

Northampton County Reporter

(USPS 395-280)

VOL. LIV

EASTON, PA May 4, 2006

NO. 70

Northampton County Reporter Digest—2006-5

CONTENTS

Associate Needed	11	Legal Notices	9
Audit—Orphans' Court	9	Limited Liability Company Notice	8
Bar News	3	Northampton County Reporter Digest—2006-5	14
Estate Notices	4	Notice of Dissolution	9
Fictitious Name Notice	8	Notices of Incorporation	8

INSERT: Green: 1. Quarterly Association Meeting

2. "Special Education Law Update"

3. 2006 Calendar of Events

4. Save the Dates! for the Summer Outing and 2006 Bench Bar Conference

Cream: 1. "Settling a Workers' Compensation Case Issues to Consider—Social Security, Subrogation and Related Matters"

2. "Bankruptcy Tidbits for the General Practitioner in the Aftermath of the Bankruptcy

Abuse Prevention and Consumer Protection Act of 2005"

3. "Family Law for the Non-Family Law Practitioner"

4. "The Leveraged Buyout"

NOTICE TO THE BAR ...

Kindly be advised that four (4) additional status conference dates are being added to the current Court calendar. The additional dates are as follows: July 18, 2006, August 29 and 31, 2006, and September 19, 2006.

If you have any questions concerning these changes, please call the Court Administrator's Office at (610) 559-6700.

**NORTHAMPTON COUNTY BAR ASSOCIATION
2006 BAR ASSOCIATION OFFICERS**

Richard P. Kovacs President
Joel H. Ziev President-elect
Michael C. Deschler Vice President
Joseph A. Corpora, III Treasurer
Jacqueline M. Taschner Secretary
Karl F. Longenbach Past President

BOARD OF GOVERNORS

Steven N. Goudsouzian
Abraham P. Kassis
Alyssa A. Lopiano-Reilly
Samuel P. Murray
Daniel M. O'Donnell
Victor E. Scmillio
Christopher M. Shipman

ZONE II DELEGATES

Barbara L. Hollenbach
Karl F. Longenbach
Nicholas Noel, III
Joel M. Scheer
Michael P. Shay
Ronald W. Shipman

Northampton County Reporter

Attorney Referral & Information Service

155 South Ninth Street, Easton, PA 18042-4399

Phone (610) 258-6333 Fax (610) 258-8715

E-mail: ncba@norcobar.org

PBA (800) 932-0311—PBI (800) 932-4637

BAR ASSOCIATION STAFF

Mary Beth Leeson Executive Director
Stephanie Pasquel Accounting
Heather Rizzotto-Stefanik Legal Journal
Gloria A. Robison Attorney Referral
Deborah J. Flanagan Attorney Referral

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.

Subscription Price—\$55.00 per year.

Periodical Postage Paid at Easton, PA and additional office.

Postmaster: Send all communications and address changes to:

NORTHAMPTON COUNTY REPORTER

155 South Ninth St., Easton, PA 18042-4399

Telephone (610) 258-6333 FAX (610) 258-8715

Robert C. Brown, Jr., Esquire

Editor

NOTICES TO NCBA MEMBERS—BAR NEWS

INCLUDED IN THIS ISSUE:

- **Registration forms for NCBA Lunch Lectures:**
 - “Special Education Law Update”—Thursday, May 11, 2006
 - “Settling a Workers’ Compensation Case Issues to Consider—Social Security, Subrogation and Related Matters”—Thursday, June 1, 2006
 - “Bankruptcy Tidbits for the General Practitioner in the Aftermath of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005”—Tuesday, June 13, 2006
 - “Family Law for the Non-Family Law Practitioner”—Thursday, June 15, 2006
 - “The Leveraged Buyout”—Wednesday, June 21, 2006
- **Quarterly Association Meeting and Malpractice Avoidance Seminar**—“Malpractice Avoidance Claims—The Good, The Bad and The Ugly”—Thursday, May 18, 2006. Registration form enclosed.
- NCBA Calendar of Events, Committee Meeting schedule and PBI programs

2nd Annual Northampton County Golf Tournament—Monday, June 5th at the Bethlehem Golf Club. Proceeds benefit the United Way of the Greater Lehigh Valley. To register contact Jeff at 610-559-3290 or Gary at 610-559-3278, or complete registration form in N.C. Reporter in next week’s edition.

May is Health Awareness Month at the BALC—The Community Service Committee of the Bar Association of Lehigh County invites all NCBA members, their Staff and Guests, and the General Public to two Health Awareness Programs scheduled during May:

Monday, May 8, 2006—Breast Cancer Awareness presented by Dr. Gregory R. Harper, a Professor of Medicine at Penn State College of Medicine and a member of the Penn State Cancer Institute. At Lehigh Valley Hospital he is Oncology Physician in Chief & Medical Director of Breast Health Services.

Thursday, May 18, 2006—Prostate Cancer Awareness presented by Dr. Joseph G. Trapasso, a partner with Urologic Associates of Allentown & serves on the staff of the Department of Surgery, Division of Urology, at Lehigh Valley Hospital.

The May Health Awareness Programs will be held at
4:00 p.m.—5:00 p.m.

At the Bar Association’s Barristers’ Club
114 W. Walnut Street, Allentown

There is no charge for the programs
RSVP’s are requested by calling (610) 433-6204, extension 10

Real Fact: The Hawaiian alphabet has only 12 letters.

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**BARAN, VERONICA B.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA
 Executor: Michael Baran, 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

GERENSER, HERMINA P., dec'd.

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

Executrix: Lisa T. Alexander, HC #1 Box 122A, 3 Sand Court, Paupack, PA 18451

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

GORCSAN, HELEN, dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Michael J. Seibert, c/o William H. Dayton Jr., Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., P.O. Box 20770, Lehigh Valley, PA 18002-0770

Attorneys: William H. Dayton Jr., Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., P.O. Box 20770, Lehigh Valley, PA 18002-0770

GUSTITUS, CHARLES J., dec'd.

Late of Northampton, Northampton County, PA

Executrix: Kathleen Seagreaves, c/o James R. Wishchuk, JD, 2310 Walbert Avenue, Suite 103, P.O. Box 4446, Allentown, PA 18105-4446

Attorney: James R. Wishchuk, JD, 2310 Walbert Avenue, Suite 103, P.O. Box 4446, Allentown, PA 18105-4446

HUFF, HARRY T., dec'd.

Late of the Township of Palmer, Northampton County, PA

Co-Executors: Sheila M. Leiderman and James A. Huff c/o Joel H. Ziev, Esquire, 700 Washington Street, Easton, PA 18042

Attorneys: Joel H. Ziev, Esquire, 700 Washington Street, Easton, PA 18042

KOELSCH, AGNES E., dec'd.

Late of Northampton County, PA

Executrix: Dorothy Koelsch Niklos c/o Stephen M. Mowrey, Esquire, 4501 Bath Pike, Bethlehem, PA 18017

Attorney: Stephen M. Mowrey, Esquire, 4501 Bath Pike, Bethlehem, PA 18017

KROENING, CHARLOTTE DOROTHY a/k/a DOROTHY CHARLOTTE KROENING, dec'd.

Late of Upper Nazareth Township, Northampton County, PA

Executor: Charles S. Smith,
Esquire, 340 Dogwood Terrace,
Easton, PA 18042

KUCHTA, JEFFREY L., dec'd.

Late of Bath, Northampton
County, PA

Executrix: Jennifer Kuchta,
c/o Robert Glazer, Esquire,
McLaughlin & Glazer, 800
Walnut Street, Easton, PA
18042-4381

Attorneys: Robert Glazer, Es-
quire, McLaughlin & Glazer,
800 Walnut Street, Easton, PA
18042-4381

LAZARO, JOSEPH C., dec'd.

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

Executor: Margaret V. Lazaro,
c/o Nicholas R. Sabatine, III,
Esquire, 16 S. Broadway, Wind
Gap, PA 18091.

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

PFEFFER, WILLIAM C., JR.,
dec'd.

Late of the Township of Plain-
field, Northampton County, PA

Co-Executors: Mrs. Nancy L.
Pfeffer, and William Pfeffer, III,
c/o Robert C. Brown, Jr., Es-
quire, Fox, Oldt & Brown, 940
West Lafayette Street, Suite
100, Easton, PA 18042-1412

Attorneys: Robert C. Brown,
Jr, Esquire, Fox, Oldt &
Brown, 940 West Lafayette
Street, Suite 100, Easton, PA
18042-1412

PINTANDE, FRANCES J., dec'd.

Late of the City of Easton,
Northampton County, PA

Executor: Joseph J. Pintande,
IV, c/o Robert C. Brown, Jr.,

Esquire, Fox, Oldt & Brown,
940 West Lafayette Street,
Suite 100, Easton, PA 18042-
1412

Attorneys: Robert C. Brown,
Jr., Esquire, Fox, Oldt &
Brown, 940 West Lafayette
Street, Suite 100, Easton, PA
18042-1412

SANSONE, MARGARET A.,
dec'd.

Late of 8652 North Delaware
Drive, Bangor, Northampton
County, PA

Executor: Robert L. Muller
c/o Dorota Gasienica-Kozak,
Esquire, King Spry Herman
Freund & Faul LLC, One West
Broad Street, Suite 700,
Bethlehem, PA 18018

Attorneys: Dorota Gasienica-
Kozak, Esquire, King Spry
Herman Freund & Faul LLC,
One West Broad Street, Suite
700, Bethlehem, PA 18018

SHIPMAN, PAMELA K., dec'd.

Late of the Borough of Wal-
nutport, Northampton
County, PA

Executor: David A. Shipman,
1158 Pecan Lane, Walnutport,
PA 18088

Attorneys: James A. Wimmer,
Esquire, Philip & Wimmer, 419
Delaware Avenue, P.O. Box
157, Palmerton, PA 18071

SNYDER, DONALD T., dec'd.

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

Co-Executrices: Suzanne L.
Ferrencia, Patricia A. Manning,
and Virginia A. Brodt, c/o
Theodore R. Lewis, Esquire,
Lewis and Walters, 46 S. 4th
Street, P.O. Box A, Easton, PA
18044-2099

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

SECOND PUBLICATION

CHROUST, STEPHEN A., dec'd.

Late of Bethlehem Township, Northampton County, PA

Executors: Richard A. Chroust, 4537 Newburg Road, Nazareth, PA 18064 and Elizabeth Ann Chroust, 4063 Devonshire Road, Bethlehem, PA 18020

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

FARKAS, EDWARD J., dec'd

Late of the Borough of Northampton, Northampton County, PA

Executrix: Sylvia Horvath 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

GRUBBS, ANNIELAURE, dec'd.

Late of Bethlehem, Northampton County, PA

Co-Administrators: Amy McHugh, 513 Bald Eagle Court, Lancaster PA 17601; Sarah Grubbs, 2429 Woodstock Drive, Bethlehem, PA 18017; and Martha Grubbs, 541 4th Ave, Bethlehem PA 18018

GRUBBS, ROGER S., dec'd

Late of Bethlehem, Northampton County, PA

Co-Administrators: Amy McHugh, 513 Bald Eagle Court, Lancaster PA 17601; Sarah Grubbs, 2429 Woodstock Drive, Bethlehem, PA 18017; and Martha Grubbs, 541 4th Ave, Bethlehem PA 18018

KARAKASH, JOHN J., dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Richard W. Shaffer, Esquire, White and Williams, LLP, 3500 Winchester Road—200, Allentown, PA 18104

Attorneys: Richard W. Shaffer, Esquire, White and Williams, LLP, 3500 Winchester Road—200, Allentown, PA 18104

KOCH, MARY R., dec'd.

Late of Nazareth, Northampton County, PA

Executor: William R. Koch 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

KRAYCIK, ROBERT, dec'd

Late of the Township of Palmer, Northampton County, PA

Executrix: Ms. Terri Baldwin c/o Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 West Lafayette Street, Suite 100, Easton, PA 18042-1412

Attorneys: Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 West Lafayette Street, Suite 100, Easton, PA 18042-1412

MARKOVITZ, ALFRED, dec'd.

Late of the Borough of Pen Argyl, Northampton County, PA

Administratrix: Anne L. Fliszar, 181 Persimmon Lane, Bangor, PA 18013

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

PERKOWSKI, STANLEY W., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Administratrix: Margaret L. Perkowski 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

SKRIVANEK, CATHERINE M., dec'd.

Late of Northampton County, PA

Executrix: Linda Herkalo c/o Richard P. Kovacs, Esquire, Noel, Kovacs & McGuire, P.C., 2505 Newburg Road, Easton, PA 18045-1963

Attorneys: Richard P. Kovacs, Esquire, Noel, Kovacs & McGuire, P.C., 2505 Newburg Road, Easton, PA 18045-1963

THIRD PUBLICATION

BUTZ, JEROME, dec'd.

Late of the Township of Palmer, Northampton County, PA
 Executor: Donald C. Butz, 380 E. Dannersville Rd., Bath, PA 18014

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

HAPPEL, VERNON F., dec'd.

Late of the Township of Palmer, Northampton County, PA

Co-Executors: David A. Happel and Wayne F. Happel c/o Ellen S. Kingsley, Esquire, 162 South Union Street, Easton, PA 18042

Attorney: Ellen S. Kingsley, Esquire, 162 South Union Street, Easton, PA 18042

HARTMAN, HANNAH C. a/k/a HANNAH C. MOSER, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Wilma Fatzinger c/o Craig A. Dally, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

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

HELMS, SAMUEL L. a/k/a SAMUEL HELMS, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Co-Executors: David L. Helms, Michael L. Helms and Deborah E. Helms c/o Alfred S. Pierce, Esquire, I.D. No. 21445, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

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

WHITE, HERBERT W. a/k/a HERBERT W. WHITE, SR., dec'd.

Late of Upper Nazareth Township, Northampton County, PA

Executor: Earl White, 408 Parkland Drive, Wind Gap, PA 18091

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

NOTICES OF INCORPORATION

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

The name of the corporation is:

**FAUST HEATING
& A/C CO., INC.**

John J. Bartos, Esquire
John J. Bartos, P.C.
3976 Township Line Road
Bethlehem, PA 18020

May 4

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 pursuant to the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:
JOHNNY'S BAGEL, INC.

The Articles of Incorporation were filed on April 24, 2006.

HOLLY V. CALANTONI,
ESQUIRE

451 Main Street
Bethlehem, PA 18018

May 4

NOTICE IS GIVEN that Articles of Incorporation were filed with the Pennsylvania Department of State, Harrisburg, Pennsylvania on April 12, 2006, for the purpose of obtaining a Certificate of Incorporation pursuant to the Pennsylvania Business Corporation Law of 1988 as amended.

The name of the corporation is:

**JMJ PROPERTY
MANAGEMENT, INC.**

The purpose of the corporation shall be to do any lawful act and business for which corporations may be incorporated under the law.

ROBERTI & ROBERTI, LLC
56 Broadway
Jim Thorpe, PA 18229

May 4

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act of December 16, 1982, P.L. 1309, as amended, that an application for registration of a fictitious name was filed in the office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania. For the conduct of business in Northampton County, Pennsylvania, under the assumed name, style or designation of:

COUNTRY LANE LANDCARE

with its principal place of business at: 392 Shooktown Rd., Bangor, PA 18013. The name and address of the person owning or interested in said business is: Eric S. Kalnas, 392 Shooktown Rd., Bangor, Pennsylvania 18013.

May 4

**LIMITED LIABILITY COMPANY
NOTICE**

NOTICE IS HEREBY GIVEN that notice of Certificate of Organization-

Domestic Limited Liability Company were filed with the Pennsylvania Department of State at Harrisburg, Pennsylvania for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106, under the name of:

The name of the LLC is:

AB FLIGHT LLC

The Certificate of Organization was filed on December 30, 2005.

HOLLY V. CALANTONI,
ESQUIRE

451 Main Street
Bethlehem, PA 188018

May 4

NOTICE OF DISSOLUTION

NOTICE IS HEREBY GIVEN that Articles of Dissolution have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purposes of dissolving a corporation pursuant to 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: **A NEARLY NEW TIRE, INC.**

Any inquiries concerning the dissolution may be directed to the undersigned:

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

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

May 4

**IN THE NORTHAMPTON
COUNTY COURT OF
COMMON PLEAS
ORPHANS' COURT DIVISION**

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

ESTATE; Accountant
FLOYD ECKHARDT; Wachovia Bank, N.A. (formerly First Union National Bank) and Elizabeth B. Eckhardt, Trustees

KERRY JILL MARTIN; David S. Martin, Executor

MARY JANE PORTER a/k/a M. JANE PORTER a/k/a MARY J. PORTER; Elaine C. Porter a/k/a Elaine C. Parmenter, Executrix

JOHN P. ROLAND; Tammy J. Roland, Co-Administratrix

AUDIT NOTICE

All Parties interested are notified that an audit list will be made up of all Accounts and the said list will be called for audit at the Northampton County Government Center, Easton, PA on: FRIDAY, MAY 26, 2006 AT 9:00 A.M. IN COURTROOM #1.

Dorothy L. Cole
Clerk of Orphans' Court
May 4, 11

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

IN RE: Adoption of RAR
No. 2006-0026

NOTICE

TO: DWIGHT W. SHOW

A Petition for Involuntary Termination has been filed asking the Court to put an end to all rights you have to your child. Said Petition was filed with the Northampton County Court of Common Pleas on February 10, 2006.

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

requested by the Petitioners. You may lose all rights to your child.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE:

LAWYER REFERRAL SERVICE
155 South 9th Street
Easton, PA 18042
Telephone: (610) 258-6333

AMERICANS WITH DISABILITIES
ACT OF 1990

The Court of Common Pleas of Northampton County is required by law to comply with the Americans with Disabilities of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

DAVID J. JORDAN, JR.,
ESQUIRE
Attorney I.D. No. 34732
McFALL, LAYMAN
& JORDAN, P.C.
Attorneys for Plaintiff

134 Broadway
Bangor, PA 18013
(610) 588-0484

May 4

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

JURY TRIAL DEMANDED
FOLLOWING ARBITRATION,
IF NECESSARY

ERIE INSURANCE GROUP
2200 West Broad Street
Bethlehem, PA 18018

and

MARY LOUISE MILLWARD
709 Dellwood Street
Bethlehem, PA 18018

Plaintiffs

v.

CANDICE MARX
108 East 21st Street
Northampton, PA 18067

Defendant

NO.: C-0048-CV-2003-009148

NOTICE TO DEFEND

You have been named as a Defendant in a civil action instituted against you by Plaintiffs, Erie Insurance Group and Mary Louise Millward, in this Court concerning an automobile accident which occurred on or about January 7, 2002.

You are hereby notified to plead to the Complaint in this case, of which the above is a brief summary, within twenty (20) days from the date of publication.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the foregoing pages, you must take action within twenty (20) days after this Complaint and notice are served by entering a written appearance personally or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and

a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service
155 South 9th Street
Easton, PA 18042
Telephone No. (610) 258-6333

DAVID T. BUSH, ESQUIRE
Attorney I.D. No. 32131
FORRY, ULLMAN, ULLMAN
& FORRY, P.C.
Attorneys for Plaintiffs

One Montgomery Plaza
Suite 900
Norristown, PA 19401
(610) 278-7520

May 4

**NOTICE OF ADOPTION OF
ORDINANCE
BUSHKILL TOWNSHIP
FIRST REGIONAL COMPOST
AUTHORITY**

Notice that the Board of Supervisors of Bushkill Township, Northampton County, Pennsylvania, has, after hearing held on April 20, 2006, adopted Ordinance No. 2006-2 to organize an Authority under the provisions of the Municipality Authorities Act of 1945 (the Act of May 2, 1945, P.L. 382) as amended, which Authority shall be known as the "First Regional Compost Authority". The Ordinance provides that the

said Authority shall be for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning or leasing, either in a capacity of Lessor or Lessee, land and equipment necessary for a regional yard waste recycling program and the creation of a yard waste facility to provide yard waste recycling to member municipalities and joining with the Townships of Allen, East Allen, Lehigh, and Moore all of Northampton County, Pennsylvania for those purposes; appointing the first Members of the Board of the Authority; authorizing other necessary actions and repealing all inconsistent Ordinances, Resolutions and parts thereof.

On June 15, 2006, Articles of Incorporation of the proposed Authority shall be filed with the Secretary of the Commonwealth.

Copies of the Ordinance adopted by the Township are available for public inspection at the following locations: Bushkill Township Municipal Building, 1114 Bushkill Center Road, Bushkill Township, Northampton County, Pennsylvania; and Northampton County Law Library, Northampton County Government Center, 7th & Washington Streets, Easton, Pennsylvania.

GARY NEIL ASTEAK, ESQUIRE
Bushkill Township Solicitor
726 Walnut Street
Easton, PA 18042

May 4

NOTICE

Busy General Litigation Firm seeks candidate with 0-2 years experience. Salary commensurate with experience. Send resume to Strubinger Law Offices, P.C., P.O. Box 158, Palmerton, PA 18071

Apr. 27; May 4



The Lehigh Cement Company in Allentown, Pennsylvania has an immediate opening for a LEGAL ASSISTANT. This position would provide administrative and legal assistance to the Corporate Legal, Properties, and Public Affairs/Communications departments.

Preferred Skills and Qualifications:

- Associate Degree, Paralegal or Legal Assistant Diploma/Certificate
- 5 – 7 years of experience in a Paralegal, Legal Assistant or similar position
- Proficiency in MS Office including Word, Excel and Power Point
- Excellent written and verbal communications skills
- Ability to effectively handle multiple priorities
- Excellent organizational skills
- Ability to apply practical judgment balanced with sensitivity and tact
- Demonstrated commitment and ability to work in a Total Quality team environment
- Ability to work with a high degree of confidentiality

Responsibilities:

- Provides assistance in preparing legal documents for property and business transactions.
- Prepares drafts of routine contracts involving leases, licenses, purchases, sales, services and related matters.
- Performs legal research and compiles data using such references as digests, encyclopedias, practice manuals or other sources.
- Provides a variety of secretarial services for Public Affairs/Communications, Properties, and Legal, including travel arrangements, preparing documents, correspondence, ordering, filing, and file archives.
- Prepares routine transmittals to clients and outside counsel relating to transactions and contracts.

If you have the necessary skills and qualifications, please email your resume to **recruitment@lehighcement.com**.

**WHO DO YOU CALL WHEN YOU NEED LEGAL COPYING AND
SCANNING DONE QUICKLY AND ACCURATELY
WITH FREE PICKUP AND DELIVERY?**

- Black & White Copying**
- Color Copying**
- Scan to Archive**
- Document Conversion**
- Bindery**
- Network Services**
- Stationery**
- Booklets**



www.arrowdoc.com

(We are a business-to-business non-retail service)

1509 EASTON AVENUE BETHLEHEM, PA 18017 ■ PHONE: 610-865-4950 ■ FAX: 610-865-5630

PA State Certified Appraiser
RL-000188-L

**MICHAEL D. EDGAR
APPRAISAL SERVICES**



P.O. Box 20546
Lehigh Valley, PA 18002-0546

Michael D. Edgar, SRA
Phone: (610) 746-0494
Fax: (610) 746-9070

ESTATE, DIVORCE, LITIGATION

NORTHAMPTON COUNTY REPORTER DIGEST—2006-5
RECENT DECISIONS OF THE COURTS OF COMMON PLEAS
OF NORTHAMPTON COUNTY

COMMONWEALTH OF PENNSYLVANIA v. NATHAN SHILLER

Petition to Transfer to Juvenile Court

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 2005-2860.

Order of Court granting Defendant's Petition to Transfer case to Juvenile Court.

Jay Jenkins, Esquire for the Commonwealth.

Robert Patterson, Esquire for Defendant.

Decision of Court entered October 20, 2005 by William F. Moran, Judge.

DESCRIPTION OF DECISION

The juvenile defendant was charged with various crimes that caused his case to automatically be filed in the adult criminal court system. The juvenile defendant petitioned the Court to transfer his case to the juvenile court system. Based on the factors outlined in 42 Pa.C.S.A. §6355, the Court determined that the case should be transferred to the juvenile court system.

**PATTI JO CICERO v. SCOTT S. LEWIS AND DEPARTMENT OF
GENERAL SERVICES, COMMONWEALTH OF PENNSYLVANIA**

Preliminary Objections

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV2005-4186.

Order of Court denying Defendants' Preliminary Objections.

Samuel P. Murray, Esquire for Plaintiff.

William A. Slotter, Esquire for Defendants.

Decision of Court entered November 30, 2005 by William F. Moran, Judge.

DESCRIPTION OF DECISION

The Defendants filed preliminary objections, asking the Court to strike certain paragraphs of the Plaintiff's complaint because the paragraphs were boilerplate allegations that did not aver any material facts. The Court refused to strike any of the paragraphs from the Plaintiff's complaint because all of the averments, taken as a whole, constituted an allegation of negligence.

**LARRY W. PETERS AND JANICE PETERS v. ANTHONY STELLAR,
STELLAR CONSTRUCTION, INC., EVE L. TEWS, EVE L. TEWS T/A
PROFESSIONAL CLAIMS SERVICES, AND
PROFESSIONAL CLAIMS SERVICES, INC.**

Preliminary Objections

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048-CV2004-7151.

Order of Court sustaining Defendants' Preliminary Objections.

John Molnar, Esquire for Plaintiffs.

Kent Herman, Esquire for Defendants.

Decision of Court entered December 6, 2005 by William F. Moran, Judge.

DESCRIPTION OF DECISION

Plaintiffs filed a Complaint against Defendants, alleging that, following a fire that damaged their home, the Defendants' improperly processed their claim and inadequately performed repairs on their home. In response, the Defendants filed preliminary objections, asking the Court to dismiss Count IV and Count V of Plaintiffs' Complaint because these Counts failed to state a cause of action and they were insufficient pleadings. The Court dismissed both Counts, finding that neither count alleged a cause of action and that both counts were insufficiently plead. The Plaintiffs were given twenty days to file an Amended Complaint.

**KURT FISHER v. JEFFREY ZAVAR AND BARBARA ZAVAR AND
ALAN KUNSMAN ROOFING & SIDING, INC.****ALAN KUNSMAN ROOFING & SIDING, INC. v. TERRY REX***Summary Judgment Motion*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV2003-003649, No. C0048-CV2004-002531.

Order of Court Denying Defendant's Summary Judgment Motion.

Jeffrey S. Lee, Esquire for Plaintiff.

John W. Ashley, Esquire for Defendant.

Decision of Court entered November 18, 2005 by William F. Moran, Judge.

DESCRIPTION OF DECISION

The Defendant filed a Motion for Summary Judgment, claiming that no genuine issue of material fact existed. Upon review of the record, the Court determined that a genuine issue of material fact existed and the Defendant's non-negligence could not be established as a matter of law. As a result, the Court denied the Defendant's Motion for Summary Judgment.

**GEORGE ROXANDICH AND ALEXANDRIA ROXANDICH, HUSBAND
AND WIFE v. CITY OF BETHLEHEM ZONING HEARING BOARD,
AND DJ PROPERTIES***Motion to Enforce Settlement*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2004005894.

Order of Court entered in favor of Plaintiffs.

Keith D. Cacciatore, Esquire for Plaintiffs.

Robert Davison, Esquire for Intervenor, DJ Properties.

Order of Court entered on December 22, 2005 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Intervenor, DJ Properties, filed a Petition to Enforce a Settlement between itself and Plaintiffs. This Court held that although there were significant discussions regarding the sale of land, there was never a meeting of the minds with regard to the property. This is clear by the lack of agreement on the sale price, the size of the property in question, and the facts surrounding the circumstances of these various "agreements." For these reasons, the Court denied DJ Properties' Petition.

COMMONWEALTH OF PENNSYLVANIA v. SONNY THOMAS

Omnibus Motion to Suppress—Retrospective Evaluation—Competence—Voluntary and Knowing Waiver of Miranda Rights—Mental Illness—Voluntary Intoxication

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 2005-622.

Order of Curt entered in favor of Commonwealth.

John Morgnelli, Esquire for Commonwealth.

Bohdan Zelechiwsky, Esquire & Holly Calantoni, Esquire for Defendant.

Order of Court entered on December 22, 2005 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendant filed a motion to suppress two oral statements, one of which was videotaped, given to police on the night of the incident giving rise to the charges of criminal homicide. Defendant contends that he did not make these statements voluntarily and knowingly and that they should, therefore, be suppressed.

It is the Commonwealth's burden, by a preponderance of the evidence, to establish that a confession was voluntary and that a waiver of Constitutional rights was knowing and intelligent. *Commonwealth v. Fahy*, 512 Pa. 298, 516 A.2d 689 (Pa. 1986).

Defendant's expert, Dr. Frank Dattilio, testified at the Omnibus pretrial hearing that Defendant at the time of the incident was suffering from paranoid schizophrenia, which was exacerbated by his drug use and the emotionally charged situation. At the outset, this Court concluded that Dr. Dattilio could adequately conduct a retrospective evaluation of Defendant to determine his competence. *See Commonwealth v. Santiago*, 579 Pa. 46, 855 A.2d 682, 692 (2004).

In order to determine whether there has been a valid waiver of an individual's *Miranda* rights, the Court must undertake a two step inquiry: first, whether the waiver was voluntary; second, whether the waiver was knowing and intelligent. *Commonwealth v. Cephas*, 361 Pa. Super. 160, 522 A.2d 63 (1987). Based on the evidence, this Court found that Defendant's waiver was voluntary, as the police did not exert undue pressure on Defendant at the time he made the statement. When determining whether the Defendant's waiver was knowing and intelligent, the Court must look at cognitive factors to determine if Defendant was aware of the nature of the choice he made by giving up his rights. *Cephas, supra*. Ordinarily mental illness and intoxication are not sufficient to render a person incapable of understanding his rights. *Commonwealth v. Hicks*, 466 Pa. 499, 353 A.2d 803 (1976); *Commonwealth v. Culberson*, 467 Pa. 424, 358 A.2d 416 (1976). Furthermore, this Court was not convinced, as a matter of law, by Dr. Dattilio's testimony that Defendant did not knowingly and intelligently waive his rights.

For these reasons, this Court denied Defendant's motion to suppress.

**LAWRENCE E. JOHNSON, SR. AND ELIZABETH C. JOHNSON v.
MARK J. LUTZ AND INVESTMENT ADVISORS & CONSULTANTS INC.**

Motion for Summary Judgment—NASD Rule 2301—Breach of Contract

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2003006210.

Order of Court entered in favor of Plaintiffs.

George A. Heitczman, Esquire for Plaintiffs.

Denis D. Dice, Esquire for Defendants.

Order of Court entered on December 22, 2005 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendants filed a Motion for Summary Judgment, asserting that Plaintiffs cannot base a claim on NASD Rule 2301, as NASD rules are merely self regulatory policies and do not provide a cause of action. This Court held, however, that Plaintiffs' claims are in Breach of Contract and their averment with regard to NASD Rule 2301 was only to measure the nature and extent of Defendants' deviation from their promises made to Plaintiffs. Therefore, this Court denied Defendants' Motion, as Plaintiffs properly pled a cause of action in contract.

COMMONWEALTH OF PENNSYLVANIA v. BRYAN KOHL

Omnibus Motion—Motion to Dismiss

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 2005-2252.

Order of Court entered in favor of Commonwealth.

Jacqueline M. Taschner, Esquire for Commonwealth.

Christopher T. Spadoni, Esquire for Defendant.

Order of Court entered on December 22, 2005 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendant filed an Omnibus Pretrial Motion in the nature of a motion to dismiss. Upon reviewing the evidence, this Court concluded that the Commonwealth met its burden in presenting sufficient evidence to sustain the charges on a prima facie case of Stalking, Criminal Trespass, Defiant Trespass, and Harassment, when the Defendant entered the victim's residence without permission, and as a result scared the victim's mother, and the victim had a PFA against Defendant which prohibited him from entering her property.

**THOMAS J. GILLEN, JR. AND YVONNE A. GILLEN, HIS WIFE,
JOSEPH E. HENRY AND MADGE D. HENRY, HIS WIFE, RICHARD S.
LUSCHER AND DANIELLE J. LUSCHER, HIS WIFE, GUY
CHRISTOPHER AND VALERIA CHRISTOPHER, HIS WIFE, RICHARD P.
BARANOWSKI, AND JAMES W. MCCANN v. PALMER TOWNSHIP**

Preliminary Objections—Eminent Domain Code

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2004009153.

Order of Court entered in favor of Defendant.

William Coffin, Esquire for Plaintiffs.

Charles Bruno, Esquire for Defendant.

Order of Court entered on December 8, 2005 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

This action arises out of a condemnation action in which Palmer Township exercised its powers of eminent domain in order to obtain title to property for the purposes of a "rails to trails" program. Notice of Condemnation was served on Plaintiffs on February 23, 2004. Plaintiffs filed the instant action to Quiet Title on December 22, 2005, over ten months after the Declaration of Taking had been filed. Defendant filed Pre-

liminary Objections asserting that Plaintiffs cannot now challenge the taking, as the 30 day time period for filing preliminary objections to the Declaration of Taking has long passed. Defendant also asserts lack of specificity, failure to comply with Pa.R.C.P. 1019(i) and 1028(a)(2) and failure to adhere to Pa.R.C.P. 1054(b).

This Court held that pursuant to the Eminent Domain Code, 26 P.S. 1-101 et. seq., any preliminary objections to the declaration of taking should have been filed within 30 days of service with the notice of condemnation. Preliminary Objections, by way of the Eminent Domain Code, are the exclusive method for challenging the power to condemn. Plaintiffs did not file preliminary objections within 30 days, and as such are not entitled to file at this time without showing cause to justify an extension of time. Plaintiffs did not show cause, beyond mere inadvertence, to justify filing preliminary objections *nunc pro tunc*, and, therefore, have waived any objection to Defendant's Declaration of Taking.

This Court also held that Plaintiffs claims in negligence are speculative and are time-barred as their recourse was to proceed under the Code. This Court also held that Defendant's final preliminary objections need not be addressed. Plaintiffs were not given the opportunity to amend their Complaint, as the underlying issues should have been addressed by filing preliminary objections. Since Plaintiffs failed to file preliminary objections within 30 days from the notice of condemnation, Plaintiffs have waived claims based thereon.

COMMONWEALTH OF PENNSYLVANIA v. JARED CASCIOLE*Omnibus Motion—Motion to Dismiss*

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No 2005-2669.

Order of Court entered in favor of Commonwealth.

William M. Blake, Esquire for Commonwealth.

James M. Connell, Esquire for Defendant.

Order of Court entered on November 2, 2005 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendant filed an Omnibus Pretrial Motion in the nature of a motion to dismiss, asserting that the Commonwealth did not establish a prima facie case to support the charges of Burglary, Aggravated Assault, Simple Assault, and Recklessly Endangering Another Person.

Upon reviewing the transcript, this Court concluded that the Commonwealth has produced sufficient evidence to sustain the charges. Defendant, along w/ other individuals, entered the victim's apartment uninvited. Defendant then left the apartment and verbally attacked the victim. They then got into a physical altercation. It is irrelevant to the charge of Burglary that Defendant did not attack the victim within the house.

COMMONWEALTH OF PENNSYLVANIA v. BETH ANN CROISSETTE*Omnibus Motion—Motion to Suppress*

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No 2005-2204.

Order of Court entered in favor of Commonwealth.

William M. Blake, Esquire for Commonwealth.

Alexander Stirton, Esquire for Defendant.

Order of Court entered on December 19, 2005 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendant filed a Motion to Suppress evidence as a result of an incident that took place on May 14, 2005. On said date, Officers were called to the scene of a mobile home park to respond to reports of an unconscious woman in her vehicle. Upon arrival, Officer Happel observed Defendant behind the driver's seat of her vehicle, which was running. Officer Happel also observed Defendant to be under the influence of alcohol. Officer Happel asked Defendant if she had been drinking and Defendant responded that she had been. Without further questioning, Defendant volunteered that she did not drive "that far" and she did not think it was a "big deal." Officer Happel arrested Defendant for Driving Under the Influence.

Based on the evidence, this Court concluded the police engaged in a "mere encounter" to request information and at the time of questioning, Defendant was not in custody and, therefore, *Miranda* warnings were not required. See *Commonwealth v. Ellis*, 541 Pa. 285, 662 A.2d 1043 (1995); *Commonwealth v. Haupt*, 389 Pa. Super. 614, 567 A.2d 1074 (1989).

JACQUELINE HENDRICKS AND EDWARD KELCHNER v. ZONING HEARING BOARD OF THE TOWNSHIP OF BUSHKILL, JOYCE AHLES AND ANN DAVIS, AND BOARD OF SUPERVISORS OF BUSHKILL TOWNSHIP, AND JOYCE AHLES AND ANN DAVIS

Zoning Appeal—Variance—Variance by Estoppel—Special Exception—Cat Boarding Business

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, Nos. C0048CV2004004572; C0048CV2004004573.

Order of Court entered in favor of Zoning Hearing Board.

David M. Backenstoe, Esquire for Appellants, Hendricks & Kelchner.

Matthew C. Potts, Esquire for Intervenor, Board of Supervisors.

Theodore R. Lewis, Esquire for Intervenors, Ahles and Davis.

Order of Court entered on October 20, 2005 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Before this Court were two consolidated zoning appeals involving the continued operation of a cat boarding business in Bushkill Township by Joyce Ahles and Ann Davis. In 1986, Ahles and Davis informed the Zoning Officer of their cat boarding business; the Zoning Officer did not indicate a problem with their boarding of cats. In 2004, the Zoning Officer informed Ahles and Davis that they were operating with out a permit and, therefore, continued operation required permission of the Zoning Hearing Board. Ahles and Davis made applications for variances, a hearing was held, and ultimately their variance requests were granted. The Zoning Officer, however, refused to issue a permit because a special exception was necessary. Ahles and Davis made application for the special exception, which was granted after a hearing. On June 21 2004, Appellants, Jacqueline Hendricks and Edward Kelchner, filed separate appeals from the Zoning Hearing Board's grant of variances and special exception.

This Court held that the Zoning Hearing Board ("ZHB") did not commit abuse of discretion when it granted the variances and special exception. The ZHB considered variance by estoppel which provides that a property owner may continue use of prop-

erty contrary to zoning laws if 1. The municipality failed to enforce the zoning ordinance for a long period of time; 2. The municipality knew or should have know of the illegal use and actively acquiesced to the illegal use; 3. The property owner relied on the appearance of regularity created by the municipality inaction; 4. Hardship is created by cessation of illegal use; and 5. Variance will not be a threat to the health, safety or morals of the community. *Springfield Township v. Kim*, 792 A.2d 717 (Pa. Cmwlth. 2002). The ZHB considered the evidence regarding variance by estoppel and granted said variance. The ZHB also concluded that the cat boarding business complied with the general standards for a special exception as well as the more specific standards governing this use. As such, the ZHB granted special exception.

Thus, the Court concluded that the ZHB did not abuse its discretion and, as such, denied and dismissed Appellants' appeal.

COMMONWEALTH OF PENNSYLVANIA v. JAY C. BALLIET

Omnibus Motion—Motion to Suppress

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No 2005-2510

Order of Court entered in favor of Commonwealth.

Thomas Carroll, Esquire for Commonwealth.

Brian J. Collins, Esquire for Defendant.

Order of Court entered on December 19, 2005 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendant filed a Motion to Suppress physical evidence. On May 10, 2005, Officer Wayda responded to the 300 block of Willow Avenue for a domestic dispute. While there he observed Defendant to be under the influence of alcohol. Defendant's girlfriend agreed to leave the residence for the evening and drove Defendant's vehicle to another residence. Defendant told the Officer that he did not want his girlfriend driving his vehicle. Officer Wayda, therefore, located Defendant's girlfriend and returned the keys to Defendant. He informed Defendant at that time that he should not drive his vehicle that night or he would be arrested for DUI. Less than 45 minutes later, Officer Wayda observed Defendant driving his vehicle. Officer Wayda confronted Defendant and again observed him to be under the influence of alcohol. Defendant failed a preliminary breath test and was then placed under arrest for Driving Under the Influence.

Based on the evidence, this Court concluded that Officer Wayda had probable cause to arrest Defendant for Driving Under the Influence. *Commonwealth v. Descar*, 798 A2.d 758 (Pa. Super. 2002); *Commonwealth v. Labiaux*, 290 Pa. Super. 189, 434 A2d 194 (Pa. Super. 1981).