

# Northampton County Reporter

(USPS 395-280)

VOL. LIV

EASTON, PA March 16, 2006

NO. 63

**Thao T. Snyder, Plaintiff v. Richard-Lynn Corporation, Jacob D. Snyder,  
Richard J. Snyder and Lynn A. Williams, Defendants**

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**INSERT:** Yellow: 1. "Workers' Compensation for the General Practitioner?"  
2. 36th Annual Reception for the Court  
3. 2006 Calendar of Events  
Green: 22nd Annual Joint Dinner Meeting

### **NOTICE TO THE BAR ...**

Due March 31, 2006

Second installment of Bar Association Dues

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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:** “Worker’s Compensation for the General Practitioner?” Registration form enclosed.
- **36<sup>TH</sup> Annual Reception for the Court:** March 31, 2006. Registration form enclosed.
- **22<sup>ND</sup> Annual Joint Dinner Meeting:** April 20, 2006. Registration form enclosed.
- **NCBA** Calendar of Events and Committee Meeting schedule
- **VACANCY NOTICE:** U.S. Bankruptcy Judgeship, Middle District of PA (see pg. 34)
- **ADMINISTRATIVE ORDER:** 2006-3 Child Custody Conference Procedure (see pg. 33)

**ADMISSION TO U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT AND U.S. DISTRICT COURT FOR EASTERN DISTRICT, PA**—For anyone interested in obtaining admission to the U.S. Court of Appeals for the Third Circuit and/or the U.S. District Court for Eastern District, PA, Judge Franklin S. Van Antwerpen (3d.Cir.) has indicated that he would be willing to perform the swearing-in ceremony locally if there are enough interested attorneys. It would probably occur sometime in the spring.

The admission costs/fees are \$190 for the Third Circuit and \$175 for the E.D. PA. Additional information is available from each court’s website and administrator’s office.

If you would like to participate, please notify the Northampton County Bar Association office at 610-258-6333 or by email to [marybeth@norcobar.org](mailto:marybeth@norcobar.org) no later than MARCH 15, 2006. When responding, indicate which court (or both) you are interested in.

**Northampton County Outstanding Seniors Awards 2006**—The Advisory Council of the Northampton County Area Agency on Aging is requesting nominations of individuals who are contributing their time and talents for the benefit of others in our community through outreach, personal action, inspiration, public service, sports/educational efforts and civic humanitarian efforts. The requirement is that the nominee be a Northampton County resident aged 60 or over. If you would like to nominate an NCBA member, please call the NCBA Office for more information.

Real Fact: Strawberries are the only fruits whose seeds grow on the outside.

**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****ANDREWS, LOIS L. a/k/a LOIS ANDREWS, dec'd.**

Late of the Borough of Bethlehem, Northampton County, PA

Executrix: Shelley Andrews c/o Lawrence G. Paladin, Jr., Esquire, Paladin Law Offices, 10700 Frankstown Road, Suite 305, Pittsburgh, PA 15235-3049

Attorneys: Lawrence G. Paladin, Jr., Esquire, Paladin Law Offices, 10700 Frankstown Road, Suite 305, Pittsburgh, PA 15235-3049

**BARR, ELIZABETH A., dec'd.**

Late of the Borough of Wilson, Northampton County, PA  
Executrix: Ms. Tara Mathias, 2221 Front Street, Easton, PA 18042

Attorney: Charles H. Spaziani, Esquire, 205 South Seventh Street, Easton, PA 18042

**BURGER, DOROTHY E., dec'd.**

Late of Bangor Borough, Northampton County, PA  
Executors: Cynthia A. Gleason and Craig J. Burger c/o David

R. Gordon, Esquire, 1883 Jory Road, Pen Argyl, PA 18072  
Attorney: David R. Gordon, Esquire, 1883 Jory Road, Pen Argyl, PA 18072

**CONOVER, ELIZABETH B., dec'd.**

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Constance Kirchof, 8 Bordenshire Road, Brodowntown, NJ 08505

Attorneys: James J. Holzinger, Esquire, Boyer, Holzinger, Harak & Scmillio, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

**FUTCHKO, NANCYANNE P., dec'd.**

Late of the Borough of Wind Gap, Northampton County, PA

Executor: Russell J. Futchko c/o Alfred S. Pierce, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

Attorneys: Alfred S. Pierce, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

**GRIFO, EMILY, dec'd.**

Late of the City of Easton, Northampton County, PA

Executrix: Lucy B. Grifo 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

**KOSTELNIK, EDWARD M.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA  
 Administratrix C.T.A.: Patricia D. Correll, 2115 Gruver Avenue, Easton, PA 18045  
 Attorneys: William P. Coffin, Esquire, Coffin, Durnin & Associates, 100 North Fourth Street, Easton, PA 18042

**OLIVER, IVA S.**, dec'd.

Late of the Borough of Bangor, Northampton County, PA  
 Executrix: Clarissa A. McEwen 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

**PETRUCELLI, JOSEPHINE**, dec'd.

Late of the Borough of Bath, Northampton County, PA  
 Executrices: Mary Tanczos, 1097 Deemer Road, Bath, PA 18014 and Rosaleen Fehnel, 475 Georgetown Road, Nazareth, PA 18064

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

**PUGLIETTI, LOUIS R.**, dec'd.

Late of Bethlehem, Northampton County, PA  
 Executrix: Hilda Miller, 3897 Brooklyn Avenue, Seaford, NY 11783

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

**RUBENSTEIN, JOSEPH E.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Erica Karp c/o Joel M. Scheer, Esquire, Fishbone & Scheer, 940 West Lafayette Street, Easton, PA 18042

Attorneys: Joel M. Scheer, Esquire, Fishbone & Scheer, 940 West Lafayette Street, Easton, PA 18042

**RUPP, BESSIE**, dec'd.

Late of the Borough of Wilson, Northampton County, PA  
 Executrices: Ms. Betty Ann Goodman, 1011 George Street, 1F, Easton, PA 18040 and Ms. Louise H. Feflie, 317 Berks Street, Easton, PA 18045

**SECOND PUBLICATION****AHN, GIZELLA K.**, dec'd.

Late of the Township of Allen, Northampton County, PA

Executrix: Judith G. Korpics, 2152 Seigfried Avenue, Northampton, PA 18067

Attorney: John L. Obrecht, Esquire, 1731 Main Street, Northampton, PA 18067-1544

**BENNETCH, ALICE B. a/k/a**

**ALICE E. BENNETCH**, dec'd.  
 Late of Bethlehem, Northampton County, PA

Executrix: Joanna B. Maurer, 2255 New Street, Orefield, PA 18069

Attorneys: Richard J. Schaedler, Esquire, Majczan-Schaedler-Kelleher, 901 West Lehigh Street, Suite 200, Bethlehem, PA 18018

**CRESSMAN, THOMAS L.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Administratrix: Debra E. Cressman c/o Kevin Frank Danyi, Esquire, Danyi Law Offices, P.C., 133 East Broad Street, Bethlehem, PA 18018

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

**GOWER, LARRY G.**, dec'd.

Late of the Township of Washington, Northampton County, PA

Executrix: Beverly Reimer, 1199 Candlewood Drive, Pen Argyl, PA 18072

Attorneys: Anthony J. Martino, Esquire, Zito, Martino and Karasek, 641 Market Street, Bangor, PA 18013

**JULSTEDT, ERIC C.**, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Administratrix: Jennifer L. Julstedt c/o Rebecca A. Craggs, Esquire, 11 North 8th Street, Stroudsburg, PA 18360

Attorney: Rebecca A. Craggs, Esquire, 11 North 8th Street, Stroudsburg, PA 18360

**LIBERTO, LEWIS J.**, dec'd.

Late of the Borough of Bath, Northampton County, PA

Administratrix: Kathryn Liberto c/o Beth A. Dobis Beers, Esquire, 315 E. Main Street, Bath, PA 18014

Attorney: Beth A. Dobis Beers, Esquire, 315 E. Main Street, Bath, PA 18014

**MARTIN, CHARLES T., SR.**,

dec'd.

Late of Lower Saucon Township, Northampton County, PA

Co-Executors: Charles T. Martin, Jr. and Shirley A. Martin 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

**MINEO, MARIANNE I. a/k/a MARIANNE I. EMBARDINO**, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Richard J. Mineo c/o Gregory R. Reed, Esquire, Attorney-at-Law, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299

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

**MUSICK, PAULINE**, dec'd.

Late of the Borough of Northampton, Northampton County, PA

Executor: John Strasser c/o Frank M. Skrapits, Esquire, Affiliated with Steckel and Stopp, 2152 Main Street, Northampton, PA 18067-1211

Attorneys: Frank M. Skrapits, Esquire, Affiliated with Steckel and Stopp, 2152 Main Street, Northampton, PA 18067-1211

**PETERS, PERMA T.**, dec'd.

Late of Bath, Northampton County, PA

Executrix: Jane P. Hammel, 124 Ashley Road, Newtown Square, PA 19073

Attorneys: Robert W. Brown, Esquire, Brown, Brown, Solt & Ferretti, 1425 Hamilton Street, Allentown, PA 18102

**POSAVEK, ROSEMARY a/k/a ROSEMARY P. POSAVEK**, dec'd.

Late of Bethlehem Township, Northampton County, PA

Executor: William J. Posavek, Sr. 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

**SAVAGE, JOHN E., JR.,** dec'd.

Late of the City of Easton, Northampton County, PA  
 Executrix: Jackie Ann Savage 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

**SHAFER, ALENE a/k/a M. ALENE SHAFER,** dec'd.

Late of the Township of Allen, Northampton County, PA  
 Executor: John J. Shafer, 5711 Trails Edge Court, Arlington, TX 76017

Attorney: John L. Obrecht, Esquire, 1731 Main Street, Northampton, PA 18067-1544

**TRITTENBACH, WAYNE L.,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executrix: Linda L. Weaver 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

**YOCHUM, MARY A.,** dec'd.

Late of Bethlehem, Northampton County, PA

Executor: George H. Yochum 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, Vasiliadis and Florenz, 74 W. Broad Street, Suite 170, Bethlehem, PA 18018-5738

**THIRD PUBLICATION****CHAY, JOHN E.,** dec'd.

Late of Northampton, Northampton County, PA

Executor: John Edward Chay, 55 Bridle Path Rd., Bethlehem, PA 18017

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

**DeFULVIO, JOSEPH a/k/a JOSEPH DeFULVIO, JR.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Cheryl Ann Conard and Douglas DeFulvio c/o Frank J. Danyi, Jr., Esquire, Maloney, Danyi, Sletvold & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18016-1279

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

**DOMANSKI, AUDREY E. a/k/a AUDREY DOMANSKI,** dec'd.

Late of Bethlehem Township formerly of Bath, Northampton County, PA

Executrix: Janice M. Braun, 893 Gate St., Phillipsburg, NJ 08865

**FEIST, LAURA H. a/k/a LAURA FEIST,** dec'd.

Late of Bethlehem, Northampton County, PA

Administratrix CTA: Tammy Melchoir c/o Eric R. Strauss, Esquire, Worth. Magee & Fisher, P.C., 515 Linden Street, 3rd Floor, Allentown, PA 18101

Attorneys: Eric R. Strauss, Esquire, Worth. Magee & Fisher, P.C., 515 Linden Street, 3rd Floor, Allentown, PA 18101

**JONAS, FLORIAN**, dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Florian M. Jonas c/o John W. Rybak, Esquire, 408 Adams Street, Bethlehem, PA 18105

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

**KOVACS, MARGARET S.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Louise Wisser 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

**KUBIK, MARY**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Eugene M. Kubik, 1113 Elm Street, Bethlehem, PA 18018

Attorney: Paul J. Harak, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

**LILLY, ALLEN S.**, dec'd.

Late of Upper Nazareth Township, Northampton County, PA

Executrix: Barbara A. Bok, 411 Bank Street, Nazareth, PA 18064

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

**PECSI, IRENE**, dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Co-Executors: Frank Peci and Frances Bush 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

**PEFFER, RONALD W.**, dec'd.

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

Executrix: Tracy A. Peffer c/o Frank J. Danyi, Jr., Esquire, Maloney, Danyi, Sletvold & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18016-1279

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

**PRITCHARD, VELMA S. a/k/a VELMA E. PRITCHARD**, dec'd.

Late of Washington Township, Northampton County, PA

Co-Executors: Jean A. D'Imperio, 452 Messinger Street, Bangor, PA 18013 and Judith L. Strouse, 339 Washington Blvd., Bangor, PA 18013

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



**PYATT, DOROTHY M.**, dec'd.  
 Late of the Township of Palmer, Northampton County, PA  
 Co-Executrices: Jean D. Pyatt, Carol A. Peake and Joan M. Gadwell c/o Daniel E. Cohen, Attorney, Laub, Seidel, Cohen, Hof & Reid, L.L.C., 8 Centre Square, Easton, PA 18042  
 Attorneys: Daniel E. Cohen, Attorney, Laub, Seidel, Cohen, Hof & Reid, L.L.C., 8 Centre Square, Easton, PA 18042

**RAMUNNI, ANTHONY**, dec'd.  
 Late of the Township of Palmer, Northampton County, PA  
 Co-Administrators: Anthony Ramunni, Jr., 50 Mariska Lane, Easton, PA 18045 and Michele P. Hashem, 450 Biery's Bridge Road, Bethlehem, PA 18017

**JEFFASS, JEFFREY**, dec'd.  
 Late of Easton, Northampton County, PA  
 Executrix: Jean A. Hyrowich a/k/a Jean A. Serfass, 668 Youngs Hill Rd., Easton, PA 18040  
 Attorneys: Gary M. Miller, Esquire, Miller & Davison, 210 E. Broad Street, Bethlehem, PA 18018

**VANDERGRIFT, PRESTON F., III**, dec'd.  
 Late of East Allen Township, Northampton County, PA  
 Executrix: Michelle L. Bollinger, 249 Nazareth Pike, Bethlehem, PA 18020

**VERBA, STEPHANIE M.**, dec'd.  
 Late of the Borough of Hellertown, Northampton County, PA  
 Co-Executors: Karen L. Shirk, Lorraine F. Martin and William S. Verba 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

**ZIEGENFUS, RAYMOND L., SR. a/k/a RAYMOND L. ZIEGENFUS**, dec'd.  
 Late of the Borough of Walnutport, Northampton County, PA  
 Executor: Raymond L. Ziegenfus, III, P.O. Box 3, Walnutport, PA 18088

**NOTICES OF INCORPORATION**

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

The name of the corporation is: **EXPERGO SYSTEMS, INC.**

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

BERNARD M. LESAVOY,  
 ESQUIRE  
 BLANK ROME LLP

1620 Pond Road  
 Suite 200  
 Allentown, PA 18104-2255

Mar. 16

**MTLM, INC.**

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

Mar. 16

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, P.L. 1444, No. 177, as amended.

The name of the corporation is:

**PENN JERSEY  
FOOD MART, INC.**

with its principal place of business at: 975 Mt. Bethel Highway, Mt. Bethel, PA 18343.

The Certificate was filed on February 27, 2006.

PETERS, MORITZ, PEISCHL,  
ZULICK & LANDES, LLP  
Attorneys

1 South Main Street  
Nazareth, PA 18064

Mar. 16

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:

**PENN CLINICAL  
RESEARCH, INC.**

The Articles of Incorporation were filed on February 21, 2006.

DENNIS A. DeESCH, ESQUIRE  
MINOTTI & DeESCH

2240 Northampton Street  
Easton, PA 18042  
(610) 258-0455

Mar. 16

**FICTITIOUS NAME  
REGISTRATION NOTICES**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982, as amended, of intent

to file, or the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, a Certificate for the conduct of business in Northampton County, Pennsylvania, under the assumed or fictitious name, style, or designation of:

**ACCURATE OPTICAL**

with its principal place of business at: 1313 Center Street, Bethlehem, PA 18017.

The name and address of the person owning or interested in said business is: Arnold F. Traupman, M.D., 1313 Center Street, Bethlehem, PA 18017.

The Certificate was filed on February 27, 2006.

FRANK J. DANYI, JR., ESQUIRE  
MALONEY, DANYI, SLETVOLD  
& O'DONNELL

901 West Lehigh Street  
Bethlehem, PA 18016-1279

Mar. 16

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

**NORTHAMPTON LAURELS FC**

with its principal place of business at: 926 Northampton Street, Easton, PA 18042.

The name and address of the entity owning or interested in said business is: Canoe Bay Sports and Entertainment LLC, 926 Northampton Street, Easton, PA 18042.

The Certificate was filed on September 28, 2005.

Mar. 16

**LIMITED LIABILITY COMPANY  
NOTICES**

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about September 2, 2005, for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106. The name of the Limited Liability Company is:

**CANOE BAY SPORTS AND  
ENTERTAINMENT LLC**

Mar. 16

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on January 17, 2006, for the purpose of creating a limited liability company pursuant to the Limited Liability Company Law of 1994, P.L. 703, No. 106.

The name of the limited liability company is:

**ENGLER & SON  
TRUCKING, LLC**

David J. Jordan, Jr., Esquire  
McFall, Layman & Jordan, P.C.  
134 Broadway  
Bangor, PA 18013  
(610) 588-0484

Mar. 16

NOTICE IS HEREBY GIVEN that a Certificate of Organization-Domestic Limited Liability Company has been filed with the Department of State for the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization under the provisions of Title 15, Corporations and Unincorporated As-

sociations at 15 Pa. C.S.A. 8901 et seq., approved December 7, 1994, P.L. 703, No. 106(4).

The name of the Domestic Limited Liability Company is:

**GILL, VERMA, L.L.C.**

The Certificate of Organization was filed on February 27, 2006.

PETERS, MORITZ, PEISCHL,  
ZULICK & LANDES, LLP  
Attorneys

1 South Main Street  
Nazareth, PA 18064

Mar. 16

**NOTICE OF AMENDMENT**

NOTICE IS HEREBY GIVEN that an Amendment to the Articles of Incorporation of: NOEL, KOVACS, McGUIRE & SCOMILLIO, P.C. has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, under the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended. The purpose for which the Amendment was filed was to change the name of the Corporation to be: NOEL, KOVACS & McGUIRE, P.C.

NICHOLAS NOEL, III, ESQUIRE  
NOEL, KOVACS & McGUIRE, P.C.  
2505 Newburg Road  
Easton, PA 18042-1963

Mar. 16

**CHANGE OF NAME NOTICE**

NOTICE IS HEREBY GIVEN that on January 27, 2006 the Petition of Jacob Isaiah Miller was filed in Northampton County Court of Common Pleas seeking to change his name from Jacob Isaiah Miller to Jacob Isaiah Hartzell. The Court has fixed April 21, 2006 at 9:00 A.M. in Courtroom 2 at Northampton County Courthouse as the date for hearing the petition. All persons

interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

Mar. 16

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

In Re: Change of Name of  
Bryan Lewis Ensley, Jr. a Minor  
by Jamie Pensyl His Parent  
and guardian

**No. C0048CV2006000673**

IN RE: CHANGE OF NAME OF  
Bryan Lewis Ensley, Jr., A MINOR  
BY Jamie Pensyl, his PARENT  
AND GUARDIAN

NOTICE IS HEREBY GIVEN that on January 27, 2006 the Petitioner Jamie Pensyl, the parent and guardian of Bryan Lewis Ensley, Jr., a Minor. Has filed a petition for a name change in the court of Common Pleas of Northampton County, Pennsylvania, the petition is requesting an order to change the name of Bryan Lewis Ensley, Jr. to Bryan Barry Pensyl.

The Court has fixed March 31, 2006 at 9:00 a.m. at the Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania, Room 229 as the place for the hearing on said petition, when and where all persons interested may appear and show cause, if any, why the request of the petitioner should not be granted.  
Jamie Pensyl  
Parent and Guardian for Petitioner  
243 W. Lincoln Street  
Easton, PA 18042

Mar. 13

**ASSOCIATE POSITION**

Minimum of 3-4 yrs. experience preferred. Easton general practice

with emphasis on Civil Litigation and Municipal Law. Salary commensurate with experience. Please send resumes to Charles Bruno, Esquire, 203 South Seventh Street, Easton, PA 18042.

Mar. 9, 16

**LEGAL SECRETARY**

Full-time or part-time position available in Easton law firm near Northampton County Government Center. Legal experience necessary. Pleasant working conditions and salary commensurate with experience. Call Herbert G. Litvin, Esquire at (610) 258-5483 or fax resume to (610) 258-9294.

Mar. 16, 23

**LEGAL SECRETARY**

General civil practice law firm has immediate opening PT, possibly leading to FT. Experience preferred. Computer, organizational and general clerical skills required. Send letter of interest and resume to: Hill Law Offices, P.C., 3141 Main Street, P.O. Box 197, Springtown, PA 18081.

Mar. 9, 16

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on April 7, 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. 2  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2005-002575**

ALL THAT CERTAIN lot or piece of land with the frame dwelling house thereon erected, known as No. 1247 Lehigh Street, situate on the north side of Lehigh Street, in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the northern building line of Lehigh Street distant forty and fifty-two hundredths (40.52') feet eastwardly from the point of intersection of the northern building line of Lehigh Street and the eastern building line of South Thirteenth Street, said first mentioned point being in line with the middle of the partition wall separating house No. 1247 from house No. 1249, and adjoining on the west; thence extending eastwardly along the building line of said Lehigh Street, sixteen (16') feet to a point in line with the middle of the partition wall separating house No. 1247 from house No. 1245, adjoining it on the east and extending northwardly of that width in depth between parallel lines at right angles to said Lehigh Street, one hundred (100') feet to a fifteen (15') feet wide alley.

BOUNDED on the north by said fifteen (15') feet wide alley; on the east by land now or late of Joseph Sylvestri; on the south by Lehigh Street; and on the west by land now or late of William E. Eckert.

HAVING thereon erected a two story aluminum and frame dwelling house, known as No. 1247 Lehigh Street.

Northampton County Tax Parcel number: L9SE1D-11-12.

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

SEIZED AND TAKEN into execution of the writ as the property of Rock A. Pretopapa and Anna M. Pretopapa.

DAWN M. SCHMIDT, ESQUIRE

**No. 3  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2004-007699**

ALL THAT CERTAIN lot or parcel of land situate on the West side of Reeve Drive East South of William Penn Highway (L.R. 159) in the Township of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the West right of way line of Reeve Drive East (a 50.00 feet wide street) said point being a common corner of lands herein described and Lot 45, Windswept Acres; thence along the West right of way line of Reeve Drive East, South 1 degree 13 minutes 54 seconds West, 80.13 feet to a point a corner in common with Lot 43, Windswept Acres; thence along Lot 43, North 88 degrees 46 minutes 06 seconds West 125.00 feet to a point a corner in common with Lot 40 and Lot 39, Windswept Acres; thence along Lot 39 North 1 degree 13 minutes 54 seconds East, 80.13 feet to a point a corner in line of Lot 37, Windswept Acres; thence along Lot 37, and further along Lot 45, South 88 degrees 46 minutes 06 seconds East 125.00 feet to a point being the point and place of Beginning.

BEING TAX MAP NO.: M7SE2-2-2.

BEING THE SAME PREMISES which Robert S. Fogel and Kenneth A. Fogel, Co-Executors of the Estate of Sheldon R. Fogel, deceased, by Deed dated December 28, 2001 and recorded January 9, 2002, in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania, in Record Book 2002-1, Page 8045, granted and conveyed unto Joseph A. Williamson.

UNDER AND SUBJECT to restrictions as of record.

TITLE TO SAID PREMISES IS VESTED IN Joseph A. Williamson by Deed from Robert S. Fogel and Kenneth A. Fogel, Co-Executors of the Estate of Sheldon R. Fogel, deceased, dated 12/28/2001 and recorded 1/9/2002 in Record Book Volume 2002-1 Page 008045.

BEING KNOWN AS 3297 East Reeve Drive, Bethlehem, Pennsylvania.

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

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

DANIEL G. SCHMIEG,  
ESQUIRE

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**No. 4**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2003-003578**

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

BEGINNING at a point in the Northern right-of-way line of West

Nesquehoning Street, said point being the extension of the centerline of the party wall between 223 and 225 West Nesquehoning Street and the Northern right-of-way line of said West Nesquehoning Street; thence Northerly passing through the centerline of said party wall North 08 degrees 00 minutes 00 seconds West 125.00 feet to a point in the Southern right-of-way line of Holt Street; thence Easterly along the Southern right-of-way line of said Holt Street North 82 degrees 00 minutes 00 seconds East 17.40 feet to a point; thence Southerly along lands South 08 degrees 00 minutes 00 seconds East 125.00 feet to a point in the Northern right-of-way line of said West Nesquehoning Street; thence Westerly along the Northern right-of-way line of said West Nesquehoning Street South 82 degrees 00 minutes 00 seconds West 17.40 feet to a point, the place of Beginning.

CONTAINING 2175.00 square feet or 0.0499 acres of land.

ALSO BEING KNOWN AS NORTHAMPTON COUNTY PARCEL IDENTIFIER NO. L9SE3D-4-6A.

BEING the same premises which Mario Brasci and Helena I. Brasci, husband and wife, by Deed dated March 28, 2001 and recorded in the Northampton County Recorder of Deeds Office on April 6, 2001 in Deed Book 2001-1 page 055370, granted and conveyed unto Henry Howell.

BEING KNOWN AS 223 West Nesquehoning Street, Easton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Henry Howell.

JOSEPH REJENT, ESQUIRE

**No. 6**

**BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2005-001725**

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, Hereditaments and Appurtenances, SITUATE on the South side of Washington Street in the City of Easton, County of Northampton and State of Pennsylvania, and bounded and described as follows, to wit:

CONTAINING in front on the South side of Washington Street 18 feet and extending of that width in depth Southwardly 120 feet.

BOUNDED on the North by Washington Street, on the East by property of Peter and Anna DiLorenzi, on the South by property of Sam and Carmela Balsdio and on the West by premises 1156 Washington Street.

The above described premises are known as 1154 Washington Street. The Western boundary line of said premises passes through the center of the partition wall separating said premises from premises number 1156 Washington Street.

BEING the same premises which Alice Miller, Executrix of the Estate of Alice R. Hill, by Deed dated November 30, 1995 and recorded in the Office of the Recorder of Deeds of Northampton County on December 6, 1995, in Deed Book 1995-1, Page 116858, granted and conveyed unto Francis J. Connors.

UPI NUMBER L9SE1D-25-4.

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

SEIZED AND TAKEN into execution of the writ as the property of Francis J. Connors.

KRISTINE M. ANTHOU, ESQUIRE

**No. 7**

**BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2005-007381**

ALL THAT CERTAIN lot or piece of land with improvements thereon situate in the third ward of the Borough of Northampton, Northampton County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point forty (40) feet eastward from the intersection of Twelfth Street and a twenty (20) feet wide alley; thence eastward along the south side of Twelfth Street a distance of forty (40) feet to a point; thence from said point southward through Lot No. 131 one hundred fifty (150) feet to a point on the north side of Cement Alley; thence along the north side of Cement Alley westward forty (40) feet to a point in line of land to be conveyed to Anton Grabarits and Elizabeth Grabarits, his wife; thence northward along the land to be conveyed to Anton Grabarits and Elizabeth Grabarits, to a point on the south side of Twelfth Street, the place of beginning. Being known as No. 450-452 East Twelfth Street.

THIS PROPERTY IS BEING SOLD SUBJECT TO A FIRST MORTGAGE.

BEING KNOWN AS: 450-452 EAST 12TH STREET, NORTHAMPTON, PA 18067.

PROPERTY ID NO.: M4NW2B-5-2.

TITLE TO SAID PREMISES IS VESTED IN Cindy L. Maikits and Robert E. Maikits by Deed from Peter D. Johnstone, Executive Di-

rector of Lehigh County Area Agency on Aging, Plenary Guardian of the Estate of Sophie Jaber a/k/a Sophie Cserba, an incapacitated person dated 10/14/94 and recorded 11/6/95 in Deed Book 1994-6 Page 90335.

SEIZED AND TAKEN into execution of the writ as the property of Cindy L. Maikits and Robert E. Maikits.

MARK J. UDREN, ESQUIRE

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**No. 9**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2005-007726**

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

SITUATED on the North side of Pine Street in the said City of Easton, PA, being known as No. 1005 Pine Street, containing in front on said Pine Street twenty-four (24) feet and extending of that same width Northwardly in depth one hundred and four (104) feet.

Tax Parcel #L9SE1A-23-15

BEING KNOWN AS 1005 Pine Street, 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 Linda K. Fisher and Lawrence E. Peterson.

BARBARA A. FEIN, ESQUIRE

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**No. 10**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2005-006040**

ALL THAT CERTAIN message, tenement and lot or piece of ground situate in the Borough of Freemans-

burg, County of Northampton and Commonwealth of Pennsylvania, known as 148 Madison Street, according or present Borough numbering, bounded and described as follows, to wit:

BEGINNING at a point in line of lot now or late of John F. Rathgeber and Madison Street; THENCE Westwardly along said Madison Street a front of fifty-seven (57) feet to New Street, and of that same width extending southwardly between said New Street and lot of John Rathgeber to Cedar Alley.

BOUNDED on the north by Madison Street, on the west by New Street, on the south by Cedar Alley and on the east by lot now or late of John Rathgeber.

Tax Parcel #N7SW3C-021-001.

Being known as: 148 Madison Street, Freemansburg, PA 18017.

Property ID No.: N7SW3C-21-1.

TITLE TO SAID PREMISES IS VESTED IN Allen W. Ulrich and Susan M. Reddinger, as joint tenants with the right of survivorship by Deed from Susan Y. Wertman dated 4/17/02 recorded 4/18/02 in Deed Book 2002-1 Page 99797.

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 Allen W. Ulrich and Susan M. Reddinger.

MARK J. UDREN, ESQUIRE

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**No. 12**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2005-005890**

All THAT CERTAIN message, tenement and lot or piece of ground situate in the Borough of Freemansburg, County of Northampton and



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

BEGINNING at a point in the westerly property line of Main Street, in line of No. 50 Main Street, said point being distant one hundred ten and eighty one-hundredths (110.80) feet southerly from the intersection of the southerly property line of Jefferson Street with the westerly property line of Main Street; thence along the westerly property line of Main Street, South forty-nine (49) degrees thirty (30) minutes West thirty-one and ninety one-hundredths (31.90) feet to a point, in the northerly property line of Market Street; thence along the northerly property line of Market Street, North forty-six (46) degrees thirty-six (36) minutes West sixty-one and eighty one-hundredths (61.80) feet to a point in the right-of-way line of the Lehigh and Susquehanna Railroad (C.R.R. of N.J.); thence along the right-of-way line of the Lehigh and Susquehanna Railroad (C.R.R. of N.J.), North forty-five (45) degrees ten (10) minutes East thirty-eight and sixty-nine one-hundredths (38.69) feet to a point in line of No. 50 Main Street; thence along No. 50 Main Street and passing partly through a party wall, South forty (40) degrees twenty-four (24) minutes East sixty-four and thirty-seven one-hundredths (64.37) feet to the point or place of beginning. Being commonly known and designated as No. 48 Main Street, Freemansburg, Pennsylvania.

These premises are described in accordance with a survey made December 29, 1943, by Roy G. Petersen, C.E.

TITLE TO SAID PREMISES IS VESTED IN Danielle B. Porrata by

Deed from Debra J. Kashnicki dated 06/30/04 and recorded 07/13/04 in Deed Book 2004-1, Page 269545.

Premises being: 48 MAIN STREET, FREEMANSBURG, PA 18017.

Tax Parcel No. P7NW2B-17-6-0212.

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 Danielle B. Porrata a/k/a Danielle B. Bissey.

DANIEL G. SCHMIEG,  
ESQUIRE

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**No. 13**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2005-005378**

ALL that certain message or tenement and lot or piece of land situate in the Township of Plainfield, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the middle of the state highway leading from Stockertown to Wind Gap on the Southerly side of a proposed forty (40') feet wide street, thence along the Southerly side of said street, parallel to line of land of Edward J. Applegate, North eighty-five (85) degrees forty-seven (47) minutes twenty (20) seconds East, two hundred twenty-five and fifty-six one-hundredths (225.56') feet to a stake, thence along other land now or late of Norman J. Frable and Hilda E. Frable, his wife, of which this was heretofore a part, South four (4) degrees twelve (12) minutes forty (40) seconds East, seventy-five (75')

feet to a stake, thence along the same South eighty-five (85) degrees forty-seven (47) minutes twenty (20) seconds West, two hundred ten and sixty-two one-hundredths (210.62') feet, passing over a stake at the edge of the highway, to a point in the middle of said highway, thence in the middle of said highway North fifteen (15) degrees twenty-nine (29) minutes West, seventy-six and forty-seven one-hundredths (76.49') feet to the place of beginning; containing sixteen thousand three hundred fifty-seven (16,357) square feet.

HAVING ERECTED THEREON a dwelling known as 6032 Sullivan Trail a/k/a Elm Street, Nazareth, PA 18064.

BEING THE SAME PREMISES which Richard Lee Berger and Elaine E. Berger, Husband and Wife, did by their indenture bearing date June 4, 1996, and recorded in the Office of the Recording of Deeds in and for Northampton County at Easton, Pennsylvania in Deed Book Volume 1996-1 at page 78456, grant and convey to Elaine E. Berger.

PARCEL NUMBER: #G8-15-21A.

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

SEIZED AND TAKEN into execution of the writ as the property of Elaine E. Berger a/k/a Elaine E. Eckhart.

BRETT A. SOLOMON,  
ESQUIRE

**No. 14**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2005-000951**

ALL those certain lots or pieces of land lying, situate, and being in the Township of Palmer, County of

Northampton, Commonwealth of Pennsylvania, and being more particularly described as Lots No. 188, 189, 190 and 191, in the Riverview Gardens Tract, so called, said lots having a combined width of eighty-five (85') feet, and extending of the same width one hundred fifteen (115') feet in depth as shown and laid out on a certain Plan of Lots made and surveyed by the Paul G. Breinig Company, Civil Engineer, of Allentown, Pennsylvania/ Said Plan being on record in the Office of the Recorder of Deeds in and for the County of Northampton, State of Pennsylvania, in Map Book 9, page 50.

UNDER AND SUBJECT to easements, conditions and restrictions of record.

BEING THE SAME PREMISES which Joseph L. Lackey and Dawn Lackey, did by their indenture bearing date the 30th day of October, 1992, and recorded in the Office of the Recording of Deeds in and for Northampton County at Easton, Pennsylvania in Deed Book Volume 878 at page 528, did grant and convey to James D. Rush, Jr. and Luci A. Rush.

HAVING ERECTED THEREON a dwelling known as 505 Berks Street, Easton, PA.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER NUMBER: Map M9SW1 Block: 9 Lot: 6

THEREON BEING ERECTED a ranch style dwelling with vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of James D. Rush, Jr. and Luci A. Rush.

BRETT A. SOLOMON,  
ESQUIRE

**No. 16  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2005-001362**

ALL THAT CERTAIN message, tenement and lot or piece of ground with the improvements, thereon erected and situate in the Borough of Bath, County of Northampton, Commonwealth of Pennsylvania and being Lot No. 1 of a subdivision plan titled Minor Subdivision for Albert Martin and Irvin Povlow, as prepared by Kenneth R. Hahn P.L.S on Drawing No. 98-21 dated and last revised May 21, 1998 bounded and described as follows:

BEGINNING at a drill hole set on the southerly curb and existing right of way line of West Street, said drill hole also marking the northwesterly corner of Lot No. 2 of said subdivision;

THENCE extending along the westerly property line of Lot No. 2 of said subdivision the following three courses and distances:

(1) South 5 degrees 20 minutes 42 seconds West, 21.00 feet to an iron pin set;

(2) North 84 degrees 39 minutes 18 seconds West, 11.18 feet to an iron pin set;

(3) South 5 degrees 20 minutes 42 seconds East, 53.11 feet to an iron pin set;

THENCE extending along the northerly property line of now or formerly F. Pavlov, North 84 degrees 30 minutes 00 seconds West, 106.00 feet to an iron bolt found;

THENCE extending along the existing easterly right of way of Spring Street, an unimproved alley, North 5 degrees 20 minutes 42 seconds East, 73.82 feet to a point;

THENCE extending along the existing southerly right of way line

of West Street, South 84 degrees 39 minutes 18 seconds East, 117.18 feet to the place of beginning.

CONTAINING 8,074.84 SQUARE FEET, 0.186 ACRES.

Vesting Information:

Vested by: QuitClaim Deed dated 7/27/01, given by Charles J. Orem to Andrea L. and Michael Roberts recorded 7/27/01 in Book: 2001-1 Page 146166. Instrument #2001029887.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: K6NW4C-13-1A.

BEING KNOWN AS 248 West Street, Bath, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Michael Roberts and Andrea L. Roberts.

DANIEL G. SCHMIEG,  
ESQUIRE

**No. 17  
BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2005-007895**

ALL THAT CERTAIN message, tenement and lot, known as 4211 Lehigh Drive, in the Township of Lehigh, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

Beginning at an iron pin which is eighteen (18.00 feet) feet S.W. of the centerline of Highway Route No. 45 and two hundred ninety-one and thirty-nine hundredths (291.39 feet) feet South fifty (50) degrees and thirteen (13) minutes East of an iron pin marking the corner in the line of lands now or late of Clarence A. Hawk and wife, R.J. Gross and the

right-of-way line of Highway Route No. 45;

Thence, along Lot No. 4 South thirty-nine (39) degrees forty-seven (47) minutes West, one hundred seventy (170.00 feet) feet to an iron pin;

Thence, along land now or late of Clarence A. Hawk and wife, South fifty (50) degrees thirteen (13) minutes West seventy (70.00 feet) feet to an iron pin;

Thence, along lands now or late of Clarence A. Hawk and wife, North thirty-nine (39) degrees forty-seven (47) minutes East, one hundred seventy (170.00 feet) feet to an iron pin;

Thence, along the right-of-way line of Highway Route No. 45 North fifty (50) degrees thirteen (13) minutes West seventy (70.00 feet) feet to an iron pin, the Place of Beginning.

Containing 0.2732 acres of land. (Highway Route No. 45 is now Route No. 248). Uniform Parcel Identifier: J3NW3-3-5.

BEING THE SAME PREMISES which Jon T. Reaman and Stephanie R. Reaman, husband and wife, by Deed dated March 31, 1998 and recorded in Northampton County, Pennsylvania, in Record Book 1998-1, page 40770, granted and conveyed unto James E. Bird and Andrea C. Graber, both unmarried, in fee.

**RECORD OWNER**

TITLE TO SAID PREMISES IS VESTED IN Nevin T. Moyer, single, by Deed from James E. Bird and Andrea C. Bird, formerly known as, Andrea C. Graber, husband and wife, dated 9-23-03, recorded 9-24-03 in Deed Book 2003-1, page 399082.

**PRIOR DEED INFORMATION:**

TITLE TO SAID PREMISES IS VESTED IN James E. Bird and An-

drea C. Graber, both unmarried, by Deed from Jon T. Reaman and Stephanie R. Reaman, husband and wife, dated 3-31-98, recorded 4-3-98 in Deed Book 1998-1, page 40770.

Premises being: 4211 LEHIGH DRIVE, NORTHAMPTON, PA 18035.

Tax Parcel No. J3NW3-3-5.

THEREON BEING ERECTED a cape style brick dwelling with shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Nevin T. Moyer.

DANIEL G. SCHMIEG,  
ESQUIRE

**No. 18**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2005-008074**

ALL THAT CERTAIN tract or piece of land with improvements thereon situate in Lehigh Township, Northampton County and State of Pennsylvania, and along the northerly side of PA State Dept of Highway #48056 leading westwardly, etc. from its junction with Route #946 near Danilesville to the intersection with Route #45 near Leghigh Gap, and is otherwise bounded and described as follows to wit:

BEGINNING at a point approximately in the middle of the said bituminous highway #48056 and in the line dividing lands now or late of Irme Szakaly and Daniel J. Rubright and Lizzie C. Rubright, thence following said dividing line and by land now or late of the said Irme Szakaly, North twelve (12) degrees eight (8) minutes West in accordance with the magnetic needle as of date of survey (for compari-

son the reverse bearing recited in former deed is south fifteen (15) degrees thirty (30) minutes East thru an iron pin on line at twenty-four 44/100 (24.44) feet five hundred twenty five & 8/100 (525.08) feet to an iron pin; thence by land now or late of Daniel J. Rubright and Lizzie C. Rubright and of which said land the hereindescribed was formerly a part as hereinafter recited, the three (3) remaining courses and distances, North seventy eight (78) degrees fifty one (51) minutes East, one hundred sixty four & 52/100 (164.52) feet to an iron pin; south eleven (11) degrees nine (9) minutes East, thru an iron pin on line at five hundred forty four & 28/100 (544.28) feet five hundred sixty five & 89/100 (565.89) feet to a point approximately in the middle of said highway #48056; thence in said Highway, North eighty six (86) degrees twenty five (25) minutes West, one hundred sixty & 8/10 (160.80) feet to the place of beginning.

Tax Parcel #H2 1-74

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Kenneth. J. Krajcik, unmarried and Lauralynn Hudgen, unmarried, as joint tenants with rights of survivorship by Deed from Mary A. Wogringig by her Power of Attorney, Andrew Kanas, Jr. dated 10-8-1996, recorded 10/17/1996, in Record Book Volume 1996-1, Page 110087.

BEING KNOWN AS 4874 Timberline Road, Walnuptport, Pennsylvania.

THEREON BEING ERECTED a ranch style stone dwelling with detached two-car garage.

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

Kenneth J. Krajcik and Lauralynn Hudgen a/k/a Lauralynn Troeller.  
DANIEL G. SCHMIEG,  
ESQUIRE

**No. 19**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION**

**CV-2005-007727**

ALL THAT CERTAIN piece, parcel or tract of land, Situate in the Township of East Allen, County of Northampton and Commonwealth of PA, and being known as Lot Number 27 on the Final Plan of the County Place II Residential Subdivision as recorded in Map Book Volume 86 page 318 and 318A in the Office of the Recorder of Deeds for Northampton County at Easton, Pennsylvania, being further bounded and described as follows, to wit:

BEGINNING at an iron pin on the Westerly right of way line of Tigoa Drive said iron pin being 25 feet from the centerline of said Tioga Drive and being the Northeasterly-most corner of lands of Lot Number 26 of the Country Place II Residential Subdivision; thence along the said lands of Lot Number 26 of the Country Place II Residential Subdivision, South 78 degrees 39 minutes 45 seconds West 193.75 feet to an iron pin, a corner of lands of Lot Number 28 of the Country Place II Residential Subdivision; thence along the said lands of Lot Number 28 of the Country Place II Residential Subdivision, North 11 degrees 20 minutes 15 seconds West 133.70 feet to an iron pin set on the Southerly right of way line of Montauk Lane; thence along the said Southerly right of way line of Montauk Lane the following two courses and distances: (1) North 78 degrees 39 minutes 45 seconds East 168.75

feet to a concrete monument; thence along a curve to the right having a radius of 25 feet, a central angle of 90 degrees 0 minutes 0 seconds and a curve length of 39.27 feet to a concrete monument set on the said Westerly right of way line of Tigoa Drive; thence along the said Westerly right of way line of Tigoa Drive, South 11 degrees 20 minutes 15 seconds East 108.70 feet to an iron pin, the place of beginning.

CONTAINING 25,813.5060 square feet or 0.5926 acres, more or less.

TITLE TO SAID PREMISES IS VESTED IN Susan Polizzoto, by Deed from George J. Badame, dated 1-14-05, recorded 1-31-05 in Deed Book 2005-1, page 38697.

Premises being: 5645 MONTAUK LANE, BETHLEHEM, PA 18017.

Tax Parcel No. M5-10-5.

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

SEIZED AND TAKEN into execution of the writ as the property of Susan Polizzoto.

DANIEL G. SCHMIEG,  
ESQUIRE

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**No. 21**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2005-007383**

ALL THAT CERTAIN messuage, tenement, and tract of land located on the south side of East Fifth Street, in the Fourth Ward of the City of Bethlehem, Northampton County, Commonwealth of Pennsylvania, known as 742 East Fifth Street and designated Lot 1 on the Minor Subdivision Plan of 742-744 East Fifth Street, recorded in Map Book 2000-5, Page 384, being

bounded and, described as follows, to wit:

BEGINNING at a point on the southerly property line of East Fifth Street, 92.00 feet west of the westerly property line of Atlantic Street; thence, along the westerly property line of 744 East Fifth Street, passing partly in and through a party wall, South 13 degrees 30 minutes West, 72.00 feet to a point; thence, along the northerly property line of private alley (3 feet wide), North 76 degrees 30 minutes West, 17.96 feet to a point; thence, along the easterly property line of 740 East Fifth Street, North 13 degrees 30 minutes East, 72.00 feet to a point; thence along the southerly property line of East Fifth Street, South 76 degrees 30 minutes East, 17.96 feet to the place of beginning; containing 1,293 Square Feet.

TITLE TO SAID PREMISES IS VESTED IN Emma Y. Ayala, by Deed from Helen Kovacs, by Patricia A. Gebhardt, her Court Appointed Guardian, dated 01-30-01, recorded 01-31-01 in Deed Book 2001-1, page 15010.

Premises being: 742 EAST 5TH STREET, BETHLEHEM, PA 18015.

Tax Parcel No. P6SE2A-28-14.

THEREON BEING ERECTED a two story brick row dwelling with flat roof.

SEIZED AND TAKEN into execution of the writ as the property of Emma Y. Ayala a/k/a Emma Y. Santiago a/k/a Ema J. Ayala.

DANIEL G. SCHMIEG,  
ESQUIRE

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**No. 22**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2005-005694**

Parcel No. 1

ALL THAT CERTAIN messuage, Tenement and Piece or Parcel or

Land, Situate, lying and being in the borough of Hellertown (formerly Township of Lower Saucon), county of Northampton, State of Pennsylvania, Bounded and described as follows, to wit;

BEGINNING at a point on the Westerly side of Third Avenue said point being distant one hundred feet Northerly from the Northern line of Linden Street; thence along the Western line of said Third Avenue in a Northerly Direction a distance of twenty-five feet to the Southerly line of Lot 266; thence along the same in a Westerly direction a distance of one hundred twenty (120) feet to the Easterly line of a fifteen foot wide alley; thence along the same in a Southerly direction a distance of twenty-five (25) feet to the Northern line of Lot No. 268; and thence along the same in an Easterly direction a distance of one hundred twenty (120) feet to the place of beginning. Being Lot No. 267.

Bounded on the North by Lot No. 266, on the East by Third Avenue, on the South by Lot No. 268 and on the West by a fifteen foot wide alley.

Containing 3000 square feet of land more or less and being all of lot No. 267 according to plan of building lots on the Koke-le addition to the borough of Hellertown, PA. Laid out by Phillips & Ruggles. Said Map or Plan being duly recorded in the office for the recorder of deeds in Northampton County at Easton, PA., in Map Book Volume 3, Page 41, and subject to all the conditions and restrictions contained in the chain of title.

Parcel No. 2: All those certain lots, parcels and pieces of land situate in the borough of Hellertown, county of Northampton and state of

Pennsylvania, Being known and designated as lots Nos. 266 and 268 on Plan of Koke-Le addition to the borough of Hellertown as fully appears of record in the Office of the Recorder of Deeds of Northampton County in Map Book 3, page 31.

Parcel ID: Q7NW3C-1-10.

Being known as: 1218 3rd Avenue, Hellertown, PA 18055.

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

SEIZED AND TAKEN into execution of the writ as the property of James A. Dilliard and Barbara A. Dilliard.

TERRENCE J. McCABE,  
ESQUIRE

**No. 23**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2005-005518**

ALL THOSE nine (9) certain lots or pieces of land situate in the Township of Allen, County of Northampton and State of Pennsylvania, being Lots Nos. 188, 189, 190, 191, 192, 193, 194, 195 and 196, as designated on map or plan of "Atlas Heights", recorded in the Office for the Recording of Deeds, etc., at Easton, Pennsylvania, in and for the County of Northampton, containing in front on the West side of Pine Street 180 feet to a 20 feet wide alley; bounded on the North by Lot No. 187, on the South by a 20 feet wide alley, on the East by Pine Street and on the West by a 20 feet wide alley.

Tax Parcel #L4SE1-2-5.

BEING THE SAME PREMISES which Lynn H. Stauffer and Joanne K. Stauffer, husband and wife by Deed dated 12/30/1993, and recorded on 1/14/1994, in the Northampton County Recorder of Deeds

Office at Deed Book Volume 1994-3 Page 1848 conveyed unto Shawn T. Mooney and Amy L. Mooney, his wife.

AND THE SAID Shawn Mooney died on 9/15/1998 whereby title to said premises became vested in Amy L. Mooney by right of survivorship.

BEING KNOWN AS 564 Atlas Road, Northampton, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Amy L. Mooney.

THOMAS I. PULEO, ESQUIRE

**No. 24**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2005-5330**

ALL THOSE CERTAIN lots or pieces of ground situate in the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, designated on Plan of Bethlehem Annex recorded in the Office for the Recording of Deeds in and for Northampton County in Map Book 6, Page 49, being parts of Lots Nos. 73, 74, 75 and 76, bounded and described as follows:

BEGINNING at a point, said point being 100 feet West of the Southwest corner of the intersection of Middletown Road and Sixth Street; thence extending Westwardly along the South side of Middletown Road a distance of 80 feet to a point in the line of Lot No. 72 according to said plan; thence extending Southwardly of that same width between parallel lines at right angles to Middletown Road a distance of 75 feet to a point.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: N7NW3-15-9.

BEING KNOWN AS 2842 Middletown Road, Bethlehem, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Franklin O. Applegate and Stacey Applegate a/k/a Donna S. Neumann.

PINA S. WERTZBERGER,  
ESQUIRE

**No. 25**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2005-003515**

ALL THAT CERTAIN messuage, tenement and lot or tract of land situated in the Township of Allen, County of Northampton, and State of Pennsylvania, designated as Section B Lot #28 on plan of East Allen Gardens, recorded in the Office of the Recorder of Deeds in and for the County of Northampton in Map Book 28, Page 16, more particularly described as follows, to wit:

BEGINNING at an iron pipe located on the westerly property line of Fox Meadow Road) Pennsylvania State Highway L.R. 48051 50.00 feet wide) and the northerly property line of Michael Demke; thence along the northerly property line of Michael Demke north 67 degrees 37 minutes 27 seconds west 129.28 feet to an iron pipe; thence along easterly property line of Lot #29 north 4 degrees 23 minutes 50 seconds east 100.00 feet to an iron pipe; thence along the southerly property line of Lot #27 south 86 degrees 31 minutes 07 seconds east 136.25 feet to an iron pipe; thence along the westerly property line of Fox Meadow Road and with are to



the right with a radius of 655.00 feet and a length of 139.90 feet to an iron pipe; thence along the westerly property line of Fox Meadow Road 15 degrees 43 minutes 10 seconds west 3.08 feet to the place of beginning.

Containing 16,179.74 square feet.

TITLE TO SAID PREMISES IS VESTED IN Phyllis A. Acerra and George Acerra, husband and wife by Deed from Phyllis A. Hamman/k/a Phyllis A. Acerra and George Acerra, husband and wife, dated 12-12-01 and recorded 12-18-01, in Deed Book 2001-1, Page 273431.

Premises being: 2893 SEEMS-VILLE ROAD, NORTHAMPTON, PA 18067.

Tax Parcel No. L4-5-5-29.

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

SEIZED AND TAKEN into execution of the writ as the property of George Acerra and Phyllis A. Acerra.

DANIEL G. SCHMIEG,  
ESQUIRE

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**No. 26**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION**

**CV-2005-006877**

ALL THAT CERTAIN tenement, piece or lot of land designated and situated as No. 106 Jackson Avenue, in the Borough of Pen Argyl, County of Northampton and State of Pennsylvania more particularly bounded and described as follows to wit:

BEGINNING at a corner on the Southerly side of Jackson Avenue, directly opposite of the center of a double dwelling house erected on the lot or premises of which this is

a part; thence in a Westerly direction twenty-five feet, more or less; thence in a Southerly direction of the same width (25 feet, more or less) through the center of said double dwelling house, and parallel to and with the Western boundary line of the hereby demised premises one hundred feet. It being a Lot 25 feet, more or less, by 100 feet.

BEING PREMISES: 106 Jackson Avenue.

BEING also known as Northampton County Tax Parcel Identifier No. E8NE2D-51-1.

BEING the same premises which C. Jack Walters, by Deed dated February 27, 1998 and recorded in the Office of the Recorder of Deeds of Northampton County on March 3, 1998, at Deed Book Volume 1998-1, Page 22922, granted and conveyed unto Robert D. Geake and Heidi S. Geake.

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

SEIZED AND TAKEN into execution of the writ as the property of Robert D. Geake and Heidi S. Geake.

KRISTINE M. ANTHOU,  
ESQUIRE

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**No. 27**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION**

**CV-2004-008433**

ALL THAT CERTAIN piece or tract of land situate in the Township of Bushkill, County of Northampton, Commonwealth of Pennsylvania, known as Lot No. 30 on Plan of Clearfield Manor Estates, which Plan is recorded in Northampton County Plan Book 45, Page 60, and being more particularly bounded and described as follows, to wit:

BEGINNING at an iron pin set along the easterly right-of-way line of Saddle Drive, a fifty (50) foot wide street, and being the northwest corner of Lot No. 31 of Clearfield Manor Estates, henceforth to be known as the Subdivision, thence along the easterly right-of-way line of Saddle Drive, North no degrees, no minutes, no seconds East, one hundred fifty (150.00) feet to an iron pin set, the southwest corner of Lot No. 29 of the Subdivision; thence along the lands of Lot No. 29, North ninety (90) degrees, no minutes, no seconds East, two hundred ninety and thirteen one-hundredths (290.13) feet to an iron pin set along the lands now or late of Kenneth Shiffert and others, South no degrees, no minutes, no seconds East, one hundred fifty (150.00) feet to an iron pin, the northeast corner of Lot No. 31 of the Subdivision; thence along the lands of Lot No. 31, South ninety (90) degrees, no minutes, no seconds West, two hundred ninety and thirteen one-hundredths (290.13) feet to an iron pin set, the place of beginning; containing forty-three thousand five hundred nineteen and fifty one-hundredths (43,519.50) square feet or nine thousand nine hundred ninety-one ten-thousandths (0.9991) acres.

BEING known as 1224 SADDLE DRIVE, NAZARETH, PA 18064.

PARCEL #G7-6-2-4.

BEING THE SAME PREMISES which James E. Kerner, unmarried, by Indenture dated and recorded May 29, 1987, in the Office of the Recorder of Deeds in and for Northampton County in Deed Book Volume 726, Page 463, granted and conveyed unto JOSEPH J. ZYWICKI and MARGARET A. ZYWICKI, husband and wife.

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

SEIZED AND TAKEN into execution of the writ as the property of Margaret A. Zywicki and Joseph J. Zywicki.

GREGORY JAVARDIAN,  
ESQUIRE

**No. 28**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2005-008299**

All THAT CERTAIN messuage, tenement and lot or piece of land situate 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 south property line of East North Street in line of #334 East North Street, said point being distant seventy-six and eighty-seven one-hundredths (76.87) feet on a course North eighty-four degrees no minutes West (N. 84 00 minutes W.) from the intersection of the west property line of Maple Street with the South property line of East North Street; thence (1) along #334 East North Street South six degrees no minutes West (S. 6 00 minutes W.) sixty-one and twenty-five one-hundredths (61.25) feet to a point in line of #635 Maple Street; thence (2) along #635 Maple Street, North eighty-four degrees no minutes West (N. 84 00 minutes W.) twenty and seventy-seven one-hundredths (20.77) feet to a point in line of #330 East North Street; thence (3) along #330 East North Street and passing partly through the middle of a party wall, North six degrees no minutes East (N. 6 00 minutes E.) sixty-one and twenty-five one-hun-

dredths (61.25) feet to a point in the south property line of East North Street; thence (4) along the south property line of East North Street, South eighty-four degrees no minutes East (S. 84 00 minutes E.) twenty and seventy-seven one-hundredths (20.77) feet to the point or place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Douglas Davis and Nicole Davis, husband and wife, by Deed from Ruth Irene Brogan, dated 9-16-99, recorded 9-21-99 in Deed Book 1999-1, page 143805.

Premises being: 332 EAST NORTH STREET, BETHLEHEM, PA 18018.

Tax Parcel No. P6NE2D-1-6.

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

SEIZED AND TAKEN into execution of the writ as the property of Douglas A. Davis a/k/a Douglas Adam Davis and Nicole J. Davis a/k/a Nicole Jolene Davis.

DANIEL G. SCHMIEG,  
ESQUIRE

**No. 29**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2005-007558**

ALL THOSE CERTAIN mes-  
suages, tracts, pieces or parcels of  
land situate in the Township of Up-  
per Mount Bethel, in the County of  
Northampton, and State of Pennsyl-  
vania, bounded and described as  
follows, to wit:

TRACT NO 1: BEGINNING at a  
point in the public road from Stone  
Church to Mount Bethel South sev-  
enty-nine degrees twenty-five min-  
utes East, two hundred forty-one  
and five-tenths feet to an apple tree  
(this line passes through an iron pin  
on the inside of the public road, and

through a point seventy-five and  
two-tenths feet from the northwest  
corner of a house); thence North  
forty-six degrees fifteen minutes  
East, one hundred fifty-two and  
forty-two hundredths feet to a point;  
thence North sixty-six degrees eight  
minutes East, seven hundred forty-  
three and four-tenths feet to a point  
in line of land of Elmer O. Reagle  
(this line passes three feet north of  
a chicken coop); thence North thirty  
and one-half degrees West by land  
of said Elmer O. Reagle, two hun-  
dred nine and five-tenths feet to a  
point in line of land of aforesaid  
Elmer O. Reagle; thence by land of  
Frank Nicholas, South sixty-five and  
one-half degrees West, nine hun-  
dred sixty and ninety-six one hun-  
dredths feet to a point in aforesaid  
public road; thence South twenty-  
one degrees West, one hundred  
forty-eight and four-tenths feet,  
more or less, to the place of Begin-  
ning.

TRACT NO 2: BEGINNING at an  
iron pin six feet from the concrete  
highway known as Route 611 lead-  
ing from Easton to Delaware Water  
Gap in the Village of Mount Bethel,  
said iron pin indicating the North-  
west corner of the tract of land  
hereby conveyed; thence in an east-  
erly direction along other land of the  
grantor sixty-one feet to a iron pin,  
a corner of land of the grantor and  
the grantee, and the easterly apex  
of the triangular shaped piece of  
land hereby conveyed; thence in a  
southwesterly direction eighty-five  
feet to an iron pin at a point six feet  
from the concrete highway known  
as Route 611; thence in a northerly  
direction fifty-six feet in a line par-  
allel with the concrete highway and  
at a distance six feet therefrom, to  
the place of Beginning.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: MAP: D11 BLOCK: 5 LOT: 13.

IT BEING THE SAME PREMISES which Joseph F. Raynock and Gloria H. Raynock, his wife, did by deed dated July 16, 1964, and recorded in the Office for the Recording of Deeds in and for Northampton County at Easton, Pennsylvania, in Deed Book Volume 222, at Page 72, grant and convey to William C. Cassebaum and Janet E. Cassebaum, his wife.

Being Parcel # 011-5-13-0181.

Premises being: 1873 SOUTH DELWARE DRIVE, UPPER MT. BETHEL, PA 18343.

THEREON BEING ERECTED a two story single dwelling with stone, stucco, and aluminum siding exterior and slate roof; detached two-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Francisco Toro and Maria Toro.

DANIEL G. SCHMIEG,  
ESQUIRE

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**No. 30**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2005-008301**

ALL those premises situate on the South side of Steel Avenue, in the City of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, containing in front on said Steel Avenue 32.89 feet and extending southwardly of that width between parallel lines at right angles to said Steel Avenue 71.25 feet to the north line of lot numbered 51.

These premises are designated as Lot Numbered 54 on Map dated December 23, 1916, and entitled "Saucon Land & Improvement Co., South Bethlehem, Pa. U.S.A. Plan showing Company property and

Houses between East Fourth Street and North Pennsylvania Railroad," being Plan L.-1-1/2 by C.E. Lehr, recorded in the Office for the Recording of Deeds in and for Northampton County, Pa. on March 15, 1917, in Map Book 6, page 45. These premises are also known as 1288 East Third Street, or 1288 Steel Avenue, Bethlehem, PA.

BEING THE SAME PREMISES which Harold Digiacomo, Louis Iovino and Scott Walker, by its deed dated July 9, 1997 and recorded in the Office of the Recorder of Deeds of Northampton County, in Deed Book Volume 1997-1 page 75057, granted and conveyed unto Louis Iovino.

TITLE TO SAID PREMISES IS VESTED IN Robert Hewitt, by Deed from Louis Iovino, dated 09-02-97, recorded 09-15-97 in Deed Book 1997-1, page 100037.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: P7SW1A-1-9.

BEING KNOWN AS 1288 Steel Avenue, Bethlehem, Pennsylvania.

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

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

DANIEL G. SCHMIEG,  
ESQUIRE

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**No. 32**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV- 2003-008842**

ALL THOSE CERTAIN tracts, pieces or parcels of land situate in the Village of Danielsville, Township of Lehigh, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

TRACT NUMBER 1:

BEGINNING at a point on the Northerly side of the State Highway

leading from Danielsville to Klecknersville and in the corner of land of Willard G. Silvus and wife; thence along the Northerly side of the State Highway North 83 degrees 45 minutes West 48 feet to a point; thence North 1/2 degree West 137.3 feet to a point; thence North 88 degrees 30 minutes East 56 feet to a stake and the land of said Willard G. Silvus and wife; thence along the latter, formerly a part hereof, passing very near the center of the 02 story frame dwelling erected hereon, South 02 degrees 55 minutes West 143.02 feet to the place of beginning.

**TRACT NUMBER 2:**

BEGINNING at a stake the Southwest corner of Tract No. 2 of Willard G. Silvus and wife; thence partly along Tract No. 1 of said Willard G. Silvus and wife and partly along Tract No. 1 herein, South 88 degrees 30 minutes West 30 feet to a point; thence North 1/2 degree West 150 feet to a point in the center of a proposed 40 foot wide street; thence along the center of said street, North 88 degrees 30 minutes East 30 feet to a stake; thence along land of Willard G. Silvus and wife, formerly a part hereof, South 1/2 degree East 150 feet to the place of beginning.

CONTAINING in area 4500 square feet of land.

TITLE TO SAID PREMISES IS VESTED IN Daniel C. Gruber and Melissa Holota, as joint tenants with right of survivorship and not as tenants in common by Deed from Gary R. Haydt and Donna L. Haydt dated 3/3/2000 and recorded 3/24/2000 in Record Book Volume 2000-1, Page 33786.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: G3SW3-2-9.

BEING KNOWN AS 3972 Mountain View Drive, Danielsville, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Daniel C. Gruber and Melissa Gruber a/k/a Melissa Holota.

DANIEL G. SCHMIEG,  
ESQUIRE

**No. 33**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2005-008303**

TRACT NO. 1: ALL THAT CERTAIN message and tenement and lot or piece of ground situate in the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, consisting of Lots #67 and #68 on the aforesaid plan, all that certain message and lot or piece of land designated as Lot No. 67 and Lot No. 68, bounded on the north by Aileene Street, on the east by Lot No. 69, on the south by Middletown Road and on the west by Lot No. 66. Containing in front on Middletown Road 50 feet and extending in depth northwardly along Lot No. 69 a distance of 130 feet; THENCE eastwardly along Middletown Road fifty feet to the place of beginning.

TRACT NO. 2: ALL THAT CERTAIN message and tenement and lot or piece of ground situate in the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania designated as Lots No. 69 and 70 on aforesaid plan.

BEGINNING at a point in the northern building line of Middletown Road distant 200 feet east of the

intersection of the northern building line of Middletown Road and the eastern building line of Mosella Avenue; THENCE eastwardly in and along the northern building line of Middletown Road 50 feet to the western division line of Lot No. 71; THENCE northwardly of that width between parallel lines at right angles to Middletown Road aforesaid 130 feet to the southern building line of Aileen Street.

BOUNDED on the north by Aileen Street, on the south by Middletown having erected thereon a dwelling known and numbered as 3123 Middletown Road, Bethlehem Township, Northampton County, Pennsylvania according to the present system of township numbering.

Vesting Information:

Vested by: Deed dated 4/2/04, given by Dennis E. Graham to Richard E. Kruse and Kathleen M. Kruse recorded 4/13/04 in Instrument #: 2004024296.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: N7NW3-9-5.

BEING KNOWN AS 3123 Middletown Road, Bethlehem, Pennsylvania.

THEREON BEING ERECTED a two story single dwelling with aluminum siding, exterior and shingle roof; detached one-car garage; in-ground pool.

SEIZED AND TAKEN into execution of the writ as the property of Richard E. Kruse and Kathleen M. Kruse.

DANIEL G. SCHMIEG,  
ESQUIRE

**No. 34**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2005-008231**

ALL THAT CERTAIN piece or parcel of land situate in the Bor-

ough of Bangor, County of Northampton and Commonwealth of Pennsylvania bounded and described as follows, to wit:

BEGINNING at a corner on the West side of Mount Carmel Street (now Known as North Sixth Street), thence by Lot No. 57 owned now or late by Pasquale Bozzelli (formerly owned by Donato Bozzelli) and along the northerly line of said Pasquale Bozzelli's property eighty-nine and four-tenths (89.4) feet South eighty-one and one-half (81 1/2) degrees West to line of land now or late of Domenick Manento and Jennie Manento, his wife, which said latter land contains the western portion of Lot No. 58, as set forth fully in that certain deed in Deed Book G, Volume 70 at Page 576, at Easton, Pennsylvania, thence along the easterly property line now or late of said Menento's land North eight and one-half (8 1/2) degrees West thirty-five and thirty-five one-hundredths (35.35) feet to the southerly line of Lot No. 59, thence by Lot No. 59 North eighty-one and one-half (81 1/2) degrees East ninety one and seventy-five one-hundredths (91.75) feet to a corner on the West side of Mount Carmel Street, thence along the West side of Mount Carmel Street South three-quarters of a degree West thirty-five and five-sixths (35 5/6) feet to the place of BEGINNING.

CONTAINING the Eastern portion of building Lot No. 58, according to map of William Frutchy.

ASSESSMENT MAP, BLOCK AND LOT NUMBER: D9SE4C-1-2.

BEING KNOWN AS 554 North Sixth Street, Bangor, Pennsylvania.

THEREON BEING ERECTED a one-half of a double stone dwelling with slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Ronald DePaolo.

JOSEPH A. GOLDBECK, JR.,  
ESQUIRE

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

are filed thereto within ten days from the date of filing the Schedule of Distribution.

JEFFREY K. HAWBECKER  
Sheriff

Northampton County,  
Pennsylvania

CHRISTOPHER T. SPADONI  
ESQUIRE

Solicitor to the Sheriff

Mar. 16, 23, 30

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**ATTORNEY**

Expanding firm with principal offices located in Bethlehem is seeking attorney to concentrate on transactional and general business matters. 3 to 5 years experience preferred, but all qualified applicants will be considered. Full benefits provided. Please forward a Resume, together with a letter of interest, to King, Spry, Herman, Freund & Faul, by e-mail to [donna@kingspry.com](mailto:donna@kingspry.com).

Mar. 9, 16



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

**IN RE: ADMINISTRATIVE ORDER 2006-3—CHILD  
CUSTODY CONFERENCE PROCEDURE  
ORDER OF COURT**

AND NOW, this 27th day of February, 2006, Rule N1915.1, is amended as follows:

14. Following receipt of ordered evaluations and investigations, but prior to listing for trial, either party may praecipe the matter for conference with the custody conference officer who previously conferenced the matter.
15. At least twenty-one days prior to non-jury trial, all custody matters shall have a pre-trial conference.
  - A. At least three days prior to the pre-trial conference, the parties shall file with the Prothonotary and exchange with each other pre-trial memoranda.
  - B. The parties shall provide the custody conference officer at the pre-trial conference copies of the pre-trial memoranda and all evaluations and reports.
  - C. The pre-trial memorandum shall include: (1) a brief narrative statement of the procedural history and relevant facts; (2) a summary of all legal and factual issues; (3) the names and addresses of all witnesses to be called at trial with a summary description of the witness' anticipated testimony; (4) a list of all exhibits to be used at trial; and (5) a statement of any requested stipulations of fact or admissibility of exhibits.
  - D. The parties shall be prepared to discuss settlement at the pre-trial conference. Counsel shall have the client available in person or by telephone.
  - E. After the pre-trial conference, the conference officer shall file a written recommendation for disposition of the issues including reasons therefore. Said recommendation shall be filed at least seven days prior to the non-jury trial.

This order shall become effective April 3, 2006.

BY THE COURT

/s/Robert A. Freedberg

ROBERT A. FREEDBERG, P.J.

Mar. 16

**PUBLIC NOTICE**  
**U.S. BANKRUPTCY JUDGESHIP VACANCY**  
**Middle District of Pennsylvania**

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**THAO T. SNYDER, Plaintiff v. RICHARD-LYNN  
CORPORATION, JACOB D. SNYDER, RICHARD J. SNYDER  
and  
LYNN A. WILLIAMS, Defendants**

*Shareholders' Annual Meeting—Appraisal Rights—Directors' Compensation—Dividends—Involuntary Winding Up and Dissolution—Punitive Damages.*

Plaintiff, a shareholder of the Corporate Defendant, filed suit against the corporation and several individuals who are shareholders, officers and directors of the Corporate Defendant. Defendants then filed nine preliminary objections to Plaintiff's complaint. The Court denied all nine objections, finding: 1) Plaintiff was not required to make a request to the Board of Directors for an annual shareholders' meeting before proceeding with litigation, 2) Plaintiff had no duty to call an annual meeting when the corporation had not done so, 3) Court has ability to grant appraisal rights in this case despite the absence of explicit statutory authority authorizing such action, 4) when a Defendant seeks a demurrer, the Court must accept Plaintiff's averments of fact as true, 5) Court is permitted to examine the directors' compensation and reduce it if exorbitant despite the fact that the directors have the ability to fix their own compensation, 6) Court has ability to review the directors' decision to not declare a dividend despite the fact that the directors have discretion in deciding whether to declare a dividend, 7) Plaintiff averred sufficient facts to support a claim for involuntary winding up and dissolution of the corporation, 8) Plaintiff averred sufficient facts to support an award of punitive damages and 9) Plaintiff was not required to make a written demand upon the directors before making a claim for reimbursement of directors' fees.

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2004-6809.

Order of Court denying Defendants' preliminary objections.

VICTOR F. CAVACINI, ESQUIRE, for Plaintiff.

ALFRED S. PIERCE, ESQUIRE, for Defendants.

Order of Court entered December 14, 2004 by GIORDANO, J.

*OPINION*

This matter is before the Court on Defendants' preliminary objections.

*I. Facts and Procedural History*

On September 9, 2004, Plaintiff, Thao T. Snyder, filed a four-count complaint against Richard-Lynn Corporation (hereinafter referred to as "the Corporate Defendant"), Jacob D. Snyder, Richard J. Snyder and Lynn A. Williams (hereinafter collectively referred to as "the Individual Defendants"). Plaintiff alleges that the Individual Defendants are shareholders, officers and directors of the Corporate Defendant and that she is a shareholder of the Corporate Defendant, having acquired shares of stock in said

corporation pursuant to a property settlement agreement entered into with Defendant Richard J. Snyder, Plaintiff's ex-husband. Count I of Plaintiff's complaint alleges breach of fiduciary duty against the Individual Defendants. Count II is a shareholder's derivative action against all four Defendants. Count III is against the Individual Defendants for civil conspiracy. The final count of Plaintiff's complaint is an application for involuntary winding up and dissolution of the corporation. Defendants responded to Plaintiff's complaint by filing preliminary objections on October 8, 2004, all of which are in the form of a demurrer. These preliminary objections are now ready for disposition.

## II. *Demurrer*

A demurrer can only be sustained where the complaint is clearly insufficient to establish the pleader's right to relief. ... For the purpose of testing the legal sufficiency of the challenged pleading a preliminary objection in the nature of a demurrer admits as true all well-pleaded material, relevant facts ... and every inference fairly deducible from those facts ... . The pleader's conclusions or averments of law are not considered to be admitted as true by a demurrer. ... Since the sustaining of a demurrer results in a denial of the pleader's claim or a dismissal of his suit, a preliminary objection in the nature of a demurrer should be sustained only in cases that clearly and without doubt fail to state a claim for which relief may be granted. ... If the facts as pleaded state a claim for which relief may be granted *under any theory of law* then there is sufficient doubt to require the preliminary objection in the nature of a demurrer to be rejected.

*McClellan v. Health Maintenance Organization of Pennsylvania*, 413 Pa. Super. 128, 134-35, 604 A.2d 1053, 1056 (1992) (emphasis in original) (citations omitted).

## III. *Defendants' Preliminary Objections*

In their brief, Defendants set forth nine issues for our consideration. We will address each in turn.

### *A. Must Plaintiff Make a Request to the Board of Directors for an Annual Shareholders' Meeting Before Proceeding With Litigation?*

Defendants argue that 15 Pa. C.S.A. §1755(a) prevents Plaintiff from bringing this action. Section 1755(a) states that:

Except as otherwise provided in the articles, at least one meeting of the shareholders shall be held in each calendar year for the election of directors at such time as shall be provided in or fixed pursuant to authority granted by the bylaws. Failure to

hold the annual or other regular meeting at the designated time shall not work a dissolution of the corporation or affect otherwise valid corporate acts. *If the annual or other regular meeting is not called and held within six months after the designated time, any shareholder may call the meeting at any time thereafter.*

15 Pa. C.S.A. §1755(a) (emphasis added). Defendants argue that the last sentence of section 1755(a) obligates Plaintiff to call the annual meeting in this case and that by failing to do so, Plaintiff should not be permitted to bring her action against them. We disagree. Nothing in section 1755(a) obligates a shareholder to call an annual meeting when the board of directors does not do so. Rather, the statute merely permits a shareholder to call the meeting under such circumstances. The statute explicitly uses the word “may” and does not identify any adverse consequences that follow should a shareholder fail to exercise this right. Hence, based upon a plain reading of the statute, we cannot conclude that Plaintiff was obligated to call an annual meeting before bringing this suit.

Defendants also cite section 7.03(a) of the ALI Principles of Corporate Governance in arguing that Plaintiff should not be permitted to bring the instant suit against them. Section 7.03(a) reads: “Before commencing a derivative action, a [share]holder ... should be required to make a written demand upon the board of directors of the corporation, requesting it to prosecute the action or take suitable corrective measures ... .” ALI Principles of Corporate Governance, §7.03(a). The section was explicitly adopted by the Pennsylvania Supreme Court in *Cuker v. Mikalauskas*, 547 Pa. 600, 613, 692 A.2d 1042, 1049 (1997). (“We specifically adopt §§7.02-7.10, and §7.13 of the *ALI Principles*.”). Defendants argue that section 7.03(a) obligated Plaintiff to make a written demand upon the Corporate Defendant’s Board of Directors before commencing this suit. For the reasons stated herein, we disagree.

In *Cuker*, the Supreme Court made clear that while it did not explicitly adopt all of the sections of the ALI Principles, it was also not rejecting those sections not explicitly adopted. The Supreme Court encouraged the other courts of this Commonwealth to consider these sections where applicable. *See Cuker*, at 613 n.5, 692 A.2d at 1049 n.5. Among such other sections is section 7.01(d), which provides that:

In the case of a closely held corporation, the court in its discretion may treat an action raising derivative claims as a direct action, exempt it from those restrictions and defenses applicable only to derivative actions, and order an individual recovery, if it finds that to do so will not (i) unfairly expose the corporation or the defendants to a multiplicity of actions, (ii) materially prejudice the interests of creditors of the corpora-

tion, or (iii) interfere with a fair distribution of the recovery among all interested persons.

ALI Principles of Corporate Governance, §7.01(d). Courts of this Commonwealth have relied on this section in excusing section 7.03(a)'s demand requirement in other cases. *See e.g., Liss v. Liss*, Nos. 2063 JUNE.TERM 2001, CONTROL 102951, 2002 WL 576510, \*9-10 (Pa. Ct. Com. Pl. Mar. 22, 2002). In the instant action, we see no reason why treating this derivative action as a direct action would unfairly expose the Corporate Defendant to multiple lawsuits, materially prejudice the interests of any creditors of the Corporate Defendant or result in an unfair distribution of recovery among interested persons. Therefore, we choose to exercise our discretion to treat Plaintiff's derivative claim as a direct claim and excuse Plaintiff's failure to make a demand upon the Board of Directors.

Additionally, we note that section 7.03(a), by its terms, applies only to derivative actions. Hence, even were we to agree with Defendants that Plaintiff was obligated to make a demand upon the Board of Directors before bringing this suit, her failure to do so would only affect one of her four claims against Defendants. Thus, for the reasons stated above, we deny Defendants' preliminary objection.

*B. Does a Minority Shareholder Have a Direct Right to Elect the Directors of a Corporation?*

As previously noted, the corporation is under an obligation to hold a shareholders' meeting at least once a year for the election of directors. *See* 15 Pa. C.S.A. §1755(a). Should it fail to do so, any shareholder may call the meeting. *Id.* Defendants argue that, had Plaintiff exercised her "duty" to call the annual meeting, she would have been permitted any opportunity to vote for the directors of the Corporate Defendant. We, however, have already concluded that section 1755(a) does not place a duty on a shareholder to call the annual meeting if one is not held. Rather, the statute merely permits a shareholder to call the meeting if the corporation fails to exercise its duty to hold the meeting. Accordingly, we deny Defendants' preliminary objection.

*C. Can a Shareholder Exercise Dissenter's Rights and Demand the Corporation Purchase Their Shares if No Merger Is Pending?*

Defendants argue that Plaintiff cannot demand that her shares be purchased because there is no statute specifically permitting such a demand in this situation. Defendants point to 15 Pa. C.S.A. §1930(a), which permits appraisal rights when a shareholder objects to a plan of merger or consolidation, and 15 Pa. C.S.A. §1932, which permits appraisal rights in the event of a disposition of all, or substantially all, of the corporation's assets. Defendants argue that since neither of these situations is present in this case, appraisal rights are not available to Plaintiff. For the reasons stated herein, we disagree.



In *Orchard v. Covelli*, 590 F. Supp. 1548 (W.D. Pa. 1984), the defendants made the same argument Defendants now make in this case. The District Court was unpersuaded, stating that “[b]ecause the legislature has determined that the exclusive remedy for certain corporate acts shall be specifically defined by statute, it does not follow that the remedy is unavailable to redress other problems arising in the corporate setting.” *Id.* at 1560. The Court ordered the defendants to provide the plaintiff with the fair value of his interest in the corporation. We are persuaded by the District Court’s reasoning and find that we do have the ability to grant appraisal rights in the instant case despite the absence of explicit statutory authority authorizing us to do so. Accordingly, we deny Defendants’ preliminary objection.

*D. Is There Any Basis for Plaintiff’s Allegation That the Corporation Has Divested Itself of Real Estate Holdings Since 2002?*

Defendants argue that Plaintiff is in possession of certain financial statements of the Corporate Defendant that prove conclusively that there has been no divestment of corporate real estate since 2002. This argument, however, cannot be addressed at this stage of the proceedings. As previously mentioned, when ruling on a preliminary objection in the form of a demurrer, we accept as true all well-pleaded facts. *See McClellan*, supra at 134, 604 A.2d at 1056. In the instant action, Defendants’ preliminary objection is in the form of a demurrer and the averment of Plaintiff’s complaint in question is an averment of fact. Accordingly, we accept the averment as true for purposes of this proceeding and deny Defendants’ preliminary objection.

*E. Does a Shareholder Have the Right To Vote on the Amount of Directors’ Compensation?*

It is true, as Defendants argue, that a corporation’s board of directors has the authority to fix their own compensation. *See* 15 Pa. C.S.A. §1730. However,

[i]t is also true that directors may not vote to themselves ... compensation which is excessive, unreasonable and out of proportion to the value of the services rendered, and, if any such payments are made, the court, upon protest of a minority shareholder, may examine into their propriety and reduce them if found to be exorbitant.

*Hornsby v. Lohmeyer*, 364 Pa. 271, 275, 72 A.2d 294, 298 (1950). Accordingly, we deny Defendants’ preliminary objection.

*F. Do Shareholders Have a Right to Dividends?*

Defendants’ position on this issue is essentially the same as in the previous issue. Defendants correctly point out that a corporation’s board of

directors has discretion in deciding whether to declare a dividend. *See* 17 Pa. C.S.A. §1551. As with the previous issue, however, the Court has the ability to review the directors' decision. *See Pardee v. Hardwood Electric Company*, 262 Pa. 68, 72, 105 A. 48, 49-50 (1918) (stating that, while the declaration of dividends is discretionary, the directors' actions may be reviewed by the courts and set aside when made in bad faith, when arbitrary, when manifestly erroneous or when such actions constitute an abuse of discretion). *See also, Jacobs v. Kennedy Van Saun Mfg. & Eng'g Corp.*, 12 F.R.D. 523, 525 (M.D. Pa. 1952). Accordingly, we deny Defendants' preliminary objection.

*G. Can a Custodian or Receiver Be Appointed To Oversee the Dissolution of a Solvent Corporation?*

The court may, upon petition filed by a member or director of a nonprofit corporation, entertain proceedings for the involuntary winding up and dissolution of the corporation, when any of the following are made to appear:

(1) That the objects of the corporation have wholly failed; or are entirely abandoned, or that their accomplishment is impracticable.

(2) That the acts of the directors, or those in control of the corporation, are illegal, oppressive, or fraudulent, and that it is beneficial to the interests of the members that the corporation be wound up and dissolved.

(3) That the corporate assets are being misapplied or wasted, and that it is beneficial to the interest of the members that the corporation be wound up and dissolved.

(4) That the directors or other body are deadlocked in the management of the corporate affairs and the members are unable to break the deadlock, and that irreparable injury to the corporation is being suffered or is threatened by reason thereof.

*Gee v. Blue Stone Heights Hunting Club, Inc.*, 145 Pa. Commonwealth Ct. 658, 663, 604 A.2d 1141, 1143-44 (1992). We find that Plaintiff has alleged sufficient facts to support a claim for the involuntary winding up and dissolution of the Corporate Defendant. And, as mentioned earlier, at this stage of the proceedings, we accept all of Plaintiff's well-pleaded averments of fact as true. *See McClellan*, supra at 134, 604 A.2d at 1056. Accordingly, we deny Defendants' preliminary objection.

*H. Shall Punitive Damages Be Awarded to Punish Corporate Directors for the Exercise of Their Discretion Under the Business Judgment Rule?*

In *Viener v. Jacobs*, 834 A.2d 546 (Pa. Super. 2003), the Superior Court upheld an award of punitive damages because the defendant's actions resulted in "the usurpation of [plaintiff's] right to participate in the

governance of [the] corporation” and because the defendant’s “misuse of corporate funds and property coupled with his failure to undertake sufficient measures to procure the continued success of [the corporation] led to its ultimate failure.” *Id.* at 561. The Superior Court stated that “minority shareholders in closely-held corporations are particularly vulnerable to this type of wanton neglect and bad faith, and it is therefore necessary to punish this behavior to ensure that it will not occur in future cases.” *Id.* We find that Plaintiff has alleged sufficient facts to support an award of punitive damages and we therefore deny Defendants’ preliminary objection.

*I. Is a Written Demand a Prerequisite to a Claim for Reimbursement of Directors’ Fees?*

Defendants again point to section 7.03(a) of the ALI Principles, arguing that Plaintiff is not entitled to request reimbursement of directors’ fees since she did not make a written demand for such reimbursement to the Corporate Defendant’s Board of Directors before initiating litigation. As stated above, section 7.03(a) requires that a shareholder make a demand upon a corporation’s board of directors before bringing a derivative suit. However, this requirement is not without its exceptions and as previously discussed, we find that such an exception exists in this case. Accordingly, for reasons previously stated in this opinion, we deny Defendants’ preliminary objection.

WHEREFORE, we enter the following order:

*ORDER*

AND NOW, this 14th day of December, 2004, Defendants’ preliminary objections are denied.

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