

Northampton County Reporter

(USPS 395-280)

VOL. LIII

EASTON, PA October 28, 2004

NO. 96

**John G. Goss, III and Tina Goss, Husband and Wife, Plaintiffs v.
Frank Capobiano, M.D., Randy Wolfe OTR/L; Good Shepherd
Rehabilitation Hospital; Good Shepherd Hand Clinic/Edwards Center,
and Edward Guarino, M.D., Defendants**

CONTENTS

Bar News	3	Legal Notices	9
Estate Notices	4	Notice from Tax Claim Unit	27
Fictitious Name Registration Notice	8	Notices of Incorporation	7
Firm Announcements	26, 27	Sheriff's Sales	10

INSERTS: Pink

1. Workers' Comp—Step 3
"Preparation for Trial/Hearing"
2. "Bridge the Gap Program"
3. 2004 NCBA Calendar of Events
4. PBI/CLE Seminars @ NCBA,
BALC & I.U. 20

Gray:

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

Yellow:

1. NCBA 2005 Committee
Preference Form
2. FCC Fax Rules Update

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
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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 2005 Committee Preference Form. **Please remember to sign up to become a member of a committee(s) again;** you are not automatically carried forward. Don't be shy; sign up for as many committees as you would like. Participation is a vital part of our Association. The activities of the separate committees make our organization stronger and more responsive to our membership. If you are interested in "chairing" a particular committee, please let us know.

☞ **INCLUDED IN THIS ISSUE** is the FCC FAX RULES UPDATE—ELECTRONIC COMMUNICATIONS CONSENT FORM. If you have not done so already, please return this form at your earliest convenience. The form must be received from every member and kept on file at the Bar Association Office. Thank you.

☞ **INCLUDED IN THIS ISSUE** is a notice given that the Tax Claim Unit, Fiscal Affairs, Northampton County, Pennsylvania did present to the Court of Common Pleas of Northampton County, Pennsylvania, its consolidated return of the sale of properties conducted by said unit on September 13, 2004.

☞ **INCLUDED IN THIS ISSUE** are announcements & registration forms for the
(1) November 5th—*"Quarterly Association Meeting & Bench/Bar Conference."*
(2) November 11th—*"Workers' Comp-Step 3—Preparation for Trial/Hearing."*
(3) November 19th—*"Bridge the Gap Program"*

COMMITTEE MEETINGS:

Nov. 9th—Solo Practitioner Committee Mtg.—NOON @ NCBA

☞ **PBI/CLE SEMINARS @ NCBA**—**"How to Prepare the PA Inheritance Tax Return"** is scheduled for **Wednesday, November 10, 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

☞ **BAR ASSOCIATION OF LEHIGH COUNTY**

SPONSORED 2004 SEMINARS:

[November 3rd—*"Mortgages/Foreclosures/Judgments"*] **[November 9th**—*"The Use of Humor to Make the Practice Law More Palatable"*] Call BALC for details such as times, fees, credits, meals and/or to register at (610) 433-6401, Ext. 16.

☞ **REAL FACTS:** *Canada has the longest coastline of any country in the world.*

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**ANTOLICK, ROBERT W.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Douglas Jon Tkacik, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 30, Bethlehem, PA 18016

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

CARDUCCI, BERNICE M., dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Lois Carducci a/k/a Lois Prytherch, 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

FALCONE, ANTHONY, dec'd.

Late of the Borough of Bangor, Northampton County, PA

Executrix: Nickoletta Falcone, c/o Raymond J. DeRaymond, Esquire, 717 Washington Street, Easton, PA 18042-4386

Attorney: Raymond J. DeRaymond, Esquire, 717 Washington Street, Easton, PA 18042-4386

KORPICS, HELEN E., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Francine K. Heft, c/o Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407

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

MISSMER, FRANCES K., dec'd.

Late of Nazareth, Northampton County, PA

Executor: Thomas P. Stitt, c/o Thomas P. Stitt, Esquire, 101 S. Third Street, Second Floor, P.O. Box 483, Easton, PA 18044-0483

Attorney: Thomas P. Stitt, Esquire, 101 S. Third Street, Second Floor, P.O. Box 483, Easton, PA 18044-0483

SKUBIK, ALEX a/k/a ALEX J.

SKUBIK, dec'd.

Late of the Borough of Northampton, Northampton County, PA

Executrix: Mary Ann Dal Pezzo, c/o Dean C. Berg, Esquire, G.M. Berg Law Offices, P.O. Box 10, Northampton, PA 18067

Attorneys: Dean C. Berg, Esquire, G.M. Berg Law Offices, P.O. Box 10, Northampton, PA 18067

WEMPLE, JAN B., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Winifred Moore, c/o Thomas J. Maloney, Esquire, Maloney, Danyi & Sletvold, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279

Attorneys: Thomas J. Maloney, Esquire, Maloney, Danyi & Sletvold, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279

SECOND PUBLICATION

BRAY, ALLEN a/k/a F. ALLEN BRAY, dec'd.

Late of Pen Argyl, Northampton County, PA

Co-Executors: Linda J. Bray, HCR #1, Box 152, Saylorsburg, PA 18353 and James E. Bray, 3442 Byrons Corner Road, Constableville, NY 13325

Attorney: John J. McGee, Esquire, 9 S. 8th Street, Stroudsburg, PA 18360

DIETZ, EMORY W., dec'd.

Late of the Borough of Bangor, Northampton County, PA

Executor: Gaylord E. Weidlick, Jr. 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

KIMBER, KAREN S., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Administratrices: Krisann Bachert and Tracy White c/o Law Office of Anne P. Felker, 539 Center Street, P.O. Box 190, Bethlehem, PA 18016-0190

Attorneys: Law Office of Anne P. Felker, 539 Center Street, P.O. Box 190, Bethlehem, PA 18016-0190

KOKOSKY, MARY, dec'd.

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

Executor: John J. Kokosky, Jr., 2710 Liberty Street, Easton, PA 18042

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

MUFFLEY, EDNA M., dec'd.

Late of the Township of Moore, Northampton County, PA

Executor: Charles D. Muffley c/o Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446

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

RICE, AUGUSTA, dec'd.

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

Co-Executrices: Lydia Williams, 1785 Georgetown Rd., Nazareth, PA 18064 and Priscilla Ann Silfies, 653 E. Dell Rd., Bath, PA 18014

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

ROWE, SHIRLEY M., dec'd.

Late of the Township of Plainfield, Northampton County, PA
Executrix: Cynthia May 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

SAURER, FRANK J., JR., dec'd.

Late of Moore Township, Northampton County, PA
Executor: Wayne Yanders c/o Frank M. Skrapits, Esquire, Affiliated with Steckel & Stopp, 2152 Main Street, Northampton, PA 18067-1211
Attorneys: Frank M. Skrapits, Esquire, Affiliated with Steckel & Stopp, 2152 Main Street, Northampton, PA 18067-1211

YOUNG, DOROTHY E., dec'd.

Late of Palmer Township, Northampton County, PA
Administrator: Thomas H. Young c/o Harry J. Newman, Esquire, 915 West Broad Street, Bethlehem, PA 18018
Attorney: Harry J. Newman, Esquire, 915 West Broad Street, Bethlehem, PA 18018

THIRD 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. Ciccarelli 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. PAVLINSKY, 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

NOTICES OF INCORPORATION

NOTICE IS HEREBY GIVEN that an Article of Incorporation has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purposes 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:

AIM Solutions, Inc.

The Articles of Incorporation were filed on October 8, 2004.

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

Oct. 28

NOTICE IS HEREBY GIVEN, that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania on October 14, 2004, 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:

DONNA L. MILLER, D.O., P.C.

Melissa P. Rudas, Esquire
 Melissa P. Rudas, P.C.
 742 N. Main Street
 Bethlehem, PA 18018

Oct. 28

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for: **EASTON POWER HOLDING, INC.** a corporation organized under the Pennsylvania Business Corporation Law of 1988.

Oct. 28

FALOTTOS AUTO BODY, INC. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Oct. 28

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for: **GARCIA HOLDING, INC.** a corporation organized under the Pennsylvania Business Corporation Law of 1988.

Oct. 28

KEYSTONE DELIVERY, INC. has been incorporated under the provisions of the PA Business Corp. Law of 1988.

ABRAHAMS, LOEWENSTEIN & BUSHMAN, P.C., Solicitors
Three Parkway
Suite 1300
Philadelphia, PA 19102

Oct. 28

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania.

The name of the proposed corporation is:

PUBLISHERS SELECTION, INC.

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

McFALL, LAYMAN
& JORDAN, P.C.

134 Broadway
Bangor, PA 18013

Oct. 28

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State for the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purposes 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:

The name of the corporation is:

SAROJ CORP

The Articles of Incorporation were filed on October 6, 2004.

DANIEL K. MCCARTHY, ESQUIRE
MCCARTHY & ANEWALT, L.L.P.
1248 Hamilton Street
Allentown, PA 18102

Oct. 28

**FICTITIOUS NAME
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982, as amended, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, a certificate for the conduct of a business in Pennsylvania under the assumed or fictitious name, style or designation of:

BUTLER DIGITAL SERVICES

with its principal place of business at: 2000 Butler Street, Easton, PA 18042.

The name and address of the entity owning or interested in said business is: Lehigh Blue Print Co., Inc., 2000 Butler Street, Easton, PA 18042.

BETH A. KNICKERBOCKER,
ESQUIRE

100 N. Third Street
Easton, PA 18042

Oct. 28

**IN THE COURT OF COMMON
PLEAS OF NORTHAMPTON
COUNTY, PENNSYLVANIA
QUIET TITLE ACTION**

DAVID C. GEORGE and DENISE
M. GEORGE, husband and wife
Plaintiffs

vs.

SAMUEL LASTER and ESTER
LASTER, husband and wife, their
executors, administrators, heirs,
assigns, successors in Title or
anyone else interested,
Defendants

NO. C0048CV2004007747

NOTICE TO DEFEND

TO: The above-named Defen-
dants and any person claiming any
interest in the real estate hereinaf-
ter described.

Take notice that on October 20,
2004, the Plaintiffs filed a Complaint
averring that they are the owners
of:

ALL THAT CERTAIN tract or
piece of ground, together with the
four dwellings thereon erected and
numbered 1381, 1383, 1385 and
1387 Canal Street, in the Borough
of Northampton, County of North-
ampton and State of Pennsylvania,
Bounded and Described as follows,
to wit:

BEGINNING at a point in the
middle of said Canal Street; thence
extending North 40 degrees 20 min-
utes East one hundred fifty-five and
thirty-seven one-hundredths
(155.37) feet to a point. Thence ex-
tending South 54 degrees 10 min-
utes East one hundred fifteen (115)
feet to a point. Thence extending
north 40 degrees 20 minutes east
forty-two (42) feet to a point; thence
extending south 55 degrees 17 min-
utes east three hundred fourteen
(314) feet to a point. Thence extend-
ing south 42 degrees 03 minutes

west two hundred seven and eight-
tenths (207.8) feet to a point; thence
extending north 64 degrees 18 min-
utes west one hundred twenty-one
(121) feet to a point; thence extend-
ing north 49 degrees 31 minutes
west three hundred four (304) feet
to a point, the place of beginning.

ASSESSMENT DESIGNATION
NO: M4NWIC 6 25.

BEING KNOWN AS: WO Segal Ct.

That said Complaint further
averts that Plaintiffs were the pur-
chasers of aforesaid property as the
result of Tax Sale proceedings and
a subsequent sale of the property
to Plaintiffs by the Northampton
County Tax Claim Bureau Reposi-
tory for Unsold Properties; that the
last owner of record was Ester
Laster who died on January 5,
1949; that the identity and where-
abouts of the heirs of Ester Laster
are unknown; and that no evidence
exists of whether proper service
and notice were given to the heirs
of Ester Laster with the result that
you may have an outstanding inter-
est in said tract of land.

You are hereby notified to plead
to the Complaint within twenty (20)
days from October 20, 2004, and if
no Answer is filed by you, the Plain-
tiffs will request the Court to enter
Judgment in their favor forever bar-
ring you from ascertaining any right,
lien, title or interest in the premises,
unless you bring an action in eject-
ment within thirty (30) days after
the entry of said Judgment.

If you wish to defend, you must
enter a written appearance, person-
ally or by attorney, and file your
defenses or objections in writing
with the Court. You are warned that
if you fail to do so, the case may
proceed without you and without
further notice for the relief re-

requested by the Plaintiffs. You may lose money or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, 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
Telephone: (610) 258-6333

ADRIAN J. WASKO, ESQUIRE
Attorney I.D. No. 09623
Attorney for the Plaintiffs
453 Linden Street
Allentown, PA 18102
(610) 435-7117

Oct. 28

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

In Re: I.T.D., minor child of A.M.D and I.C.

NO. 2004-0117

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

TO: Isaias (Isaiah) Cedeno a/k/a Isaias Aponte, natural, putative and/or presumptive father

NOTICE

A petition has been filed asking the Court to put an end to all rights you have to your child: I.T.D. The Court has set a trial to consider ending your rights to your child. The trial will be held in Courtroom No. 1, Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania, on January 24, 2005 at 9:00 O'Clock A.M. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on with-

out 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. 28

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. 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. Den-

nis, his wife, dated 12/30/1997 and recorded 12/31/1997 in Volume 1997-1, Page 145626.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: NGSE3A-15-7.

THEREON BEING ERECTED a two story row dwelling with aluminum 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 Ter-

race" 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. 11
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2004-004077

ALL THAT CERTAIN MESSUAGE 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 Dakota Street, which said point is North fifty degrees no minutes West sixty-five (65) feet from the northwest corner of Dakota and Cherokee Streets; thence along the southwest side of

Dakota 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 Dakota Street herein described and No. 705 Dakota 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 Dakota 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 Freemansburg 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 Com-

monwealth 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 Freemansburg 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 ERECTED 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

No. 17

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-009138**

ALL THAT CERTAIN message, tract, or piece of land lying and be-

ing 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 ERECTED 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 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 F. Alan Bilsky and Carol J. Bilsky.

LEON P. HALLER, ESQUIRE

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 Longyshore; 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

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

ALL THAT CERTAIN parcel or tract of land situate in Hanover Town-

ship, 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

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 distri-
bution 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

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Oct. 14, 21, 28

NOTICE

NOTICE IS HEREBY GIVEN that the Tax Claim Unit, Fiscal Affairs, Northampton County, Pennsylvania, did present to the Court of Common Pleas of Northampton County, Pennsylvania, its consolidated return of the sale of properties conducted by the said Unit on September 13, 2004. Confirmation Nisi of said return was entered by the Court of Common Pleas on October 20, 2004. Section 607(b) of the Act of Assembly of July 7, 1947, P.L. 1369, provides that objections thereto may be filed by any owner or lien creditor within thirty (30) days after date of Confirmation Nisi of the consolidated return and if no objections or exceptions are made thereto, a Decree of Absolute Confirmation shall be entered as of course by the Prothonotary of Northampton County, Pennsylvania.

Karen J. Miller
Supervisor Tax Claim Unit
Fiscal Affairs
Northampton County

ROBERT C. PATTERSON, ESQUIRE

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Easton, PA 18042

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Oct. 28; Nov. 4, 11

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

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

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Philadelphia - Depression Recovery (2nd Monday of Month)

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call the LCL Administrative Office (1-800-335-2572)
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the Confidential Lawyers' Helpline (1 - 888 - 999 -1941) .**

**JOHN G. GOSS, III AND TINA GOSS, Husband and Wife, Plaintiffs v.
FRANK CAPOBIANO, M.D., RANDY WOLFE OTR/L;
GOOD SHEPHERD REHABILITATION HOSPITAL;
GOOD SHEPHERD HAND CLINIC/EDWARDS CENTER,
and EDWARD GUARINO, M.D., Defendants**

Motion for Partial Summary Judgment—Punitive Damages—Medical Malpractice

The defendant doctor in a medical malpractice case argued that he was not the plaintiff's treating physician because he was a company physician whose duty it was to merely determine an employee's fitness for duty. A physician-patient relationship is formed when a patient seeks out diagnosis or treatment and receives it. It is not a decisive factor toward negating a physician-patient relationship that a doctor is paid by a third party. The law with regard to physician-patient confidentiality also helps determine when a professional relationship exists. In this case, the court held that a physician-patient relationship did exist because he was on the list of workers' compensation physicians, the doctor referred the plaintiff to specialists, and the doctor admitted to helping interpret the diagnoses of the other physicians. However, in order to assert a claim for punitive damages against a doctor in a malpractice case, the plaintiff must be able to prove the doctor acted beyond ordinary negligence and with reckless indifference to the welfare of his patient. Failure to make a proper diagnosis, as happened in this case, does not warrant a claim for punitive damages.

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 1999-C-5130.

Order of court entered granting partial motion for Summary Judgment.

MICHAEL SNOVER, ESQUIRE, for Plaintiff.

DAVID A. WILLIAMS, ESQUIRE, TIMOTHY STEVENS, ESQUIRE and KAREN SARACO BURNS, ESQUIRE for Defendants.

Order of Court entered November 12, 2003, by WILLIAM F. MORAN.

ORDER

AND NOW, this 12 day of November 2003, Defendant Dr. Frank Capobiano's Partial Motion for Summary Judgment on the punitive damages claim is GRANTED.

STATEMENT OF REASONS

Presently before the Court are the Motion for Summary Judgment of Defendant, Dr. Frank Capobiano. In the Motion for Summary Judgment Dr. Capobiano asks the Court to dismiss the punitive damages claim against him.

Standard of Law

Pennsylvania Rule of Civil Procedure 1035.2 states that where there is no genuine issue of material fact and the moving party is entitled to relief as a matter of law, summary judgment may be entered. However, a non-moving party may not rest on averments contained in pleadings or answers to survive a Motion for Summary Judgment if the burden of proof rests on the non-moving party. *Manzetti v. Mercy Hospital of Pittsburgh*, 565 Pa. 471, 776 A.2d 938, 945 (2001). In determining whether summary judgment should be entered, the record must be viewed in a light most favorable to the non-moving party, and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party. *Manzetti*, supra.

Pennsylvania Rule of Civil Procedure 1035.1 defines what the relevant record is for deciding these Motions. The following statement of facts is taken from the record submitted by the parties viewed in the required light.

Statement of Facts

John Goss (“Goss”) worked for Lucent as a microstructure analyst. Dep. of John Goss, May 9, 2001, at pp. 10-11 hereinafter “Goss Dep.” His job required extensive use of his motor skills including the use of a grinding machine. Goss Dep. at 121. During his employment with Lucent, he developed numbness in his hands. In 1996, Doctor Edward Guarino (“Dr. Guarino”) diagnosed and treated the problem as carpal tunnel syndrome. Dep. of Dr. Edward Guarino, Sept. 14, 2001, at pp. 18-21 hereinafter “Guarino Dep.” Goss indicates that he felt pain free as a result of the treatment he received from Dr. Guarino until 1997. Goss Dep. at 57.

When the pain in Goss’ arm reappeared in 1997, his arm appeared black and blue, swollen, and hurt upon the slightest touch. *Id.* at 60. On the morning after the pain first developed, Goss immediately went to Lucent’s medical department where he saw Dr. Frank Capobiano (“Dr. Capobiano”). *Id.* at 61. Dr. Capobiano worked as an independent contractor for Goss’ employer. Dep. of Dr. Frank Capobiano, Dec. 13, 2001, at Ex. 2 hereinafter “Capobiano Dep.” As part of his regular duties, Dr. Capobiano gave his medical opinion as to an employee’s fitness for work. *Id.* at 49.

After seeing Goss on the morning the pain began, Dr. Capobiano attributed Goss’ condition to tendonitis and prescribed physical therapy. Goss Dep. at 62; Capobiano Dep. at 74-75.

Unfortunately, Goss reports that the physical therapy only minimally alleviated the pain in his arm and he returned to work. Goss Dep. at 65-66. He does not specifically recall if he had any work restrictions placed on him at that time. *Id.* at 66. Dr. Capobiano opined that he thought Goss was responding well to physical therapy. Capobiano Dep. at 85. Further, Dr. Capobiano contends that he did recommend work restrictions for Goss at that time. *Id.* at 86.

Dissatisfied with his treatment, Goss concurrently sought the treatment of Dr. Guarino. Goss Dep. at 66. Eventually Dr. Guarino diagnosed Goss with Reflex Sympathetic Dystrophy (“RSD”) and gave him a list of work restrictions to take to Dr. Capobiano. *Id.* at 76. When Goss reported to work, Goss alleges that Dr. Capobiano disagreed with the diagnosis and directed him to return to work without any restrictions. *Id.* According to Goss, he did return to work without restrictions and labored under the belief that he had tendonitis which would disappear over time. *Id.* at 77-79. Dr. Capobiano testified that he offered to make several recommendations for work restrictions, and even offered to visit Goss’ work site to offer more specific restrictions, but was rebuffed by Goss. Capobiano Dep. at 113-114. Dr. Capobiano specifically denied recommending that Goss return to work without work restrictions. Capobiano Dep. at 128-129. However, Dr. Capobiano did implement the work restrictions recommended by Dr. Guarino. Capobiano Dep. at 181. The nurse who recorded the back to work order from Dr. Capobiano corroborates Goss’ testimony that Dr. Capobiano ordered the return to work without restrictions. Dep. of Jean Smith, Oct. 11, 2002, at pp. 14-28.

Dr. Guarino recommended that Goss go to the Hand Center in Philadelphia to be evaluated for RSD. Goss Dep. at 138. According to Goss, however, Dr. Capobiano said that this was unnecessary. *Id.* at 140. It is undisputed that Dr. Capobiano never made a referral for Goss to be seen by a specialist at the Hand Center. Capobiano Dep. at 163. However, Dr. Capobiano did arrange for a Functional Capacity Evaluation to be performed but Dr. Guarino did not see those results. Goss Dep. at 22-23, 105-106; Guarino Dep. at 92.

DISCUSSION

Preliminary objections to dismiss the punitive damages claim were denied by this Court. Order, McFadden, J., March 19, 2000. Now, in this motion, Dr. Capobiano avers that after discovery, Goss cannot be able to make out a prima facie case for punitive damages. In his motion for partial summary judgment on punitive damages, Dr. Capobiano raises two arguments. His first argument is that he did not owe a duty to Goss because he did not have a physician-patient relationship with Goss. The second argument is that Dr. Capobiano did not act with the requisite state of mind or recklessness in order to allow the claim of punitive damages to go forward.

Physician-Patient Relationship

Doctor Capobiano argues that because he was not Goss’ treating physician, he was therefore not obliged to make any recommendations or offer any treatment to Goss. Essentially, Dr. Capobiano argues that his duties ran only to his employer, Lucent. His job was merely to determine Goss’ “fitness for duty.” Capobiano Dep. at 16, 32, 48.

In order to establish a physician-patient relationship, an individual must seek out diagnosis or treatment. *See Tomko v. Marks*, 412 Pa. Super. 54, 602 A.2d 890 (1992); *Ney v. Axelrod*, 723 A.2d 719, 722 (Pa. Super. 1999). It is not a decisive factor toward negating a physician-patient relationship that a doctor is paid by a third party. *See Catena v. Commonwealth, State Board of Medical Education and Licensure*, 49 Pa. Commw. 542, 547, 411 A.2d 869, 871 (1980) (using the example that a parent paying for a child does not take away the child's physician-patient relationship). The law with regard to the physician-patient confidentiality also provides enlightenment on when a professional relationship exists. *See Pa. R. Evid. 523 (Physician-Patient Privilege)*. A confidential relationship exists when the patient has "consulted the physician for treatment or for diagnosis looking toward treatment." McCormick, *Evidence* §99 (4th Ed. 1999). *See also*, 8 Wigmore, *Evidence* §2382 (McNaughton Rev. 1961).

When a third party, such as an employer, has sponsored a medical examination of a person, that person normally cannot succeed on a malpractice cause of action. *See Tomko*, supra at 57-58, 602 A.2d at 891. Even in that situation, however, a patient can succeed on a cause of action if the patient did seek or receive medical advice, or treatment from the doctor. *See Ney*, supra at 722. *See also, Stenger v. Lehigh Valley Hospital Center*, 530 Pa. 426, 609 A.2d 796 (1992) (blood donation does not create a confidential relationship for patient to assert the testimonial privilege).

The evidence produced in this case indicates that Goss did have a physician-patient relationship with Dr. Capobiano. Goss clearly indicates that he sought out diagnosis and treatment, and the record establishes that Dr. Capobiano provided it. Dr. Capobiano was the doctor from whom Goss initially sought treatment when he first perceived pain in his arm. Goss Dep. at 61. Dr. Capobiano was on a list of panel physicians for workers' compensation that an employee could see if he had a work-related injury. Dep. of Mary McCarrick, Oct. 11, 2002, at pp. 20-21. Dr. Capobiano diagnosed Goss' condition as tendonitis and prescribed physical therapy. Goss Dep. at 62; Capobiano Dep. at 74-75; Dep. of D. Elizabeth Day Buresh, Oct. 11, 2002, at p. 9. We also note that the occupational therapist referred to Dr. Capobiano as the primary physician. Dep. of Connie Holderman, Oct. 11, 2002, at pp. 22-23. She also opines that she treated Goss pursuant to Dr. Capobiano's diagnosis of lateral epicondylitis. *Id.* at 23. Finally, even Dr. Capobiano's own words indicate that he treated Goss as his patient. During his deposition, he stated, "[t]his [an appointment] was, I think, arranged at the 7-15 visit. Because I remember discussing *with the patient* that he was going to see Dr. Guarino. And I felt it would be good for him *to have some help with the interpretation* of his visits with Dr. Guarino." Capobiano Dep. at p. 80 (emphasis added). Not only does Dr. Capobiano refer to Goss as his patient, he indicates that he gave medical advice and treatment to Goss. While this statement by itself would not definitively establish a physician-patient rela-

tionship, it contradicts any assertion that Dr. Capobiano only sought to evaluate Goss for his “fitness for duty” in order to report his findings to the company. By offering diagnosis, prescriptions for physical and occupational therapy, and offering interpretations of other physicians’ treatment, Dr. Capobiano acted as if he was Goss’ treating physician. Accordingly, a physician-patient relationship existed between the parties, and cannot be used as a basis to preclude awarding punitive damages to Goss.

State of Mind Requirement for Punitive Damage

In order to assert punitive damages against a health care provider, the conduct alleged must have resulted from a doctor’s “willful or wanton conduct or reckless indifference to the rights of others.” 40 Pa. Con. Stat. 1303.505(a); *Mancini v. Yavorek*, 61 D. & C. 4th 1 (Northumberland Cty. 2003). This language tracks Pennsylvania law on punitive damages elsewhere. Section 908(2) of the Restatement (Second) of Torts, which Pennsylvania has adopted, regarding punitive damages states: “[p]unitive damages may be awarded for conduct that is outrageous, because of the defendant’s evil motive or his reckless indifference to the rights of others.” See *Feld v. Merriam*, 506 Pa. 383, 395, 485 A.2d 742, 747 (1984). Wanton conduct requires a state of mind in which the tort-feasor realizes the danger to the plaintiff and disregards it to such a degree that there is a willingness to inflict injury or a conscious indifference to the perpetration of the wrong. *Dean v. Community Medical Center*, 46 D. & C. 4th 334 (Lacka. Cty. 2000). Reckless indifference means that the actor has intentionally done an act of an unreasonable character, in disregard to a risk known to him or so obvious that he must be taken to have been aware of it, and so great as to make it highly probable that harm would follow. *Id.*

To determine whether punitive damages are proper in this case, we must analyze whether the discovery has established that Dr. Capobiano acted willfully, wantonly or in reckless indifference to the rights of Goss. See 40 Pa. Con. Stat. 1303.505(a). Gross negligence will not support a claim for punitive damages. *Id.* at 1303.505(b). Summary judgment is proper only when all discovery demonstrates that there is not a genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Ney v. Axelrod*, supra at 721.

In Goss’ brief, he argues that the conduct that gives rise to punitive damages is that Dr. Capobiano created a conflict of interest which resulted in his betrayal of his patient and that he actively undermined the treatment recommendations of other providers. Pl.’s Brief in Opp. to Mot. for Partial Summ. J. of Deft. at pp. 18-19. The facts adduced are not as stark as Goss attempts to portray them. When viewed in the light most favorable to Goss, the facts only indicate that Dr. Capobiano acted with ordinary negligence, or at most gross malpractice, which do not serve as the predicate for punitive damages. The actions of Dr. Capobiano do not rise to the level of willful, wanton or reckless behavior where punitive damages would be proper.

This case is about a failure to diagnose or a wrongful diagnosis of a patient with RSD. Goss' own expert indicates that Dr. Capobiano may not have known how to diagnose RSD, thus resulting in his delivering inadequate and negligent care. Expert Report of Robert L. Knobler, M.D., Ph.D., Feb. 24, 2003 hereinafter "Knobler Report."

In medical malpractice cases, exemplary damages are reserved for truly outrageous conduct by physicians. In *Hoffman v. Memorial Osteopathic Hospital*, 342 Pa. Super. 375, 492 A.2d 1382 (1985), the emergency room physician allowed a Guillain-Barre syndrome patient with neurological paralysis to remain crying, and sleeping on the floor for two hours as the physician repeatedly stepped over him and told him that there was nothing wrong. In *Medvecz v. Choi*, 569 F.2d 1221 (3d Cir. 1987) (applying PA law) a plaintiff successfully asserted punitive damages against an anesthesiologist who abandoned the patient on the operating room table and left the operating room to go to lunch without securing a suitable replacement. Finally, in *Wimer v. Macielak*, 47 D. & C. 4th 364, 368-69 (Crawford Cty. 2000), the court found a surgeon's conduct in ignoring a patient's communications about postoperative complications could constitute recklessness because the doctor knew of the postoperative dangers inherent in the plaintiff's recent back surgery and chose to ignore them.

In order to assert a claim for punitive damages on these facts, Goss would have to show that Dr. Capobiano knew, or should have known, of the correct diagnosis, yet intentionally or recklessly disregarded it in order to inflict injury. See *Dean v. Community Medical Center*, supra. The evidence viewed in the light most beneficial to Goss suggests that Dr. Capobiano labored under the mistaken and negligent belief that Goss did not have RSD. See Knobler Report and Goss Dep. at 138-140. While this failure to reach the correct diagnosis may have had unfortunate and devastating consequences for the patient, it does not by itself give rise to a punitive damages claim.

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