

Northampton County Reporter

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EASTON, PA January 26, 2006

NO. 56

Fieldstone Associates, L.P., Plaintiff v. Mandy Partners, Defendant

CONTENTS

Bar News	3	Legal Notices	10
Estate Notices	4	Legal Secretary	11
Fictitious Name Registration Notice	10	Notices of Incorporation	9
Firm Announcements	35, 36	Paralegal	11
		Sheriff's Sales	12

INSERT: Mint Green: 1. "Secrets of the Code"

2. 2006 Calendar of Events
3. "A Legal Nurse ... What?"
4. PBI/CLE Seminars—NCBA Office—February-April, 2006

NOTICE TO THE BAR ...

Reminder: Committees are now reorganizing for the new year. Send in your Committee Preference forms even if you were on the committee in previous years. If you need another copy please call the NCBA office at (610) 258-6333.

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Northampton County Reporter

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

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Robert C. Brown, Jr., Esquire

Editor

NOTICES TO NCBA MEMBERS—BAR NEWS

☞ INCLUDED IN THIS ISSUE:

- **Lunch Lecture: “Secrets of the Code”**—February 22, 2006 presented by Hon. Mark I. Bernstein; registration form inside
- **Lunch Lecture: “A Legal Nurse ... What?”**—March 15, 2006 presented by Douglas Jugan, BSN, RN
- **NCBA Calendar of Events, PBI Seminars and Committee Meeting schedule**

☞ The Miller Center for Public Interest Advocacy—The Center will pair students of The Dickinson School of Law who have expressed interest in providing pro bono research with public defenders, legal services attorneys, lawyers providing pro bono representation and public interest organizations who have requested assistance on a particular case or issue. If your office has any pro bono opportunities for the students, please contact the Center by completing a request form at www.dsl.psu.edu/centers/miller.cfm or by sending an email to millercenter@dsl.psu.edu.

☞ MEETING SPACE—Northampton County Bar Association facilities are used on a regular basis for depositions, client meetings, arbitrations and seminars. Rooms are available for full day and half day rentals. For information or to reserve a room please call the Northampton County Bar Association Office at (610) 258-6333.

☞ Real Fact: The top of the Empire State Building was originally built as a place to anchor blimps.

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**ALTORFER, J. ELIZABETH, dec'd.**

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

Co-Executors: Brenda C. Altorfer, Larry P. Altorfer and Bruce E. Altorfer 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

GRUCELA, THOMAS a/k/a THOMAS J. GRUCELA, dec'd.

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

Co-Executrices: Julianne Straccia and Marie Aicher c/o Mary Ann Snell, Esquire, Suite 311, 3400 Bath Pike, Bethlehem, PA 18017

Attorney: Mary Ann Snell, Esquire, Suite 311, 3400 Bath Pike, Bethlehem, PA 18017

LIEBERMAN, MARION a/k/a MARION M. LIEBERMAN, dec'd.

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

Executrix: Dorothy Millheim c/o Raymond J. DeRaymond, Esquire, Gross, McGinley, LaBarre & Eaton, LLP, 717 Washington Street, Easton, PA 18042-4386

Attorneys: Raymond J. DeRaymond, Esquire, Gross, McGinley, LaBarre & Eaton, LLP, 717 Washington Street, Easton, PA 18042-4386

LODER, ELSIE E., dec'd.

Late of Northampton Borough, Northampton County, PA

Executor: Earl A. Smith, 235 S. Walnut Street, Bath, PA 18014

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

MASON, ERNA a/k/a ERNA W. MASON a/k/a ERMA MASON, dec'd.

Late of the City of Easton, Northampton County, PA

Administrator: Ralph W. Litzenberger, Esquire, 1708 Northampton Street, P.O. Box 3272, Easton, PA 18043-3272
Attorney: Ralph W. Litzenberger, Esquire, 1708 Northampton Street, P.O. Box 3272, Easton, PA 18043-3272

MILLER, HELEN T., dec'd.

Late of the Township of Washington, Northampton County, PA

Co-Executrices: Sheree L. Engler and Paula R. Karner 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

MOORE, VIRGINIA L., dec'd.

Late of Nazareth, Northampton County, PA

Executor: Thomas P. Stitt, Sr. c/o Thomas P. Stitt, Esquire, 576 Nazareth Pike (Rt. 191), Nazareth, PA 18064-8400

Attorney: Thomas P. Stitt, Esquire, 576 Nazareth Pike (Rt. 191), Nazareth, PA 18064-8400

PETERS, DOROTHY R., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Russell B. Miller 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

REIBMAN, ELNORA a/k/a ELNORA S. REIBMAN, dec'd.

Late of Easton, Northampton County, PA

Co-Executors: Julie Reibman and Edward Reibman c/o Noonan & Prokup, 526 Walnut St., Allentown, PA 18101

Attorneys: Noonan & Prokup, 526 Walnut St., Allentown, PA 18101

SCHRECK, DOROTHEA L., dec'd.

Late of 4035 Freemansburg Ave., Easton, Northampton County, PA

Executor: Daniel T. Schreck, 4035 Freemansburg Ave., Easton, PA 18045

Attorney: Eric R. Shimer, Esquire, 1 Bethlehem Plz., Ste. 830, Bethlehem, PA 18018

SLEEP, ROBERT E. a/k/a ROBERT EARL SLEEP, dec'd.

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

Executor: Craig Frederick Sleep 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

SMITH, MARGARET M., dec'd.

Late of 65 Friedenstahl Avenue, Nazareth, Northampton County, PA

Executrix: Gloria Fries c/o Samuel F. Feldman, Esquire, Feldman Law Offices, P.C., 221 N. Cedar Crest Blvd., Allentown, PA 18104

Attorneys: Samuel F. Feldman, Esquire, Feldman Law Offices, P.C., 221 N. Cedar Crest Blvd., Allentown, PA 18104

WALDENRATH, ALEXANDER a/k/a DOUGLAS A. WALDENRATH, dec'd.

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

Executrix: Mrs. Jeanine Schneider 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

WEISS, EVELYN, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Russell W. Branton,
149 Hampton Way, Mon-
toursville, PA 17754

Attorney: Antonia M. Grifo,
Esquire, 318 Spring Garden
Street, Easton, PA 18042-3552

SECOND PUBLICATION

BLAIR, HARRY C. J., dec'd.

Late of the Borough of Bangor,
Northampton County, PA

Co-Executors: Richard J.
Shiroff, Esquire, and Marion
M. (Sue) Blair, 724 Lehigh
Street, Easton, PA 18042

Attorney: Richard J. Shiroff,
Esquire, 724 Lehigh Street,
Easton, PA 18042

DIEFENDERFER, RUTH E.,
dec'd.

Late of 6292 Hanoverville
Road, East Allen Township,
Northampton County, PA

Co-Executors: Francis B.
Almer, 2908 Jacksonville
Road, Bethlehem, PA 18017
and Donald W. Silfee, 6101
Hanoverville Road, Bethle-
hem, PA 18017

Attorney: Eric R. Shimer, Es-
quire, 1 Bethlehem Plz., Ste.
830, Bethlehem, PA 18018

FEHR, RUSSELL C., JR., dec'd.

Late of the Township of Beth-
lehem, Northampton County,
PA

Executor: Richard D. Fehr,
2712 Wagon Wheel Drive,
Easton, PA 18040

Attorney: Gary Neil Asteak,
Esquire, 726 Walnut Street,
Easton, PA 18042

FUDERER, ANTHONY J. a/k/a
ANTHONY J. FUDERER, JR.,
dec'd.

Late of the Borough of Heller-
town, Northampton County,
PA

Administratrix: Ms. Joan
Kingslake, 1616 Jennings
Street, Bethlehem, PA 18017

Attorney: Vaughn A. Terrinoni,
Esquire, 3976 Township Line
Road, Bethlehem, PA 18020

HARTZELL, NORMAN a/k/a
NORMAN R. HARTZELL,
dec'd.

Late of Bushkill Township,
Northampton County, PA

Executrix: Pamela Hartzell
Snyder c/o Constantine M.
Vasiliadis, Esquire, Kolb,
Vasiliadis and Florenz, 74 W.
Broad Street, Suite 170,
Bethlehem, PA 18018-5738

Attorneys: Constantine M.
Vasiliadis, Esquire, Kolb, Vasi-
liadis and Florenz, 74 W.
Broad Street, Suite 170, Beth-
lehem, PA 18018-5738

KELLER, CHARLES W., SR.,
dec'd.

Late of the Township of Bush-
kill, Northampton County, PA

Administratrix: Terri L. Ben-
sing c/o John Molnar, Esquire,
The Molnar Law Offices, Wind
Gap Professional Center, 6697
Sullivan Trail, Wind Gap, PA
18091

Attorneys: John Molnar, Es-
quire, The Molnar Law Offices,
Wind Gap Professional Cen-
ter, 6697 Sullivan Trail, Wind
Gap, PA 18091

LILIUS, MARGARET ANN JES-
SUP, dec'd.

Late of the Borough of Naza-
reth, Northampton County,
PA

Executor: Peter Gordon Jes-
sup, 488 Dolores Drive, Col-
legeville, PA 19426

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

1 South Main Street, Nazareth, PA 18064

LLOYD, EDWIN L., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Marilyn Christie c/o Robert E. Donatelli, Esquire, 32 N. 6th Street, Allentown, PA 18101

Attorney: Robert E. Donatelli, Esquire, 32 N. 6th Street, Allentown, PA 18101

MITMAN, MATILDA L., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Stanley Majewski 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

RINKER, ALICE S., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Edwin A. Sawyer, 800 Hausman Road, #276, Allentown, PA 18104

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

SAPONE, FRANCES CATHERINE, dec'd.

Late of the Borough of Stockertown, Northampton County, PA

Executrix: Bernadette Sani c/o Leonard M. Mellon, Esquire, 151 S. 7th Street, Easton, PA 18042

Attorney: Leonard M. Mellon, Esquire, 151 S. 7th Street, Easton, PA 18042

WERKHEISER, WARREN F., dec'd.

Late of Forks Township, Northampton County, PA

Co-Executors: W. Neill Werkheiser, 1430 Church Lane, Easton, PA 18040 and Gail N. Roberts, 1600 Church Lane, Easton, PA 18040

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

THIRD PUBLICATION

BACKHUS, MURIEL A., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: John G. Backhus, IV c/o Mary Ann Snell, Esquire, Suite 311, 3400 Bath Pike, Bethlehem, PA 18017

Attorney: Mary Ann Snell, Esquire, Suite 311, 3400 Bath Pike, Bethlehem, PA 18017

DORIA, ERNESTINE F., dec'd.

Late of the Borough of Wilson, Northampton County, PA

Executrix: Jennifer L. Doria 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

ETTWEIN, ANNA M. a/k/a A. MILDRED ETTWEIN, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Paul J. Connolly, Sr., 281 Race Street, Bath, PA 18014

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

1 South Main Street, Nazareth, PA 18064-2083

FREED, ROBERT D., dec'd.

Late of 3040 Newburg Road, Nazareth, Northampton County, PA

Administrator: Gerald M. Freed, 54 East Allen Street, Nazareth, PA 18064

Attorneys: Lee A. Conrad, Esquire, Thomas, Conrad and Conrad, 515 West Linden Street, Allentown, PA 18101

GOLAB, PELAGIA D. a/k/a POLLY GOLAB, dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Louise D. Rybak c/o John W. Rybak, Esquire, 408 Adams Street, Bethlehem, PA 18105

Attorney: John W. Rybak, Esquire, 408 Adams Street, Bethlehem, PA 18105

HARTMAN, ANNE P., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Christopher P. Hartman c/o Thomas W. Houser, Esquire, 345 Gaffney Hill Road, Easton, PA 18042-9532

Attorney: Thomas W. Houser, Esquire, 345 Gaffney Hill Road, Easton, PA 18042-9532

HUERTAS, MAXIMINA, dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Mary Jane Lutton, 2615 Hader Lane, Bethlehem, PA 18015

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

OTT, JAMES E., dec'd.

Late of the Township of Plainfield, Northampton County, PA

Executor: Bruce Ott 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

ROTH, LOIS A., dec'd.

Late of Moore Township, Northampton County, PA

Co-Administrators: Sandra Eva Moyer and Wayne A. Roth, 2679 Windswept Lane, Bath, PA 18014

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

SMITH, MARJORIE H., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Donald R. Smith and Larry W. Smith 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

WILSON, KENNETH S., dec'd.

Late of Bethlehem Township, Northampton County, PA

Executrix: Annette M. Wilson c/o Thomas P. Stitt, Esquire, 576 Nazareth Pike (RT 191), Nazareth, PA 18064-8400

Attorney: Thomas P. Stitt, Esquire, 576 Nazareth Pike (RT 191), Nazareth, PA 18064-8400

WINTER, HERMAN H. a/k/a HERMAN H. WINTER, SR., dec'd.

Late of East Allen Township, Northampton County, PA

Executrix: Rosetta Winter c/o James L. Reich, Esquire,

Karess, Reich & Furst, PC,
215 N. 9th Street, Allentown,
PA 18102

Attorneys: James L. Reich,
Esquire, Karess, Reich &
Furst, PC, 215 N. 9th Street,
Allentown, PA 18102

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, on November 30, 2005, 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:

**BLUE MOUNTAIN
EVERGREEN, INC.**

John L. Obrecht, Esquire
1731 Main Street
Northampton, PA 18067

Jan. 26

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:

**GROUND ZERO
PERFORMANCE, INC.**

Keene Jabbour, Esquire
701 Washington Street
Easton, PA 18042

Jan. 26

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 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:

**HAY TERRACE SOUTH
HOMEOWNERS' ASSOCIATION**

The purpose of the corporation is: To manage the property granted to it in Palmer Township by the PRD documents recorded at Northampton County Recorder of Deeds.

LEONARD M. MELLON, ESQUIRE
I.D. No. 46815

151 South 7th Street
Easton, PA 18042
(610) 559-9990

Jan. 26

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

The name of the corporation is:

iStaff Corporation

The Articles of Incorporation were filed on August 8, 2005.

BRUCE W. WEIDA, ESQUIRE
1023 Linden Street
Allentown, PA 18102

Jan. 26

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on December 5, 2005, 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:
SURFACE SPECIALISTS OF EASTERN PA, INC.

John L. Obrecht, Esquire
1731 Main Street
Northampton, PA 18067

Jan. 26

**FICTITIOUS NAME
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982 (54 Pa. C.S.A. Sec. 311 et seq.) of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, on January 13, 2006, of a Certificate for the conduct of a business in Northampton County, Pennsylvania, under the assumed, or fictitious name, style or designation of:

TOTAL ELECTRIC

with its principal place of business at: 3330 West Scenic Drive, Danielsville, Northampton County, PA 18038. The name and address of the person owning or interested in said business is: Jason Green, 3330 West Scenic Drive, Danielsville, PA 18038.

CHARLES W. GORDON,
ESQUIRE

1413 Jacobsburg Road
Wind Gap, PA 18091

Jan. 26

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

CHASE HOME FINANCE, LLC
s/b/m/t Chase Manhattan
Mortgage Corporation f/k/a
Chemical Residential
Mortgage Corporation,

Plaintiff

vs.

FRANCIS J. CONNORS,

Defendant

NO.: C0048CV2005001725

Notice of Sheriff's Sale of Real Estate on April 7, 2006 at 10:00 A.M. in the Northampton County Courthouse, Jury Lounge, First Floor, 669 Washington Street, Easton, Pennsylvania 18042.

All the right, title, interest and claim of Francis J. Connors of, in and to the following described property:

All the following described real estate situated in the City of Easton, County of Northampton, and Commonwealth of Pennsylvania. Having erected thereon a dwelling being known and numbered as 1154 Washington St., Easton, PA 18042. Deed Book Volume 1995-1, Page 116858, and UPI Number L9SE1D-25-4.

Chase Home Finance, LLC s/b/m/t Chase Manhattan Mortgage Corporation f/k/a Chemical Residential Mortgage Corporation v. Francis J. Connors, at Execution No. C0048CV2005001725 in the amount of \$66,550.39.

Schedule of Distribution will be filed by the Sheriff on the date specified by the Sheriff no later than thirty (30) days from sale date. Distributions will be made in accordance with the schedule unless

exceptions are filed within ten (10) days of the filing of the Schedule.
KRISTINE M. ANTHOU, ESQUIRE
GRENEN & BIRSIC, P.C.
One Gateway Center
9 West
Pittsburgh, PA 15222
(412) 281-7650

Jan. 26

NOTICE

NOTICE IS HEREBY GIVEN that the Township of Allen has filed a Petition with the Orphans' Court Division of the Court of Common Pleas, Northampton County, Pennsylvania requesting that Allen Township be permitted to sell the parcel known as "Seemsville Park," Parcel ID # K4-22-3-05-1E and use the proceeds of the sale to carry out the original public purpose. Any resident of the Township shall have the rights set forth in the Pennsylvania Statutes at Title 53 P.S. Section 3385. A Hearing will be held in the Court of Common Pleas, Northampton County Government Center, 669 Washington Street, Easton, PA 18042 on February 10, 2006 at 9:00 A.M. in Courtroom 1.

B. LINCOLN TREADWELL, JR.,
ESQUIRE
Attorney for Allen Township
732 Washington Street
Easton, PA 18042

Jan. 26; Feb. 2, 9

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

IN RE: Estate of Patrick N. Villone
NO. 2002-0498

NOTICE OF PRESENTATION OF PETITION FOR FORFEITURE OF INTEREST OF CARYN GORDON IN ESTATE OF PATRICK N. VILLONE, DECEASED

NOTICE IS HEREBY GIVEN to Caryn Gordon and others that on

January 19, 2006, the Petition of Ryan Villone, Administrator, for Forfeiture of Interest of Caryn Gordon in Decedent's Estate was filed in the above-noted Court. The Petition seeks to have the Court declare that Caryn Gordon has forfeited her right to inherit from the Estate of Patrick N. Villone, deceased, pursuant to 20 Pa. C.S.A. Section 2106.

The Court has fixed February 17, 2006 at 9:00 a.m. in Courtroom No. 1 of the Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania 18042 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 in the said Petition should not be granted.

HAROLD J.J. DeWALT, JR.,
ESQUIRE
Pa. Atty. I.D. No. 41326
Attorney for Petitioner
8 North Main Street
Nazareth, PA 18064
(610) 759-7600

Jan. 26; Feb. 2, 9

PARALEGAL

Growing Warren County, N.J., law firm seeks full-time experienced paralegal who is skilled in New Jersey real estate and civil litigation matters. Must have minimum of three years' experience. Paralegal certificate required, bachelor's degree a plus. Send resume with salary history to

info@florioperrucci.com.

Jan. 26; Feb. 2, 9

LEGAL SECRETARY with 40 years experience seeking employment—full-time, part-time or per diem. Current employer retiring as of 1/31/06. Call (o) (610) 838-7013, (h) (610) 258-8741 or (c) (610) 554-7209.

Jan. 19, 26; Feb. 2

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on February 10, 2006 at ten o'clock a.m. in the COUNCIL CHAMBERS, FOURTH FLOOR, of the Northampton County Government Center, within the City of Easton, County of Northampton and State of Pennsylvania, to wit:

PLEASE TAKE NOTICE that the sale price will include only the delinquent taxes certified to the Sheriff's Office. Any current taxes are the responsibility of the purchaser.

**No. 1
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2004-002433**

ALL THAT CERTAIN message or tenement and lot or piece of ground situate in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, known as 24 West Garrison Street, according to the present city numbering, bounded and described as follows, to wit:

BEGINNING at a point in the Northern line of West Garrison Street, said point being forty feet East of where the Northern line of West Garrison Street intersects with Eastern line of Radley Street; thence extending Eastwardly along the Northern line of West Garrison Street a distance of twenty (20) feet to a point, said point being in the extended middle of a party or partition wall separating properties known as 22 and 24 West Garrison Street; thence extending Northwardly between parallel lines of that said width of twenty (20) feet at right angles to West Garrison Street a

distance of one hundred two (102) feet, the Eastern line passing through said party or partition wall.

BOUNDED North by property now or late of Peter Kleckner and Valentine Boyerlip, East by property of George W. Heller, South by West Garrison Street, West by property now or late of William Luckenbach.

TITLE TO SAID PREMISES IS VESTED IN Lonnie Kohler and Mary Kohler, husband and wife by Deed from West Garrison Associates, a PA General Partnership dated 3/22/1996 and recorded 4/22/1996, in Record Book Volume 1996-1, Page 036351.

Premises being: 24 WEST GARRISON STREET, BETHLEHEM, PA 18017.

Tax Parcel No. P6NE1A-20-15.

THEREON BEING ERECTED a two story one-half of a double brick and aluminum sided dwelling with slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Lonnie Kohler and Mary Kohler.

DANIEL G. SCHMIEG, ESQUIRE

**No. 2
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-002497**

ALL THAT CERTAIN parcel of land situate in the City of Easton, County of Northampton and State of Pennsylvania and being more particularly bounded and described as follows, to wit:

BEGINNING at a point which is the intersection of the Western right-of-way line of North Third Street and the Northern right-of-way line of Church Street; thence 1) Westerly along the Northern right-of-way line of said Church Street, south 89

degrees 47 minutes 49 seconds West, 97.00 feet to a point and corner of remaining lands now or late of the Redevelopment Authority intended to be dedicated to the City of Easton for Street purposes; thence 2) Northerly along the line of said remaining lands now or late of the Redevelopment Authority intended to be dedicated to the City of Easton for Street purposes, North 00 Degrees 00 Minutes 00 Seconds East, 10.00 feet to a point and corner of the aforementioned remaining lands now or late of the Redevelopment Authority; thence 3) Westerly along the same, South 89 degrees 47 minutes 49 seconds East, 144.64 feet to a point in the Eastern right-of-way line of North Bank Street; thence 4) Northerly along the Eastern right-of-way line of said North Bank Street, North 00 Degrees 00 Minutes 00 Seconds East, 23.58 feet to a point; thence 5) Easterly, North 89 Degrees 52 Minutes 22 Seconds East, 241.64 feet to a point in the Western right-of-way line of the aforementioned North Third Street; thence 6) Southerly along the Western right-of-way line of said North Third Street, South 00 Degrees 00 Minutes 00 Seconds East, 33.26 feet to a point, the place of BEGINNING.

CONTAINING 6629.29 square feet/0.1522 acres of land.

Northampton County Tax Parcel number: L9SE2A-6-2.

BEING KNOWN AS 20 North Third Street, Easton, Pennsylvania.

THEREON BEING ERECTED a three story commercial/residential brick building with flat roof.

SEIZED AND TAKEN into execution of the writ as the property of Andris Danielsons and Joanne S. Moranville.

DAWN M. SCHMIDT, ESQUIRE

No. 3

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-002515**

ALL THAT CERTAIN lot of ground, with the western one-half of a double brick dwelling erected thereon, known as 470 West Berwick Street, situate in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

CONTAINING in front or breadth on the south side of said Berwick Street 19 1/2 feet, more or less, and extending of that width in length or depth southwardly, between parallel lines (the eastern boundary of which passes through the middle of the partition wall of the said double brick dwelling) 140 feet to the north building line of Wireback Street.

BOUNDED on the North by said Berwick Street, on the East by property of Ralph S. Ritter, known as 468 Berwick Street, on the South by said Wireback Street, and on the West by property of Angelo A. Testa and wife, known as 472 Berwick Street.

Northampton County Tax Parcel number: L9SE4C-27-8.

SEIZED AND TAKEN into execution of the writ as the property of Jann Elizabeth Marsteller.

DAWN M. SCHMIDT, ESQUIRE

No. 4

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2004-003987**

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

BEGINNING at a point on the East side of North Center Street twenty-five (25) feet North from the northeast corner of North Center and Frankford Streets; thence northwardly along the East side of North Center Street twenty (20) feet and extending of that width eastwardly between parallel lines one hundred ten (110) feet.

BOUNDED on the West by North Center Street, on the South by land now or late of John George, on the East by a ten (10) feet wide private alley and on the North by land now or late of Estella Frey.

BEING known and designated as No. 1024 Center Street, Bethlehem, Pennsylvania according to the present system of City numbering.

Northampton County Tax parcel number: N6SE4C-10-4.

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

SEIZED AND TAKEN into execution of the writ as the property of Joseph M. Ballek.

DAWN M. SCHMIDT, ESQUIRE

No. 6

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-006094**

ALL THAT CERTAIN tract of land situate in Section No. 1, Old Forge Estate, Borough of Bath, Northampton County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the westerly property line of Old Forge Estates (45.00 feet wide), said point also marks the northeasterly corner of Lot No. 29; thence (1) along Lot No. 29, South 68 degrees 07 minutes 00 seconds West 114.81 feet to a point; thence (2) along land

of Anne T. Pollitt, North 4.66, feet to an iron pipe; thence (3) along the same, North 2 degrees 30 minutes 00 seconds West 14.50 feet to a point; thence (4) along Lot No. 31, North 68 degrees 07 minutes 00 seconds East 108.26 feet to a point; thence (5) along the said westerly property line of Old Forge Drive, South 21 degrees 53 minutes 00 seconds East 18.00 feet to the point or place of beginning.

CONTAINING 2,008 square feet.

BEING ALL AS SHOWN on a plan of Section No. 1, Old Forge Estates, Plan #P-1213, dated April 1972, and last revised on August 18, 1972, as prepared by Fogarasi & Moyer, Inc., Consulting Civil Engineers, Allentown, PA., and said plan is recorded in the Recorder of Deeds Office of Northampton County in Plan Book Volume 30, page 26.

BEING Northampton County Tax Parcel # K6NW4B Block 4 Lot 14.

ALSO BEING THE SAME PREMISES which Madeline L. Kromer and David E. Kromer, husband and wife, did by deed dated 3/4/83 and recorded 3/11/83 at Deed Book Volume 647, page 373, in Northampton County Recorder of Deeds Office, granted and conveyed unto Frank E. Jany and Michele L. Jany, husband and wife, in fee.

Being Parcel # K6NW4B-4-14-0503.

TITLE TO SAID PREMISES IS VESTED IN Jane E. Hunsicker, unmarried, by Deed from Frank E. Jany and Michele L. Jany, husband and wife, dated 10-30-96, recorded 10-31-96 in Deed Book 1996-1, page 115158.

BEING KNOWN AS 222 Old Forge Drive, Bath, Pennsylvania.

THEREON BEING ERECTED a two story townhouse w/one-car ga-

rage, brick and aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Jane E. Hunsicker.

DANIEL G. SCHMIEG, ESQUIRE

No. 7
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-006033

ALL THAT CERTAIN messuage, tenement and lot or piece of ground situate in the City of Bethlehem, in the County of Northampton and State of Pennsylvania, located on the West side of Atlantic Street (formerly Oak Street), and containing in front or breadth on said street 20 feet and extending Westward of that breadth, between parallel lines at right angles with said Atlantic Street, a distance of 237 feet 8 inches on the North line thereof and 220 feet, more or less, on the South line, said line passing through the middle of a party wall to Buchanan Street (formerly known as Popular Street).

BOUNDED as follows: One the North by property No. 628, according to the present system of City numbering (formerly No. 620), Atlantic Street and on the rear by No. 629 Buchanan Street; on the East by Atlantic Street; on the South by property No. 632, according to the present system of City numbering (formerly No. 624) Atlantic Street, and No. 635 Buchanan Street; on the West by Buchanan Street.

SAME BEING KNOWN AS No. 630, according to the present system of City numbering (formerly N. 622), Atlantic Street and on the rear as No. 631 Buchanan Street, Bethlehem, PA.

KNOWN as Northampton County Tax Parcel: P6SE2D-10-6.

BEING the same premises which RUSSELL H. BROWNE, EXECUTOR OF THE ESTATE OF MARGARET M. ROSEMAN A/K/A MARGARET ROSEMAN, DECEASED, by Indenture bearing date MARCH 28, 2002 and recorded APRIL 17, 2002 in the Office of the Recorder of Deeds, in and for the County of NORTHAMPTON in VOLUME 2002-1 page 98604 etc., granted and conveyed unto GEORGE MISKO and JOHN M. O'MAHOONEY, in fee.

TITLE TO SAID PREMISES IS VESTED IN Karen T. Facenda, by Deed from George Misko and John M. O'Mahoney, also known as, John O'Mahoney, dated 9-17-04 recorded 10-12-04 in Deed Book 2004-1, page 394666.

BEING KNOWN AS 630 Atlantic Street, Bethlehem, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Karen T. Facenda.

DANIEL G. SCHMIEG, ESQUIRE

No. 8
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-002586

PARCEL #1

ALL THOSE TWO certain lots or pieces of land situate lying and being in the City of Bethlehem, County of Northampton and State of Pennsylvania, designated as Lots Nos. 38 and 39 according to a certain map of Brinker Terrace located in Northampton Heights, formerly Lower Saucon Township duly entered of record January, 1914. The said lots being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the southerly line of Sixth Street at a distance of eighty feet east from the easterly line of Brinker Avenue, THENCE extending eastwardly along said southerly line of Sixth Street a distance of forty (40) feet to a point, and of that same width of forty feet extending southwardly between parallel lines a distance of one hundred (100) feet to a northern line of a certain fifteen foot wide alley.

BOUNDED on the north by Sixth Street, on the east by Lot 40 according to said plan, on the south by the fifteen foot wide alley aforementioned and on the west by Lot 37 according to the plan aforesaid.

PARCEL #2

ALL THAT CERTAIN lot or piece of ground situate in the former Borough of Northampton Heights, now the City Bethlehem, Northampton County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at the southwest corner of Sixth Street and Lot No. 41, THENCE extending along the south side of said Sixth Street, westwardly twenty (20) feet and of that same width between parallel lines, extending southwardly one hundred feet (100) to a fifteen (15) feet wide alley; being lot commonly designated as Lot No. 40, on Sixth Street, according to map of Brinker Terrace, laid out by Frank H. Ville, C.E., January, 1914.

BOUNDED on the north by Sixth Street, east by Lot No. 41, south by a fifteen feet wide alley, and west by Lot No. 30, all according to said map of Brinker Terrace.

TITLE TO SAID PREMISES IS VESTED IN Roberto Acevedo and Haydee Acevedo, husband and wife, and Obdulia Ortiz by Deed from

Thomas Bonilla and Maria Bonilla, husband and wife, and Hector Harraza, dated 12-15-95, recorded 12-26-95 in Deed Book 1995-1. Page 123390.

Premises being: 1512 EAST SIXTH STREET, BETHLEHEM, PA 18015.

Tax Parcel No. P7SW1A-19-2.

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

SEIZED AND TAKEN into execution of the writ as the property of Roberto Acevedo a/k/a Roberto A. Acevedo a/k/a Roberto Acevedo, Sr. and Haydee Acevedo and Obdulia Ortiz.

DANIEL G. SCHMIEG, ESQUIRE

No. 9

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-005649**

ALL THAT CERTAIN message or tenement and tract or piece of ground situate on the south side of Fir Street in the Borough of Hellertown, Northampton County, Pennsylvania, known as No. 21 1/2 Hess Avenue, Hellertown, Pa., bounded and described as follows:

BEGINNING at a point where the south line of Fir Street intersects the western line of Herbert Alley or Street, THENCE extending westwardly along the south line of said Fir Street a distance of twenty and sixty-nine hundredths (20.69) feet to a point; THENCE extending in a southerly direction a distance of forty-five and sixty-six hundredths (45.66) feet, more or less, to a point; THENCE extending eastwardly along lands now or late of Katheryn Cordas a distance of twenty and fifty-five hundredths (20.55) feet, more or less, to a point in the west side of Herbert Alley or Street;

THENCE extending northwardly along the west side of Herbert Alley or Street a distance of forty-five and sixty-six hundredths (45.66) feet, more or less, to a point the place of beginning.

BOUNDED on the north by Fir Street, on the east by Herbert Alley or Street, on the south by lands now or late of Katheryn Cordas, and on the west by lands now or late of Stephen Basko.

Vesting Information:

Vested by: Special Warranty Deed dated 9/27/86, given by K & R Associates to Maxine A. Kovacs recorded 9/29/86 in Book: Vol. 710 Page 326.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: Q7NW2D-7-20.

BEING KNOWN AS 21 1/2 Hess Avenue, Hellertown, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of the estate of Maxine A. Kovacs, Terry W. Stanlein, executor and devisee of the estate of Maxine A. Kovacs.

DANIEL G. SCHMIEG, ESQUIRE

No. 11

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-007548**

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

BEGINNING at a stake in the intersection of the West building line of Vernon Street (formerly Willow Street) and the South building line of Ninth Street, thence in the South building line of Ninth Street North

eighty-six degrees twenty minutes (86° 20') West a distance of one hundred and twelve and thirty-nine one-hundredths (112.39) feet to a point in the East Building line of Wynadotte Street, thence in the East Building line of Wyandotte Street South twenty-nine degrees eight minutes (29° 8') West a distance of fifteen and fifty-six one-hundredths (15.56) feet to a point, said building line being parallel and distant four (4) feet at right angles from the East curb line of Wyandotte Street, thence along property now or late of Mary E. Kauffman (Widow), South sixty-one degrees twenty minutes (61° 20') East and passing through the middle of the center partition wall of a double brick house being Nos. 901 and 903 Wyandotte Street, a distance of one hundred and thirty-one and thirty-nine one-hundredths (131.39) feet to a stake in the West building line of Vernon Street (formerly Willow Street), thence in the West building line of Vernon Street (formerly Willow Street) North three degrees forty minutes (3° 40') East a distance of sixty-nine, and fifty-eight one-hundredths (69.58) feet to the place of Beginning.

ALSO known as Northampton County Parcel Identifier Map: P6SW3B Block: 21 Lot: 13.

TITLE TO SAID PREMISES IS VESTED IN Sasha Wise by reason of the following:

BEING the same premises which Anna Fistner Murphy, a/k/a Anna L. Murphy, widow, by Thomas P. Murphy, Attorney-in-fact by Deed dated 6/4/1999 and recorded 10/14/1999 in the county of Northampton in Record Book Volume 1999-1 Page 155309 conveyed unto Joseph F. Bayda and Sasha Wise,

as joint tenants with right of survivorship.

AND THE SAID Joseph F. Bayda departed this life on the 24th day of March A.D., 2001 whereby title to subject premises became vested in Sasha Wise by right of survivorship.

Premises being: 901 WYANDOTTE STREET, BETHLEHEM, PA 18015.

Tax Parcel No. P6SW3B-21-13.

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

SEIZED AND TAKEN into execution of the writ as the property of Sasha Wise.

DANIEL G. SCHMIEG, ESQUIRE

No. 13
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-005710

ALL THAT CERTAIN message, tenement and lot or piece of land situated on the South side of the public road running Northwest from the Bushkill Bridge at the North end of Third (late Pomfret) Street and known as College Avenue, in said City of Easton, County of Northampton and State of Pennsylvania, and bounded and described as follows:

BOUNDED on the North by the said public road; on the East by a lot of land late the property of Henry Keller, now deceased; and on the South by land belonging to Harold Hallman and Helen Hallman, his wife, and on the West by land belonging to Harry Schleicher and Naomi Schleicher, his wife. Containing in front on said public road by a line commencing at a stone and running Northeast sixty-six and one-half (66 1/2) degrees thirty-two (32) feet to a stone; thence Southeast one-half (1/2) degree seventy-four (74)

feet to a post; thence Southwest eighty-nine and one-half (89 1/2) degrees thirty (30) feet to a post; thence Northwest one-half (1/2) degree sixty (60) feet to the place of beginning.

IT BEING THE SAME PREMISES which Dennis R. Kelly a/k/a Dennis R. Kelly, Jr. and Sheila J. Kelly, husband and wife, by their Deed dated the 11th day of September 1998, and recorded in the Office for the Recording of Deeds in and for the County of Northampton at Easton, Pennsylvania, in Deed Book Volume 1998-1, Page 125001, did grant and convey unto Dennis R. Kelly a/k/a Dennis R. Kelly, Jr. and Sheila J. Kelly, husband and wife.

PARCEL No. L9NE3B-8-26.

BEING KNOWN AS 160 College Avenue, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Dennis R. Kelley a/k/a Dennis R. Kelly, Jr. and Sheila J. Kelly.

JOSEPH REJENT, ESQUIRE

No. 14
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-005798

ALL THAT CERTAIN message, tenement and tract or piece of land situated in the Township of East Allen, County of Northampton and State of Pennsylvania, bounded and described, as follows, to wit:

BEGINNING at a bolt at the edge of Pa. State Highway #329 (incorrectly shown as #239 in prior deed), formerly #145; thence in and along said highway South 88 degrees, 52 minutes East one hundred forty-two and eight hundredths (142.08) feet

to a point along said highway; THENCE in and along a private driveway, hereinafter more fully described; South 1 degree 26 minutes East seventy-five and twenty-seven hundredths (75.27) feet to a point; THENCE along land of now or late Stephen Trinkle, North 86 degrees 15 minutes West one hundred forty-nine (149.00) feet to a stone at the westerly edge of a private driveway; Thence in and along the same, North 3 degrees 45 minutes East sixty-eight and twenty-five hundredths (68.25) feet to the place of beginning.

ALSO BEING KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: MAP L5, BLOCK 6, LOT 28. TAX PARCEL #: L5-6-2B.

BEING KNOWN AS 4966/4968 Nor Bath Boulevard, Northampton, Pennsylvania.

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

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

JOSEPH A. GOLDBECK, JR.,
ESQUIRE

No. 15
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-006565

ALL THAT CERTAIN tract or parcel of land situate in the Township of Bushkill, County of Northampton and State of Pennsylvania, known and designated as Lot No. 10-2, Phase V, of subdivision of land of Englewood Development Corporation as recorded in the office of the Recorder of Deeds in and for Northampton County at Easton, Pennsyl-

vania, in Map Book Volume 89, Page 223 (erroneously recited as Map Book Volume 87, Page 94, in prior deed) and being bounded and described as follows, to wit:

BEGINNING at a point marking the southeast corner of Lot No. 4 of the Colonies-Phase Five; thence along a curve with a radius of sixty (60) feet, traveling to the left on a chord bearing and distance of South fifty-eight (58) degrees fifty-three (53) minutes fifty-three (53) seconds East seventy-six and fifty-three one-hundredths (76.53) feet to a point; thence along No. Lot 10-1 of the Colonies-Phase Five South eight (8) degrees thirty-one (31) minutes fourteen (14) seconds East fifty (50) feet to a point; thence along same South nine (9) degrees twenty (20) minutes fifteen (15) seconds West four hundred fifteen and ninety-one one-hundredths (415.91) feet to a point; thence along Lot No. 5 of the Colonies-Phase Three North eighty-three (83) degrees twenty-three (23) minutes fifty-eight (58) seconds West two hundred sixty (260) feet to a point; thence along Lot No. 2 of the Colonies-Phase Four North forty-one (41) degrees twenty-seven (27) minutes fifty-three (53) seconds West three hundred seventy-two and ninety-four one-hundredths (372.94) feet to a found iron pipe; thence along land now or late of Frank Castone North thirteen (13) degrees forty-eight (48) minutes forty-seven (47) seconds East two hundred thirteen and seventy-one one-hundredths (213.71) feet to a point; thence along the aforementioned Lot No. 4 of the Colonies—Phase Five South eighty-seven (87) degrees forty-five (45) minutes fifty-five (55) seconds East four hundred forty-nine and nine one-hundredths

(449.09) feet to the place of beginning.

CONTAINING five and one thousand two hundred ninety-four thousandths (5.1294) acres.

UNDER AND SUBJECT, nevertheless, to a twenty (20) foot wide drainage easement as depicted on Drawing No. E-233, bearing latest revision date of September 2, 1987, as prepared by East Penn Engineering Co., Inc.

UNDER AND SUBJECT, nevertheless, to other easements and restrictions of record.

IT BEING THE SAME PREMISES which Robin S. Vandever and Claude S. Vandever, her husband, by their Indenture bearing date the third day of December, A.D. 1990, for the consideration therein mentioned, granted and conveyed unto the said Michael L. Pacifico and Trina J. Pacifico, and to their heirs and assigns, forever; as in and by the said in part recited Indenture recorded in the Office for the Recording of Deeds in and for Northampton County, at Easton, Pennsylvania, in Deed Book Volume 817, Page 555, etc., relation being thereunto had, more fully and at large appears.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: MAP: G7, BLOCK: 5, LOT: 37A.

Being known as 371 Farmhouse Lane, Wind Gap, PA 18091.

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

SEIZED AND TAKEN into execution of the writ as the property of Michael L. Pacifico and Trina J. Pacifico.

ALFRED S. PIERCE, ESQUIRE

No. 16

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2005-004874

ALL THAT CERTAIN lot or piece of land, with the frame dwelling house thereon erected, known as 110 North Warren Street, situate in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the easterly building line of Warren Street, said point being 60 feet north of the intersection of Warren and Liberty Streets; THENCE extending in front along the east side of Warren Street northwardly 20 feet, more or less, to property now or late of Mrs. Mary Eleanor Croll; THENCE extending eastwardly and preserving the same width 106 feet 6 inches, more or less, to a ten foot wide private alley.

BOUNDED on the north by property now or late of Mrs. Mary Eleanor Croll; on the east by said ten feet wide private alley; on the south by property now or late of William H. Meixell; and on the west by Warren Street.

Vesting Information:

Vested by: Warranty Deed dated 11/17/97, given by Ronald A. Schmidt to Ronald A. Schmidt and Doreen K. Schmidt, his wife as Tenants by the Entireties recorded 11/25/97 in Book: 1997-1 Page 131461.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: L9SE1A-11-19.

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

SEIZED AND TAKEN into execution of the writ as the property of

Ronald A. Schmidt and Doreen K. Schmidt a/k/a Doreen K. Haschak.
DANIEL G. SCHMIEG, ESQUIRE

No. 17
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-005857

ALL THAT CERTAIN tract of land situated in a subdivision of land known as Lot 216, Wynnewoode Estates, located in the Borough of Northampton, County of Northampton and Commonwealth of Pennsylvania, as recorded in Map Book 87, Page 384 on December 22, 1987, in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin located on the Southerly legal right-of-way of Coventry Court, said point on the common houndary line of Lot 215 of the same subdivision and the lands herein described; thence South 86 degrees 30 minutes 21 seconds East for a distance of 100.00 feet along the Southerly right-of-way of Coventry Court to an iron pin; thence South 03 degrees 29 minutes 39 seconds West for a distance of 120.00 feet along Lot 217 of the same subdivision to an iron pin; thence North 86 degrees 30 minutes 21 seconds West for a distance of 100.00 feet along Lots 213 and 212 of the same subdivision to an iron pin; thence North 03 degrees 29 minutes 39 seconds East for a distance of 120.00 feet along Lot 215 of the same subdivision to the point of beginning.

SAID properly contains .275 acres (12,000 S. F.) more or less.

TITLE TO SAID PREMISES IS VESTED IN Mitchell R. Huston, individually, by reason of the following:

BEING THE SAME premises which Mitchell R. Huston and Barbara D.L. Huston f/k/a Barbara D.L. Schaff, his wife, by Deed dated 2/24/1992 and recorded 2/28/1992 in the County of Northampton in Deed Book 855 Page 641 conveyed unto Mitchell R. Huston and Barbara D.L. Huston, his wife.

AND THE SAID Mitchell R. Huston and Barbara D.L. Huston were divorced from the bonds of matrimony in Docket #1995-C-3136 on 12/1/1998.

AND ALSO BEING THE SAME premises which Mitchell R. Huston and Barbara D.L. Huston, his wife, by Deed dated 2/22/1999 and recorded 2/26/1999 in the County of Northampton in Volume 1999-1 Page 26501 conveyed unto Mitchell R. Huston, individually.

Premises being: 578 COVENTRY COURT, NORTHAMPTON, PA 18067.

Tax Parcel No. L4-17-53-0522.

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

SEIZED AND TAKEN into execution of the writ as the property of Mitchell R. Huston.

DANIEL G. SCHMIEG, ESQUIRE

No. 18
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-003458

All that certain messuage or tenement and tract or piece of land situate in the Township of Bushkill, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

Beginning at a point in the centerline of Rose Inn Avenue (T. R. No. 518), said point marking the southeast corner of land now or for-

merly of Kenneth Shiffert, thence along said land now or formerly of Kenneth Shiffert north twelve (12) degrees fifty-seven (57) minutes five (5) seconds east, two hundred sixty-four and sixty-six one hundredths (264.66') feet to a point; thence along the same north seventy-eight (78) degrees twenty-seven (27) minutes fifty-nine (59) seconds west, one hundred (100) feet to a point; thence along land now or formerly of Albert Abel North twelve (12) degrees fifty-seven (57) minutes five (5) seconds east, five hundred forty and twenty-three one-hundredths (540.23') feet to a point, thence along land now or formerly of Luther Ritter South seventy-six (76) degrees fifty-nine (59) minutes fifty (50) seconds east, two hundred thirty-nine and six-tenths (239.6') feet to a point, thence along same southeasterly sixty-one and five one-hundredths (61.05) feet to a point, thence along Hillside Farm Acres south sixteen (16) degrees fifty (50) minutes forty-four (44) seconds east, two hundred fifty-eight and sixteen one hundredths (258.16') feet to a point, thence along land now or formerly of Donald Taff south seventeen (17) degrees nine (9) minutes west, five hundred eighty-nine and ninety-five one-hundredths (589.95') feet to a point, thence through the aforementioned Rose Inn Avenue North seventy-eight (78) degrees twenty-seven (27) minutes fifty-nine (59) seconds West, two hundred seventy-four and fifty one-hundredths (274.50') feet to the place of beginning.

Containing six and fifty-one one-hundredths (6.51) acres of land more or less.

TAX PARCEL #: H7-16-4.

BEING KNOWN AS 650A Rose Inn Avenue, Nazareth, Pennsylvania.

THEREON BEING ERECTED a cape style dwelling with aluminum siding exterior and slate roof; detached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Jeremy Wenner and Frank A. Wenner, Jr.

JOSEPH A. GOLDBECK, JR.,
ESQUIRE

No. 19

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-003994**

ALL THAT CERTAIN lot, mes-
suage, tenement, tract and piece of
land situate in the Borough of Wind
Gap, County of Northampton and
State of Pennsylvania bounded and
described according to a survey
prepared in August 1972 by Gor-
don E. Wilson, registered land sur-
veyor, as follows, to wit:

BEGINNING at a point at the in-
tersection point of the west curb line
of Broadway and the south curb line
of proposed Sixth (6th) Street;
THENCE along the south curb line
of proposed Sixth (6th) Street North
70 degrees 45 minutes West 278.85
feet to an iron pin on the east curb
line of Water Street (extended);
THENCE along the east curb line of
Water Street extended South 21
degrees 15 minutes West 88.48 feet
to an iron pin; THENCE along land
now of Henry A. Segatti South 76
degrees 50 minutes East 280.19
feet to a point on the west curb line
of Broadway; THENCE along the
west curb line of Broadway North
22 degrees 29 minutes East 58.80
feet to the place of beginning.

PARCEL NO. (A) F8NW1A-3-1.

PARCEL NO. (B) F8NW1A-3-11.

BEING KNOWN AS 302 South
Broadway, Wind Gap, Pennsylvania.
THEREON BEING ERECTED A two

story single dwelling with asbestos tile exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Eric J. Koke and Rose M. Koke.

JOSEPH A. GOLDBECK, JR.,
ESQUIRE

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

SEIZED AND TAKEN into execution of the writ as the property of Mark K. Wetherhold.

TERRENCE J. McCABE, ESQUIRE

No. 20

**BY VIRTUE OF A CERTAIN WRIT OF EXECUTION
CV-2005-006051**

All that certain message and tenement, tract, piece or parcel of land situate in the Borough of Bangor, in the County of Northampton, and State of Pennsylvania, bounded and described as follows, to wit:

Beginning at a corner of land now or late of Vernon H. Mauger; thence along the East side of North First Street, South fourteen (14) degrees East forty-seven (47) feet to a corner; thence along land of S.A. Teal, North seventy-four (74) degrees fifty-four (54) minutes East one hundred thirty (130) feet to a corner; thence in a northerly direction along Martins Creek, twenty-one (21) degrees fifteen (15) minutes West forty-six (46) and twenty-five one-hundreds (46.25) feet, more or less, to a corner; thence along land of the aforesaid Vernon H. Mauger, South seventy-six (76) degrees West eighty-five (85) feet to a corner; thence South fourteen (14) degrees East one (1) foot to a point; thence South seventy-six (76) degrees West forty (40) feet to the place of Beginning.

CONTAINING SAID DESCRIBED PREMISES ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: MAP E9NE2A, BLOCK 8, LOT 3.

Parcel ID: E9NE2A-8-3-0102.

Being known as: 33-35 North First Street, Bangor, PA 18013.

No. 24

**BY VIRTUE OF A CERTAIN WRIT OF EXECUTION
CV-2005-005312**

ALL THAT CERTAIN lot, parcel, tract of land lying and being situate in the Township of Washington, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a concrete monument set along the existing 33' right-of-way of Lower South Main Street (S.R. 1015); THENCE

1. Along the aforementioned right-of-way North 07° 45' 00" East 160.00, to a pk nail set in the existing driveway; THENCE

2. Along lands now or formerly of Eugene Zalenka and wife, South 82° 15' 00" East 127.50' to a pk nail set in the existing driveway, said point also falling in the center of a 15' wide unopened alley which was abandoned in a conveyance agreement recorded in Northampton County Miscellaneous Book Volume 131 at Page 81; THENCE

3. Along lands now or formerly of Gladys V. Seiple and Robert C. Seiple South 7° 45' 00" West 160.00', to a concrete monument set in line of lands of Douglas R. Gephardt and Sandra L. Gephardt; THENCE

4. Along lands of Gephardt North 82° 15' 00" West 127.50' to the point of beginning.

CONTAINING 20,400 square feet or .4682 acres.

The above described lot being Lot I being as shown on the lot line adjustment plan entitled "Final Plan Lot Line Adjustment Plan of Lands of Robert C. Seiple, et al" as prepared by East Penn Engineering Co., Ltd., Bangor, Pennsylvania (Drawing No. E-1540, dated July 6, 1998, most recently revised July 22, 1998) and recorded in the Recorder of Deeds Office in and for Northampton County in Plan Book Volume 1998-5 at Page 314.

SUBJECT to a 15' right-of-way along lands now or formerly of Zalenka granted to Gladys V. Seiple and Robert C. Seiple, as recorded in Northampton County Deed Book Volume 1994-6 at Page 53484.

SUBJECT to peripheral drainage and utility easements as indicated on the abovementioned recorded subdivision plan.

SUBJECT to any and all easements, covenants and/or restrictions of record.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER NOS. E9-27-56 AND E9-27-54.

PARCEL E9-27-54 WAS DELETED AND COMBINED WITH E9-27-56.

BEING KNOWN AS: 935 LOWER SOUTH MAIN STREET (WASHINGTON TOWNSHIP), MOUNT BETHEL, PA 18013.

PROPERTY ID NO.: E9-27-56.

TITLE TO SAID PREMISES IS VESTED IN Arelene Ebel aka Arelene M. Ebel by Deed from Dean A. Constable and Krista M. Constable, husband and wife dated 6/30/04 recorded 7/27/04 in Deed Book 2004-1 Page 290141.

THEREON BEING ERECTED a ranch style dwelling w/attached one-car garage, aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Arlene Ebel a/k/a Arlene M. Ebel.
MARK J. UDREN, ESQUIRE

No. 25
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2002-007373

ALL THAT CERTAIN parcel of land situate in the City of Easton, Northampton County, Pennsylvania and being more particularly bounded and described as follows, to wit:

BEGINNING at a point, said point being in the southerly right of way line of West Nesquehoning Street and being the northeast corner of lot No. 3;

thence 1) easterly along the southerly right of way line of West Nesquehoning Street, north 78 degrees, 40 minutes, 26 seconds east 35 feet to a point and corner of lot number 5;

thence 2) southerly along lot number 5, south 11 degrees, 19 minutes, 34 seconds east 122.95 feet to a point in the northerly right of way line of Cooper Street;

thence 3) westerly along the northerly right of way line of Cooper Street, south 78 degrees, 33 minutes, 42 seconds west, 35.00 feet to a point and corner of lot number 3,

thence 4) northerly along lot number 3, north 11 degrees, 19 minutes, 34 seconds west, 123.02 feet to a point, the place of beginning.

Containing 4303.5 square feet of land.

Being all of lot number 4 as shown on Final Subdivision Plan, Shiloh Estates, recorded at the Northampton County Recorder of Deeds Office in Plan Book 1996-5, page 267.

BEING THE SAME PREMISES which Shiloh Baptist Church, a non-profit corporation, by Deed dated April 5th, 1997 and intended to be recorded herewith granted and conveyed unto John Curtis Freeman, his heirs and assigns, Mortgagor herein.

MBL: L9SE4C-4-1D.

BEING KNOWN AS 636 West Nesquehoning Street, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of John Curtis Freeman.

RICHARD M. BECK, ESQUIRE

No. 26

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2005-005883

ALL THAT CERTAIN lot of ground with the improvements thereon erected, situated on the south side of Ferry Street, 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 south of Ferry Street, twenty (20) feet east of Raspberry Street; THENCE extending eastwardly along the said south side of Ferry Street, twenty (20) feet to a point; said point being in middle partition wall of the double frame dwelling known as Nos. 1422-1424 Ferry Street. THENCE extending southwardly at right angles to ten (10) foot wide alley—THENCE westwardly along said alley twenty (20) feet to a point, THENCE northwardly one hundred sixteen (116) feet to a point, the place of beginning, and

now being known as No. 1424 Ferry St., Easton, PA.

TAX PARCEL #: L9SW2C-11-2.

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

SEIZED AND TAKEN into execution of the writ as the property of Kevin D. Kelhart and Courtney L. Kelhart.

JOSEPH A. GOLDBECK, JR.,
ESQUIRE

No. 27

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2005-005404

TRACT NO. 1

ALL THAT CERTAIN messuage, tenement, tract or piece of land at Oberly Terrace, in the City of Bethlehem, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point, the east corner of Philip and John Streets; thence extending along the northeast line of Philip Street southeastwardly a distance of forty (40) feet and of that same width between parallel lines at right angles to Philip Street, northeastwardly a distance of one hundred (100) feet to a fifteen (15) feet wide alley.

BOUNDED on the northeast by aforementioned fifteen (15) feet wide alley, on the southeast by Lot No. 276, on the southwest by Philip Street and on the northwest by John Street.

TRACT NO. 2

ALL THAT CERTAIN tract or piece of ground at Oberly Terrace in the City of Bethlehem, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the northeast line of Philip (formerly Seventh Street) distant forty (40) feet southeast of the exact east corner of Philip and John Streets; thence extending along the said northeast line of Philip Street southeastwardly a distance of twenty (20) feet and of that same width between parallel lines at right angles to Philip Street northeastwardly a distance of one hundred (100) feet to a fifteen (15) feet wide alley

BOUNDED on the northeast by aforementioned fifteen feet wide alley, on the southeast by Lot No. 277, on the southwest by Philip Street and on the northwest by Lot No. 275.

BEING KNOWN AS 607 John Street.

KNOWN AS Northampton County Tax Parcel # P7SW1A-20-9 and PIN #4763-10-3835-5805.

BEING KNOWN AS: 607 JOHN STREET, BETHLEHEM, PA 18015.

PROPERTY ID NO.: P7SW1A-20.9.

TITLE TO SAID PREMISES IS VESTED IN Joseph Hegedus, married, as sole owner by Deed from John C. Sweetz, married dated 5/24/05 recorded 6/1/04 in Deed Book 2004-1 Page 207552.

THEREON BEING ERECTED a three story single brick and aluminum sided dwelling with slate roof.

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

MARK J. UDREN, ESQUIRE

No. 28
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-003285

ALL THAT CERTAIN lot or piece of ground, together with the improvements thereon erected, known

as 1143 Pine Street, situate in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point distant 80 feet eastward from the East side of Twelfth Street; thence extending Eastward along the North side of Pine Street 20 feet and of the width in depth Northwardly between parallel lines 107 feet.

BOUNDED on the South by Pine Street, on the East by property now or late of Albert Hamman, on the North by property late of Eugene Careso, and on the West by property now or late of Rueben Siegfried.

ALSO known as Northampton County Parcel Identified; L9SEIA 21-9.

KNOWN for street numbering purposes as: 1143 Pine Street, Easton, Pennsylvania 18042.

Tax Parcel # L9 SE 1 A Block 21 Lot 9.

TITLE TO SAID PREMISES IS VESTED IN Scott C. Noone and Elaine M. Noone, husband and wife By Deed from Scott C. Noone, married and Shirley A. Daley, dated 2/16/1999 and recorded 2/23/1993 in Volume 1999-1, Page 24274.

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 Elaine M. Noone and Scott C. Noone.

DAVID B. COMROE, ESQUIRE

No. 29
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-006646

ALL THAT CERTAIN lot or parcel of land and the improvements thereon situate in the City of Easton, County of the Northampton, Com-

monwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the west side of North Warren Street, said point being North 6-15' East 83.20 feet from the northwest corner of Northampton and Warren Streets; thence through land of Jack Causa of which this was a part North 83-45' West 24.00 feet to a cross cut in the stone wall; thence along line of land now or late of W.M. Laurer North 6-15' East 57.50 feet to a point; thence along the south side of Church Street South 83-45' east 24 feet to a point; thence along the west side of Warren Street South 6-15' West 57.50 feet to the place of beginning.

Containing 1380 square feet of land.

Also known as Northampton County Uniform Parcel Identifier: MAP L9 SE 1A BLOCK 16 LOT 1A.

BEING the same premises which Milton R. Frutchet, Jr. AKA Milton Russell Frutchet by Deed dated February 1, 1995 and recorded in the Northampton County Recorder of Deeds Office on February 15, 1995 in Deed Book 1995-1 Page 013054 granted and conveyed unto Milton R. Frutchet Jr. AKA Milton Russell Frutchet and Deborah M. Frutchet.

Parcel # L9SE1 A-16-1A.

BEING KNOWN AS 17 North Warren Street, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Deborah M. Frutchet.

JOSEPH REJENT, ESQUIRE

No. 32

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2002-005726**

ALL THAT CERTAIN lot or piece of land situate on the South side of Lehigh Street, in the City of Easton, County of Northampton and Commonwealth of Pennsylvania and bounded and described as follows to wit:

BEGINNING at a point on the South side of said Lehigh Street forty-two (42) feet West of the Southwest corner of said Lehigh Street and Peach Street, thence along said South side of said Lehigh Street Westwardly twenty (20) feet to land now or late of John Illick, thence the lot extending Southwardly of that same width in depth one hundred (100) feet to a ten feet wide alley.

BOUNDED on the North by said Lehigh Street and the East by land now or late of Charles H. Frey and on the South by said ten feet wide alley and on the West by land now or late of John Illick.

TITLE TO SAID PREMISES IS VESTED IN Lisa L. Schafer, single by Deed from Loreen A. Meglic and Richard P. Meglic, her husband dated 6/29/2001 and recorded 7/5/2001 in Volume No. 2001/1, Page 127322.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: L9SW2C-23-8.

BEING KNOWN AS 1334 Lehigh Street, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Lisa L. Schafer.

DANIEL G. SCHMIEG, ESQUIRE

No. 33
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-005307

ALL THAT CERTAIN lot, tract or parcel of land situate on the western side of Drift Court, Bethlehem Township, Northampton County, Commonwealth of Pennsylvania, being known as Lot 2 as shown on a drawing entitled "Subdivision and Site Development Plan for Highfield Office Condominiums—Highfield Drive and Drift Court" prepared by Hunsinger & Associates, Bethlehem, Pennsylvania, and recorded in the office of the Recorder of Deeds in Easton, Pennsylvania, in Map or Plan Book Volume 1998-5, Page 147, bounded and described as follows, to wit:

BEGINNING at a point, said point being north 10 degrees 07 minutes 24 seconds east 195.29 feet from an iron pipe on the northern side of Highfield Drive marking the southeast corner of the Comfort Inn property and the southwest corner of the existing condominiums property, said point being the true point or place of beginning; thence north 10 degrees 07 minutes 24 seconds east 164.42 feet to an iron pipe; thence along land now or late of Pennsylvania D.O.T. on a curve to the left with a radius of 193.00 feet a distance of 123.65 feet to an iron pipe; thence along the same north 40 degrees 14 minutes 30 seconds east 100.00 feet to an iron pipe; thence South 58 degrees 16 minutes 41 seconds east 167.37 feet to an iron pipe on the western side of Drift Court; thence along the western side of Drift Court South 14 degrees 20 minutes 53 seconds west 172.88 feet to a point on the western side of Drift Court; thence north 79 de-

grees 51 minutes 47 seconds west 83.00 feet to a point; thence south 10 degrees 08 minutes 13 seconds west 37.05 feet to a point; thence north 79 degrees 51 minutes 47 seconds west 100.47 feet to a point; thence south 10 degrees 08 minutes 13 seconds west 60.50 feet to a point; thence 79 degrees 51 minutes 47 seconds west 100.57 feet to a point, said point being the true or place of beginning.

CONTAINING 1.4367 acres, ALSO BEING KNOWN as Northampton County Parcel Identifier: M7NW2-13-23.

BEING the same premises that were conveyed by Northampton County Industrial Development Authority to Manny S. Iyer and Nancy N. Iyer by Deed dated April 29, 1998 and recorded in Northampton County Deed Volume 1998-1 at page 065723.

Tax Map Number: M7NW2-13-23.

Premises: 201 Drift Court, formerly Lot 2 of Highfield Office Condominiums, Bethlehem Township, Northampton County, Pennsylvania.

THEREON BEING ERECTED commercial medical facilities.

SEIZED AND TAKEN into execution of the writ as the property of Manny S. Iyer, individually and Nancy N. Iyer, individually.

JILL M. SPOTT, ESQUIRE

No. 34
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-006896

PARCEL NUMBER 1:

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

BEGINNING at a point on the East side of 5th Street; thence in an Easterly direction through the center of the partition wall dividing the premises known as 227 North 5th Street and 225 North 5th Street a distance of 150 feet to a point; thence along the West side of Oak Alley, North 08 degrees East 30 feet to a point; thence along the South side of Lot 26, North 82 degrees West 150 feet to a point; thence along the East side of 5th Street South 08 degrees West 30 feet to the place of beginning.

CONTAINING the premises known as 227 North 5th Street.

TOGETHER with the easement in favor of the owners of premises No. 227 North 5th Street, their heirs and assigns forever to maintain replace and repair the domestic sewage lines that extend from the premises known as 227 North 5th Street through the premises known as 225 North 5th Street as said line presently exists. It is the understanding of the parties hereto that in the event that any repairs or replacements are required for said line said repairs or replacements will be at the equal cost to the owners of both premises.

PARCEL NUMBER 2:

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

BOUNDED on the North by land of Raymond and Angeline Teveri, on the East by an alley on the South by land of Anthony and Louis Merino and on the West by North 5th Street.

CONTAINING in front on North 5th Street, 30 feet and extending in depth of that same width 150 feet.

PARCEL Number D9SE4C-17-4A and D9SE4C-17-5.

Being known as: 227 North 5th Street, Bangor, PA 18013.

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

SEIZED AND TAKEN into execution of the writ as the property of James C. Head, II and Linda Burger a/k/a Linda A. Burger.

TERRENCE J. McCABE,
ESQUIRE

**No. 35
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2002-000186**

ALL THAT CERTAIN lot or piece of land with the improvements thereon erected, lying and being in the Borough of West Easton (formerly Township of Palmer), County of Northampton and State of Pennsylvania, known and designated on a certain map entitled "Shimer & Howell", survey made 1912 by A.D. Chidsey, City Engineer of Easton, Pennsylvania, and filed in the Office for the Recording of Deed etc., in and for County of Northampton, in List of Maps, Volume 4, Page 30, etc., as the Southern one-half of Lot No. 3 hereinafter more particularly bounded and described as follows, to wit:

BEGINNING at a point on the Western line of North Centre Street, fifty (50) feet more or less distant from the Northwest corner of Centre and Tenth Streets; thence extending Southwardly in frontage along the Western line of North Centre Street, a distance of sixteen (16) feet, more or less, to the division line between aforesaid Lots Nos. 3 and 4 as shown on said map; thence extending Westwardly one hundred and seventy-five one-hundredths (1110.75) feet to the division line

between aforesaid Lot and Lot No. 6; thence extending Northwardly sixteen (16) feet, more or less, to a point in other land of the Grantor; thence extending Eastwardly one hundred and one (101) feet, more or less, to a point, the place of Beginning. The Northern line is the line in the center of the middle partition wall between dwellings Nos. 1004-1006 Centre Street, West Easton, Pennsylvania, and being known as Number 1004 Centre Street, West Easton, Pennsylvania.

BOUNDED on the North by other land of the Grantors, on the west by land now or late of Walter E. Seibel, on the South by land now or late of Julia Carhart, and on the East by North Centre Street.

SUBJECT, nevertheless, to the free and uninterrupted use, liberty and privilege of a certain cesspool located upon the Southwest portion of a certain lot designated as 1004 Centre Street, West Easton, as more fully set forth in Easement duly recorded in Misc. Book 101, page 36.

TITLE TO SAID PREMISES IS VESTED IN Nicholas Zaragoza by Deed from Verna V. DeRohn, widow, by Margaret V. Hutnick, her attorney-in-fact dated 4/29/1999 and recorded 4/30/1999 in Record Book Volume 1999/1, Page 061760.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: L9SW3D-12-6.

BEING KNOWN AS 1004 North Center Street, West Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Nicholas Zaragoza a/k/a Nicolas Zaragoza.

DANIEL G. SCHMIEG, ESQUIRE

No. 37

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-008865**

ALL THAT CERTAIN lot or piece of land together with the brick dwelling thereon erected and known as No. 818 Spruce Street in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the Southerly building line of Spruce Street, at a distance of twenty-nine (29') feet in a Westerly direction by the said building line from the Northwesterly corner of Lot now or late of Carena Grifo; thence extending in a Westerly direction by the Southern building line of Spruce Street, a distance of fourteen and five tenths (14.5') feet and extending of the said width in a Southerly direction between parallel lines to a depth ninety-one and five hundredths (91.05') feet.

BOUNDED on the East and West by land now or late of Mark B. Youer, on the South by lot now or late of Justice C. Cornelius, Mazzie Bledler and Jessie Lerch and on the North by Spruce Street. The Easterly line of the above described lot passes thru the partition wall of the brick dwelling houses known as No. 816 and No. 818 Spruce Street, and the Westerly line of the said lot passes thru the partition walls of brick dwelling known as No. 818 and No. 820 Spruce Street. The alley or under passage between No. 818 and No. 820 Spruce Street shall always remain open for the join use of the owners and occupiers, their heirs and assigns of the said houses and the cost of maintenance of the same shall be equally shared by the said owner, their heirs and assigns.

THAT part of the sewer connection used jointly by the owners or occupiers, their heirs and assigns, of No. 818 and No. 820 Spruce Street shall remain as and easement on the said premises and any expense for repairs or replacement of the same be shared equally by the respective owners of the said premises. Also the water service connection passing under the alley between these premises shall remain as easements of both premises.

TITLE TO SAID PREMISES IS VESTED IN Nicole L. Means by Deed from Alexander J. Karam, Jr. dated 11/27/2002 and recorded 12/2/2002 in Volume 2002-1, Page 338928.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: L9SEIC-7-4.

BEING KNOWN AS 818 Spruce Street, Easton, Pennsylvania.

THEREON BEING ERECTED a two story stucco row dwelling with slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Nicole L. Means.

DANIEL G. SCHMIEG, ESQUIRE

No. 38
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2004-007703

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

BEGINNING at a corner in Pennsylvania Avenue (formerly Good Street) and line of Alvin H. Vroom (formerly of Philip Datesman); thence by said land, South 67 degrees West, 110 feet to corner in line of land of the Portland School District (formerly of W.S. Hazen); thence by said land, North 23 de-

grees West to a corner in Division Street; thence along said street North 67 degrees East, 110 feet to a corner in the aforesaid Pennsylvania Avenue; thence along said Avenue, South 15 degrees East, 55 feet TO THE PLACE OF BEGINNING, containing 6,050 square feet of land more or less.

Being the same property transferred by B. Herbert Golden unto Kevin A. Fabiano by deed dated June 19, 2002 as recorded in Record Book Volume 2002-1, at page 174294 in the Office for the Recorder of Deeds in and for Northampton County in Easton, Pennsylvania.

Improvements erected on the premises include a three-story wood frame residential dwelling.

TAX PARCEL I.D. NUMBER: C11NE2B-5-1.

BEING KNOWN AS 407 Pennsylvania Avenue, Portland, Pennsylvania.

SEIZED AND TAKEN into execution of the writ as the property of Kevin A. Fabiano.

TERENCE L. FAUL, ESQUIRE

No. 39
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-004039

ALL THAT CERTAIN tract of land situated in the Township of Forks, County of Northampton, Commonwealth of Pennsylvania, being Lot 12, as shown on plan of "Country-side Estates" dated May 14, 1999, recorded in the Office for the Recording of Deeds in and for Northampton County as Easton, Pa., in Plan Book 1999-5, Page 166 and 167, described as follows:

BEGINNING at a point in the Easterly right-of-way line of Destiny Lane, said point marking the North-

ernmost corner of Lot Number 13 of the subdivision of Countryside Estates; thence along the Easterly right-of-way line of said Destiny Lane, running parallel to and 25.00 feet East of the centerline thereof, North 37 degrees 51 minutes 27 seconds East 86.00 feet to a point; thence along the same on a curve to the left, having a radius of 175.00 feet, a central angle of 2 degrees 58 minutes 43 seconds, a length of 9.10 feet, and a chord bearing and distance of North 36 degrees 22 minutes 06 seconds East 9.10 feet to a point; thence along Lot Number 11 South 71 degrees 43 minutes 21 seconds East (non-radial) 108.46 feet to a point; thence along said Lot Number 11 South 18 degrees 16 minutes 39 seconds West 139.51 feet to a point in line of Lot Number 15; thence along the aforementioned Lot Number 13 North 52 degrees 08 minutes 33 seconds West 148.70 feet to the place of beginning.

CONTAINING 14,625 square feet.

TITLE TO SAID PREMISES IS VESTED IN Norman G. Johnson and Tracy L. Johnson, his wife, by Deed from Red Rock Land Corporation, a Pennsylvania Corporation dated 6/4/2001 and recorded 6/22/2001 in Volume 2001-1, page 117112.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: K9-12A-5.

BEING KNOWN AS 2805 Destiny Lane, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Norman G. Johnson a/k/a Norman

E. Johnson a/k/a Norman George Johnson and Tracy L. Johnson.

DANIEL G. SCHMIEG, ESQUIRE

No. 40

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-001636**

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

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

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

TITLE TO SAID PREMISES IS VESTED IN Robert Ramos, single, by Deed from Enedino Melendez, dated 12/16/94, recorded 12/20/94 in Deed Book 1994-6, Page 108489.

PROPERTY ID NO.: P6NE3C.5-1.

BEING KNOWN AS 1140 RAILROAD STREET, BETHLEHEM, PA 18015.

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

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

MARK J. UDREN, ESQUIRE

No. 41
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2004-005796

ALL THAT CERTAIN lot or parcel of ground situate in the Township of Bethlehem, Northampton County, Pennsylvania, and being designated as Lot No. 2 according to the Map or Plan entitled "Plan of Eastwood Estates" prepared by L.M. Fraivillig Co., Engineers, dated May 13, 1968, and recorded in Plan Book 24, page 27, Northampton County Records, more particularly bounded and described as follows:

BEGINNING at a point in the intersection of the southerly property line of Wilson Avenue and the easterly property line of Lindberg Road, thence along the easterly property line of Lindberg Road on a course 2 degrees 30 minutes West, a distance of 350 feet to a point, the true place of beginning, thence the four (4) following courses and distances: (1) North 87 degrees 30 minutes East a distance of 132.5 feet to a point; (2) South 2 degrees 30 minutes East a distance of 80 feet to a point; (3) South 87 degrees 30 minutes West a distance of 132.5 feet to a point; (4) North 2 degrees 30 minutes West a distance of 80 feet to the point the place of Beginning.

BEING KNOWN AS 1434 LINDBERG ROAD, BETHLEHEM, PENNSYLVANIA.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: MAP: N7SW2 BLOCK: 11 LOT: 7-14.

BEING KNOWN AS: 1434 LINDBERG STREET A/K/A 1434

LINDBERG ROAD, BETHLEHEM, PA 18020.

PROPERTY ID NO.: N7SW2-11-7-14.

TITLE TO SAID PREMISES IS VESTED IN Jose Manuel Cruz and Tina Mundy-Cruz, h/w by Deed from Gerald J. Ganssle dated 9/22/00 recorded 9/27/00 in Deed Book 2000-1 Page 126500.

THEREON BEING ERECTED a bi-level dwelling w/one-car garage, brick and aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Jose Manuel Cruz a/k/a Jose M. Cruz and Tina Mundy-Cruz a/k/a Tina M. Cruz a/k/a Tina M. Mundy-Cruz.

MARK J. UDREN, ESQUIRE

No. 42
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2003-006962

ALL THOSE CERTAIN lots or pieces of ground situate in the Borough of Freemansburg, Northampton County, Pennsylvania, known and designated as the Western eight (8) feet of Lot 386, and all of Lots 387, 388, 389 and 390, at the Northeast corner of Roosevelt and Karoly Streets, as shown on Map entitled "Clearfield Terrace Building Lots, Plan Showing Extension by Charles A. and Harry O. Jones, July 17, 1915, L.J.H. Grossart, C.E." (which Map is recorded in Map Book 6 page 21), said premises having a frontage of 88 feet on the Northern side of Karoly Street and extending in depth, at right angles to Karoly Street, a distance of 120 feet.

HAVING erected thereon a dwelling known as 407 Roosevelt Street, Freemansburg, PA 18017.

Parcel No. N7SW46-5-1C.

BEING the same premises which Kenneth R. Grube and Mabel L. Grube by their Deed dated 06/17/2002 and recorded on 06/17/2002 in the Northampton County, Pennsylvania, in the Office of the Recorder of Deeds in Deed Book Volume 2002, page 1 157416, granted and conveyed unto Ransome H. Sanders and Gloria J. Sanders, his wife.

THEREON BEING ERECTED a split-level dwelling with brick and aluminum siding exterior and shingle roof; attached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Ransome H. Sanders and Gloria J. Sanders.

LOUIS P. VITTI, 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

Jan. 19, 26; Feb. 2

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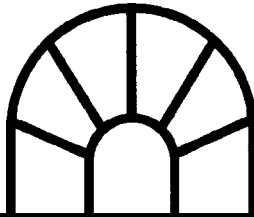
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**FIELDSTONE ASSOCIATES, L.P., Plaintiff v.
MANDY PARTNERS, Defendant**

Motion for Judgment on the Pleadings—Contract for Land—Mutual Mistake.

Seller contends that there is a mutual mistake concerning a critical aspect of the sale agreement that renders the contract void. Specifically, Seller argues that the parties erroneously believed that the issue of the rezoning of the subject property was a preliminary determination to be made prior to the submission of the preliminary land development plans. The parties did not believe that the Board of Supervisors would require preliminary land development plans to be submitted at the time of the filing of petition for rezoning.

The pleadings specifically admit that the parties were mistaken about the procedure that the Township required. Under the agreement that the parties anticipated, and acted upon that anticipation, that the Township would act on rezoning before requiring the preliminary plans, rather than requiring detailed development plans be submitted with the petition for rezoning. The Court, therefore, concluded that, at the time the agreement was signed, the parties made a factual error concerning the requirements of the zoning ordinance in the Township. As the agreement does not allocate the burden of the risk of this mistake, and all of the other requirements for mutual mistake have been met, the Court grants the Defendant's Motion for Judgment on the Pleadings.

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV2004-2883.

Order of Court granting Judgment on the Pleadings.

GEORGE HEITCZMAN, ESQUIRE, for Plaintiff.

RONALD SHAFFER, ESQUIRE, for Defendant.

Order of Court entered March 18, 2005 by MORAN, J.

ORDER

AND NOW, this 18th day of March 2005, Motion for Judgment on the Pleadings filed by Mandy Partners is GRANTED.

STATEMENT OF REASONS

Presently before the Court is the Motion for Judgment on the Pleadings filed by Mandy Partners. In the motion, it argues that, because of a mutual mistake, the land sale contract ("the agreement") between the parties should be declared void.

Standard of Law

"A motion for judgment on the pleadings should be granted only where the pleadings demonstrate that no genuine issue of fact exists, and the moving party is entitled to judgment as a matter of law." Pa. R.C.P. 1034; *Kelly v. Nationwide Insurance Company*, 414 Pa. Super. 6, 9, 606

A.2d 470, 471 (1992). “Neither party can be deemed to have admitted either conclusions of law nor unjustified inferences.” *Id.* at 10, 606 A.2d at 471. “[T]o determine the propriety of awarding judgment on the pleadings, we must accept as true all well-pleaded statements of fact of the party against whom the motion is granted and consider against him only those facts that he specifically admits.” *Jones v. Travelers Insurance Company*, 356 Pa. Super. 213, 217, 514 A.2d 576, 578 (1986). “[I]n conducting its inquiry, [a] court should confine itself to the pleadings themselves and any documents or exhibits properly attached to them.” *Kelly*, supra at 10, 606 A.2d at 471. It may not consider inadmissible evidence in determining a motion for judgment on the pleadings. 6 Pennsylvania Standard Practice 2d §31:19 at 172. Only when the moving party’s case is clear and free from doubt such that a trial would prove fruitless should a court grant the motion. *Kelly*, supra at 10, 606 A.2d at 472. Local rule 1034A requires the moving party to state specifically the grounds relied upon for its motion. North. County Local Rule N1034.

Statement of Fact

It is undisputed that Mandy Partners (“Seller”) and Fieldstone Associates (“Buyer”) signed an Agreement of Sale and Purchase. Def’t. Mot. for Judgment on the Pleadings at Ex. A. In Article III of the agreement, under the heading “CLOSING; CONDITIONS PRECEDENT TO CLOSING” the agreement provides terms and conditions covering such issues as the place of closing, condition of title, and the Buyer’s right of inspection. Article III also contains provisions concerning the rezoning of the property. *Id.* at Ex. A, ¶3.4. It states: “Seller shall within forty-five (45) days ... of [Buyer’s inspection] ... submit to Palmer Township a petition requesting the rezoning of the Property to HR at Seller’s Expense.” *Id.* at Ex. A, ¶3.4(a). In turn, the Buyer agreed “to assist Seller in Seller’s effort to rezone the Property by attending all meetings ... , preparing schematic and illustrative plans for the Property, and testifying at public meetings” *Id.* at Ex. A, ¶3.4(b).

As directed by ¶3.4(a) of the agreement, the Seller petitioned Palmer Township to rezone the property from the Planned Industrial/Commercial to the High Density Residential District. Mot. for Judgment on the Pleadings at ¶6. The Palmer Township Board of Supervisors advised the Seller that it would not consider approving the rezoning of the property unless Seller submitted with its petition a full set of preliminary land development plans rather than “Sketch Plans.” Complaint at ¶8. In addition, the Board of Supervisors also required Seller to deposit \$10,000 into escrow to defray the costs associated with the Township’s review of the proposal. *Id.* See also, Def’t. New Matter and Counterclaim at Ex. A. According to an estimate obtained by the Buyer, the cost to the Seller of procuring preliminary

land development plans would be \$150,000. Def't.'s Reply to New Matter at ¶94 and Ex. A. This amount is not disputed in the pleadings.

Paragraph 3.5(a) of the agreement states that “[w]ithin ninety days of the rezoning of the Property, Buyer shall submit preliminary land development plans for a rental community” Pursuant to this contract language, Buyers have not prepared preliminary land development plans because the Township has not yet rezoned the property and because, they argue, pursuant to ¶3.4(a), Seller is obligated to pay the expense of preparing such plans. Because the Township would not rezone the property until it received land development plans, and because the Seller argues it is not obligated to pay the cost associated with preparing the land development plans under ¶3.5(a) of the agreement, the real estate transaction has not been consummated.

Discussion

Under Pennsylvania law, a contract is voidable for mutual mistake when both parties are mistaken as to an existing fact at the time of the execution of the contract, if the mistake relates to the basis of the bargain and materially affects the parties’ performance, provided, however, that the party seeking to void the contract did not bear the risk of the mistake. *Loyal Christian Benefit Association v. Bender*, 342 Pa. Super. 614, 618, 493 A.2d 760, 762 (1985); *see also*, Restatement (Second) of Contracts §152. The modern view of the law does not make a distinction between mistake of facts and mistakes of law. *See e.g.*, Restatement (Second) of Contracts §151 cmt. b; Williston on Contracts §70:125. Pennsylvania follows the modern trend and does not draw a distinction between a mutual mistake of law and fact. *See Davis v. Government Employees Insurance Company*, 775 A.2d 871 (Pa. Super. 2001).¹

Seller contends that there is a mutual mistake concerning a critical aspect of the sale agreement that renders the contract void. Specifically, Seller argues that the parties erroneously believed that the issue of the rezoning of the subject property was a preliminary determination to be made prior to the submission of the preliminary land development plans. The parties did not believe that the Board of Supervisors would require preliminary land development plans to be submitted at the time of the filing of petition for rezoning. In support of this argument, Seller refers to Palmer Township’s Zoning Ordinance 190-218. *See* Def’t.’s Ans. New Matter and Counterclaim at Ex. C. The Ordinance on its face does not contain a requirement that land development plans be submitted with the petition. Fur-

¹ Pennsylvania law does, however, disfavor using a unilateral mistake of law as a basis for granting equitable remedies. *Wilson Area School District v. Skepton*, 860 A.2d 625 (Pa. Commw. 2004) (unjust enrichment); *Acme Markets, Inc. v. Valley View Shopping Center, Inc.*, 342 Pa. Super. 567, 493 A.2d 736 (1985) (action in assumpsit).

ther, the agreement itself treats the rezoning issue as a separate but related subject from the land development plans.

The sequence of events contemplated in the agreement for the rezoning petition to be filed and the production of the preliminary land development plans argues in favor of determining that the parties expected these events would be sequential determinations which, while related, were an independent decision to be made by the Board of Supervisors. The agreement provides that the Seller must petition for rezoning within forty-five days after Buyer's inspection. However, it is not until ninety days *after the rezoning* that Buyer is obliged to submit the preliminary plans. If the parties knew or expected rezoning to be conditioned on submission of the plans, then logically, the sequence of these two events would have coincided.

Given that at the petition for rezoning and submission of preliminary land development land plans are treated separately in the agreement, the Buyer's argument that Seller is obliged to pay all costs associated with procuring the preliminary land development plans as part of its obligation to seek rezoning is undercut. Buyer's argument is that it expected the Seller to pay all costs associated with rezoning as stated in ¶3.4(a) of the agreement and that part of the process of rezoning requires submitting preliminary land development plans. This expectation is inconsistent with the structure of the agreement, and not supported by the Palmer Township's zoning ordinance, which does not link the petition and land development plans. While the pleadings do specifically admit that the parties were mistaken about the procedure that Palmer Township required, it is an inescapable conclusion from the face of the agreement that the parties anticipated, and acted upon that anticipation, that Palmer Township would act on rezoning before requiring the preliminary plans, rather than requiring detailed development plans be submitted with the petition for rezoning.² The Court, therefore, concludes that, at the time the agreement was signed, the parties made a factual error concerning the requirements of the zoning ordinance in Palmer Township.

In support of its argument that there has not been a material alteration of the contract, Buyer cites *Loyal Christian Benefit Assn. v. Bender*, supra. That case involved an assignment of a leasehold interest in commercial property for \$1.3 million with an option to purchase the property for \$1.2 million at the termination of the lease. A dispute arose concerning the warranty provision of the assignment concerning exemptions from property taxes that created an unexpected tax liability of \$30,000 over three years. When the assignor was ordered to pay the tax liability, it attempted to void the contract by arguing mutual mistake. The Superior Court held

² Buyer does, however, admit that rezoning was a condition precedent to its submission of preliminary land development plans. Pl.'s Reply to New Matter at ¶56.

that the tax exemption was not a basis of the bargain between the parties and that, because of the amount of money involved, a \$30,000 loss in expected profits from the assignment was not a material alteration. The rationale of that decision does not alter this Court's determination.

When the Township required the Seller to submit preliminary land development plans as part of the rezoning petition, it materially altered the parties' contractual obligations. It shifted the burden of preparing the preliminary land development plans to the Seller in order for it to be able to comply with the contractual provision that it would petition the Township for rezoning. This is not an insubstantial burden on the Seller. According to Buyer's own estimates, complying with this procedure would cost the Seller \$150,000. A swing in expected profits from the sale of land of \$150,000 plus an additional \$10,000 to be placed in escrow is a material alteration of the contract and undercuts the original basis of the bargain, even though the purchase price for the land is \$3.2 million. The transaction in *Bender* involved an unexpected payment of \$30,000 over three years after the transaction was consummated, and not a six-figure lump sum due immediately before the transaction can be consummated, as is the situation in the present case. The disparity in the amount and the timing of when such payments must be made are distinguishing features from *Bender*.

We further note that in *Bender*, the Superior Court held that the assignor was in a position to have superior knowledge to determine the tax exemption of the property. In this case, the parties had equal access to the Board of Supervisors and the zoning procedures. They equally bore the risk that the procedures outlined in the agreement would be acceptable to the Board of Supervisors, and no party has suggested that the Board exceeded its authority to require the land development plans with the petition.

As the agreement does not allocate the burden of the risk of this mistake, and all of the other requirements for mutual mistake have been met, the Court grants the Defendant's Motion for Judgment on the Pleadings. We recognize, as indicated in Fieldstone's brief, that granting a motion for judgment on the pleadings on the basis of a mutual mistake is a rarity. The agreement itself, the structure and sequencing of events in the agreement, the actions of the Township, and the cost required to produce land development plans are all undisputed in the pleadings, making this one of the rare cases where judgment on the pleadings is appropriate and required.

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