Pennsylvania, and shown on Drawings No. 926001-015-D-001 through 926001-015-D-002, dated June 9, 1992 and last revised November 4, 1992, and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania, in Plan Book Volume 92, Pages 287 and 287A, being bounded on the North by Lot 5 on

said Plan, on the South by Lot 7 on said plan, on the West by Ashley Lane and on the East by Dolores Lane.

CONTAINING 16,472.58 square feet.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: MAP M6NW1, BLOCK 11, LOT 6.

PIN: 4962-01-7904-4635.

BEING THE SAME PREMISES which James J. Snell Custom Homes, a Pennsylvania Partnership consisting of James J. Snell, partner and Cathy A. Snell, partner, by Deed dated March 21, 1997, and recorded March 21, 1997, in the Recorder of Deeds Office of Northampton County, Pennsylvania, in Deed Book Volume 1997-1, Page 26391, granted and conveyed unto Azfar Ali and Saima Azfar, husband and wife.

PREMISES improved with a single family dwelling more commonly known as 4535 Dolores Lane, Bethlehem, Pennsylvania 18017.

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

SEIZED AND TAKEN into execution of the writ as the property of Azfar Ali and Saima Azfar.

RICHARD BRENT SOMACH,  
ESQUIRE

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**No. 27**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2004-004694**

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

BEGINNING at the Southeast corner of Laurel Street and a twenty foot wide alley; thence extending eastwardly along the South side of said Laurel Street a distance of twenty (20) feet to a point; thence extending Southwardly of the same width a distance of ninety (90) feet to Frankfort Street.

BOUNDED on the North by said Laurel Street, on the East and West by land formerly of Ammeda Spengler, and on the South by said Frankfort Street, according to Plan of Lots of the Fairview Land and Improvement Company, intended to be filed in the Office for the Recording of Deeds in and for the County of Northampton.

TAX IDENTIFIER: MAP N6SE3D, BLOCK 12, LOT 1.

BEING KNOWN AS 414 East Laurel 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 Brian Munn and Nodjya Munn a/k/a Nodjya Behm.

JOSEPH REJENT, ESQUIRE

**No. 28**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2004-002076**

ALL THAT CERTAIN message and lot of land known as No. 132, situated on the West side of North Thirteenth Street, in the City of Easton, County of Northampton and State of Pennsylvania, containing in front on said North Thirteenth Street, fifteen feet, more or less, and extending in depth of that width westwardly one hundred and thirteen feet to a ten feet wide private alley, bounded on the North by land now

or late of William Gray, on the East by said Thirteenth Street, on the south by land now or late of Sarah Diehl and on the West by said ten feet wide private alley.

ALSO KNOWN AS UNIFORM PARCEL IDENTIFIER NUMBER: L9SW2B-9-8.

BEING KNOWN AS: 132 North 13th Street, Easton, PA 18042.

PROPERTY ID NO.: L9SW2B-9-8.

TITLE TO SAID PREMISES IS VESTED IN Jimmy D. Woodginski and Brenda L. Miller, as joint tenants with the right of survivorship and not as tenants in common by Deed from John C. Vail and Linda L. Vail, his wife dated 9/30/98 recorded 10/2/98 in Deed Book 1998-1 Page 134427.

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

SEIZED AND TAKEN into execution of the writ as the property of Jimmy D. Woodginski and Brenda L. Miller.

MARK J. UDREN, ESQUIRE

**No. 29**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
1998-C-7214**

ALL THAT CERTAIN lot or piece of ground whereon is erected the Eastern half of a double frame dwelling house, situated on the North side of Lehigh Street, between Ninth and Tenth Streets, in the City of Easton, County of Northampton, Commonwealth of Pennsylvania, containing in front on said Lehigh Street 16 feet and extending of that width Northwardly 100 feet to a 15 feet wide private alley.

BOUNDED on the South by said Lehigh Street, on the West by the

Western half of said double frame dwelling house, now or formerly the property of Margaret Sippel, on the North by said private alley, and on the East by lot now or formerly of S. Henry Siegfried.

THE center line of the partition wall dividing the Eastern and Western halves of the said double frame dwelling house is the Western boundary line of the above-described premises.

THE above-described premises are known as No. 923 Lehigh Street, Easton, Pennsylvania.

PARCEL No. L9SE1D-16-11.

BEING the same premises which Vernon G. Deremer a/k/a Vernon G. Dermemer and Calogera I. Deremer a/k/a Lucy Deremer a/k/a Calogera I. Dermemer, husband and wife by Deed dated June 29, 1992 and recorded in the NORTHAMPTON County Recorder of Deeds' Office on July 7, 1992 in Deed Book 868, Page 62, granted and conveyed unto Ascencion Tenchipe and Lourdes Aguilar, husband and wife.

SEIZED AND TAKEN into execution of the writ as the property of Ascencion Tenchipe and Lourdes Aguilar.

JOSEPH REJENT, ESQUIRE

**No. 30**

**BY VIRTUE OF A CERTAIN**

**WRIT OF EXECUTION**

**CV-2004-004389**

ALL THAT CERTAIN premises situated in the City of Bethlehem, Northampton County, Pennsylvania, known and designated as #1108 East Third Street and more particularly bounded and described as follows, to wit:

BEGINNING at a point in the South property line of East Third Street in line of other lot of the grantor, said point being distant

53.78 feet Easterly from the intersection of the East property line of Hill Street with the South property line of East Third Street; thence along the South property line of East Third Street, South 85 degrees 54 minutes East 16.82 feet to a cross-cut in line of lot of W. O. Strohl; thence along lot of W. O. Strohl, South 4 degrees 06 minutes West 132.17 feet to an iron pin in the North property line of Fortuna Alley; thence along the North property line of Fortuna Alley, North 85 degrees 30 minutes West 16.82 feet (erroneously set forth in prior deeds as North 85 30 minutes West 16.82 feet) to a point in line of other lot of the grantor; thence along other lot of the grantor, North 4 degrees 06 minutes East 132.05 feet to the point or place of beginning.

HAVING erected thereon a dwelling known and numbered as 1108 East Third Street, Bethlehem, Northampton County, Pennsylvania according to the present system of City numbering.

PARCEL #P6SE2B-2-3.

BEING THE SAME PRAISES which ANGEL L. FIGUEROA and JENNY FIGUEROA, husband and wife, by Indenture Dated April 9, 1992 and Recorded April 10, 1992 in the Office for the Recording of Deeds in and for Northampton County in Deed Book 859, Page 456, Granted and Conveyed unto ANGEL L. FIGUEROA and JENNY FIGUEROA, husband and wife.

THEREON BEING ERECTED a two and one-half 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 Angel Figueroa a/k/a Angel L. Figueroa, Sr. and Jenny Figueroa.

JOSEPH REJENT, ESQUIRE



**No. 32  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-001636**

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

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

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

TITLE TO SAID PREMISES IS VESTED IN Robert Ramos, single, by Deed from Enedino Melendez, dated 12/16/94, recorded 12/20/94, in Deed Book 1996-4, Page 108489.

PROPERTY ID NO.: P6NE3C.5-1.

BEING KNOWN AS 1140 Railroad Street, Bethlehem, PA 18015.

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

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

MARK J. UDREN, ESQUIRE

**No. 34  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2003-009061**

ALL THAT CERTAIN piece or parcel of land, formerly with machine shop and engine house thereon, situate in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a point in the northern right-of-way line of Mauch Chunk Street, said point being located south 87-45-00 west 698.57 feet from the intersection of the western right-of-way line of center street and the northern right-of-way of said Mauch Chunk Street, said point being the southwest corner of a 1.0053 acre parcel of land acquired by the Redevelopment Authority of the City of Easton by taking in eminent domain proceedings No. 86 January Term, 1971 in the Court of Common Pleas of Northampton County Pennsylvania. Thence

1) westerly along the northern right-of-way line of said Mauch Chunk Street, south 87-45-00 west, 180.00 feet to a point, thence;

2) northerly along remaining lands of the Lehigh Valley Railroad, north 28-27-30 west, 260.45 feet to a point located 30.00 feet, measured radially, from the centerline of the main tracks of the Consolidated Rail Corporation. Thence;

3) easterly along a curve to the right, parallel to and concentric with a distant 30.00 feet, measured radially, from said centerline, said curve having a radius of 2291.72 feet and an arc distance of 118.11 feet to a point of compound curve. Thence;

4) easterly along a curve to the right, parallel to, concentric with and

30.00 feet distant measured radially, from said centerline, said curve having a radius of 1402.69 feet, an arc distance of 304.05 feet to a point of compound curve. Thence,

5) easterly along a curve to the right, parallel to, concentric with and distant 30.00 feet, measured radially, from said centerline, said curve having a radius of 1880.00 feet, an arc distance of 179.28 feet to a point of tangency. Thence;

6) easterly, parallel to and distant 30.00 feet, measured at right angles, from said centerline north 87-45-00 east 170.00 feet to a point in the southern right-of-way line of the main line. Thence;

7) westerly along a curve to the left, said curve having a radius of 415.00 feet, an arc distance of 126.67 feet to a point. Thence;

8) southerly south 02-15-00 east, 7.00 feet to a point in the southern right-of-way line of canal (if said southern right-of-way line were extended). Thence;

9) easterly along the southern right-of-way line of said Canal Street (if said southern right-of-way line were extended), north 87-45-00 east, 45.83 feet to a point in the northern right-of-way line of the Canal Street extension. Thence;

10) westerly along the northern right-of-way line of said Canal Street extension, south 49-59-45 west, 489.98 feet to appoint the place of beginning.

Containing three and three thousand one hundred and eight ten thousandths (3.3108) acres, more or less.

THE WITHIN CONVEYANCE is under and subject to the following covenants, which shall run with the land hereafter and be binding upon

all subsequent owners, assignees, mortgagees, etc:

1) Use the property only for industrial activities;

2) Groundwater shall not be used for any purpose and no wells for the extraction thereof shall be installed, permitted or utilized on the Site; provided, however, monitoring wells and treatment wells may be installed and operated on the Site by the Grantee, its successors and assigns, solely for the purpose of sampling, monitoring, and/or remediating such groundwater; and

3) Test and properly dispose of any soils and other materials that are to be removed from the Site, in accordance with the environmental laws.

ALSO KNOWN AS NORTHAMPTON COUNTY TAX IDENTIFIER NUMBER L9SE4D-2-2B.

BEING KNOWN AS 805 Canal Street, Easton, Pennsylvania.

SEIZED AND TAKEN into execution of the writ as the property of Roundhouse Enterprises, LLC, Raymond C. Scheetz, Coretech, Inc. and Batterytest, Inc.

STEVEN LEVIN, 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

Oct. 14, 21, 28

## **DISASTER ASSISTANCE FOR PENNSYLVANIA FLOOD VICTIMS**

Thousands of our fellow Pennsylvanians have been devastated by the damage caused by the severe storms and flooding that struck several areas of the state in the last two weeks. Our county has been declared a federal disaster area, and the Pennsylvania Emergency Management Agency (PEMA) and the Federal Emergency Management Agency (FEMA) are opening a Disaster Recovery Center in our area to help victims.

As in past disasters, PEMA/FEMA welcomes the assistance of local lawyers to volunteer their time to help answer victims' legal questions. We have the opportunity to provide Pennsylvanians with the information and legal advice they need to speed their recovery and to help them avoid any unscrupulous or unethical individuals who may seek to prey upon them during this difficult time.

The NCBA is interested in recruiting volunteer lawyers to assist PEMA/FEMA in answering legal questions that are frequently asked by disaster victims. You may volunteer as little or as many hours as desired, and the dress code is casual so that the victims feel comfortable.

To assist you in this endeavor, a Volunteer Resource Guide that includes helpful information about financial assistance and legal questions that are frequently asked by disaster victims is available at the NCBA Facility; you need only call and we will send you a copy.

Your efforts will do much to help the people of Pennsylvania with the long, slow recovery process. If you would like to volunteer your time, the Disaster Recovery Center for Northampton County is located at the Forks Township Community Center, 500 Zucksville Road, Easton. Please contact PEMA/DRC Manager Tom Nervine at (484) 347-2968 as there is an immediate need for volunteers. Thank you for your assistance in this matter.

Oct. 14, 21

**ROBERT EYER**

*is pleased to announce  
the opening of  
his office for the  
general practice of law at*

720 Washington Street  
Easton, Pennsylvania 18042

Telephone (610) 253-9800  
Fax (610) 258-1120

Oct. 14, 21, 28

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The Law Office of

**BROUGHAL & DeVITO, L.L.P.**

*is pleased to announce that*

**LISA A. PEREIRA**

has joined the firm as an associate

38 W. Market Street • Bethlehem, PA 18018  
Tel. (610) 865-3664 • Fax (610) 865-0969  
E-Mail: lisapereira@rcn.com

Oct. 14

**RICHARD FREDERICK SIMMERS v.  
SUSAN LEE SIMMERS, DECEASED**

*Preliminary Objections—Failure To Conform Pleadings—Pretrial Statement—Judge’s Signature—Standing To Intervene*

Petitioner filed Preliminary Objections to the petitions of Joseph J. Exley and Faye B. Exley, maternal grandparents (hereinafter “Respondents”), requesting that they be granted permission to intervene in this matter. Petitioner seeks to have the Respondents’ pleadings dismissed and the Custody Complaint stricken. Petitioner argues that the Respondents failed to conform to Pennsylvania Rule of Civil Procedure 1915.3(e), in that they neglected to plead in Paragraph 7 of the Custody Complaint, facts establishing the elements of a cause of action under §§5313(b)(1), (2) and (3). The Court found that the Respondents failed to sufficiently provide facts to support a cause of action pursuant to the three elements required. Therefore Respondents were ordered to file an Amended Custody Complaint in accordance with Pa. R.C.P. 1915.3(e) and 1915.15(a).

Petitioner also filed Preliminary Objections, arguing that the required Pretrial Statement not filed with the Court, and further that it requires the signature of the intervenors, which was not provided. The Court found that the Pretrial Statement was filed by the Respondents on April 17, 2003. This Court further found that although the Pretrial Statement submitted on behalf of the Respondents was signed by their counsel, and not by the Respondents, the failure of the Respondents to sign to not constitute fatal error as to dismiss their Complaint. The Court ordered the Respondents to re-file the Pretrial Statement with the appropriate signatures.

Petitioner next argued that the Respondents failed to secure the Court’s signature on an “Order of Court” requiring the Petitioner to appear for a custody conference. The Court found that this was in error and that the Order of Court must be signed by a judge.

Petitioner argued that the Respondents lack standing to intervene in this suit pursuant to 23 Pa. C.S.A. §5313(a) and (b). This Court found that Respondents have standing to petition for custody of the child in this case.

Finally, Petitioner argued that the Respondents failed to provide sufficient information to substantiate their claims under 23 Pa. C.S.A. §§5311 or 5313, and therefore their pleadings should be stricken. This Court found that, it would be premature at this stage to address the substantive issues of whether it is in the child’s best interests to grant the Respondents partial custody or visitation and/or physical and legal custody because the depositions provided from prior proceedings in New Hampshire were lacking in specificity toward the issues involved in the case at bar. Further, the Court found that it would be premature to decide the welfare of a child without first receiving the results from the psychological evaluation performed. Therefore, the Court ordered that this matter shall be heard on the nonjury list at which time all relevant additional evidence shall be presented.

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2002-000807.

Order of Court entered granting in part and denying in part Defendant’s Preliminary Objections.

LINDA SHAY GARDNER, ESQUIRE and GARY NEIL ASTEAK, ESQUIRE,  
for Plaintiff.

NEIL J. O'LEARY, ESQUIRE, for Defendant.

Order of Court entered on October 22, 2003 by McFadden, J.

### *OPINION*

Presently before the Court for disposition are the Preliminary Objections of the Petitioner, Richard Frederick Simmers (hereinafter "Petitioner"), to the petitions of Joseph J. Exley and Faye B. Exley, maternal grandparents (hereinafter "Respondents"), requesting that they be granted permission to intervene in the above-referenced matter. By way of Preliminary Objections, Petitioner seeks to have the Respondents' pleadings dismissed and the Custody Complaint stricken.

This matter was assigned to the Honorable F.P. Kimberly McFadden on the August 26, 2003 argument list. Following review of the Petition of the Respondents and the briefs submitted in relation thereto, this matter is now ready for disposition.

#### *I. FACTUAL/PROCEDURAL HISTORY*

The Petitioner is the father of Deanna Simmers (hereinafter "Deanna"). Deanna was born on September 9, 1999, to Petitioner and his former wife Susan Lee Simmers (hereinafter "Mother"), deceased. While pregnant with Deanna, Mother was diagnosed with breast cancer. Despite medical advice, she decided not to have an abortion, but rather undergo light chemotherapy and a mastectomy, and give birth to Deanna. Mother also suffered from bipolar disorder. Mother was hospitalized three weeks after Deanna's birth, at which time Respondents cared for her in their home in New Hampshire, upon the parties' agreement.

On October 3, 2000, when Deanna was thirteen months old, Petitioner and Mother separated permanently. Mother took Deanna and moved into her sister's home in Syracuse, New York. On February 8, 2002, Petitioner filed for divorce from Mother. A custody conference was scheduled for March 26, 2002. Soon after, counsel for Mother and Respondents entered his appearance and negotiations began with Father's counsel.

There is much discrepancy as to the location of Mother and Deanna from October 2000 through April 28, 2002, when Mother died. On October 24, 2002, Respondents filed a Petition in the Court of Common Pleas of Grafton County, New Hampshire requesting an ex-parte emergency hearing regarding Deanna. New Hampshire has no provisions in the statutes regarding grandparents' custody, and an Emergency Order was granted by the Honorable Susan B. Carbon, Family Division Judge on October 24, 2002. A hearing was held on November 6, 2002, wherein the Court appointed a guardian ad litem and granted gradual visitation to Father. An Order was entered on November 8, 2002. The guardian ad litem, Jane Vaillancourt, filed two reports, dated December 15, 2002, and January 10, 2003, regarding her involvement with Deanna and her family.

A hearing was held on January 13, 2003, in front of the Honorable Bruce A. Cardello, in which he ordered the approval of the recommendations of the guardian ad litem and scheduled a hearing for March 31, 2003. A final report from the guardian ad litem was received on April 3, 2003, recommending termination of the guardianship. A final hearing was scheduled on April 7, 2003, at which time the guardianship was terminated. Deanna began residing with Father on February 23, 2003, and has since that date resided with him. She has had two three-day visits with Respondents in March 2003.

Respondents filed a Custody Complaint on April 17, 2003, requesting this Court to grant joint legal custody of Deanna to themselves and Father. They further requested shared physical custody of Deanna for themselves and Father. On May 2, 2003, Petitioner filed Preliminary Objections to Respondents' Custody Complaint. Respondents filed a response to Petitioner's Preliminary Objections on May 28, 2003. Both Respondents and Petitioner filed briefs in support of their positions.

## II. *DISCUSSION*

### A. *Failure To Conform to Pa. R.C.P. 1915.3(e)*

Petitioner argues that the Respondents failed to conform to Pennsylvania Rule of Civil Procedure 1915.3(e), in that they neglected to plead in Paragraph 7 of the Custody Complaint, facts establishing the elements of a cause of action under §§5313(b)(1), (2) and (3). Petitioner argues that the Respondents' failure to set forth the required elements in the Custody Complaint constitutes a fatal defect in their pleadings, and therefore the matter should be dismissed. Pa. R.C.P. 1915.3(e) states:

(e) A grandparent seeking physical and/or legal custody of a grandchild pursuant to 23 Pa.C.S. §5313(b) must plead, in paragraph 7 of the complaint set forth at Rule 1915.15(a), facts establishing the elements of a cause of action under §§5313(b) (1), (2) and (3).

Pa. R.C.P. 1915.3(e).

The elements of 23 Pa.C.S. §5313(b) referred to in Pa. R.C.P. 1915.3(e) include a grandparent:

- (1) who has genuine care and concern for the child;
- (2) whose relationship with the child began with the consent of a parent of the child or pursuant to an order of court; and
- (3) who for 12 months has assumed the role and responsibilities of the child's parent, providing for the physical, emotional and social needs of the child, or who assumes the responsibility for a child who has been determined to be a dependent child pursuant to 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or who assumes or deems it necessary to assume responsibility for a

child who is substantially at risk due to parental abuse, neglect, drug or alcohol abuse or mental illness. The court may issue a temporary order pursuant to this section.

23 Pa. C.S.A. §5313(b).

In reviewing the Custody Complaint filed by the Respondents, the Court agrees with Petitioner that the Respondents failed to set forth facts in Paragraph 7 establishing the elements of a cause of action under 23 Pa. C.S.A. §§5313(b)(1), (2) and (3). In reviewing the Custody Complaint, the Court finds that Paragraph 46 and its subparagraphs attempts to fulfill this requirement. However, in reading Paragraph 46 and its subparagraphs, the Court finds that the Respondents failed to sufficiently provide facts to support a cause of action pursuant to the three elements required.

Paragraph 46 and its subparagraphs generally discuss that the maternal grandparents cared and provided for the child since she was three (3) weeks old, but make no mention that this was at the request of a parent or by an order of court as required by element (2). Further, although they state that they have cared and provided for the child since she was three weeks old, they make no indication that they acted as a parental figure for twelve months, as required by element 3. Paragraph 46 continues on with allegations regarding the father's alleged poor parenting skills, the child's lack of adjustment to her father, and his absence from the child's life. However, at no time does the Complaint adequately set forth facts establishing the above three elements as required by Pa. R.C.P. 1915.3(e). Therefore, Respondents are ordered to file an Amended Custody Complaint in accordance with Pa. R.C.P. 1915.3(e) and 1915.15(a).

Therefore, the above stated Preliminary Objections of the Petitioner are hereby GRANTED and the Respondents are granted twenty (20) days to amend.

*B. Pretrial Statement Not Filed With the Court, and  
Signature of Intervenors Not Provided*

Petitioner argues that the required Pretrial Statement not filed with the Court, and further, it requires the signature of the intervenors, which was not provided. For the above stated reasons, Petitioner argues that the pleadings are defective and must be stricken from the record and the Custody Complaint must be dismissed.

After reviewing the docket and file in the above captioned matter, the Court finds that said Pretrial Statement was filed by the Respondents on April 17, 2003. This Court further finds that the Pretrial Statement submitted on behalf of the Respondents was signed by their counsel, and not by the Respondents. However, the Court finds the failure of the Respondents to sign to not constitute fatal error as to dismiss their Complaint. Therefore, the Court orders the Respondents to re-file the Pretrial Statement with the appropriate signatures.



*C. Failure To Secure Judge's Signature on Order of Court to Appear for Custody Conference*

Petitioner next argues that the Respondents failed to secure the Court's signature on an "Order of Court" requiring the Petitioner to appear for a custody conference. The Court finds that this was in error. The Order of Court must be signed by a judge. Therefore, the Respondents are ordered to re-file said order, obtain Court's signature and praecipe the prothonotary's office.

*D. Standing To Intervene Pursuant to 23 Pa. C.S.A. §5311*

Petitioner argues that if Respondents are permitted to intervene, it shall only be with respect to their request for partial custody or visitation pursuant to 23 Pa. C.S.A. §5311. 23 Pa. C.S.A. §5311 provides:

If a parent of an unmarried child is deceased, the parents or grandparents of the deceased parent may be granted reasonable partial custody or visitation rights, or both, to the unmarried child by the court upon a finding that partial custody or visitation rights, or both, would be in the best interest of the child and would not interfere with the parent-child relationship. The court shall consider the amount of personal contact between the parents or grandparents of the deceased parent and the child prior to the application.

23 Pa. C.S.A. §5311.

Therefore, Petitioner is not challenging the grandparents' standing to petition the Court for custody pursuant to this statute. However, the Petitioner further argued that when partial custody or visitation is pursued, it will be determined that partial custody or visitation will not be in the child's best interests. It is clear that Petitioner is attempting to put forth substantive argument with regard to the best interests of the child. The Court will address the substantive issue regarding the child's best interest in subsection F below. Therefore, the Preliminary Objection of Petitioner is hereby DENIED and the Respondents are granted permission to intervene pursuant to 23 Pa. C.S.A. §5311.

*E. Standing To Intervene Pursuant to 23 Pa. C.S.A. §5313(a) and (b)*

Petitioner argues that the Respondents lack standing to intervene in this suit pursuant to 23 Pa. C.S.A. §5313(a) and (b). Petitioner argues that in order for the Respondents to petition to intervene, they must meet the statutory requirements of the following subsections. These two sections provide, in pertinent part:

§5313. When grandparents may petition

(a) Partial custody and visitation.—If an unmarried child has resided with his grandparents ... for a period of 12 months

or more and is subsequently removed from the home by his parents, the grandparents . . . may petition the court for an order granting them reasonable partial custody or visitation rights, or both, to the child. The court shall grant the petition if it finds that visitation rights would be in the best interest of the child and would not interfere with the parent-child relationship.

(b) Physical and legal custody.—A grandparent has standing to bring a petition for physical and legal custody of a grandchild. If it is in the best interest of the child not to be in the custody of either parent and if it is in the best interest of the child to be in the custody of the grandparent, the court may award physical and legal custody to the grandparent. This subsection applies to a grandparent:

- (1) who has genuine care and concern for the child;
- (2) whose relationship with the child began with the consent of a parent of the child or pursuant to an order of court; and
- (3) who for 12 months has assumed the role and responsibilities of the child's parent, providing for the physical, emotional and social needs of the child, or who assumes the responsibility for a child who has been determined to be a dependent child pursuant to 42 Pa. C.S. Ch. 63 (relating to juvenile matters) or who assumes or deems it necessary to assume responsibility for a child who is substantially at risk due to parental abuse, neglect, drug or alcohol abuse or mental illness. The court may issue a temporary order pursuant to this section.

23 Pa. C.S.A. §5313 (a) and (b).

The issue of standing pursuant to 23 Pa. C.S.A. §5313 was recently addressed in *R.M. v. Baxter ex rel. T.M.*, 565 Pa. 619, 777 A.2d 446 (2001). In this case, a grandmother sought custody or partial custody and/or visitation of her grandchild who had been declared a dependent child and placed in the custody of Children and Youth Services. *Baxter*, supra at 621-22, 777 A.2d at 448. The child's guardian filed preliminary objections, arguing that the grandmother failed to satisfy the standing requirements of §5313. *Id.* The court noted the 1996 amendment of §5313, changing the heading of the section from "[w]hen child has resided with grandparents" to "[w]hen grandparents may petition," and adding subsection (b), leaving the old language in subsection (a). *Id.* at 624, 777 A.2d at 450. The court found that the new subsection (b) recognized a grandparent's right to make a claim for physical and legal custody, rather than what it previously referred to as partial custody and visitation. *Id.* Therefore, the court found that the amendment expanded grandparents' rights and addressed the issue of a grandparent's standing. *Id.* at 625, 777 A.2d at 450.

The court in *Baxter* found that the language in the statute, specifically that "[a] grandparent has standing to bring a petition for physical and

legal custody of a grandchild” confers upon a grandparent a right to petition for custody simply by virtue of a familial relationship. *Id.* at 626-27, 777 A.2d at 451. The court added that the language “[t]his subsection applies to a grandparent who ...,” refers to the requirements a grandparent must establish to prevail on the merits of the custody claim. *Id.* at 627, 777 A.2d at 451. However, the court noted in a footnote that “the legislature’s conferral of automatic standing to seek the physical and legal custody of a grandchild does not affect a grandparent’s evidentiary burden to prove his/her custody claim on the *merits*. It merely eliminates the preliminary standing requirement that a party establish a direct and substantial interest in the custody proceeding before the court.” *Id.* at 627 n.4, 777 A.2d at 451 n.4 (emphasis added).

Following the Pennsylvania Supreme Court’s ruling in *Baxter*, this Court finds that Respondents have standing to petition for custody of the child in this case. Therefore, the Petitioner’s Preliminary Objection to the Respondents’ petition for intervention is hereby DENIED.

F. *Substantive Issues Regarding 23 Pa. C.S.A. §§5311 and 5313(a) and (b)*

Petitioner argues that the Respondents failed to provide sufficient information to substantiate their claims under 23 Pa. C.S.A. §§5311 or 5313, and therefore their pleadings should be stricken. Petitioner argues that if the Respondents wish to proceed, they must comply properly with the rules and plead the case properly. In response, the Respondents filed a Brief in Response to Petitioner’s Preliminary Objections. The Respondents argue that it is premature at this stage to formulate arguments on the substantive issues of whether they meet the requirements to obtain partial custody or visitation or physical and legal custody under either 23 Pa. C.S.A. §§5311 or 5313 until new relevant depositions and rebuttal testimony can be taken regarding this specific issue at a custody trial, and results from the psychological evaluation to which all parties participated, are returned. This report, which is to be prepared by Dr. Robert Gordon, is scheduled to be completed no later than September 30, 2003.

The Superior Court of Pennsylvania stated in *Douglas v. Wright*, 801 A.2d 586 (Pa. Super. 2002) that the granting of partial custody or visitation rights pursuant to §5311 requires that “the trial court perform a detailed, child-centered analysis when crafting its order granting partial custody to grandparents.” *Douglas*, 801 A.2d at 591. Further, as stated in *Baxter* regarding physical and legal custody, it is the “grandparent’s evidentiary burden to prove his/her custody claim on the merits.” *Baxter*, supra at 627, 777 A.2d at 451.

Therefore, this Court agrees with the Respondents that it would be premature at this time to address the substantive issues of whether it is in the child’s best interests to grant the Respondents partial custody or visita-

tion and/or physical and legal custody. The Court finds that the depositions provided from proceedings in New Hampshire on December 6, 2002, are lacking in specificity toward the issues involved in the case at bar. Further, the Court finds that it would be premature to decide the welfare of a child without first receiving the results from the psychological evaluation performed by Dr. Robert Gordon. Therefore, the Court orders that this matter shall be heard on the nonjury list at which time all relevant additional evidence shall be presented.

#### VI. CONCLUSION

For these reasons, Petitioner's Preliminary Objections are hereby granted in part and denied in part.

WHEREFORE, we enter the following:

#### ORDER

AND NOW this 22nd day of October, 2003, upon consideration of the Preliminary Objections of Petitioner, Richard Frederick Simmers, and Respondents', Joseph J. Exley and Faye B. Exley, Maternal Grandparents, response thereto, it is hereby ORDERED and DECREED that:

1. Petitioner's Preliminary Objection to the Respondents' failure to conform to Pennsylvania Rule of Civil Procedure 1915.3(e) is hereby GRANTED and Respondents are granted leave to file an Amended Custody Complaint.

2. Petitioner's Preliminary Objection for failure of Respondents to file a Pretrial Statement with the Court is hereby DENIED. Further, Respondents are hereby Ordered to re-file the Pretrial Statement with the appropriate signatures.

3. Petitioner's Preliminary Objection regarding the Respondents' failure to secure the Court's signature on an "Order of Court" is hereby GRANTED.

4. Petitioner's Preliminary Objection to Respondents' Petition to Intervene pursuant to 23 Pa. C.S.A. §5311 is hereby DENIED.

5. Petitioner's Preliminary Objection to Respondents' Petition to intervene pursuant to 23 Pa. C.S.A. §5313 (a) and (b) is hereby DENIED.

6. Petitioner's Preliminary Objection regarding Respondents' failure to meet the substantive elements of 23 Pa. C.S.A. §§5311 and 5313(a) and (b) is hereby DENIED as premature at this stage and the Court orders that new relevant depositions be taken in this matter at a custody trial and the report from Dr. Gordon be reviewed before a decision be rendered.