

Northampton County Reporter

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VOL. LIV

EASTON, PA November 3, 2005

NO. 44

**Fay H. Metzgar, Plaintiff v. Star Pontiac, Inc.,
Star Pontiac GMC Truck, Inc. and Western General a/k/a
Western General Warranty, Inc., Defendants**

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INSERTS: Gray: 1. Quarterly Association Meeting

2. "Juvenile Court Training: Implementation of New Rules of Juvenile Court"
3. "Employment Related Aspects of Proprietary Information and Competitive Advantage"
4. 2005 Calendar of Events

NOTICE TO THE BAR ...

New Criminal Case Management System—Notice from the Court Administrator: see page 3.

Quarterly Association Meeting—Nov. 10, 2005 at Holiday Inn, Bethlehem, 5:30 p.m. Registration form inside.

Advertising Deadline: November 24 Issue—Due to the Thanksgiving holiday, the advertising deadline for the Northampton County Reporter November 24, 2005 issue has been changed to noon on Friday, November 18, 2005.

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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

☞ MARK YOUR CALENDAR:

- **Quarterly Association Meeting—Thursday, November 10, 2005**
Holiday Inn, Bethlehem, 5:30 p.m.
CLE Program: “The Understanding and Usage of Local Dialect in the Practice of Law” by Lawrence B. Fox, Esq.
- **Ceremonial Admissions to the Bar**—Friday, December 2, 2005 beginning at 1:15 p.m.
- **Barristers’ Ball**—Saturday, December 3, 2005, Northampton Country Club

☞ INCLUDED IN THIS ISSUE:

- **Lunch Lecture:** “Juvenile Court Training: Implementation of New Rules of Juvenile Court”
- **Quarterly Association Meeting:** Registration form enclosed for November 10, 2005 meeting.
- **Lunch Lecture:** “Employment Related Aspects of Proprietary Information and Competitive Advantage”
- **NCBA** Calendar of Events, PBI Seminars and Committee Meeting schedule

☞ NEW CRIMINAL CASE MANAGEMENT SYSTEM: Effective October 17, 2005, the Northampton County Court of Common Pleas will be migrating to a new Criminal Case Management System. The system, which is administered by the Administrative Office of Pennsylvania Courts, uses attorney addresses from the Disciplinary Board. Therefore, it is imperative that all attorneys keep their address current with the Disciplinary Board in order to receive proper notice of upcoming events of all criminal cases in Northampton County. All questions should be referred to the Office of Court Administration at (610) 559-6700.

☞ “Nothing makes a person more productive than the last minute.”—Unknown

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**BALOGH, JOSEPH, dec'd.**

Late of the City of Bethlehem, Northampton County, PA
Co-Executors: Thomas Balogh and Susan M. Pedersen 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

BERRY, CARLETON W., dec'd.

Late of the Township of Forks, Northampton County, PA
Executrix: Josephine V. Berry 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

COLLINS, JAMES F., dec'd.

Late of the Township of Forks, Northampton County, PA
Executrix: Patricia Wagner 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

FASSMAN, RAYMOND J., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: Darbin T. Skeans, 222 North 28th Street, Allentown, PA 18104

Attorney: Richard F. Boyer, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

FOLEY, ETHEL, dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: Neil F. Foley c/o George K. Keenan, Esquire, 117 E. Broad Street, P.O. Box 718, Bethlehem, PA 18016-0718

Attorney: George K. Keenan, Esquire, 117 E. Broad Street, P.O. Box 718, Bethlehem, PA 18016-0718

FIOROT, DANIEL, dec'd.

Late of the Township of Plainfield, Northampton County, PA
Administratrix: Allison A. Fiorot c/o Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Wind Gap, PA 18091

Attorney: Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Wind Gap, PA 18091

GILMARTIN, ELIZABETH, dec'd.

Late of Mt. Bethel, Northampton County, PA

Executor: John P. Gilmartin, 139 Morningside Drive, Mt. Bethel, PA 18343

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

GREENZWEIG, CAROL A.,
dec'd.

Late of the Borough of Walnutport, Northampton County, PA

Executrix: Ellen M. Kraft,
3400 Bath Pike, Suite 311,
Bethlehem, PA 18017-2485

HERZOG, ERNEST M., dec'd.

Late of Bethlehem Township,
Northampton County, PA

Executor: David A. Herzog,
2806 Ridge Dr., Pittsburgh, PA
15101

**HOUSENICK, JANET J. a/k/a
JANET JOHNSTON HOUSE-
NICK,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Co-Executors: Timothy J. Brady and Joseph F. Leeson, Jr. c/o Joseph F. Leeson, Jr., Esquire, Leeson, Leeson & Leeson, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

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

KIRCHKESNER, OLGA M.,
dec'd.

Late of the Township of Lehigh, Northampton County, PA

Co-Executors: John M. Kirckesner, 5415 Mauser Street, P.O. Box 267, Laurys Station, PA 18059 and Janet A. Heffelfinger a/k/a Janet A. Kirckesner, 5413 Mauser Street, P.O. Box 31, Laurys Station, PA 18059

Attorneys: James A. Wimmer, Esquire, Philip & Wimmer, 419

Delaware Avenue, P.O. Box 157, Palmerton, PA 18071

**KROLL, FRANCINE C. a/k/a
FRANCINE C. GRAFF,** dec'd.

Late of the Borough of Bath, Northampton County, PA

Executor: Joseph F. Reichel,
220 Washington Park, Nazareth, PA 18064

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

KUNTZ, PRISCILLA A., dec'd.

Late of 602 East 21st Street, Northampton, Northampton County, PA

Co-Executors: Mr. Albert Wentzell, 3772 Mt. View Drive, Danielsville, PA 18038 and Mr. Paul Kuntz, 2380 Lower Smith Gap Road, Kunkletown, PA 18058

Attorneys: Gerald F. Strubinger, Jr., Esquire, Strubinger Law Offices, P.C., 505 Delaware Avenue, P.O. Box 158, Palmerton, PA 18071

McCANDLESS, SHIRLEY D. a/k/a SHIRLEY McCANDLESS a/k/a SHIRLEY HAROBIN, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Carol S. Fehr and Jerry R. Strohl c/o Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407

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

MUSCHLITZ, ELEANOR G.,
dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executrix: Nancy M. Bokan
c/o Bradford D. Wagner, Es-
quire, 662 Main Street, Hel-
lertown, PA 18055-1726

Attorney: Bradford D. Wagner,
Esquire, 662 Main Street,
Hellertown, PA 18055-1726

RUGGIERO, ANTHONY, dec'd.

Late of the Borough of Roseto,
Northampton County, PA

Co-Executors: Yvonne L.
Hummel and Marie Snyder
c/o Nicholas R. Sabatine, III,
Esquire, 16 S. Broadway, Wind
Gap, PA 18091

Attorney: Nicholas R. Saba-
tine, III, Esquire, 16 S. Broad-
way, Wind Gap, PA 18091

**SMITH, KENNETH H., SR.,
dec'd.**

Late of the Township of Lower
Nazareth, Northampton Coun-
ty, PA

Co-Executors: Kenneth H.
Smith, Jr. and Jan P. Velekei
c/o Craig A. Dally, Esquire,
Pierce & Dally, LLP, 124
Belvidere Street, Nazareth, PA
18064

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

STERNER, GRACE K., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Co-Executors: Ronald L.
Sternier, Jeffery L. Sternier and
Dennis C. Sternier c/o George
K. Keenan, Esquire, 117 E.
Broad Street, P.O. Box 718,
Bethlehem, PA 18016-0718

Attorney: George K. Keenan,
Esquire, 117 E. Broad Street,
P.O. Box 718, Bethlehem, PA
18016-0718

**SZAPKA, ALFRED J. a/k/a AL-
FRED SZAPKA, dec'd.**

Late of the Township of Allen,
Northampton County, PA

Executor: Joseph A. Szapka,
225 Stonebridge Road, North-
ampton, PA 18067

Attorney: Richard F. Boyer,
Esquire, 1216 Linden Street,
P.O. Box 1409, Bethlehem, PA
18016

WAGNER, PEARL M., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Administratrix: Penny Joanne
Thompson, 127 South 14th
Street, Allentown, PA 18102

Attorney: Gilbert J. Negrete,
Jr., Esquire, 251 East Broad
Street, Bethlehem, PA 18018

WOLF, STEWART G., dec'd.

Late of Bangor, Northampton
County, PA

Executrix: Barbara B. Wolf,
1430 Tott's Gap Road, Bangor,
PA 18013

Attorneys: Chariton & Schwa-
ger, 138 South Main Street,
P.O. Box 910, Wilkes-Barre, PA
18703-0910

SECOND PUBLICATION

BONNEY, HAZEL M., dec'd.

Late of the City of Easton,
Northampton County, PA

Attorney: Steven B. Molder,
Esquire, 904 Lehigh St.,
Easton, PA 18042

BROWN, ALLYSON E., dec'd.

Late of the City of Easton,
Northampton County, PA

Administratrix: Helen Beth
Brown c/o Daniel E. Cohen,
Attorney, Laub, Seidel, Cohen,
Hof & Reid, L.L.C., 8 Centre
Square, Easton, PA 18042

Attorneys: Daniel E. Cohen, Attorney, Laub, Seidel, Cohen, Hof & Reid, L.L.C., 8 Centre Square, Easton, PA 18042

CARMEL, LEONARD, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Co-Executors: Keystone Nazareth Bank & Trust Co., 76 S. Main Street, Nazareth, PA 18064 and Suzan J. Moyer, 23 Belvidere Street, Apt. 208, Nazareth, PA 18064

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

DOWLING, MARY G., dec'd.

Late of Bethlehem, Northampton County, PA

Co-Executrices: Elizabeth Gavula & Kimberly Crossen c/o Bernard J. McLafferty, Jr., Esquire, McLafferty & Kroberger, P.C., 807 Bethlehem Pike, Erdenheim, PA 19038
Attorneys: Bernard J. McLafferty, Jr., Esquire, McLafferty & Kroberger, P.C., 807 Bethlehem Pike, Erdenheim, PA 19038

HINDMARCH, DOROTHY G., dec'd.

Late of the Township of Palmer, Northampton County, PA
Executor: Preston K. Hindmarch, 122 N. 11th St., Easton, PA 18040

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

McINERNEY, PAUL C., dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executrix: Kathleen L. Zonay c/o William A. Duh, Esquire, 2046 Leithsville Road, P.O. Box BB, Hellertown, PA 18055-0120

Attorneys: William A. Duh, Esquire, 2046 Leithsville Road, P.O. Box BB, Hellertown, PA 18055-0120

MILUNEC, CONSTANCE, dec'd.

Late of the Township of Washington, Northampton County, PA

Co-Executors: Cheryl C. Cusano and Nicholas Curcio 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

PORTER, MARY JANE a/k/a M. JANE PORTER a/k/a MARY J. PORTER, dec'd.

Late of Hanover Township, Northampton County, PA

Executrix: Elaine C. Porter a/k/a Elaine C. Parmenter, 492 Mountain View Road, Nazareth, PA 18064

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

RUGGIERO, DANIEL, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Keystone Nazareth Bank & Trust Company 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

THIRD PUBLICATION

BENEDIX-FAHRINGER, EMMA

J., dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Administrator: Robert D. Benedix 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

BILLER, PEARL G., dec'd.

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

Executrix: Brenda P. Rutt 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

FAHRINGER, RAYMOND I., dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Administrator: Ricky E. Fahringer 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

GOTEBESKY, LUCY A., dec'd.

Late of Bethlehem, Northampton County, PA

Co-Executors: Edward Lavage, 2210 Lincoln Street, Bethlehem, PA 18017 and Gary J. Gotebeski, 524 Howertown Road, Catasauqua, PA 18032
Attorneys: William P. Bried, Esquire, Ritter & Bried, P.C., 1600 W. Hamilton Street, Allentown, PA 18102-4287

HENLEY, STEPHEN E., SR., dec'd.

Late of the City of Easton, Northampton County, PA

Co-Executors: Charlotte J. Henley and Mark G. Henley c/o Daniel E. Cohen, Attorney, Laub, Seidel, Cohen, Hof & Reid, L.L.C., 8 Centre Square, Easton, PA 18042
Attorneys: Daniel E. Cohen, Attorney, Laub, Seidel, Cohen, Hof & Reid, L.L.C., 8 Centre Square, Easton, PA 18042

KEIM, BARRY, dec'd.

Late of 4108 Locust Drive, City of Northampton, Northampton County, PA

Administrator: Michael S. Keim c/o Dorota Gasienica-Kozak, Esquire, King Spry Herman Freund & Faul, LLC, One West Broad Street, Suite 700, Bethlehem, PA 18018
Attorneys: Dorota Gasienica-Kozak, Esquire, King Spry Herman Freund & Faul, LLC, One West Broad Street, Suite 700, Bethlehem, PA 18018

KOTRAN, ROBERT C., dec'd.

Late of the Township of Allen, Northampton County, PA

Executor: Richard J. Kotran c/o Mary Ann Snell, Esquire, Suite 311, Park Plaza Professional Center, 3400 Bath Pike, Bethlehem, PA 18017

Attorney: Mary Ann Snell, Esquire, Suite 311, Park Plaza Professional Center, 3400 Bath Pike, Bethlehem, PA 18017

MOYER, LORY LEE, dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Connie M. Rich c/o Thomas J. Maloney, Esquire, Maloney, Danyi, Sletvold & O'Donnell, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279

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

NADENICHEK, EILEEN B. a/k/a EILEEN NADENICHEK, dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executor: Martin B. Nadenichek 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

SCHERBAK, JEANNETTE L., dec'd.

Late of Hanover Township, Northampton County, PA

Executor: William J. Scherbak c/o Littner, Deschler & Littner, P.O. Box 1407, 512 N. New Street, Bethlehem, PA 18018

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

SLIVKO, ANDREW, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Mary Ellen Nelson c/o Mary Ann Snell, Esquire, Suite 311, Park Plaza Professional Center, 3400 Bath Pike, Bethlehem, PA 18017

Attorney: Mary Ann Snell, Esquire, Suite 311, Park Plaza Professional Center, 3400 Bath Pike, Bethlehem, PA 18017

SMOCK, RALPH F. a/k/a RALPH F. SMOCK, JR., dec'd.

Late of the Borough of Wilson, Northampton County, PA

Executor: Reverend Barry R. Smock, 431 N. Railroad Street, Palmyra, PA 17078

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

STEINER, GUSTAVE J., dec'd.

Late of East Allen Township, Northampton County, PA

Executrix: Jo-Ann E. Lauderman, 4006 Devonshire Road, Bethlehem, PA 18017

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

WILTON, MARY, dec'd.

Late of Bethlehem, Northampton County, PA

Co-Executors: Sandra E. Wilton a/k/a Sandra Csikos and Frances Gordon Lancon c/o Thomas J. Maloney, Esquire, Maloney, Danyi, Sletvold & O'Donnell, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279

Attorneys: Thomas J. Maloney, Esquire, Maloney, Danyi, Sletvold & O'Donnell, 901 West Lehigh Street, P.O. Box

1279, Bethlehem, PA 18016-1279

NOTICES OF INCORPORATION

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

The name of the corporation is:

LEHIGH VALLEY DIVERS, INC.

The Articles of Incorporation were filed on September 19, 2005.

NICHOLAS E. ENGLESSION,
ESQUIRE

114 East Broad Street
Bethlehem, PA 18018-6204

Nov. 3

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

The name of the corporation is:

MUDI FARM, INC.

The Articles of Incorporation were filed on October 26, 2005.

JAMES G. MURPHY, ESQUIRE
MURPHY & MURPHY, P.C.

106 N. Franklin St.
Suite 2
P.O. Box 97
Pen Argyl, PA 18072

Nov. 3

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 corporation is:

**RJW MANAGEMENT
SERVICES, INC.**

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

BERNARD M. LESAVOY,
ESQUIRE

BLANK ROME LLP

1620 Pond Road
Suite 200

Allentown, PA 18104-2255

Nov. 3

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on August 15, 2005, in the Pennsylvania Department of State for:

SPONGES, INC.

in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

DANIEL E. COHEN, ATTORNEY
LAUB, SEIDEL, COHEN,
HOF & REID, LLC

8 Centre Square
Easton, PA 18042-3606

Nov. 3

**FICTITIOUS NAME
REGISTRATION NOTICES**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act No. 295 of 1982 of intention to file or the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, a certificate for the conduct of a business in Pennsylvania, under the assumed or fictitious name, style or designation of:

LEHIGH VALLEY DIVE CENTER

with its principal place of business at: 231 Nazareth Pike, Nazareth, PA 19064-9002.

The name and address of the person owning or interested in said business is: George F. Motter, V, 231 Nazareth Pike, Nazareth, PA 19064-9002.

The certificate has been filed on September 19, 2005.

NICHOLAS E. ENGLESSION,
ESQUIRE

114 East Broad Street
Bethlehem, PA 18018-6204

Nov. 3

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

RJMJR COMPANY

with its principal place of business at: 2805 Jefferson Street, Bethlehem, PA 18020. The name and address of the person owning or interested in said business is: Richard J. Menegus, Jr., 2805 Jefferson Street, Bethlehem, PA 18020.

Certificate was filed on or about October 19, 2005.

Nov. 3

**LIMITED LIABILITY COMPANY
NOTICE**

NOTICE IS HEREBY GIVEN that a Certificate of Organization has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization 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 limited liability company is:

CPD 1, LLC

The Certificate of Organization has been filed on October 4, 2005.
JAMES L. BROUGHAL, ESQUIRE
BROUGHAL & DeVITO, L.L.P.
38 West Market Street
Bethlehem, PA 18018

Nov. 3

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

ORPHANS' COURT DIVISION

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

ESTATE; Accountant

THOMAS J. BELESKY; Anthony S. Beltrami, Esq., Administrator
D.B.N.C.T.A

FLOYD ECKHARDT MARITAL TRUST f/b/o ELIZABETH B. ECKHARDT; Wachovia Bank, N.A. (Formerly First Union National Bank)

& Elizabeth B. Eckhardt, Trustees
WILLIAM G. HOMMER; Jack Hommer, Administrator

PAULINE A. HOUCK; Barry A. Lieberman, Executor

ANNA M. KRESACK; Frances Homonay, Executrix

MAMIE A. TEEL; Bruce E. Teel & Brenda L. Peters, Co-Executors

AUDIT NOTICE

All Parties interested are notified that an audit list will be made up of all Accounts and the said list will be called for audit at the Northampton County Government Center, Easton, PA on: WEDNESDAY, NOVEMBER 23, 2005 AT 9:00 A.M. IN COURT-ROOM #1.

Dorothy L. Cole
Clerk of Orphans' Court
Nov. 3, 10

**IN THE COURT OF COMMON
PLEAS FOR NORTHAMPTON
COUNTY, PENNSYLVANIA
CIVIL DIVISION
CIVIL ACTION—LAW
IN DIVORCE
ARIE DAVID,**

Plaintiff

vs.

LOUISE TINA DAVID,
Defendant

NO. C0048CV200500860

NOTICE

TO: LOUISE TINA DAVID a/k/a
LOUISE TINA PEPE a/k/a
LOUISE T. PEPE, DEFENDANT:

You have been sued in court. This civil action seeks a divorce from a marriage that occurred on February 29, 2000, in New York City, New York.

If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) DAYS after this Complaint and Notice are served, by entering a written appearance, personally, or by a lawyer, and filing, in writing, with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THESE PAPERS 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:

NORTHAMPTON COUNTY
LAWYER REFERRAL AND
INFORMATION SERVICE
155 South Ninth Street
Easton, PA 18042
Telephone: (610) 258-6333
JOHN J. ZETTLEMOYER, JR.,
ESQUIRE

ZETTLEMOYER LAW OFFICE
53 N. 3rd St.
Emmaus, PA 18049

Nov. 3

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

IN RE: DONAVAN FRITCHMAN,
A MINOR

C0048CV2005-007678

ORDER FOR PUBLICATION

AND NOW, to wit, this 21st day of October, 2005, on motion of Ron Creazzo, Esquire, attorney for the petitioner above named, it is ORDERED AND DECREED that the within petition be heard on the 29 day of November 2005, at 9 a.m., in Room 229 and that notice of the filing of the within Petition and of the aforesaid date of hearing be published in the two publications of general circulation in Northampton County, Pennsylvania.

By the Court:
/s/Hogan, J.

NOTICE

NOTICE IS HEREBY GIVEN that, on October 21, 2005, the petition of April Woolever, natural parent of Donovan Fritchman, a minor, was filed in the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, praying for a Decree to change the name of said

minor from Donavan Fritchman to Donavan Woolever.

The Court has fixed November 29, 2005, at 9 a.m. in the Northampton County Courthouse, Room 229, located at 669 Washington Street, Easton, Pennsylvania as the time and place for the Hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petitioner should not be granted.

RON CREAZZO, ESQUIRE

ID No. 59610

Attorney for Petitioner

765 Washington Street

Easton, PA 18042

(610) 559-0690

Nov. 3

ASSOCIATE POSITION

Minimum of 3-4 yrs. experience preferred. Easton general practice with emphasis on Civil Litigation and Municipal Law. Salary commensurate with experience. Please send resumes to Charles Bruno, Esquire, 203 South Seventh Street, Easton, PA 18042.

Nov. 3, 10, 17, 24

ATTORNEY

Small, fast-paced established law firm, specializing in commercial and residential real estate, has an immediate opening for an attorney to assist with all aspects of commercial and residential real estate transactions. The successful candidate must be flexible, self-motivated preferably with 2-3 years of commercial real estate experience. Salary and benefits are negotiable. All inquiries shall be held strictly confidential. Interested candidates should contact Michele Pepper, at Joseph J. Plunkett, P.C., (610) 432-1590 or micheleh@jplunkett-esq.com.

Nov. 3, 10

SHERIFF'S SALE OF VALUABLE REAL ESTATE

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on November 10, 2005 (THURSDAY) 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. 2 BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2004-002347

PARCEL NO. 2:

ALL THAT CERTAIN lot or piece of ground, together with the building erected thereon, situated on the east side of Fourteenth Street, and known as No. 34 South 14th Street, in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point one hundred sixty-three (163) feet north from the northeast corner of Ferry and Fourteenth Streets; thence northwardly along the east side of said Fourteenth Street, thirty-one and five-tenths (31.5) feet, more or less, to a point; thence eastwardly one hundred fifteen (115) feet, more or less, along the south building line of property of William H. Ihrie to a point; thence southwardly thirty-one and five-tenths (31.5) feet to a point, other property now or late of I. Viola Wolfe; thence westwardly along the other property now or late of I. Viola Wolfe, in a broken and irregular line,

one hundred fifteen (115) feet, more or less, to the point of beginning.

BOUNDED on the west by South Fourteenth Street; on the north by property of William H. Ihrie; on the east by property now or late of George E. Siegfried and on the south by property now or late of I. Viola Wolfe.

Northampton County Tax Parcel number: L9SW2C-5-15.

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

SEIZED AND TAKEN into execution of the writ as the property of Lewis McDuffie and Sheila McDuffie.

DAWN M. SCHMIDT, ESQUIRE

No. 3
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2004-002350

PARCEL NO. 6:

TRACT NO. 1: ALL THAT CERTAIN messuage, tenement and lot or piece of land situate at the northwest corner of Fourteenth and Washington Streets, in the City of Easton, County of Northampton and State of Pennsylvania.

CONTAINING in front on said Washington Street thirty (30) feet (inadvertently referred to in prior deed as thirty-five feet) and extending northwardly of that width seventy-nine (79) feet eight (8) inches to other property now owned by Leo H. Cericola and Jennie F. Cericola, his wife.

BOUNDED on the north by other property of Leo H. Cericola and wife; on the east by Fourteenth Street; on the south by Washington Street; and on the west by land now or late of William Reinbold.

TRACT NO. 2: ALL THAT CERTAIN messuage, tenement and lot

or piece of land situate in the rear of the property located at the northwest corner of Fourteenth and Washington Streets, in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the west side of Fourteenth Street at a distance of seventy-nine (79) feet eight (8) inches from the building line at said northwest corner of Washington and Fourteenth Streets, and continuing northwardly for a distance of forty-eight (48) feet to a point in lands now or late of William Reinbold and other lands of Leo H. Cericola and wife; thence eastwardly a distance of thirty (30) feet (inadvertently referred to in prior deed as thirty-five feet) to a point, the place of beginning.

BOUNDED on the east by Fourteenth Street; on the north by a ten foot wide alley; on the west by lands now or late of William Reinbold; and on the south by other lands of Leo H. Cericola and Jennie F. Cericola.

Northampton County Tax Parcel number: L9SW2C-22-6.

BEING KNOWN AS 1401 Washington Street and 293-295 South 14th Street, Easton, Pennsylvania.

THEREON BEING ERECTED a three story apartment building with stucco, wood, and aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Lewis McDuffie and Sheila McDuffie.

DAWN M. SCHMIDT, ESQUIRE

No. 5
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2004-003207

ALL THAT CERTAIN lot or piece of ground situate in the Borough of North Catasauqua, Northampton County and State of Pennsylvania,

bounded and described as follows, to wit:

On the north by land now or late of Sarah Sherer, on the east by Limestone Alley, on the south by the lot now or late of Annie Felka and on the west by Second Street.

AND

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

BEGINNING at a point on the northeastern side of Second Street, THENCE extending in a westwardly direction along the northeastern side of Second Street, twenty eight (28) feet to lands now or late of Mary Mohry and Jane Mohry; THENCE in a northwardly direction along lands last mentioned, one hundred and eighty (180) feet to Limestone Alley, (formerly known as Railroad Alley); THENCE extending in an eastwardly direction along the southwestern side of last mentioned alley, twenty eight (28) feet to other lands of the grantors, THENCE extending in a southwardly direction along line of lands last mentioned, one hundred and eighty (180) feet to a point on the northeastern side of said Second Street, the place of beginning.

Vested by: Warranty Deed dated 01/29/93, given by Kathleen Mammana A/K/A Kathleen K. Mammana, unmarried to Corey L. Amundson and Brenda L. Amundson, husband and wife recorded 01/29/93 in Book: 887 Page 306.

Premises being: 1029-1033 2ND STREET A/K/A 1029 2ND STREET #1033, CATASAUQUA, PA 18032.

Tax Parcel No. M4SE4D-16-6 & M4SE4D-16-7.

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

SEIZED AND TAKEN into execution of the writ as the property of Corey L. Amundson and Brenda L. Amundson.

DANIEL G. SCHMIEG, ESQUIRE

No. 7

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-000801**

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Forks, County of Northampton and Commonwealth of Pennsylvania, shown as Lot 33 on the Final Plan of Lafayette Meadows as recorded in Map Book ___, Page ___ in the Office of the Recorder of Deeds for Northampton County at Easton, Pennsylvania and being further bounded and described as follows, to wit:

BEGINNING at a point on the Southerly right-of-way line of Kirkland Road (50 feet wide) at the Northeast corner of Lot 34 of Lafayette Meadows;

THENCE along said Southerly right-of-way line of Kirkland Road (50 feet wide) North 77°-02'-12" East 106.00 feet to a point at a corner of Lot 32 of Lafayette Meadows:

THENCE along said lands of Lot 32 of Lafayette Meadows South 12°-57'-48" East 140.00 feet to a point;

THENCE South 77°-02'-12" West 108.00 feet to a point at a corner of Lot 34 of Lafayette Meadows;

THENCE along said lands of Lot 34 of Lafayette Meadows North 12°-67'-48" West 140.00 feet to a point, the place of beginning.

CONTAINING 14,840.00 square feet. Tax Parcel #K9-16-12-33.

TITLE TO SAID PREMISES IS VESTED IN Robert E. Courtney and Antionette Durante-Courtney, husband and wife, by Deed from Signature Homes by J. T. Maloney, Inc. dated 6/26/2002 and recorded 6/27/2002 in Volume 2002-1, Page 165995.

BEING KNOWN AS 245 Kirkland Road, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Robert E. Courtney a/k/a Robert Courtney, Jr. and Antionette Durante-Courtney.

DANIEL G. SCHMIEG, ESQUIRE

No. 8
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-002950

ALL THAT CERTAIN lot or piece of ground, with the buildings and improvements thereon erected, situate in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the north property line of Jackson Street in line of Lot No. 1129 Jackson Street, said point being distant 41.08 feet westwardly from the intersection of the north property line of Jackson Street with the west property line of Elder Street; thence along the north property line of Jackson Street, N 85 degrees 0 minutes W 18.41 feet to a point in line of Lot No. 1133 Jackson Street, thence along Lot No. 1133 Jackson Street, N 5 degrees 0 minutes E 140.00 feet to a point in the south property line of Juniper Street; thence along the south property line

of Juniper Street, S 85 degrees 0 minutes E 18.41 feet to a point in line of Lot No. 1129 Jackson Street; thence along Lot No. 1129 Jackson Street and passing partly through the middle of a party wall, S 5 degrees 0 minutes W 140.00 feet to the point or place of beginning.

BEING THE SAME PREMISES which David W. Hofschild and Teresa N. Hofschild by their Deed dated October 7, 1960 and recorded in the Office for the Recorder of Deeds in and for Northampton County at Easton, Pennsylvania, in Deed Book Volume 133, Page 440 granted and conveyed unto Vincent F. Ramunni and Rose Ramunni, the Grantors herein.

KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER.

MAP: L9NE4D-4-3 BLOCK: 4. LOT: 3. ALSO KNOWN AS 1131 Jackson Street, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Jon C. Crommie and Luann Crommie a/k/a Louanne Crommie.

DANIEL G. SCHMIEG, ESQUIRE

No. 9
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-009009

ALL THOSE CERTAIN lots, pieces, parcels or tracts of land situate and being in the Borough of Wind Gap, County of Northampton and State of Pennsylvania, being Lot #19 and 20A on the Plan of Lots of Estella Q. Schumauder and David H. Schumauder, her husband, recorded in the Office for the Recording of Deeds in and for the County

of Northampton at Easton, Pennsylvania, in Map Book Volume 71, page 29, more particularly described as follows, to wit:

BEGINNING at an iron pin on the northerly line of Lehigh Avenue, said iron pin also marking the southeasterly corner of Lot No. 19 in the map of lots of Winsboro and Shull; thence along said No. 18, North 31 degrees 00 minutes 00 seconds West, 140.00 feet to an iron pin; thence along the southerly side of an alley, land formerly of the Lehigh and New England Railroad Company, North 59 degrees 00 minutes 00 Seconds East, 40.00 feet to an iron pipe; thence through the westerly portion of Lot No. 20, South 31 degrees 00 Minutes 00 Seconds East, 140.00 Feet to an iron pipe on the northerly side of Lehigh Avenue, above-mentioned; thence along the northerly side of said Lehigh Avenue, South 59 degrees 00 Minutes 00 Seconds West, 40.00 Feet to the place of the beginning.

BEING the same premises which Gary J. Wrabel and Debra L. Wrabel, by Deed dated March 27, 1986 and recorded in Northampton County on April 4, 1986 at Deed Book Volume 698, Page 553, granted and conveyed to Ernest D. Arduini and Karen Arduini.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: E8SW2-9-3A.

BEING KNOWN AS 530 North Lehigh Avenue, Wind Gap, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Ernest D. Arduini and Karen Arduini.

KIMBERLY J. HONG, ESQUIRE

No. 11

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2005-003400

ALL that certain eastern one-half of a double brick house and lot or piece of land situated on the south side of Lehigh Street, Wilson Borough, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

Containing in front on the south side of Lehigh Street nineteen (19') feet; thence the property extending southwardly of the same width on depth one hundred and seven feet and six inches (107' 6"), more or less, to a ten foot wide private alley; being known as No. 1536 Lehigh Street.

Bounded on the north by Lehigh Street, on the east by property now or late of Walter W. Leyrer, on the south by ten foot wide private alley and on the west by property now or late of Jonas Laudenbach.

THE middle partition wall between this property and the property adjoining on the west to be the dividing line between both properties.

THIS is a conveyance between in-laws and daughter-in-law and is therefore exempt from the payment of transfer tax.

TITLE TO SAID PREMISES IS VESTED IN Louis R. Medellin and Darlene D. Medellin, husband and wife, by Deed from Sheri N. Medellin, dated 06-12-00, and recorded 06-14-00 in Deed Book 2000-1, page 72745.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: L9SW2C-20-4.

BEING KNOWN AS 1536 Lehigh Street, Easton, Pennsylvania.

THEREON BEING ERECTED a two story one-half of a double brick dwelling.

SEIZED AND TAKEN into execution of the writ as the property of Louis R. Medellin a/k/a Louis R. Medellin, Sr. and Darlene D. Medellin and Sheri N. Medellin.

DANIEL G. SCHMIEG, ESQUIRE

No. 13
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-001092

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

BEGINNING at a point on the East side of New Street sixty-five (65) feet North from the Northeast corner of New and Fairview Steets; thence Northwardly along the East side of New Street twenty-five (25) feet and extending of that width Eastwardly between parallel lines one hundred eighty-four (184) feet, more or less, to Long Street.

BOUNDED on the West by New Street, South by land now or late of George W. Starner, East by Long Street and North by land now or late of the Congregation of United Brethren of the Bethlehem and its vicinity.

BEING premises commonly designated as No. 1008 North New Street.

BEING THE SAME premises which Mary P. Moukoulis and Thomas V. Moukoulis, her husband and George H. Pitsilos and Ibi K. Pitsilos, his wife by Deed dated 5/31/2000 and recorded 6/6/2000 in the County of Northampton in Volume 2000-1 page 068286 conveyed unto Dennis M. Alston, in fee.

Tax Parcel #N6SE4D-23-5.

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

SEIZED AND TAKEN into execution of the writ as the property of Dennis M. Alston.

DANIEL G. SCHMIEG, ESQUIRE

No. 14
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2004-002508

ALL THAT CERTAIN messuage or tenement and two lots or pieces of land situate in the Borough of Nazareth, County of Northampton and State of Pennsylvania, being designated and numbered on the Plan or Draft of what is known as "Bissell's" West End Building Lots" entered of record in the Office for the Recording of Deeds, etc. at Easton, Pennsylvania, in and for the County of Northampton as Lots #160 and #161, bounded and described as follows, to wit:

Lot #160 contains a frontage or width on the north side of Heckman Avenue of twenty-five (25) feet and extends in length or depth of that same width throughout northwardly a distance of one hundred and twenty-five (125) feet, more or less to Back Street.

Lots #161 also contains a frontage or width of twenty-five (25) feet on the north side of Heckman Avenue, and extends in length or depth of that same width northwardly a distance of one hundred and twenty (120) feet, more or less to Back Street.

Said two lots which are contiguous contain an aggregate width on the north side of Heckman Avenue of fifty (50) feet and taken in their entirety are bounded on the north by said Back Street, on the south by said Heckman Avenue, on the east by Lot #162, and on the west by Lot #159.

Uniform Parcel Identification Number: J7SE4-1-13.

BEING the same premises which Joyce A. Geiger, widow, by Deed dated October 1, 1990, and recorded October 11, 1990, in Book 813, Page 427, granted and conveyed unto Joyce A. Geiger and Sandra G. Geiger, in fee.

BEING KNOWN AS 644 Heckman Avenue, Nazareth, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Sandra G. Geiger and Joyce A. Geiger.

STEVEN K. EISENBERG,
ESQUIRE

No. 15
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-003920

ALL THAT CERTAIN messuage or tenement and lot or piece of ground situate in the City of Bethlehem, formerly the Borough of South Bethlehem, County of Northampton and State of Pennsylvania, comprising the Southern half of the Eastern half of Lot No. 259 Thomas Street, according to the plan or plot of land of Lehigh University, situated on the North side of Jackson Street and containing in front or breadth on said Jackson Street twenty (20) feet and extending Northwardly of that same breadth between parallel lines at right angles with said Jackson Street a distance of seventy (70) feet.

BOUNDED as follows: Northwardly by the Northern half of the Eastern half of Lot No. 259 Thomas Street, Eastwardly by Lot No. 258 Southwardly by Jackson Street, for-

merly known as a twenty feet wide alley, and Westwardly by the Western half of Lot No. 259.

AND in accordance with a survey by Martin H. Schuler, Co., said property is further described as follows, to wit:

BEGINNING at a point along the Northerly property line of Jackson Street, in line with property known as Lot No. 258 as shown on a plan of Lands of Lehigh University; thence along the Northerly property line of Jackson Street, South 57 degrees 30 minutes 0 seconds West 20.62 feet to a point; thence along property of the Southwesterly portion of Lot No. 259, North 32 degrees 30 minutes 0 seconds West 70 feet to a point; thence along property of the Northeasterly portion of Lot No. 259, North 57 degrees 30 minutes 0 seconds East 20.62 feet to a point; thence along property of Lot No. 258, South 32 degrees 30 minutes 0 seconds East 70 feet to the place of beginning.

BEING recorded in the Office of the Recorder of Deeds dated June 12, 1998, Plan Book 1998-1 Page 074992.

PARCEL NO.: P6SE2D-5-16.

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 Darlene J. Hartranft.

JOSEPH REJENT, ESQUIRE

No. 19
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-002674

ALL THAT CERTAIN messuage, tenement and lot or piece of ground, situated on the East side of Wyman-

dotte Street (formerly known as the Old Philadelphia Road) in the City of Bethlehem, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

CONTAINING in front on said Wyandotte Street nineteen (19) feet and of that same width extending Eastwardly one hundred forty (140) feet to an alley.

BOUNDED on the North by lands now or late of Martha Ann Miller, on the East by said alley (now Hess Street), on the South by lands formerly of John Bratch, now or late of Clinton D. Brewer and on the West by said Wyandotte Street.

Tax Parcel #P6SW2C-21-30.

Being known as: 533 Wyandotte Street, Bethlehem, PA 18015.

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

SEIZED AND TAKEN into execution of the writ as the property of Harold W. Sopak, Jr. and Deborah A. Sopak.

TERRENCE J. McCABE,
ESQUIRE

No. 20
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-003295

Real Estate

PARCEL 1

ALL THAT CERTAIN lot or piece of ground situate in the Borough of Wilson, County of Northampton and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point, the northwest corner of Freemansburg Avenue and Balata Street, thence extending northwardly along Balata Street sixty-two and forty-six hun-

dredths (62.46') feet to a twelve feet wide alley, thence westwardly along the southern side of said alley eight-six and forty-five hundredths (86.45') feet to a point; which point is the northeast corner of Lot No. 2 on plan of lots drawn by Walter F. Auch, C.E., duly recorded at Easton, Pennsylvania, in Map Book 9, page 68, thence south 36° 20' 40" East a distance of one hundred ten and twenty-two hundredths (110.22') feet to Freemansburg Avenue, thence North 53° 39' 20" East a distance of fifty-four and twenty-five hundredths (54.25') feet to a point, the place of Beginning, being Lot No. 1 on said plan.

KNOWN AS NO. 2447 Freemansburg Avenue.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: MAP M9NW1B, BLOCK 11, LOT 7.

PARCEL 2

ALL THAT CERTAIN lot or piece of land situated in the Borough of Wilson (formerly Wilson Township), County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point fifty-four and twenty-five one hundredths (54.25) feet West from the northwest corner of Balata Street and Freemansburg Avenue, thence extending in a northwestwardly direction one hundred and ten and twenty-two one-hundredths (110.22) feet to a point in a twelve foot alley, thence extending in a southwestwardly direction along the southern line of said twelve feet wide alley forth (40) feet to land now or late of Aaron Hahn, thence extending in a southeastwardly direction along the eastern boundary line of said Aaron Hahn's property one hundred and

eleven and eleven one-hundredths (111.11) feet to Freemansburg Avenue, thence extending in a north-eastwardly direction along the northern line of Freemansburg Avenue forty (40) feet to a point, the place of Beginning.

BOUNDED on the north by said twelve feet wide alley, on the east by land now or late of George Lattas, on the south by Freemansburg Avenue and on the west by land now or late of Aaron Hahn.

KNOWN AS NO. 2449 Freemansburg Avenue.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: M9NW1B-11-8, Block 11, Lot 8.

BEING THE SAME PREMISES which Cathrea L. Dunbar, by her deed dated April 12, 2002, and recorded April 12, 2002, in the Recorder of Deeds Office of Northampton County at Deed Book 2002-1, Page 095713, granted and conveyed unto Soul Imperial, Inc. d/b/a Club Caribbean Restaurant & Island Bar, Grantor herein.

Equipment, Furnishings, Fixtures, Machinery, Inventory & Supplies, Etc.

(A) All existing business assets associated with the operation of a bar/restaurant at the foregoing properties known as "Club Caribbean" or "Club Caribbean Restaurant and Island Bar," including but not limited to equipment, machinery, decorations, supplies, utensils, glassware, furniture, appliances, fixtures, and all related attachments, accessories and parts.

Penna. Liquor License No.

Pennsylvania Liquor License Number R-5834.

NOTE: THE SALE WILL BE SUBJECT TO SPECIAL TERMS TO BE

ANNOUNCED AT THE TIME OF THE SALE. A LIST OF THE SPECIAL TERMS IS ALSO AVAILABLE BEFORE THE SALE BY CALLING JACK M. SEITZ, ESQ., COUNSEL FOR PLAINTIFF, AT (610) 706-4300.

SEIZED AND TAKEN into execution of the writ as the property of Soul Imperial, Inc.

JACK M. SEITZ, ESQUIRE

No. 22

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-3074**

ALL THAT CERTAIN lot or piece of ground situate on the South Side of a concrete highway leading from the Borough of Northampton to the Borough of Bath in the Township of East Allen, County of Northampton, and State of Pennsylvania, bounded on the North by said concrete highway, on the East by a public road, on the South by a twenty (20) foot wide alley and on the West by other lands now or late of Henry A. Miller. Containing in front along said concrete highway seventy-eight and ten hundredths (78.10) feet and extending Southward of that width at right angles to the said highway one hundred twenty (120) feet to the aforesaid twenty (20) foot wide alley.

BEING Northampton County tax parcel Assessment #L5NW3-4-9.

BEING THE SAME PREMISES which Shawn M. Mabus, and Cindy M. Mabus n/k/a Cindy M. Dashner, by deed dated 9/9/04 and recorded 10/13/04 in the Office of the Recorder of Deeds in and for the County of Northampton, in Deed Book 2004-1, at Page 396150, granted and conveyed unto Shawn M. Mabus.

BEING KNOWN AS 5498 North Bath Boulevard, Northampton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Shawn M. Mabus.

JOSEPH A. GOLDBECK, JR.,
ESQUIRE

No. 23

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-003459**

ALL THAT CERTAIN tract or parcel of land located along the northerly side of Indian Trail road, LR 48068, known as Lot 2 on the minor subdivision plan for Patricia Rizzoto Moore, Township of Allen, County of Northampton, and Commonwealth of Pennsylvania, prepared by Musselman Associates, and dated April 10, 1987, as revised, Drawing No. 8702, and recorded in the Northampton County Recorder of Deeds Office, Plan Book Volume 88, Page 39, bounded and described as follows, to wit:

BEGINNING at a point along the existing northerly right-of-way line of Indian Trail Road, LR 48068, (30 feet from centerline), said point being the southwesterly property corner of lands now or late of Irvin H. Solt, Jr.; thence along the said right-of-way, North 81° 23' 48" West 420.67 feet to a point; thence in and through lands now or late of Patricia Rizzotto Moore, North 8° 36' 12" East 230.00 feet (passing through an iron pipe at 10.00 feet) to a point; and North 42° 52' 28" East 105.63 feet to a point; thence along the southerly and westerly property line of lands now or late of Irvin H. Solt, Jr., South 81° 23' 48" East 340.00 feet to a point and South 4° 47' 01" West 318.00 feet (passing through a concrete monu-

ment at 307.98 feet) to the point or place of BEGINNING.

BEING THE SAME premises which Helen Rizzotto, gave to Alicia M. Howard, by deed dated 4/26/93 and recorded 4/27/93 in the Office of the Recorder of Deeds, in and for the County of Northampton in Vol. 894, at Page 37.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: K3-13-1.

BEING KNOWN AS 5744 Indian Trail Road, Northampton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Alicia M. Howard.

JOSEPH A. GOLDBECK, JR.,
ESQUIRE

No. 25

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-003492**

ALL THAT CERTAIN tract or parcel of land to be known as Lot No. 24 of Bougher Hill Estates II Subdivision Plan of property of Stewart Associates, a Pennsylvania Limited Partnership dated February 14, 1989, revised July 31, 1990 prepared by William L. Diehl, P.E., P.L.S. and recorded in Plan Book 91, Page 42 at the Northampton County Recorder of Deeds Office, said lot situate on the westerly side of Connard Drive in the Township of Williams, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin located on the westerly right-of-way line of Connard Drive, said iron pin being the easternmost point of the herein described lot and also a cor-

ner in common with Lot No. 25 of the aforementioned subdivision; thence along the same South 70° 28' 03" West a distance of 307.68 feet to an iron pin; thence along land now or formerly of Lee L. and Catherine Koplin North 20° 10' 32" West a distance of 141.22 feet to an iron pin; thence along Lot No. 23 for the aforementioned subdivision North 70° 28' 03" East a distance of 309.27 feet to an iron pin; thence along the westerly right-of-way line of Connard Drive South 19° 31' 57" East a distance of 141.21 feet to an iron pin, the place of Beginning.

CONTAINING 1.0000 acres of land.

IT BEING THE SAME PREMISES which Stewart Associates, a Pennsylvania Limited Partnership, by its Deed dated August 25, 1997 and recorded in the Office of the Recorder of Deeds in and for Northampton County in Deed Book Volume 1997-1, page 096906, did grant and convey unto Clay R. Mitman, Paul R. Harrison and Ellen J. Harrison, trading as Oakridge Enterprises.

TITLE TO SAID PREMISES IS VESTED IN Salvatore Cicalese and Marianne A. Cicalese, his wife by Deed from Clay R. Mitman, Paul R. Harrison and Ellen J. Harrison Trading as Oakridge Enterprises dated 8-3-98, recorded 8-4-98 in Deed Book 1998-1, page 101928.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: P9-12-16-24.

BEING KNOWN AS 25 Connard Drive, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Salvatore Cicalese and Marianne A. Cicalese.

DANIEL G. SCHMIEG, ESQUIRE

No. 27
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2000-001610

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

BEGINNING at a corner on the West side of "B" Street and corner of land about to be conveyed to Luther Sandercock and wife; thence along the said "B" Street North 15 degrees West 22 feet, more or less, to corner on the South side of a 30 feet wide street or alley; thence along said street or alley South 75 degrees West 113 1/2 feet to a corner; thence along land now or late of Henry Male South 15 degrees East 22 feet, more or less, to a corner and land about to be conveyed to Luther Sandercock and wife; thence along the same North 75 degrees East 113 1/2 feet to the place of Beginning.

ALSO BEING KNOWN AS NORTHAMPTON COUNTY PARCEL IDENTIFIER NO. E8NE2D-42-1.

BEING THE SAME PREMISES conveyed by Emmajane P. Hagenbuch to Wesley Pfeiffer by Deed dated 1/29/1999, and recorded on 2/9/1999, in the Northampton County Recorder of Deeds Office at Deed Book Volume 1999-1, Page 18093.

BEING KNOWN AS 213 "B" Street, Pen Argyl, Pennsylvania.

THEREON BEING ERECTED a two and one-half story one-half of a

double dwelling with vinyl siding exterior and shingle and slate roof; detached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Wesley Pfeiffer.

THOMAS I. PULEO, ESQUIRE

No. 28

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-003178**

ALL THAT CERTAIN lot or piece of land situate in the Township of Forks, County of Northampton and State of Pennsylvania, bounded and described as follows to wit:

PLOT NO. 4: Consisting of one (1) section, adjoining and south of plot no. 3 and adjoining east of plot no. 2.

BEGINNING at a stake "F", south 2 degrees 15 minutes east, one hundred sixty-eight and two-tenths feet to a stake, thence south 87 degrees east three hundred and fifteen feet to a stake, thence north 87 degrees west three hundred and fifteen feet to the point of beginning.

EXCEPTING thereout a certain twelve foot roadway mentioned on the plan or plot filed in the Orphans' Court as aforesaid, to the use of the owners of portions Nos. 1, 2, 3, 4, 5, 6, and 7, their heirs and assigns, together with the full, free and uninterrupted right and privilege to the grantees, their heirs and assigns forever, to use in common with the owners, their heirs and assigns of portions Nos. 1, 2, 3, 4, 5, 6, and 7 on the aforesaid plan filed in the Orphans' Court as aforesaid, for all purposes whatsoever the twelve foot wide roadway designated on said plan as aforesaid leading southeastwardly through portion No. 7 to portion No. 5 and thence leading northwardly through portions Nos. 5, 4, 3, and 2 to portion No. 1.

Tax ID # K9SW4-6-5.

Being known as 1515 Lieb Road, Easton, PA 18040.

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

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

PINA S. WERTZBERGER,
ESQUIRE

No. 30

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-002860**

TRACT NO. 1

ALL THAT CERTAIN message or tenement and lot or piece of ground, situate on the North side of East 20th Street in the Second Ward of the Borough of Northampton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the North side of East 20th Street, in line of Lot #50, property now or late of Howard H. Laubach; thence Eastward along the North side of East 20th Street forty-three (43) feet to a point in line of lot #52, other property now or late of Howard H. Laubach; thence Northward along the latter Lot one hundred twenty and forty-one one-hundredths (120.41) feet to a point on the South side of an alley fifteen (15) feet wide; thence Westward along said alley thirty-six and sixty-eight one-hundredths (36.68) feet to a point; thence further along said alley in a southwestern direction seven and sixty-two one-hundredths (7.62) feet to a point in line of Lot #50, thence Southward along the latter one hundred twenty-seven and forty-eight one-hundredths (127.40) feet to a point, the place of BEGINNING.

BEING KNOWN AS LOT NO. 51 on plan of town lots know as 'LAUBACH HEIGHTS' as revised January 22, 1921, and being now known as No. 229 EAST 20TH STREET.

TRACT NO. 2

ALL THAT CERTAIN vacant lot or piece of ground, situate on the North side of Twentieth Street, in the Second Ward of the Borough of Northampton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the North side of Twentieth Street, in line of Lot No. 51, property of William J. Munney, thence Northward along the East side of said lot a distance of one hundred twenty and forty-one one-hundredths (120.41) feet to a point on the South side of an alley fifteen (15) feet wide; thence Eastward along the South side of said alley a distance of forty-four and thirty-two one-hundredths (44.32) feet to a point on the West side of an alley fifteen (15) feet wide; thence Southward along the West side of said alley one hundred nine and sixty-nine one-hundredths (109.69) feet to a point on the North side of Twentieth Street; thence Westward along the North side of Twentieth Street forty-three (43) feet to a point on line of Lot No. 51, the place of BEGINNING.

BEING KNOWN AS LOT NO. 52 on plan of town lots known as 'LAUBACH HEIGHTS' as revised January 22, 1921.

THE ABOVE PREMISES is subject to restrictions as recorded on prior deeds in the Office of the Recorder of Deeds of Northampton County, as Easton, Pennsylvania.

BEING KNOWN AS NORTHAMPTON COUNTY PARCEL IDENTIFIER NO. L4SW1C Bk 19 Lot 15.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Clifford J. Connors and Karen B. Connors, husband and wife, by Deed from Charles W. Miller, Administrator of the estate of Raymond Miller, aka, Raymond K. Miller, deceased, dated 1-7-91, recorded 1-8-91, in Deed Book 820, page 327.

Premises being: 229 EAST 20TH STREET, NORTHAMPTON, PA 18067.

Tax Parcel No. L4SW1C-19-15.

THEREON BEING ERECTED a two story single brick dwelling with shingle roof; detached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Clifford J. Connors and Karen B. Connors.

DANIEL G. SCHMIEG, ESQUIRE

No. 31

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2004-002133**

ALL THAT CERTAIN message, tenement, tract or piece of land situated in the Borough of Freemansburg, County of Northampton and State of Pennsylvania, designated in the town plot of the said Borough of Freemansburg as No. 16, bounded and described as follows, to wit:

BEGINNING at the corner of Main Street and a ten (10) feet wide alley adjoining lot now or late of William Gwinner; thence East along said alley one hundred twenty-three (123) feet to the Lehigh Coal and Navigation Company's Canal; thence North along said canal sixty (60) feet to a corner of land now or late of Jacob Geissinger, Jr.; thence West along said land to Main Street;

thence South along said Main Street sixty (60) feet to the place of beginning.

THE above premises being commonly known and designated at 607 Main Street.

BEING THE SAME PREMISES WHICH Roy L. Tarboro, Sr. and Dolores G. Tarboro a/k/a Dolores Nuss Knauss, single by Deed dated 10/8/1979 and recorded 5/22/1981 in the County of Northampton in Volume 626, Page 1057 conveyed unto Roy L. Tarboro, Sr., in fee.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: N7SW3B-4-1.

BEING KNOWN AS 607 Main Street, Freemansburg, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Roy L. Tarboro, Sr. a/k/a Leroy L. Tarboro.

DANIEL G. SCHMIEG, ESQUIRE

**No. 34
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2004-008063**

ALL THAT CERTAIN tract of land located in Williams Township, County of Northampton, Commonwealth of Pennsylvania, being the portion of land located on the north-eastern side of Valley View Road (T-406), as recorded in the Office of Recorder of Deeds in the Northampton County Courthouse, Deed Book Volume 489, Page 580, being more particularly described as follows to wit:

BEGINNING at a point in the centerline of Valley View Road said point being located S 63° 21' 34" E a distance of 23.06' from an iron pin found on the northern right-of-

way line of Valley View Road (33' wide) and, also being the southwest corner of lands N/F Robert W. and Janice Swiatek (TMP P8-2-4B-2);

THENCE along the centerline of said Valley View Road the following ten (10) courses and distances:

1. N 63° 21' 34" W a distance of 228.20' to a point;

2. Along a curve deflecting to the right having a central angle of 21° 14' 29", a radius of 410.00', an arc length of 152.00', a chord bearing of N 52° 44' 20" W, and a chord length of 151.13' to a point;

3. N 42° 07' 05" W a distance of 124.96' to a point;

4. Along a curve deflecting to the right having a central angle of 14° 07' 01", a radius of 580.00', an arc length of 142.90', a chord bearing of N 35° 03' 34" W, and a chord length of 142.54' to a point;

5. N 28° 00' 04" W a distance of 76.45' to a point;

6. Along a curve deflecting to the left having a central angle of 14° 09' 37", a radius of 300.00', an arc length of 74.14', a chord bearing of N 35° 04' 52" W, and a chord length of 73.95' to a point;

7. N 42° 09' 41" W a distance of 27.29' to a point;

8. Along a curve deflecting to the left having a central angle of 06° 08' 16", a radius of 200.00', an arc length of 21.43', a chord bearing of N 45° 13' 49" W, and a chord length of 21.42' to a point of compound curvature;

9. Along a curve deflecting to the left having a central angle of 09° 02' 47", a radius of 800.00', an arc length of 126.31', a chord bearing of N 52° 49' 21" W, and a chord length of 126.18' to a point;

10. N 57° 20' 45" W a distance of 102.15' to a point;

THENCE in and through said Valley View Road and along the eastern and northern property lines of lands N/F of Martha Shruntz (TMP P8-2-2) the following three (3) courses and distances:

1. N 39° 07' 43" E a distance of 877.80' to a point;
2. S 38° 57' 53" E a distance of 178.20' to a point;
3. N 51° 02' 07" E a distance of 26.40' to a point;

THENCE along the southern property line of Lot 22 of Country View Estates (TMP N8-18-4B), S 38° 57' 53" E a distance of 283.70' to an iron pin found;

THENCE along the southern property line of lands N/F of George W. and Earlene M. Roth (TMP P8-2-7), S 39° 11' 28" E a distance of 276.14' to an iron pin found;

THENCE along the southern property line of lands N/F of Arthur E. and Joy E. Verba (TMP P8-2-6), S 44° 03' 25" E a distance of 209.83' to an iron pin found;

THENCE along the western property line of lands N/F of Robert W. and Janice Swiatek (TMP P8-2-4B-2), S 30° 35' 19" W a distance of 780.03' to a point, the place of beginning.

CONTAINING 19.292 acres or 840,354.6 square feet.

TOGETHER with and subject to a 25.00' Township Right-Of-Way along the northeastern side of the above described existing centerline of said Valley View Road (T-406).

BEING THE SAME PREMISES which Ashley Development Corporation, a Pennsylvania corporation, by its Deed dated September 6, 2001 and intended to be recorded herewith in the Office for the Recording of Deeds in and for Northampton County, granted and conveyed unto Michael J. Kiefer and Tracy Lee Kiefer, husband and wife, the Mortgagors herein.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: P8-2-3.

BEING KNOWN AS 150 Valley View Road, Hellertown, Pennsylvania.

THEREON BEING ERECTED a two story single stone dwelling with shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Michael J. Kiefer and Tracy Leigh Kiefer.

GERALD F. STRUBINGER, JR.,
ESQUIRE

A Schedule of Distribution will be filed by the Sheriff thirty days from the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten days from the date of filing the Schedule of Distribution.

JEFFREY K. HAWBECKER
Sheriff

Northampton County,
Pennsylvania

B. LINCOLN TREADWELL, JR.
ESQUIRE

Solicitor to the Sheriff

Oct. 20, 27; Nov. 3

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Nov. 3, 10

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- **Pittsburgh** Every Thursday
- **Reading** 3rd Monday of Month
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FAY H. METZGAR, Plaintiff v. STAR PONTIAC, INC., STAR PONTIAC GMC TRUCK, INC. and WESTERN GENERAL a/k/a WESTERN GENERAL WARRANTY, INC., Defendants

Agreement To Arbitrate—Preliminary Objections.

The Plaintiff argued that enforcing the agreement to arbitrate would be unconscionable pursuant to the Pennsylvania Superior Court's decision in *Lytle v. CitiFinancial Services, Inc.*, 810 A.2d 643 (Pa. Super. 2002). The test of unconscionability in a contract is two-fold: (1) the party signing the contract must have lacked a meaningful choice in accepting the challenged provision; and (2) the challenged provision must unreasonably favor the party asserting it. The Court held that the agreement to arbitrate was not unconscionable where the cost would be a maximum of \$375; the parties split the arbitrator's fees; and the arbitration is to take place in the judicial district where the Plaintiff purchased the warranty contract.

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2004 6088

WILLIAM COFFIN, ESQUIRE, for Plaintiffs.

DAVID BRENNAN, ESQUIRE, for Defendants.

Order of Court entered February 4, 2005 by MORAN, J.

ORDER

AND NOW, this 4 day of February, 2005, the Preliminary Objection to enforce the arbitration agreement filed by Defendant Western General a/k/a Western General Warranty, Inc. is GRANTED.

STATEMENT OF REASONS

Presently before this Court is the Preliminary Objection of the Defendant Western General a/k/a Western General Warranty, Inc., ("Western General") to enforce an agreement to arbitrate. The Plaintiff argues that the agreement to arbitrate is unenforceable because it is unconscionable.¹

Standard of Law

In ruling upon preliminary objections, we must accept as true all well pleaded allegations and material facts averred in the complaint as well as all reasonable inferences deducible therefrom. *Wurth by Wurth v. City of Philadelphia*, 136 Pa. Commonwealth Ct. 629, 584 A.2d 403 (1990). This Court's analysis is confined to the complaint itself. *Pawlowski v. Smorto*, 403 Pa. Super. 71, 588 A.2d 36 (1991). If any theory of law will support a claim, preliminary objections are not to be sustained, as any doubt should be resolved against the objecting party. *Foster v. Peat Marwick Main &*

¹ Western General raised other preliminary objections which the Plaintiff acknowledged would require an Amended Complaint. In view of that fact and in view of the enforceability of the arbitration agreement, we do not reach the other preliminary objections.

Co., 138 Pa. Commonwealth Ct. 147, 587 A.2d 382 (1991). The pertinent facts, as laid out by the complaint, are as follows.

Statement of Facts

Plaintiff purchased a used motor vehicle from Star Pontiac, Inc. and Star Pontiac GMC Truck, Inc. She also purchased a limited warranty for the vehicle which covered the vehicle for three months or 3000 miles, which was serviced by Western General.

Shortly after purchasing the vehicle, it suffered mechanical difficulty requiring extensive repairs. Western General determined that the necessary repairs were not within the scope of the warranty and refused to make the repairs. Plaintiff filed this lawsuit. Star Pontiac, Inc. and Star Pontiac GMC Truck, Inc. have answered the Complaint. Western General raised the agreement to arbitrate in the warranty contract by preliminary objection.

The executed contract between Western General and the Plaintiff is attached as Exhibit B of the Preliminary Objections. On page two of three of the contract appears the following language:

Arbitration Agreement—Any controversy or claim arising out of or relating to this Service Contract or the breach thereof, shall be settled by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgement (sic) upon the award rendered by the arbitrators may be entered in any court having jurisdiction thereof. Any arbitration shall be conducted in the judicial district of purchase and pursuant to the rules of the American Arbitration Association.

Western General P.O.'s at Ex. B.

During oral argument, the parties provided the Court with the procedural rules governing arbitration under the American Arbitration Association. The rules include a fee schedule.

Discussion

Western General has filed Preliminary Objections pursuant to 1028(a)(6) based on the alleged contractual agreement for alternative dispute resolution. The Plaintiff argues that enforcing the agreement to arbitrate would be unconscionable pursuant to the Pennsylvania Superior Court's decision in *Lytle v. CitiFinancial Services, Inc.*, 810 A.2d 643 (Pa. Super. 2002). "[G]enerally accepted contract defenses such as duress, illegality, fraud or unconscionability are available to challenge the application of an arbitration provision." *McNulty v. H&R Block, Inc.*, 843 A.2d 1267, 1272 (Pa. Super. 2004). As a matter of strong public policy, the courts of this Commonwealth strongly favor the settlement of disputes by arbitration. *Langston v. National Media Corp.*, 420 Pa. Super. 611, 616, 617 A.2d 354, 356 (1992).

The determination of whether a contract or clause is unconscionable is a question of law for the court, which can be decided on preliminary

objections. *See e.g., Lytle*, supra at 658. The test of unconscionability in a contract is two-fold: (1) the party signing the contract must have lacked a meaningful choice in accepting the challenged provision; and (2) the challenged provision must unreasonably favor the party asserting it. *Todd Heller, Inc. v. United Parcel Service, Inc.*, 754 A.2d 689, 700-701 (Pa. Super. 2000).

Plaintiff may not have had a meaningful choice in accepting the arbitration clauses, which appear on a pre-printed form contract and are identifiable with bold face type lettering “**Arbitration Agreement.**” However, there is no reason to conclude that the arbitration provision unreasonably favors the defendant, and thus the Plaintiff cannot meet the second prong of the unconscionability test.

The Plaintiff argues that arbitrating this case is unconscionable because the cost of filing the arbitration exceeds the cost of filing a Complaint, and requires the parties to pay arbitrators to hear this case. This is not a sufficient legal basis to find that the contract is unconscionable. Assuming the amount of this claim exceeds \$10,000 but is less than \$75,000, the cost to the consumer under the rules would be a maximum of \$375. This amount is not unconscionable. Further, the consumer and the business split the arbitrator’s fees, and therefore no party is favored.

The arbitration is to take place in the judicial district where the Plaintiff purchased the warranty contract. This provision does not unreasonably favor Western General nor unreasonably burden the Plaintiff. Although it limits where an arbitration may take place, having it occur near to where the Plaintiff purchased the warranty contract is a reasonable limitation.

The arbitration provision in this case is unlike the arbitration provision found unconscionable in *Lytle*. In so holding, the Superior Court noted several aspects of the agreement that it found to unreasonably favor the defendant:

The arbitration provision at issue in the instant case provides that the Lytles are required to arbitrate all issues involving more than \$15,000, while CitiFinancial remains free to enforce its rights to repayment of the debt or to commence foreclosure against the Lytles’ home in the Court of Common Pleas. The arbitration provision also provides a right to a *de novo* appeal on any issue, while requiring the payment of substantial costs by the unsuccessful party in connection with such an appeal. The arbitration provision also prohibits the Lytles from arbitrating their claim as a class action and precludes them from class action participation as even a member of a class.

Id. at 660 (footnote omitted). The arbitration agreement in this case is neutral on its face. It does not give Western General the right to opt out of arbitration as CitiFinancial could have done. Nor does it place excess costs nor unnecessary hurdles in order for Plaintiff to bring a claim. We therefore hold that it is not unconscionable and direct that the Plaintiff and Western General proceed to arbitration as directed in the service contract.