

Northampton County Reporter

(USPS 395-280)

VOL. LXI

EASTON, PA January 23, 2020

NO. 4

Bethlehem Manor Village, LLC et al. v. ZHB of Bethlehem City et al. (Continued)

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**NORTHAMPTON COUNTY BAR ASSOCIATION
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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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Ralph J. Bellafatto, Esquire
Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

Save the Date!

Thursday, May 28, 2020 – “Foundation Libations”

Our Second Annual Foundation Fundraiser.

5:00 – 7:30 p.m. at ArtsQuest, Bethlehem.

The Northampton County Court is pleased to announce the upcoming ceremony:

- The Induction Ceremony of the **Hon. John M. Morganelli** as Judge of the Northampton County Court of Common Pleas will be held on Friday, January 31, 2020 at 3:30 p.m. in Courtroom #1.

Courthouse Library Copy Machine Cards

Copy machine cards are still available at the NCBA Office. If you make any copies on the copy machine in the Law Library you may want to consider purchasing copy cards. The cards sell for \$10.00. If you use the cards, copies are 15 cents rather than the usual 25 cents.

Either write something worth reading or do something worth writing.
~ Benjamin Franklin

ESTATE AND TRUST NOTICES

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION**BARTHOLOMEW, WALTER A., JR., dec'd.**

Late of Forks Twp., Northampton County, PA

Administrator: Shane M. Bartholomew c/o Kristen Behrens, Esquire, Dilworth Paxson LLP, 457 Haddonfield Rd., Ste. 700, Cherry Hill, NJ 08002

Attorneys: Kristen Behrens, Esquire, Dilworth Paxson LLP, 457 Haddonfield Rd., Ste. 700, Cherry Hill, NJ 08002

BODDEN, NORMA ELITA, dec'd.

Late of the City of Easton, Northampton County, PA

Executor: Donald O. Bodden c/o Theodore R. Lewis, Esquire, Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

Attorneys: Theodore R. Lewis, Esquire, Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

CAVISTON, JOHN N., dec'd.

Late of the Borough of Wilson, Northampton County, PA

Administratrix: Lynn Ann Thomas c/o Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

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

FOGLE, FERNE M., dec'd.

Late of Northampton, Northampton County, PA

Executrices: Susan E. Reyer and Cathy A. Domitrovitch c/o William J. Fries, Esquire, The Atrium, 2895 Hamilton Boulevard, Suite 106, Allentown, PA 18104

Attorney: William J. Fries, Esquire, The Atrium, 2895 Hamilton Boulevard, Suite 106, Allentown, PA 18104

KATYNSKI, NICHOLAS, dec'd.

Late of the Township of Hanover, Northampton County, PA

Executor: Craig Katynski
Attorneys: Joseph J. Piperato, III, Esquire, Piperato Law Office, LLC, 3894 Courtney Street, Suite 105, Bethlehem, PA 18017

MALOZI, PHILIP M., III, dec'd.

Late of Nazareth, Northampton County, PA

Executrix: Melissa Pammer Rudas

Attorney: Daniel G. Dougherty, Esquire, 881 3rd St., Suite B-3, Whitehall, PA 18052

MILLHEIM, LOIS M., dec'd.

Late of the Township of Moore, Northampton County, PA

Executor: Gerald K. Millheim c/o Alfred S. Pierce, Esquire, Pierce

& Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064
Attorneys: Alfred S. Pierce, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

MOLVIG, GILDA M., dec'd.

Late of the Township of Hanover, Northampton County, PA
Executrix: Joyce Griffith c/o Richard P. Kovacs, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064
Attorneys: Richard P. Kovacs, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

MONDAK, CHARLENE K., dec'd.

Late of Lehigh Township, Northampton County, PA
Executors: Brett J. Mondak and Stacy J. Herman-Benninger c/o Edward P. Sheetz, Esquire, Gardner, Racines & Sheetz, 5930 Hamilton Boulevard, Suite 106, Allentown, PA 18106
Attorneys: Edward P. Sheetz, Esquire, Gardner, Racines & Sheetz, 5930 Hamilton Boulevard, Suite 106, Allentown, PA 18106

MORRONE, EMILIO J. a/k/a EMILIO MORRONE, dec'd.

Late of Easton, Northampton County, PA
Executor: Emilio Morrone a/k/a Emilio John Morrone c/o Sally L. Schoffstall, Esquire, Schoffstall Elder Law, 2987 Corporate Court, Suite 200, Orefield, PA 18069
Attorneys: Sally L. Schoffstall, Esquire, Schoffstall Elder Law, 2987 Corporate Court, Suite 200, Orefield, PA 18069

PISCITELLO, JOSEPH S., dec'd.

Late of Forks Township, Northampton County, PA
Executor: Joseph T. Piscitello c/o Carolyn M. Marchesani, Esquire, Wolf, Baldwin & Associates, P.C., P.O. Box 444, Pottstown, PA 19464
Attorneys: Carolyn M. Marchesani, Esquire, Wolf, Baldwin & Associates, P.C., P.O. Box 444, Pottstown, PA 19464

RADER, SCOTT K., SR., dec'd.

Late of Bethlehem, Northampton County, PA
Executrix: Barbara B. Rader c/o George K. Keenan, Esquire, 512 North New Street, Bethlehem, PA 18018
Attorney: George K. Keenan, Esquire, 512 North New Street, Bethlehem, PA 18018

SANTORO, FRANCIS J., dec'd.

Late of Bethlehem, Northampton County, PA
Executors: George Santoro and Richard Santoro c/o George K. Keenan, Esquire, 512 North New Street, Bethlehem, PA 18018
Attorney: George K. Keenan, Esquire, 512 North New Street, Bethlehem, PA 18018

SPARKS, SUSAN ADAIR, dec'd.

Late of Lower Saucon Township, Northampton County, PA
Personal Representative: Michele Sparks Stuart c/o Paul S. Frank, Esquire, King Spry Herman Freund & Faul LLC, One West Broad Street, Suite 700, Bethlehem, PA 18018
Attorneys: Paul S. Frank, Esquire, King Spry Herman Freund & Faul LLC, One West Broad Street, Suite 700, Bethlehem, PA 18018

SWEET, VICTORIA J., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executrix: Deborah Reed
McHugh c/o Christopher T.
Spadoni, Esquire, 1413 Easton
Ave., P.O. Box 522, Bethlehem,
PA 18018

Attorney: Christopher T. Spadoni,
Esquire, 1413 Easton Ave., P.O.
Box 522, Bethlehem, PA 18018

WALTER, EVELYN R., dec'd.

Late of the Township of
Bethlehem, Northampton
County, PA

Executor: Lester Lawrence
Walter c/o Theresa Hogan,
Esquire, Attorney-at-Law, 340
Spring Garden Street, Easton, PA
18042

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

WEAVER, EDWIN H., III, dec'd.

Late of Wilson Borough, North-
ampton County, PA

Executrix: Kristen D. Behm 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

WERNER, NANCY E., dec'd.

Late of the Township of Plainfield,
Northampton County, PA

Co-Executors: John George
Werner, IV and Scott T. Werner
c/o Peters, Moritz, Peischl,
Zulick, Landes & Brienza, LLP, 1
South Main Street, Nazareth, PA
18064

Attorneys: Peters, Moritz, Peischl,
Zulick, Landes & Brienza, LLP, 1

South Main Street, Nazareth, PA
18064

WILSON, OLETHA M., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executors: Cynthia Ruth
Piscitello and Dennis Paul Wilson
c/o Peters, Moritz, Peischl,
Zulick, Landes & Brienza, LLP,
1 South Main Street, Nazareth,
PA 18064

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

SECOND PUBLICATION**BEGOVICH, ANGELYN,** dec'd.

Late of the City of Easton,
Northampton County, PA

Executrix: Christine Clauser c/o
Gregory R. Reed, Esquire,
Attorney-at-Law, 141 South
Broad Street, P.O. Box 299,
Nazareth, PA 18064-0299

Attorney: Gregory R. Reed,
Esquire, Attorney-at-Law, 141
South Broad Street, P.O. Box
299, Nazareth, PA 18064-0299

CAMARDA, CASPER M., dec'd.

Late of Bethlehem, Northampton
County, PA

Executrix: Clare E. Ebner a/k/a
Clare E. Camarda Ebner c/o
Constantine M. Vasiliadis,
Esquire, Kolb, Vasiliadis, Florenz
& Recchiuti, LLC, 60 W. Broad
Street, Suite 303, Bethlehem, PA
18018-5721

Attorneys: Constantine M.
Vasiliadis, Esquire, Kolb,
Vasiliadis, Florenz & Recchiuti,
LLC, 60 W. Broad Street, Suite
303, Bethlehem, PA 18018-5721

DOYLE, SHERRY A., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Administratrix: Barbara Ann Doyle c/o Kevin F. Danyi, Esquire, Danyi Law, P.C., 133 East Broad Street, Bethlehem, PA 18018

Attorneys: Kevin F. Danyi, Esquire, Danyi Law, P.C., 133 East Broad Street, Bethlehem, PA 18018

GOLDEN, STEVEN B., dec'd.

Late of 146 Pennsylvania Avenue, Easton, Northampton County, PA

Personal Representative: Marilyn B. Golden c/o R. Nicholas Nanovic, Esquire, Gross McGinley, LLP, 33 S. 7th Street, P.O. Box 4060, Allentown, PA 18105-4060

Attorneys: R. Nicholas Nanovic, Esquire, Gross McGinley, LLP, 33 S. 7th Street, P.O. Box 4060, Allentown, PA 18105-4060

KROMER, JOHN A., dec'd.

Late of Hellertown, Northampton County, PA

Executrices: Linda Mae Wotring and Carol J. Kuhns c/o Jon A. Swartz, Esquire, Swartz & Associates, 7736 Main Street, Fogelsville, PA 18051

Attorneys: Jon A. Swartz, Esquire, Swartz & Associates, 7736 Main Street, Fogelsville, PA 18051

LOTTI, GILBERT J., dec'd.

Late of the Township of Forks, Northampton County, PA

Executor: Richard A. Lotti c/o Jamie Michael McFadden, Esquire, 3055 College Heights Blvd., Suite 2B, Allentown, PA 18104

Attorney: Jamie Michael McFadden, Esquire, 3055 College Heights Blvd., Suite 2B, Allentown, PA 18104

LOUNSBURY, WILLIAM J., dec'd.

Late of the Borough of Bangor, Northampton County, PA

Executor: James Wilson Lounsbury 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

MARKULICS, BRIAN MICHAEL, dec'd.

Late of the Borough of Bath, Northampton County, PA

Administrator: Mark David Markulics, 801 Meadow Lane, Bath, PA 18014

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

REED, PEGGY J., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executor: Bruce Bradley Reed c/o Richard P. Kovacs, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

Attorneys: Richard P. Kovacs, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

REPASH, ROBERT J., dec'd.

Late of Hellertown, Northampton County, PA

Executrix: Melissa A. Repash c/o E. Keller Kline, III, Esquire, Kline and Kline, 731 Turner Street, Allentown, PA 18102

Attorneys: E. Keller Kline, III, Esquire, Kline and Kline, 731 Turner Street, Allentown, PA 18102

ROBERTS, RITA C., dec'd.

Late of the Township of Washington, Northampton County, PA
Executrices: Kathy Anne Transue and Marjorie C. Klein
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

ROSE, LOIS J., dec'd.

Late of the Township of Upper Mount Bethel, Northampton County, PA
Co-Executors: Thomas Wayne Rose and Donna Lee Predmore
c/o Henry R. Newton, Jr., Esquire, 127 N. 4th St., Easton, PA 18042
Attorney: Henry R. Newton, Jr., Esquire, 127 N. 4th St., Easton, PA 18042

ROVER, CECELIA MARY, dec'd.

Late of Bethlehem, Northampton County, PA
Executor: George Neal Rover c/o Constantine M. Vasiliadis, Esquire, Kolb, Vasiliadis, Florenz & Recchiuti, LLC, 60 W. Broad Street, Suite 303, Bethlehem, PA 18018-5721
Attorneys: Constantine M. Vasiliadis, Esquire, Kolb, Vasiliadis, Florenz & Recchiuti, LLC, 60 W. Broad Street, Suite 303, Bethlehem, PA 18018-5721

STEINIS, STEPHEN, dec'd.

Late of Upper Nazareth Township, Northampton County, PA
Administratrix: Charlene Rauscher, Esquire, P.O. Box 427, Fogelsville, PA 18051
Attorney: Charlene D. Rauscher, Esquire, P.O. Box 427, Fogelsville, PA 18051

THIRD PUBLICATION**BEARSE, CHARLES I., JR.,** dec'd.

Late of Bethlehem, Northampton County, PA
Co-Executors: Charles I. Bearse, III and Wendy L. Bianchi 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

BREWSTER, MARILYN J., dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Executor: Gary A. Krenicky c/o Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

CRAIG, JOHN W., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executrix: Kelly Craig Spitale c/o Lisa M. Spitale, Esquire, 680 Wolf Avenue, Easton, PA 18042
Attorney: Lisa M. Spitale, Esquire, 680 Wolf Avenue, Easton, PA 18042

GESTL, HERMAN E., dec'd.

Late of Moore Township, Northampton County, PA
Administrator: Edwin D. Gestl, 2455 Williams Rd., Bath, PA 18014
Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

**GIMBAR, HELEN MARIE
PAVKOVIC, dec'd.**

Late of Bethlehem, Northampton County, PA

Executrix: Lisa A. Frinzi c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

GRUBE, ELIZABETH A., dec'd.

Late of the Township of Moore, Northampton County, PA

Executor: Robert James Grube c/o Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

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

JANY, ROSE M., dec'd.

Late of the Borough of Northampton, Northampton County, PA

Administrator: Louis A. Jany c/o William J. Fries, Esquire, The Atrium, 2895 Hamilton Boulevard, Suite 106, Allentown, PA 18104

Attorney: William J. Fries, Esquire, The Atrium, 2895 Hamilton Boulevard, Suite 106, Allentown, PA 18104

**KRAKOWSKI, FRANCIS
MICHAEL, dec'd.**

Late of the City of Bethlehem, Northampton County, PA

Administratrix: Carol Kay Krakowski c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045-5227

Attorneys: Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045-5227

KRAKOWSKI, MARY A., dec'd.

Late of the City of Hellertown, Northampton County, PA

Administratrix: Carol Kay Krakowski c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045-5227

Attorneys: Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045-5227

LINSMAN, VICTORIA ANNE, dec'd.

Late of 1433 Lehigh Street, Easton, Northampton County, PA

Administrators: Ashby Law Offices, LLC, 314 West Broad Street, Suite 118, Quakertown, PA 18951

Attorneys: Ashby Law Offices, LLC, 314 West Broad Street, Suite 118, Quakertown, PA 18951

RUSSO, ANNA JEAN, dec'd.

Late of the Borough of Bath, Northampton County, PA

Executrix: Dawn A. Moore, 8775 Pleasant View Road, Bangor, PA 18013

Attorneys: Charles Bruno, Esquire, Bruno Law, 44 N. 2nd Street, P.O. Box 468, Easton, PA 18044-0468

**CERTIFICATE OF AUTHORITY
NOTICE**

TERRE VERTE, INC., a corporation organized under the laws of the state of Delaware, has applied for registration in Pennsylvania under the provisions of Chapter 4 of the Associations Code. The address of its principal office under the laws of the

jurisdiction of formation is 251 Little Falls Dr., Wilmington, DE 19808 and the address of its proposed registered office in this Commonwealth is 1235 Simon Blvd., Unit 102, 1st Fl., Bldg. P, Easton, PA 18042.

Jan. 23

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on January 16, 2020, the Petition of Shannon O'Connors was filed in Northampton County Court of Common Pleas at No. C-48CV2020-416, seeking to change the name(s) of minor child(ren) from Abel Jonathan Hartzell to Abel Jonathan Bell. The court has fixed Tuesday, March 17, 2020 at 9:00 a.m., in courtroom #4 at the Northampton County Courthouse as the date for hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Jan. 23

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on January 13, 2020 the Petition of Cassidy Elizabeth Lam was filed in Northampton County Court of Common Pleas at No. C-48-CV-2020-00302, seeking to change the name of Petitioner from Cassidy Elizabeth Lam to Cameron James Lam. The Court has fixed March 17, 2020 at 9 a.m., in courtroom 4 at the Northampton County Courthouse as the date for hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Jan. 23

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on FEBRUARY 7, 2020, at ten o'clock a.m. in the COUNCIL CHAMBERS, THIRD FLOOR, of the Northampton County Government Center, within the City of Easton, County of Northampton and State of Pennsylvania.

PLEASE TAKE NOTICE that the sale price will include only the outstanding taxes certified to the Sheriff's Office. Any taxes not reported to the Sheriff are the responsibility of the purchaser.

No. C-48-CV-2013-05763

US BANK

NATIONAL ASSOCIATION, AS
TRUSTEE ET AL.

vs.

TANYA TOLIVER

Property Address:

2605 Hickory Drive, Easton, PA
18040

UPI/Tax Parcel Number:

K9/36/63/0311

All that certain messuage, tenement and lot or piece of ground situate in Forks Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Tanya Toliver by deed from David J. Rhine and Donna J. Rhine, h/w, said deed recorded 10/19/2005 in Deed Book 2005-1, Page 413901.

Thereon being erected a two-story single dwelling with brick exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2015-11108

MTGLQ INVESTORS, LP

vs.

STEVE A. DIVIETRO

Property Address:

3800 Farmersville Road, Easton,
PA 18045

UPI/Tax Parcel Number:

L8SE1/7/1/0324

All that certain lot or parcel of land situate in Palmer Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Steve A. Divietro by deed from Steve A. Divietro and Lisa B. Divietro, h/w, said deed recorded 10/20/2004 in Deed Book 2004-1, Page 407160.

Thereon being erected a two-story single dwelling with vinyl siding/brick exterior, shingle roof, an attached two-car garage, an additional two-car detached garage and an in-ground pool.

No. C-48-CV-2016-04465

U.S. BANK NATIONAL
ASSOCIATION ET AL.

vs.

JUDD A. LABAR,
PHYLLIS K. LABAR

Property Address:

114 North 13th Street, Easton, PA
18042-3210

UPI/Tax Parcel Number:

L9SW2B/10/6/0310

All that certain message and lot of land situated in Easton City, Northampton County, Pennsylvania.

Title to said premises is vested in Judd A. Labar and Phyllis K. Labar, h/w, by deed from Richard A. Poirier and Debra A. Poirier, said deed recorded 7/7/2000 in Deed Book 2000-1, Page 84616.

Thereon being erected a two-story row home dwelling with aluminum siding and shingle roof.

No. C-48-CV-2016-04843

1900 CAPITAL TRUST II, BY U.S.
BANK TRUST NATIONAL
ASSOCIATION ET AL.

vs.

TERRY C. DAUBERT, JR.,

ELAINA M. DAUBERT

Property Address:

3714 Lehigh Drive, Northampton,
PA 18067

UPI/Tax Parcel Number:

J4/6/10E/0516

All that certain lot, parcel, or tract of land situate along the northerly side of Lehigh Drive in Lehigh Township, Northampton County, Pennsylvania.

Title to said premises is vested in Terry C. Daubert, Jr. and Elaina M. Daubert, h/w, by deed from Terry C. Daubert, widower, said deed recorded 6/8/1999 in Deed Book 1999-1, Page 84039.

Thereon being erected a colonial-style single dwelling with vinyl siding, shingle roof and an attached three-car garage.

No. C-48-CV-2016-10453

AFFINITY FEDERAL
CREDIT UNION

vs.

MICHAEL O'DOWD

Property Address:

444 Broad Street, Pen Argyl, PA
18072

UPI/Tax Parcel Number:

E8NE2D/59/20/0625

All that certain lot or tract of land situate in Pen Argyl Borough, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Michael O'Dowd, married, by deed from Walter W. Edelman, Jr., Executor of the Last Will and Testament of Floyd A. Kessler, Deceased, said deed recorded 6/16/2004 in Deed Book 2004-1, Page 233335.

Thereon being erected a colonial-style single dwelling with vinyl siding and slate roof.

No. C-48-CV-2016-10633
BOROUGH OF FREEMANSBURG

vs.

KAREEM H. MORRISON,
RACHEL E. MORRISON**Property Address:**707 Bach Court, Freemansburg,
PA 18017-6303**UPI/Tax Parcel Number:**

N7/2/48/0212

All that certain tract of land located in Freemansburg Borough, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Kareem H. Morrison and Rachel E. Morrison by deed from Ramblewood Partners of Bethlehem, L.P., said deed recorded 9/5/2003 in Deed Book 2003-1, Page 366648.

Thereon being erected a two-story townhouse dwelling with aluminum siding and shingle roof.

No. C-48-CV-2017-09874NORTHAMPTON AREA
SCHOOL DISTRICT

vs.

JAMES H. SEITZ, II,
HEIDI L. SEITZ**Property Address:**

680 Vista Court, Bath, PA 18014

UPI/Tax Parcel Number:

H5/20/1-6/0520

All that certain lot or piece of ground situate in Moore Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto James H. Seitz, II and Heidi L. Seitz by deed from Ann C. Dally and Heidi L. Seitz, said deed recorded 6/9/2016 in Deed Book 2016-1, Page 114016.

Thereon being vacant land.

No. C-48-CV-2018-00502NORTHAMPTON AREA
SCHOOL DISTRICT

vs.

JAMES H. SEITZ, II,
HEIDI L. SEITZ**Property Address:**

688 Vista Court, Bath, PA 18014

UPI/Tax Parcel Number:

H5/20/1-7/0520

All that certain lot or piece of ground situate in Moore Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto James H. Seitz, II and Heidi L. Seitz, his wife, by deed from Ann C. Dally, married, and Heidi L. Seitz, married, said deed recorded 6/9/2016 in Deed Book 2016-1, Page 114029.

Thereon being vacant land.

No. C-48-CV-2018-01926U.S. BANK
NATIONAL ASSOCIATION
vs.EDWARD P. FOX, III,
MICHELLE L. DIMMITT**Property Address:**1038 Crawford Street, Bethlehem,
PA 18017-6102**UPI/Tax Parcel Number:**

N7SW1D/15/4/0204

All that certain lot or piece of land in Bethlehem City, Northampton County, Pennsylvania.

Title to said premises is vested in Edward P. Fox, III and Michelle L. Dimmitt, h/w, by deed from Matthew C. Hiner and Amy S. Hiner, h/w, said deed recorded 7/14/2005 in Deed Book 2005-1, Page 262707.

Thereon being erected a cape cod-style single dwelling with vinyl siding and shingle roof.

No. C-48-CV-2018-03879FEDERAL NATIONAL
MORTGAGE ASSOCIATION
vs.MICHAEL A. MUJAHID a/k/a
MICHAEL REEDER,
BEVERLY A. NIXON-REEDER

Property Address:

3005 Fox Hill Road, Easton, PA
18045

UPI/Tax Parcel Number:

K8/15/2-128/0324

All that certain piece, parcel or tract of land situate in Palmer Township, Northampton County, Pennsylvania.

Being the same premises conveyed unto Michael Reeder and Beverly A. Nixon-Reeder, h/w, by deed from NVR, Inc., a Virginia Corporation, trading as Ryan Homes, said deed recorded 3/5/2007 in Deed Book 2007-1, Page 83563.

Thereon being erected a two-story single dwelling with vinyl siding/brick exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2018-04269

U.S. BANK
NATIONAL ASSOCIATION, AS
TRUSTEE ET AL.

vs.

SANDRA MARIE OSTILE

Property Address:

556 O.W. Road, Bangor, PA 18013

UPI/Tax Parcel Number:

E9/20/8C/0134

All that certain piece, parcel or tract of land situate and being in Washington Township, Northampton County, Pennsylvania.

Title to said premises is vested in Santa Marie Ostile a/k/a Sandra Marie Ostile, single, by deed from John L. Murling, Sr. and Marie A. Murling, his wife, said deed recorded 5/27/1993 in Deed Book 897, Page 239.

Thereon being erected a colonial-style single dwelling with brick exterior, shingle roof, attached two-car garage and a detached 4-car garage.

No. C-48-CV-2018-04544

BETHLEHEM AREA
SCHOOL DISTRICT

vs.

CARL P. DELVILLAGGIO

Property Address:

3049 Washington Street,
Bethlehem, PA 18020-5544

UPI/Tax Parcel Number:

N7NW3/55/8/0205

All those certain lots located in Bethlehem Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Carl P. Delvillaggio by deed from Carl P. Delvillaggio, Executor under the Last Will and Testament of John C. Delvillaggio, Deceased, said deed recorded 9/22/2016 in Deed Book 2016-1, Page 202574.

Thereon being erected a two-story duplex dwelling with brick exterior, shingle roof and an attached one-car garage.

No. C-48-CV-2018-05760

BETHLEHEM AREA
SCHOOL DISTRICT

vs.

STANLEY A. YEVELSON,
MICHELE K. YEVELSON

Property Address:

937 Barnsdale Road, Bethlehem,
PA 18017-3897

UPI/Tax Parcel Number:

N6/6/2A-6/0204

All that certain lot or piece of land situate on the north side of Barnsdale Road between Barclay Manor and Linden Street in the 14th Ward of Bethlehem City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Stanley A. Yevelson and Michele K. Yevelson, h/w, by deed from Carole G. Gombosi, married, said deed recorded 6/24/1997 in Deed Book 1997-1, Page 65219.

Thereon being erected a two-story single dwelling with wood exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2018-10164

NORTHAMPTON AREA
SCHOOL DISTRICT

vs.

WILLIAM C. BILLMAN, JR.,
ALICE E. BILLMAN

Property Address:

3891 Banyan Drive, Danielsville,
PA 18038-9567

UPI/Tax Parcel Number:

H3/12/7-13/0516

All that certain tract of land located in Lehigh Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto William C. Billman, Jr. and Alice E. Billman by deed from Richard C. Becker and Naomi J. Becker, h/w, said deed recorded 11/23/1994 in Deed Book 1994-6, Page 99274.

Thereon being erected a ranch-style single dwelling with vinyl siding, shingle roof and a detached one-car garage.

No. C-48-CV-2018-11452

WELLS FARGO BANK, N.A.

vs.

WILLIAM BIES,
KAREN GETTMANN

Property Address:

705 Hillcrest Drive, Portland, PA
18351

UPI/Tax Parcel Number:

B11SE3A/1/9/0127

All that certain lot situate in Portland Borough, Northampton County, Pennsylvania.

Being the same property conveyed to William Bies by deed from Diane E. Wilson, said deed recorded 11/27/2013 in Deed Book 2013-1, Page 307482.

Thereon being erected a bi-level single dwelling with vinyl siding and shingle roof.

No. C-48-CV-2019-00575

SHARESTATES INVESTMENTS
LLC, SERIES BC2017-001473

vs.

DLH MANAGEMENT LLC

Property Address:

800 Walnut Avenue, Easton, PA
18042

UPI/Tax Parcel Number:

L9SE1C/15/8/0310

All that certain piece or parcel of land situate in Easton City, Northampton County, Pennsylvania.

Thereon being erected a two-story half-double dwelling with aluminum siding and shingle roof.

Property Address:

802 Walnut Avenue, Easton, PA
18042

UPI/Tax Parcel Number:

L9SE1C/15/7/0310

All that certain piece or parcel of land situate in Easton City, Northampton County, Pennsylvania.

Being the same premises vested in DLH Management, LLC by deed from Daniel A. Holder, a married man, said deed recorded 1/18/2018 in Deed Book 2018-1, Page 10961.

Thereon being erected a two-story duplex dwelling with aluminum siding and shingle roof.

No. C-48-CV-2019-00742

REO TRUST 2017-RPL1

vs.

ROBERT M. SPEARMINT, JR.,
JENNIFER S. SPEARMINT

Property Address:

15 George Street, Pen Argyl, PA
18072

UPI/Tax Parcel Number:

E8NE2D/27/1/0625

All that certain lot situated in Pen Argyl Borough, Northampton County, Pennsylvania.

Title to said premises is vested in Robert M. Spearmint, Jr. and Jennifer S. Spearmint, h/w, tenants by the entirety, by special warranty deed from Michael G. Farmer and Elizabeth M. Farmer, his wife, said deed recorded 8/30/2002 in Deed Book 2002-1, Page 230830.

Thereon being erected a colonial-style single dwelling with vinyl siding, shingle roof and a detached three-car garage.

No. C-48-CV-2019-01526

SUN WEST MORTGAGE
COMPANY, INC.

vs.

SYLVESTER LEE TINGLE

Property Address:

2416 6th Street, Bethlehem, PA 18020

UPI/Tax Parcel Number:

N7NE1/13/4/0205

All that certain parcel of land situate in Bethlehem Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Sylvester Lee Tingle, a married man as his sole and separate property, by deed from Sylvester Lee Tingle, a married man who acquired title as unmarried herein joined by his spouse Kysha N. Brody, by Quit Claim Deed recorded 10/6/2015 in Deed Book 2015-1, Page 195723.

Thereon being erected a split-level single dwelling with aluminum siding, shingle roof and an attached two-car garage.

No. C-48-CV-2019-02172

FULTON BANK, N.A.

vs

JONATHAN PERNER,
INDIVIDUALLY AND AS
EXECUTOR OF ESTATE OF NILI T.
PERNER-KASZA a/k/a NILI
TAMMY PERNER-KASZA,
DECEASED, UNKNOWN HEIRS,

SUCCESSORS, ASSIGNS AND ALL
PERSONS, FIRMS OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR
UNDER NILI T. PERNER-KASZA
a/k/a NILI TAMMY PERNER-
KASZA, DECEASED, NILI TAMMY
PERNER-KASZA, DECEASED

Property Address:

2159 Stocker Mill Road, Easton,
PA 18045-7416

UPI/Tax Parcel Number:

K9SW1/4/3/0324

All that certain message, tenement and lot or piece of land situate in Palmer Township, Northampton County, Pennsylvania.

Title to said premises is vested in Jonathan M. Perner by deed from Estate of Nili T. Perner-Kasza a/k/a Nili Tammy Perner-Kasza, said deed recorded 7/17/2019 in Deed Book 2019-1, Page 144041.

Thereon being erected a ranch-style single dwelling with brick exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2019-02575

WILMINGTON SAVINGS FUND
SOCIETY, FSB d/b/a
CHRISTIANA TRUST ET AL.

vs.

CRAIG N. MERKEL, JR.,
CHRISTINE M. MERKEL

Property Address:

543 Carol Lane, Bath, PA 18014

UPI/Tax Parcel Number:

H6SW3/4/6/0520

All that certain tract or parcel of land situate in Moore Township, Northampton County, Pennsylvania.

Title to said premises is vested in Craig N. Merkel, Jr. and Christine M. Merkel a/k/a Christine Merkel by deed from James N. Iannitto and Karen J. Iannitto, h/w, said deed recorded 9/9/1997 in Deed Book 1997-1, Page 97575.

Thereon being erected a ranch-style single dwelling with vinyl siding, shingle roof and a detached two-car garage.

No. C-48-CV-2019-03302

DITECH FINANCIAL LLC

vs.

DAVID AHN,
MARGARET NOTHSTEIN**Property Address:**

4262 Howertown Road, Northampton, PA 18067

UPI/Tax Parcel Number:

K4SW1/1/6/0501

All that certain lot, parcel or tract of land, situate and lying in Allen Township, Northampton County, Pennsylvania.

Title to said premises is vested in David Ahn and Margaret Nothstein by deed from David Ahn, said deed recorded 3/25/2008 in Deed Book 2008-1, Page 80504.

Thereon being erected a two-story single dwelling with shingled exterior and shingle roof.

No. C-48-CV-2019-03437CARRINGTON MORTGAGE
SERVICES, LLC

vs.

HEATHER HAHR,
ROBERT E. HAHR, JR.**Property Address:**

339 Green Street, Bath, PA 18014

UPI/Tax Parcel Number:

K6NW4C/13/15A/0503

All that certain messuage, tenement or lot of ground situate in Bath Borough, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Robert E. Hahr, Jr. and Heather Hahr, h/w, by deed from John C. Kardelis and Maureen G. Kardelis, said deed recorded 10/17/2014 in Deed Book 2014-1, Page 181904.

Thereon being erected a two-story single dwelling with aluminum siding, shingle roof and a detached two-car garage.

No. C-48-CV-2019-04264NATIONSTAR
MORTGAGE LLC ET AL.

vs.

MIRANDA NICOLE CLARK,
ADMINISTRATRIX C.T.A. FOR THE
ESTATE OF ROBERT N. EASTON,
DECEASED, SARAH D. EASTON,
KNOWN HEIR OF ROBERT N.
EASTON, DECEASED, ESTATE OF
ROBERT N. EASTON**Property Address:**

4951 Coatbridge Lane, Walnutport, PA 18088

UPI/Tax Parcel Number:

J2/18/20-62/0516

All that certain tract, piece or parcel of land situate in Lehigh Township, Northampton County, Pennsylvania.

Title to said premises is vested in Robert N. Easton by deed from Greenock Ventures, LLC, said deed recorded 9/13/2018 in Deed Book 2018-1, Page 197031. The said Robert N. Easton departed this life on 10/27/2018. Estate No. 2018-1456 was filed within the Register of Wills of Northampton County naming Miranda Nicole Clark as Administratrix C.T.A. for the Estate.

Thereon being erected a two-story half-double dwelling with vinyl siding/stone exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2019-04267PHH MORTGAGE CORPORATION
vs.EUGENE KARWACKI, JR.,
SHELBY SHOEMAKER**Property Address:**102 Wynnwood Lane East,
Easton, PA 18040

UPI/Tax Parcel Number:

K9/16/10-21/0311

All that certain lot or parcel of land situate on the north side of Wynnwood Lane East in Forks Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Eugene Karwacki Jr., unmarried, and Shelby Shoemaker, unmarried, as joint tenants with the right of survivorship, by deed from Sean P. Bonini and Sandra Y. Bonini a/k/a Sandra Yasmin Bonini, by her agent Sean Paul Bonini, said deed recorded 7/29/2008 in Deed Book 2008-1, Page 218316.

Thereon being erected a bi-level single dwelling with vinyl siding, shingle roof and an attached one-car garage.

No. C-48-CV-2019-05440

US BANK

NATIONAL ASSOCIATION,

AS TRUSTEE ET AL.

vs.

DIANA M. SEEDS, THE UNITED STATES OF AMERICA,
RICHARD J. SEEDS

Property Address:

3432 Spear Street, Bethlehem, PA 18020-3440

UPI/Tax Parcel Number:

M7SW3/24/5/0205

All those certain lots or pieces of land situate in Bethlehem Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Diana M. Seeds and Richard J. Seeds, h/w, by deed from Diana M. Seeds and Richard J. Seeds, h/w, said deed recorded 4/29/1997 in Deed Book 1997-1, Page 41300.

Thereon being erected a ranch-style single dwelling with vinyl siding, shingle roof and an attached two-car garage.

No. C-48-CV-2019-05869

BAYVIEW LOAN SERVICING, LLC

vs.

JOHN K. DAGGETT,
OMEGA DAGGETT

Property Address:

3011 Windsor Street, Easton, PA 18045

UPI/Tax Parcel Number:

L8/9/3Y/0324

All that certain lot or tract of land located in Palmer Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto John K. Daggett and Omega Daggett, h/w, by deed from Lawrence J. Kolasensky and Carol H. Kolasensky, h/w, said deed recorded 7/2/2004 in Deed Book 2004-1, Page 257841.

Thereon being erected a two-story single dwelling with vinyl siding/brick exterior, shingle roof and an attached one-car garage.

No. C-48-CV-2019-06168

FREEDOM

MORTGAGE CORPORATION

vs.

MEGAN SMITH, AARON SMITH

Property Address:

1936 Abbruzzi Avenue, Martins Creek, PA 18063

UPI/Tax Parcel Number:

H10NW4/1/2/0317

All those three certain lots or pieces of land situated in Lower Mount Bethel Township, Northampton County, Pennsylvania.

Title to said premises is vested in Aaron Smith and Megan Smith, h/w, by deed from Rodney D. Pensack, Executor of the Estate of Lillian G. Pensack, said deed recorded 1/13/2010 in Deed Book 2010-1, Page 8177.

Thereon being erected a cape cod-style single dwelling with brick exterior and shingle roof.

No. C-48-CV-2019-06305

WILMINGTON SAVINGS FUND
SOCIETY, FSB ET AL.

vs.

BELLANUNA, LLC

Property Address:

4357 Newburg Road, Nazareth, PA
18064

UPI/Tax Parcel Number:

L7NW2/4/11/0418

All that certain tract or parcel and message of land situate on the westerly side of PA State Route 191 and on the southerly side of Newburg Road in Lower Nazareth Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Bellanuna LLC, a PA limited liability company, by deed from Luigi Basta and Mary D. Basta, h/w, said deed recorded 9/10/2014 in Deed Book 2014-1, Page 156898.

Thereon being erected a commercial two-story single dwelling with masonry exterior/aluminum & vinyl siding, shingle & slate roof and parking lot.

No. C-48-CV-2019-06509

MIDFIRST BANK

vs.

RAYMOND H. SMALLBERGER, III,
CHERYL L. SMALLBERGER,
SECRETARY OF HOUSING AND
URBAN DEVELOPMENT

Property Address:

838 West Milton Street, Easton,
PA 18042

UPI/Tax Parcel Number:

M9NE1A/18/4/0310

All that certain lot of land situated on the south side of Milton Avenue, formerly Main Street, in Easton City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Raymond H. Smallberger, III and Cheryl L. Smallberger by deed from Barry J. Sliker and Jean M. Sliker, his wife,

said deed recorded 6/24/1986 in Deed Book 703, Page 172.

Thereon being erected a two-story half-double dwelling with vinyl siding/wood exterior and shingle roof.

No. C-48-CV-2019-06873

US BANK NATIONAL
ASSOCIATION ET AL.

vs.

ANN L. PIERCE

Property Address:

2148 Butler Street, Easton, PA
18042

UPI/Tax Parcel Number:

L9SW4B/11/2/0837

All that certain message, tenement and lot or piece of ground situate on Butler Street in Wilson Borough, Northampton County, Pennsylvania.

Title to said premises is vested in Ann L. Pierce by deed from Anthony N. Verenna and Gwyn J. Verenna, h/w, said deed recorded 8/24/1998 in Deed Book 1998-1, Page 112522.

Thereon being erected a two-story half-double dwelling with aluminum siding and shingle roof.

No. C-48-CV-2019-07106

NATIONSTAR HECM ACQUISITION
TRUST 2018-2 ET AL.

vs.

LOUIS KOOTSARES,
WENDY KOOTSARES

Property Address:

108 North Westbrook Avenue, Pen
Argyl, PA 18072

UPI/Tax Parcel Number:

E8NE2A/28/2/0625

All that certain lot, piece or parcel or tract of land situate in Pen Argyl Borough, Northampton County, Pennsylvania.

Title to said premises is vested in Louis Kootsares and Wendy Kootsares, his wife, by deed from Crecienzo Malone and Mary Malone, his wife, said deed recorded 6/

19/1974 in Deed Book 490, Page 244.

Thereon being erected a colonial-style single dwelling with vinyl siding, slate roof and a detached one-car garage.

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.

RICHARD H. JOHNSTON

Sheriff

Northampton County,

Pennsylvania

DAVID J. CERAUL, ESQUIRE

Solicitor to the Sheriff

Jan. 16, 23, 30

**LEGAL AID ATTORNEY NEEDED FOR
MEDICAL LEGAL PROJECT**

North Penn Legal Services is seeking an attorney for the Medical Legal Project located in Allentown. This is a full-time North Penn staff position with an excellent benefit package. To apply and for more information go to www.northpennlegal/about/careers. EOE.

Jan. 23, 30

**NORTHAMPTON COUNTY
COURT OF COMMON PLEAS
PROBLEM-SOLVING COURT DIVISION
ANNOUNCEMENT**

The Northampton County Problem-Solving Court Division is pleased to announce that the Drug Court is now known as the Recovery Court. Updated Policy and Procedure and Application materials are available at the County's Criminal Court forms webpage at: <https://www.nccpa.org/forms/criminal>.

All future applications shall use the revised form and shall be complete when submitted. Incomplete forms will be returned for completion.

Please contact the Recovery Court Coordinator, Stephanie Spencer Steward at (610) 829-6926 or sspencer@northamptoncounty.org with any questions.

Jan. 9, 16, 23

The Law Firm of
SHAY, SANTEE & KELHART
is pleased to announce



RICHARD EUGENE SANTEE, ESQ.
has been named a Partner of the Firm
Effective January 1, 2020

He concentrates his practice in
Civil Litigation, Municipal Law
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Jan. 23

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Jan. 23

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PPL Corporation is seeking to hire a Steno/Clerk General to work in its Office of General Counsel at its headquarters in Allentown. This position will be responsible for supporting attorneys and paralegals in various capacities. Specific responsibilities will include but not be limited to general word processing; preparing legal documents and regulatory filings, preparing letters, spreadsheets and PowerPoint presentations; maintaining and managing attorney calendars; scheduling meetings and telephonic/Webex conferences; making travel arrangements and preparing expense reports; creating and maintaining records and files using iManage and Serengeti; answering telephones and relaying messages; and opening, reading and filing mail. Required Experience: Familiarity with MS Office Word, PowerPoint and Excel. Prior experience in a corporate legal department or law firm is preferred. This position is in the bargaining unit.

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Jan. 23, 20

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Jan. 9, 16, 23

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Continued From Previous Issue

On cross-examination, Dr. Rifai elaborated on the fact that this particular treatment would not be the only aspect of the facility licensed by the Department of Health. He stated that “[o]ther parts may end up being licensed by the Pennsylvania Department of Health,” and that “[t]he rest of the hospital, the entire hospital, could end up being licensed by the Pennsylvania Department of Health.” *Id.* at pp. 61-63. He further explained that a psychiatric hospital is not always licensed through Department of Human Services Office of Mental Health and Substance Abuse Services. *Id.* at p. 65.

They may be, but there are psychiatric hospitals in the Commonwealth of Pennsylvania in recent years that have been licensed by the Pennsylvania Department of Health, not by the Pennsylvania Department of Public Welfare.

Freestanding psychiatric hospitals, similar to what is being proposed here, that are licensed by the Pennsylvania Department of Health.

Id. at pp. 65-66.

Dr. Rifai testified that the proposed facility could potentially require 4 or 5 licenses, including from the Department of Health, Department of Public Welfare, Department of Aging, and Department of Drug and Alcohol Programs, *id.* at pp. 86-87, but such licensing depended on “the description of how specialized programs you want to offer.” *Id.* at p. 87.

In summary, Dr. Rifai’s testimony was that a license from the Department of Health would be required for at least one service the facility could provide (neuromodulation), and that other licenses could be required, but specific decisions regarding licensure would be made by the various state agencies involved after the facilities had been constructed. *Id.* at pp. 88-89. The Board correctly noted, however, that the application submitted to the Zoning Officer did not describe any particular treatments, requiring licensure by the Department of Health. Board Decision 2/1/19 at p. 27; *see also*, Index of Record 3/28/19 at Ex. “A-1” and “C-1.”

Dwayne Jones, a consultant hired to assist in preparing the licensing applications for the proposed facility, testified on cross-examination as follows:

Q. Mr. Jones, will the Pennsylvania Department of Health issue a license for this proposed facility?

A. An approval.

Q. Will they issue a license for this facility?

A. No.

N.T. (9/6/19) at pp. 130-31.

The Board did not disregard the testimony of these witnesses. To the contrary, the Board, in its written decision, recounted the testimony at length. *See* Board Decision 2/1/19 at pp. 22-27. The Board concluded:

Even if the use might, under State licensing regulations, be referred to as a type of hospital, it could still properly be characterized under the Zoning Ordinance as some other term for the purpose of allowing it on some land and not on other land based upon zoning district classifications.

Id. at p. 23.

We agree with the Board that the testimony of Appellants' witnesses was insufficient to establish this element of the definition of "Hospital." These experts were unable to say if and when a Department of Health license application would be prepared and filed, or what it would contain.

Appellants admit in their brief that: "[t]he proposed psychiatric hospital may be licensed by the Department of Health; however the ultimate determination of what state agencies will license the facility is not made until after the facility has been constructed." Appellants' Brief at p. 23.

We note that if the Zoning Officer or Board had approved the proposed use as a "Hospital" under the terms of the Ordinance, and the Department of Health ultimately did not issue a license, then the Zoning Officer and Board would have been in dereliction of their duties by approving a use that is in violation of the express terms of the Ordinance.

Here, the Board did not so much make credibility decisions regarding Appellants' witnesses, but rather determined that Appellants' evidence on licensure was speculative and equivocal. This issue pertains to the weight of the evidence, a determination vested solely with the Board as the finder of fact. "The role of the zoning hearing board is that of fact-finder. A reviewing court may not substitute its judgment for that of the zoning hearing board; rather, the court is bound by the zoning hearing board's determinations of witness credibility and evidentiary weight." *Airport Professional Office Center 100 Condominium Association v. Zoning Hearing Board of Moon Township*, 20 A.3d 649, 653 (Pa. Commw. 2011). We do not find, based upon the record, that the Board's findings and conclusions in this regard are erroneous or not supported by substantial evidence.

*Whether the Proposed Use Falls Under the Rubric of a
"Related Testing or Treatment Facility"*

The Application for Permit submitted to the Zoning Officer indicated that the proposed use was a "Hospital." The application, which was the basis of the Zoning Officer's review, makes no reference to any theory that the use was permitted as a "Related Testing and Treatment Facility." See Index of Record 3/23/19, Exs. "A-1" and "C-1." The Board noted this omission in its decision. See Board Decision 2/1/19 at p. 23. Similarly, Appellants' "Application for Appeal to the City of Bethlehem Zoning Hearing Board" references the use as being a "Hospital" with no mention of a theory that the use is a "Related Testing and Treatment Facility." Index of Record 3/28/19 at Ex. "A-4."

As described above, the use category permitted in this Zoning District is “Hospital or Surgery Center or Related Testing and Treatment Facilities.” For the first time before the Board, Appellants raised the argument that they were pursuing approval, not only as a “Hospital,” but as a “Related Testing and Treatment Facility.” The Board determined that Appellants did not provide the Zoning Officer with the opportunity to address such issue in her analysis. Therefore, the Board concluded that it could not determine whether the Zoning Officer committed “clear error” in interpreting the Ordinance. *See* Board Decision 2/1/19 at p. 23. We find that this issue was waived by Appellants’ failure to raise it either in its submission to the Zoning Officer or in its appeal application to the Board. We further find that even if it were not waived, the argument is not supported by the language of the Ordinance.

First, we note that the parties take divergent views of the language of the Ordinance. Appellants assert that the proposed psychiatric hospital is a “Related ... Treatment Facility” to a “Hospital” due to its anticipated affiliation with an area medical-surgical hospital, not to the proposed psychiatric hospital itself. Appellants’ Brief at pp. 31-33. Appellee, the Board, argues that the proposed use does not have a sufficient relationship to—seemingly—any “Hospital” or “Surgical Center.” Appellee’s Brief at p. 16. The City seems to suggest in its Brief that in order for the “catchall” provision to apply, the proposed psychiatric hospital itself would have to be the “Hospital” or “Surgical Center” to which any “Testing or Treatment Facility” was “Related.” *See* City’s Brief at pp. 11-12 (“First, the question of whether the proposed use falls within the catch-all ‘Related Testing and Treatment Facility’ category rises and falls on whether the use is ‘related’ to the antecedent uses of being either a ‘Hospital or Surgery Center.’ A fortiori, if the use is unrelated to a ‘Hospital or Surgery Center’, then any aspect of the proposed use is insufficient to establish a permitted use under the Ordinance. Therefore, the central question is whether the proposed use is, or includes, a ‘Hospital or Surgery Center’ within the meaning of the Zoning Ordinance.”).⁷

We find that irrespective of these divergent approaches, the proposed use does not have a sufficient relationship to a hospital or surgical center such that the catchall provision applies. As noted *supra*, of the words contained in the phrase “Hospital or Surgery Center or Related Testing and Treatment Facilities,” the only one defined in the Ordinance is “Hospital.” We must therefore look to the rules of statutory construction.

⁷ Appellants do not assert that the facility is a “Surgical Center” and, as found by the Board, surgery will not be performed there. Appellants do argue that: “Regardless of whether a formal agreement is entered into between the proposed psychiatric hospital and a local medical-surgical hospital, almost all of the patients will be referred to the facility directly from a medical-surgical hospital.” Appellants’ Brief at p. 34.

The rules of statutory construction are applicable to statutes and ordinances alike. *Glendon Energy Company v. Borough of Glendon*, 656 A.2d 150 (Pa. Commw. 1995), *petition for allowance of appeal denied*, 543 Pa. 705, 670 A.2d 644 (1995); *Board of Supervisors of Richland Township v. Tohickon Creek Associates*, 123 Pa. Commonwealth Ct. 111, 553 A.2d 492 (1989); *Diehl v. City of McKeesport*, 60 Pa. Commonwealth Ct. 561, 432 A.2d 288 (1981); *Appeal of Neshaminy Auto Villa Ltd.*, 25 Pa. Commonwealth Ct. 129, 358 A.2d 433 (1976). One of the primary rules of statutory construction is that an ordinance must be construed, if possible, to give effect to all of its provisions. *Mann v. Lower Makefield Township*, 160 Pa. Commonwealth Ct. 208, 634 A.2d 768 (1993). An interpretation of an ordinance which produces an absurd result is contrary to the rules of statutory construction. *Glendon Energy*, *supra*.

When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit. 1 Pa. C.S. §1921(b). Undefined terms used in an ordinance must be given their common and approved usage. *Glendon Energy*, *supra*; *Spahr-Alder Group v. Zoning Board of Adjustment of City of Pittsburgh*, 135 Pa. Commonwealth Ct. 561, 581 A.2d 1002 (1990).

In interpreting a zoning ordinance, we look at the plain language of the text. *Kohl*, *supra* at 968, and are “guided to construe words and phrases in a sensible manner, utilize the rules of grammar and apply their common and approved usage, and give undefined terms their plain, ordinary meaning.” *Adams Outdoor Advertising, LP v. Zoning Hearing Board of Smithfield Township*, 909 A.2d 469, 483 (Pa. Commw. 2006). In conducting this analysis, we must be mindful “that the setting in which language is used informs our understanding of the particular language employed[.]” *Kohl*, *supra* at 969, and “that the meaning of words may be indicated or controlled by those words with which they are associated.” *Commonwealth ex rel. Fisher v. Philip Morris, Inc.*, 4 A.3d 749, 756 n.9 (Pa. Commw. 2010).

[T]he language of the zoning ordinance should be interpreted, where doubt exists, in favor of the property owner and against any implied extension of restrictions upon the use of one’s property. ... However, this rule of construction is inapplicable where, as here, the words of the zoning ordinance are clear and free from any ambiguity. ...

Isaacs v. Wilkes-Barre City Zoning Hearing Board, 148 Pa. Commonwealth Ct. 578, 582, 612 A.2d 559, 561 (1992) (citations omitted).

In this regard, the Zoning Hearing Board found:

144. There is a potential that the proposed facility will be affiliated with a hospital in the area (*i.e.* Lehigh Valley, St. Luke’s, etc.).

Board Decision 2/1/19 at p. 19.

Dr. Rifai testified:

Q. Okay. Is it going to be affiliated with any of the other hospitals in the area such as Lehigh Valley or St. Luke's?

A. There's a *potential* of that, yes.

N.T. (11/29/18) at p. 60 (emphasis added). Appellants assert that the "relationship with Hospital" relates to the transfer of patients from emergency rooms and the presence of an "accepting physician" at the psychiatric facility. Appellants' Brief at pp. 32-34. They also cite to testimony from Mr. Jones that "[a]ll freestanding psychiatric facilities have to have a working, they call them affiliation or affiliation agreement with a general hospital." N.T. (9/6/18) at p. 136. Appellants take the position that the execution of a formal agreement "merely formalizes this inherent connection between the facilities." Appellants' Brief at p. 34.

We do not find that that relationship between the proposed facility and other area hospitals as argued by Appellants causes facilities to be "related." From a business perspective, there is no indication that the entities will share ownership, management, oversight, licensing, employees, logos, names, protocols, insurance or anything that would typically indicate that business entities were "related." Appellees argue:

Further, simply having a potential business relationship, or being a succeeding residence of a former medically-hospitalized patient, or being in the same industry, cannot be sufficient nexus to render any medical facility 'related to a Hospital'. Under such interpretation, any medical office of a physician on a hospital's medical staff or which has an employment or independent contractor relationship with a Hospital would be enough to allow such use in this district when such uses are distinctly regulated and permitted in other districts.

If business relationships are considered, a more reasonable definition of 'related' would be a direct ownership interest in which the related facility would be under common control or ownership with a licensed hospital.

Appellee's Brief at p. 20. We agree.

*Whether the Proposed Use Is a "Treatment Center"
Prohibited by the Ordinance*

After reviewing the application, the Zoning Officer found that the proposed facility would appropriately be categorized as a "Treatment Center," which is not permitted in the I Zoning District.⁸ A "Treatment Center" is defined as:

⁸ In its written decision, the Board found that this determination by the Zoning Officer "can be viewed as superfluous." Board Decision 2/1/19 at p. 21. "The Board though, did consider that to make a ruling that the Zoning Permit Application did not request approval for a permitted use of Hospital does not necessarily require that the Zoning Officer identify

1302.127 Treatment Center. A use involving any one or a combination of the following:

(a) A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

1. criminal rehabilitation, such as a criminal halfway house, or a facility for the housing of persons judged to be juvenile delinquents, or a criminal work release or pre-release facility;

2. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or

3. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

(b) A residential or non-residential Methadone Treatment Facility, which shall be defined as a facility licensed by the Pennsylvania Department of Health, other than a Hospital, to use the drug methadone in the treatment, maintenance or detoxification of persons.

(c) A lot upon which resides 2 or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended.

(d) A use that otherwise meets the definition of a Group Home, except that it includes a higher number of residents than is allowed in a Group Home, unless approved otherwise under Section 1325.07(d).

Index of Record 3/28/19 at Ex. "A-9," Ordinance §1302.127.⁹ In her denial of the Zoning Permit, the Zoning Officer found that the proposed use was a treatment center because of: 1) the treatment of so called "Dual Dx" patients (which are patients with both mental health and substance abuse issues) at the facility, and 2) the presence of a "secured wing" with security features including patient searches for, according to information submitted by Appellants, "the safety of everyone." She concluded this supported the conclusion that they would be treating individuals with "a type

the use the Application does (in her opinion) constitute ... However, the Zoning Officer did acknowledge that if she had concluded that the proposed facility was not Treatment Center, she would have issued the permit." *Id.* We believe that merely determining that the proposed use was not a "Hospital" under the Ordinance, would have been sufficient to deny the zoning permit. But the Zoning Officer and Board made determinations that the proposed use is a "Treatment Center" under the Ordinance, and Appellants have raised that as an issue herein. As such, we address it.

⁹ An authorized group home use under §1302.48 consists of any "program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability." Ordinance at §1302.48.

of mental illness or other behavior that causes a person to be a threat to the physical safety of others.” *See id.* at Ex. “A-3.”

Following its determination that the facility was not a “Hospital” the Board concluded:

By contrast, the application did meet the requirements for a ‘Treatment Center’ as defined by § 1302.127 of the Zoning Ordinance. The most significant issue seemed to be the lockdown aspect of the use. Appellants’ expert Mr. Jones acknowledged that the zoning requirements for a Treatment Center make no reference to requiring locks or security, but do take into account whether the occupants may pose a threat to the physical safety of others, and that the proposed use would house three or more unrelated people and thereby meet the zoning requirements for a treatment center.

Board Decision 2/1/19 at p. 27.

Appellants assert that the Board erred in its conclusion because, “under state regulations, residents of a treatment center must be free to come and go as they please and it is illegal to lock residents in.” Appellants’ Brief at p. 36. However, the role of the Board is to enforce and interpret the language of the Ordinance, not state licensure regulations. The distinction between a “Treatment Center” and a “Hospital,” where the Board received testimony concerning and considered the issue of outside licensure, is that the definition of “Hospital” in the Ordinance explicitly references outside licensure as a prerequisite; the definition of a “Treatment Center” does not have that same requirement. Absent preemption, it is error to use state regulations to redefine clearly-stated Zoning Ordinance definitions. *See Kohl*, *supra* at 971-72.

Based on the record before us, we cannot say that it was error for the Board to determine that the proposed use qualified as a “Treatment Center” under the Ordinance, which is permitted elsewhere in the City, but not in the I District. The Board made findings of fact, which are supported by substantial evidence in the record, that the proposed use meets the key criteria for a “Treatment Center.” The proposed facility would have a total of 84 beds, including 21 beds for persons with a dual diagnosis (mental health and addiction). Board Decision 2/1/19 at p. 7. The facility would be secured. *Id.* at ¶¶30-31. As noted *supra*, the facility does not meet the definition of “Hospital” under the Ordinance. There is no argument herein that the proposed use is a prison. As such, the definition of a “Treatment Center” under the Ordinance is met because the evidence demonstrates a use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others and/or of a use that otherwise meets the §1302.48 definition of a Group Home, except that it

includes a higher number of residents than is allowed in a Group Home. *See also*, N.T. (9/6/18) at pp. 55-59, 63-66, 80-84, 87-90; N.T. (11/29/18) at pp. 71-75.

CONCLUSION

For the foregoing reasons, we affirm the Decision of the Board, dated February 1, 2019. We enter an Order consistent with this Opinion.

ORDER

AND NOW, this 15th day of November, 2019, upon consideration of the land use appeal, filed by Bethlehem Manor Village, LLC and Pennsylvania Venture Capital, Inc. (Appellants), from a decision of the Zoning Hearing Board of the City of Bethlehem, wherein the Board denied Appellants' appeal from the Zoning Officer's determination which was adverse to Appellants' application to construct a psychiatric hospital, it is hereby ORDERED that the Decision of the Zoning Hearing Board of the City of Bethlehem, dated February 1, 2019, is AFFIRMED.



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