

Northampton County Reporter

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Northampton County Reporter Digest—2006-9

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- Quarterly Association Meeting
- Thursday, September 14, 2006
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Northampton County Reporter

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Robert C. Brown, Jr., Esquire

Editor

NOTICES TO NCBA MEMBERS—BAR NEWS

INCLUDED IN THIS ISSUE:

- Lunch Lecture: “Wage and Overtime Issues, Overview and Update”—Wednesday, September 13, 2006
- Quarterly Association Meeting Registration—Thursday, September 14, 2006
- Lunch Lecture: “Juvenile Court: From Start to Finish”—Wednesday, October 4, 2006
- NCBA Calendar of Events

Opportunities are usually disguised as hard work, so most people don't recognize them.—Ann Landers [Esther P. Lederer], 1918-

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**BALAS, PAUL S.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: John Thomas Balas
c/o Glenn T. Roth, Jr., Esquire, 740 Main Street, Bethlehem, PA 18018

Attorney: Glenn T. Roth, Jr., Esquire, 740 Main Street, Bethlehem, PA 18018

BALTZ, ESTHER V., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executor: George A. Baltz c/o Dean C. Berg, Esquire, P.O. Box 10, 1820 Main Street, Northampton, PA 18067

Attorney: Dean C. Berg, Esquire, P.O. Box 10, 1820 Main Street, Northampton, PA 18067

BOGER, GLORIA, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Justina Keeler c/o Lawrence Center, Esquire, P.O. Box 1248, 60 W. Broad St., Ste. 103, Bethlehem, PA 18016
Attorney: Lawrence Center, Esquire, P.O. Box 1248, 60 W.

Broad St., Ste. 103, Bethlehem, PA 18016

BROTZMAN, JEAN L., dec'd.

Late of the Township of East Allen, Northampton County, PA

Executor: Wayne Brotzman
c/o Anthony S. Blasco, Esquire, 5201 William Penn Highway, Easton, PA 18045

Attorney: Anthony S. Blasco, Esquire, 5201 William Penn Highway, Easton, PA 18045

HAZUDA, DOROTHY, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Rachel Hoagland
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

KISSAWETTER, BARBARA M., dec'd.

Late of Bethlehem Township, Northampton County, PA

Executrix: Janet J. Leshner
c/o Judith A. Harris, Esquire, Tallman, Hudders & Sorrentino, PC, The Paragon Centre, 1611 Pond Road, Suite 300, Allentown, PA 18104-2258

Attorneys: Judith A. Harris, Esquire, Tallman, Hudders & Sorrentino, PC, The Paragon Centre, 1611 Pond Road, Suite 300, Allentown, PA 18104

LUYBLI, JOSEPH J., dec'd.

Late of Lower Saucon Township, Northampton County, PA

Co-Executors: Joseph R. Luybli and Kenneth A. Luybli 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

RIVERA, JESUS R., dec'd.

Late of the Township of Hanover, Northampton County, PA Administratrix C.T.A.: Ms. Alicia Rivera, 1819 Abington Road, Bethlehem, PA 18018
Attorney: Vaughn A. Terrinoni, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

THOMPSON, ROBERT F., III, dec'd.

Late of Lower Saucon Township, Northampton County, PA

Executor: Lauralee T. Korin c/o Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

Attorneys: Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

VARGO, HELEN M., dec'd.

Late of Palmer Township, Northampton County, PA
Co-Executrices: Doris Jean Vargo and Janet A. Vargo c/o Joel M. Scheer, Esquire, Fishbone & Scheer, 940 W. Lafayette Street, Easton, PA 18042

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

ZIYACZ, AGNES a/k/a AGNES M. ZIYACZ, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Ronald Joseph Valish, Stephen E. Odor and Barry L. Odor c/o William P. Leeson, Esquire, Leeson, Leeson & Leeson, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

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

SECOND PUBLICATION

BRUENINGSEN, AUDREY E., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Richard E. Brueningesen 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

CALABRESE, ANGELINA, dec'd.

Late of Easton, Northampton County, PA

Executrix: Desty A. Bonstein c/o Douglas M. Marinos & Associates, P.C., 101 North Cedar Crest Boulevard, Allentown, PA 18104

Attorneys: Douglas M. Marinos & Associates, P.C., 101 North Cedar Crest Boulevard, Allentown, PA 18104

EYER, MARION R., dec'd.

Late of Bushkill Township, Northampton County, PA

Executor: Gerald D. Hahn, 520 West Moorestown Road, Nazareth, PA 18064-9575

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

FALCO, ELIZABETH D., dec'd.

Late of the Township of Palmer, Northampton County, PA
Co-Executors: Donald E. Sanders and Susan L. Mucha
c/o Robert Glazer, Esquire, McLaughlin & Glazer, 800 Walnut Street, Easton, PA 18042-4381

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

HUNSICKER, GEORGETTE L. a/k/a GEORGETTE HUNSICKER, dec'd.

Late of East Allen Township, Northampton County, PA
Co-Executors: Garry C. Hunsicker a/k/a Garry Hunsicker, Linda R. Hahn and Donna L. Nardo
c/o Thomas P. Stitt, Esquire, 576 Nazareth Pike, Nazareth, PA 18064.

Attorney: Thomas P. Stitt, Esquire, 576 Nazareth Pike, Nazareth, PA 18064

MARTOCCI, MARY, dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executor: Joseph Bartosh
c/o Charles W. Gordon, Esquire, 1413 Jacobsburg Road, Wind Gap, PA 18091

Attorney: Charles W. Gordon, Esquire, 1413 Jacobsburg Road, Wind Gap, PA 18091

SABOL, THOMAS R., dec'd.

Late of Plainfield Township, Northampton County, PA
Executor: Thomas G. Sabol
c/o Joseph E. Lastowka, Jr.,

Esquire, Abbott Lastowka & Overholt LLP, The Madison Building, 108 Chesley Drive, Media, PA 19063-1712

Attorneys: Joseph E. Lastowka, Jr., Esquire, Abbott Lastowka & Overholt LLP, The Madison Building, 108 Chesley Drive, Media, PA 19063-1712

STHARE, CURTIS R., dec'd.

Late of Bethlehem Township, Northampton County, PA
Executrix: Elizabeth I. Mikovitch, 1152 Pecan Lane, Walnutport, PA 18088

Attorneys: David B. Shulman, Esquire, Shulman, Shabbick & Ettinger, 1935 Center Street, Northampton, PA 18067

TANZOS, LEWIS J., dec'd.

Late of the Borough of Bath, Northampton County, PA
Executrix: Helen M. Bartholomew, 5465 Snyders Church Road, Northampton, PA 18067
Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

THIRD PUBLICATION

AMMEND, FRANK H., dec'd.

Late of 1612 7th Street, Bethlehem, Northampton County, PA

Executrix: Constance H. Schubert
c/o Todd H. Lahr, Esquire, 4972 Medical Center Circle, Allentown, PA 18106-9687

Attorney: Todd H. Lahr, Esquire, 4972 Medical Center Circle, Allentown, PA 18106-9687

DELLATORE, CATHERINE J., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Joseph M. Dellatore
c/o Mary Ann Snell, Esquire,
Suite 311, 3400 Bath Pike,
Bethlehem, PA 18017

Attorney: Mary Ann Snell, Es-
quire, Suite 311, 3400 Bath
Pike, Bethlehem, PA 18017

KAUFFMAN, THEODORE H.,
dec'd.

Late of Walnutport, North-
ampton County, PA

Executor: Terry Kauffman
c/o John M. Ashcraft, III, Es-
quire, 532 Walnut Street,
Allentown, PA 18101

Attorney: John M. Ashcraft,
III, Esquire, 532 Walnut
Street, Allentown, PA 18101

PATTERSON, HELEN L., dec'd.

Late of the Township of Forks,
Northampton County, PA

Executor: Quentin L. Patter-
son c/o Robert H. Jacobs,
Esquire, Jacobs & Jacobs, 214
Bushkill Street, Easton, PA
18042-1892

Attorneys: Robert H. Jacobs,
Esquire, Jacobs & Jacobs, 214
Bushkill Street, Easton, PA
18042-1892

SMITH, MARGARET M., dec'd.

Late of the Township of Moore,
Northampton County, PA

Executrix: TinaMarie M.
Milkovits 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

UNGER, THERESIA a/k/a
TESSIE UNGER, dec'd.

Late of Northampton, North-
ampton County, PA

Executor: Mr. Joseph C. Unger
c/o John D. Lychak, Esquire,
Law Offices of John D. Ly-
chak, P.C., 35 East Elizabeth
Avenue, Suite 21, Bethlehem,
PA 18018

Attorneys: John D. Lychak,
Esquire, Law Offices of John
D. Lychak, P.C., 35 East
Elizabeth Avenue, Suite 21,
Bethlehem, PA 18018

WASEL, JOSEPH H., dec'd.

Late of Bethlehem Township,
Northampton County, PA

Executor: Peter S. Fosl c/o
Thomas J. Fischer, Esquire,
1021 West Broad Street, Beth-
lehem, PA 18018

Attorney: Thomas J. Fischer,
Esquire, 1021 West Broad
Street, Bethlehem, PA 18018

NOTICES OF INCORPORATION

NOTICE IS HEREBY GIVEN that
Articles of Incorporation have been
(are to be) filed with the Department
of State of the Commonwealth of
Pennsylvania at Harrisburg, Penn-
sylvania for the purpose of obtain-
ing a Certificate of Incorporation
pursuant to the provisions of the
Business Corporation Law of the
Commonwealth of Pennsylvania, Act
of December 21, 1988 (P.L. 1444,
No. 177), by the following corpora-
tion:

Name:

GASY Investment Co.

ROBERT M. KNAUER, ESQUIRE
KNAUER & DAVENPORT
143 N. 8th Street
Allentown, PA 18101

Sept. 7

NOTICE IS HEREBY GIVEN that
Articles of Incorporation have been
filed with the Department of State
of the Commonwealth of Pennsyl-
vania at Harrisburg, Pennsylvania,

for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of Pennsylvania, approved December 21, 1988, P.L. 1444, as amended, by the following corporation:

The name of the corporation is:
PANND A, INC.

Fitzpatrick Lentz & Bubba, P.C.
4001 Schoolhouse Lane
P.O. Box 219
Center Valley, PA 18034-0219

Sept. 7

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, Commonwealth of Pennsylvania, Harrisburg, Pennsylvania on July 18, 2006, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of 1988 (P.L. 1444, No. 177), on behalf of the following corporate entity:

The name of the corporation is:
**THE WOODS AT SAUCON'S
EDGE CONDOMINIUM
ASSOCIATION, INC.**

Joseph J. Plunkett, Esquire
Joseph J. Plunkett, P.C.
2030 Tilghman Street
Suite 202
Allentown, PA 18104-4354
Telephone No.:
(610) 432-1590
Facsimile No.:
(610) 432-3239
E-Mail Address:
jjp@jplunkett-esq.com

Sept. 7

**LIMITED LIABILITY COMPANY
NOTICES**

NOTICE IS HEREBY GIVEN that on June 2, 2006, Certificate of Organization was filed in the Department of State of the Commonwealth of Pennsylvania for:

**CALLAHAN STONE INSURANCE
ADVISORS, LLC**

in accordance with the provisions of the Limited Liability Act of 1994.
JAMES L. BROUGHAL, ESQUIRE
BROUGHAL & DeVITO, L.L.P.
38 West Market Street
Bethlehem, PA 18018

Sept. 7

NOTICE IS HEREBY GIVEN that on August 15, 2006, Certificate of Organization was filed in the Department of State of the Commonwealth of Pennsylvania for:

FARIN NAZARETH, LLC

in accordance with the provisions of the Limited Liability Act of 1994.
JAMES L. BROUGHAL, ESQUIRE
BROUGHAL & DeVITO, L.L.P.
38 West Market Street
Bethlehem, PA 18018

Sept. 7

LEGAL SECRETARY

Full-time for Easton law office engaged in family law, litigation and social security matters. Good communications skills necessary. Experience a plus. Fax or mail resume in confidence to Thoams & Thomas, Attorneys at Law, 704 Washington Street, Easton, PA 18042. FAX (610) 559-7768.

Sept. 7, 14, 21

OFFICE ASSISTANT—PART-TIME

Position available in Bethlehem law office engaged in estates/elder law practice for candidate with good communication, computer, math, and people skills, attention to details. Salary commensurate w/experience. Send resume and letter of interest with salary range to Law Office of Mary Ann Snell, 3400 Bath Pike, Suite 311, Bethlehem, PA 18017.

Sept. 7

PARALEGAL

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Sept. 7, 14, 21

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

NOTICE OF NAME CHANGE
IN RE: CHANGE OF NAME OF
PETER JAMES KEYES

No. C0048CV2006-6731

NOTICE IS HEREBY GIVEN that on August 28, 2006, Peter James Keyes filed in the Court of Common

Pleas of Northampton County at Docket No. C0048-CV2006-6731, a Petition seeking to change his name to Peter James Tsihlis.

The Petition will be presented on December 1, 2006, at 9:00 a.m. in Motions Court Room 229 of the Northampton County Courthouse. All parties interested in the proposed change of name may appear and show cause, if they have, why the prayer of the Petitioner should not be granted.

CHARLES W. GORDON,
ESQUIRE

Attorney I.D. No. 53638
Attorney for the Petitioner

656 Main Street
Hellertown, PA 18055
(610) 838-5500

Sept. 7

ASSOCIATE

Lehigh Valley boutique law firm seeks associate with 2-5 years experience in civil litigation. Labor/employment law experience preferred. Salary commensurate with experience. Send resume & salary req's to Heimbach, Spitko & Heckman, 535 Hamilton St., Ste. 200, Allentown, PA 18101.

Sept. 7, 14

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

**IN RE: ADMINISTRATIVE ORDER 2006-10-THE
MATTER OF THE INITIATION OF THE AMERICAN
CORRECTIVE COUNSELING SERVICES PROGRAM
FOR BAD CHECK OFFENDERS IN
NORTHAMPTON COUNTY**

AD 302-2006

ADMINISTRATIVE ORDER

AND NOW, this 31st day of August, 2006, upon motion of John M. Morganelli, District Attorney of Northampton County, and upon consideration of said motion, and a showing of good cause:

It is hereby ordered that the bad check diversionary program administered by American Corrective Counseling Services, offered to certain bad check offenders, shall hereby commence effective September 18, 2006.

It is further ordered that the collection of reasonable fees, costs, restitution and bank fees be permitted pursuant to the administration of this diversionary program, including the following fees: Diversionary Seminar Fee of \$165.00; Administrative Fee of \$25.00; Class Rescheduling Fee of \$25.00; Late Payment Fee of \$10.00.

BY THE COURT:

/s/ Robert A. Freedberg

ROBERT A. FREEDBERG, P.J.

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

IN RE: The Matter of the :
Initiation of the American : **Misc. Docket No.:**
Corrective Counseling :
Services Program for Bad :
Check Offenders in :
Northampton County :

**MOTION FOR THE INITIATION OF THE
BAD CHECK OFFENDER DIVERSIONARY
PROGRAM RUN BY AMERICAN
CORRECTIVE COUNSELING SERVICES**

TO THE HONORABLE, THE PRESIDENT JUDGE OF
THE SAID COURT:

AND NOW, John M. Morganelli, District Attorney of Northampton County, moves to initiate the bad check program run by American Corrective Counseling Services, and states the following:

1. Your movant is the District Attorney of Northampton County.
2. Movant is charged with the prosecution of all criminal offenses within Northampton County.
3. Bad check offenses under Title 18 Pa. C.S.A. §4105 constitute a significant number of the total number of criminal offenses prosecuted within Northampton County.
4. Bad check offenses create an undue burden on law enforcement personnel, magisterial district justice staffs and the office of district attorney.
5. American Corrective Counseling Services operates a bad check diversionary program at no cost to the county or taxpayers generally.
6. The office of the district attorney has contracted with American Corrective Counseling Services to

operate their diversionary program within Northampton County.

7. The American Corrective Counseling Services program's goals are the diversion of bad check offenders from the criminal justice system and the speedy return of restitution monies to the victims of bad check offenders.

8. The American Corrective Counseling Services program requires the collection of full restitution monies, including a bank fee not to exceed the fee permitted under Pennsylvania law.

9. The American Corrective Counseling Services program also requires offenders to attend a one-day class educating offenders on the effects of bad checks.

10. The American Corrective Counseling Services program further requires the offenders pay for the costs of said class, as well as an administrative fee to the County of Northampton.

11. The fifteen (15) magisterial district justice offices within Northampton County will be the main point of distribution of American Corrective Counseling Services program materials to victims.

12. Bad check victims will receive said materials which will instruct them on how to submit their bad check to the American Corrective Counseling program for the initiation of program services.

WHEREFORE, movant respectfully requests that this Honorable Court sign and grant the proposed order (attached hereto) allowing the initiation of the American Corrective Counseling Services program within Northampton County.

Respectfully submitted,
/s/ John M. Morganelli
John M. Morganelli
District Attorney

I, JOHN M. MORGANELLI, hereby aver that the facts set forth in the aforesaid Petition are true and correct to the best of my knowledge or information or belief. This verification is made subject to the penalties of §4904 of the Crimes Code (18 Pa.C.S. §4904) relating to unsworn falsification to authorities.

/s/John M. Morganelli

Date: 8/30/06

Sept. 7

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Robert H. Jacobs, JD, LLM (Tax)

NORTHAMPTON COUNTY REPORTER DIGEST—2006-9
RECENT DECISIONS OF THE COURTS OF COMMON PLEAS
OF NORTHAMPTON COUNTY

**MICHAEL J. PERRUCCI, ESQ. AND FLORIO, PERRUCCI,
 STEINHARDT & FADER, L.L.C., PLAINTIFFS v. RICHARD P.
 ABRAHAM, ESQ., ABRAHAM, BAUER & SPALDING, P.C.,
 THERESA J. STOLTEN AND HANS J. STOLTEN, DEFENDANTS**

Preliminary Objections

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C48CV2006-1119.

Order of Court granting defendants' preliminary objections.

Christian M. Perrucci, Esquire, for Plaintiffs.

Robert G. Bauer, Esquire, for Defendants.

Order of Court entered on June 8, 2006, by Robert A. Freedberg, President Judge.

DESCRIPTION OF DECISION

Defendants filed preliminary objections in the form of a demurrer, seeking dismissal of plaintiffs' complaint for failure to state a claim upon which relief can be granted. Defendants Theresa and Hans Stolten ("Stoltens") entered into a contingency fee agreement with Florio, Perrucci, Steinhardt & Fader, L.L.C.'s predecessor firm Fischbein, Badillo, Wagner & Harding. Plaintiffs represented the Stoltens for three years. Thereafter, the Stoltens elected to be represented by defendant Abraham, Bauer & Spalding, P.C. and defendant Richard Abraham, the attorney assigned to the matter. Plaintiffs' complaint asserted a cause of action for quantum meruit against their former clients and the law firm that took over their representation. Under Pennsylvania law, an attorney who is dismissed by a client does not have an action in quantum meruit against the successor attorney. *Fowkes v. Shoemaker*, 443 Pa. Super. 343, 661 A.2d 877, 879 (1995); *Styer v. Hugo*, 422 Pa. Super. 262, 619 A.2d 347 (1993), *affirmed*, 535 Pa. 610, 637 A.2d 276 (1994). The court refused to address the issue of quantum meruit as to Theresa and Hans Stolen because plaintiffs' brief conceded that the law did not permit recovery on that cause of action at the time plaintiffs' filed their complaint.

**JOSEPH P. STEMRICH, SR. AND CAMILLA J. STEMRICH,
 PLAINTIFFS v. RAYMOND HERMAN AND SANDRA A. HERMAN,
 DEFENDANTS**

Decision of Court

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 0048-CV2005-6582.

Order of Court granting plaintiffs' private right of use in the alleyway. Further, ordering defendants to remove any and all obstacles from the alleyway, and are enjoined from obstructing said alleyway from this day forward. Plaintiffs' prayer for monetary damages was denied.

Theodore R. Lewis, Esquire, for Plaintiff.

Erv D. McLain, Esquire, for Defendant.

Order of Court entered on June 6, 2006, by Robert A. Freedberg, President Judge.

DESCRIPTION OF DECISION

Plaintiffs filed a complaint requesting that defendants be ordered to remove certain obstructions that are blocking plaintiffs' access to a grass alleyway. Defendants con-

tended that plaintiffs lost any right of easement over the grass alleyway because they possessed title to the property through the doctrine of adverse possession. Title by adverse possession requires defendants to show that they were in continuous possession of the property in dispute for twenty-one years. *Flannery v. Stump*, 786 A.2d 255, 258 (Pa. Super. 2001). Defendants contended that the possession of their predecessor in title should be tacked onto their period of possession, which would establish a continuous period of possession for twenty-one years. The court held since the plain language of the deed acknowledged that the alleyway exists, used the alleyway as a boundary line, and made no attempt to make a claim on such land, defendants could not tack the possession of their predecessor's possession onto their time. Thus, the defendants did not continually possess the property in dispute for the requisite twenty-one year period.

**THOMAS NESFEDER, TRUSTEE FOR RESULTS HOMEBUYERS,
INC., PLAINTIFF v. ANTHONY BASILE AND ANTONINA BASILE,
HUSBAND AND WIFE, DEFENDANTS**

Motion for Supplemental Relief

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Equity, No. C4800CV2004003195.

Order of Court denying plaintiff's motion for supplemental relief.

Michael R. Nesfeder, Esquire, for Plaintiff.

John L. Obrecht, Esquire, for Defendant.

Order of Court entered on April 11, 2006, by Robert A. Freedberg, President Judge.

DESCRIPTION OF DECISION

Plaintiff brought a motion requesting supplemental relief to the court's decision and final order in favor of plaintiffs on December 7, 2005. After the court's decision two bills on the property remained outstanding. The court held that since both bills existed at time of trial, were discoverable by the plaintiff, and the time for post-trial motions and time for notice of appeal had expired, *see* Pa.R.C.P. 227.1; Pa.R.App.P. 903, plaintiff's failure to seek additional damages during trial could not be remedied through a supplemental motion.

**COMMONWEALTH OF PENNSYLVANIA v.
ANDY NELSON McCOY, DEFENDANT**

Omnibus Pretrial Motion

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 2005-3102.

Order of Court denying defendant's omnibus pretrial motions.

Abraham Kassis, Esquire, for Commonwealth.

Christopher Shipman, Esquire, for Defendant.

Order of Court entered on June 21, 2006, by Robert A. Freedberg, President Judge.

DESCRIPTION OF DECISION

Defendant filed omnibus pretrial motions requesting the court to suppress evidence contending that the police officer did not possess the necessary reasonable grounds to stop the defendant's vehicle. Police officers have the authority to stop a vehicle when the officer has "articulable and reasonable grounds to suspect a violation" of the Motor Vehicle Code. *Commonwealth v Battaglia*, 802 A.2d 652, 655 (Pa. Super. 2002), quot-

ing 75 Pa.C.S.A. §6308(b). The officer observed defendant's vehicle cross over the double yellow center line on one occasion by more than three quarters of the vehicle width while crossing a bridge. The officer did not observe any other vehicles on the roadway, nor did he observe any other erratic driving by the defendant. In *Commonwealth v. Garcia*, 859 A.2d 820, 823 (Pa. Super. 2004), the Superior Court of Pennsylvania held that "where a vehicle is driven outside the lane of traffic for just a momentary period of time and in a minor manor, a traffic stop is unwarranted." Applying the "momentary and minor" standard to the facts in the instant matter, the Court held that when the defendant drove three quarters of his vehicle over the center line while he crossed a bridge, he crossed the lane of traffic in more than a minor manner.

**LASALLE BANK NATIONAL ASSOCIATION (ASSIGNEE), FORMERLY
KNOWN AS LASALLE NATIONAL BANK IN ITS CAPACITY AS
INDENTURE TRUSTEE UNDER THAT CERTAIN SALE AND
SERVICING AGREEMENT DATED JUNE 1, 1999, AMONG A F C TRUST
SERIES 1999-2, AS ISSUER, SUPERIOR BANK, FSB, AS SELLER AND
SERVICER, AND LASALLE BANK NATIONAL ASSOCIATION, AS
INDENTURE TRUSTEE, AFC MORTGAGE LOAN ASSET BACKED
NOTES, SERIFS 1999-2 AND ANY AMENDMENTS THERETO, PLAINTIFF
v. LARRY W. PETERS AND JANICE PETERS, DEFENDANTS**

Motion for Summary Judgment

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2005002292.

Order of Court granting plaintiffs' motion for summary judgment.

Mary D. Grenen, Esquire, for Plaintiff.

John Molnar, Esquire, for Defendants.

Order of Court entered on December 15, 2005, by Robert A. Freedberg, President Judge.

DESCRIPTION OF DECISION

Plaintiff filed a complaint commenced seeking to foreclose on real property and improvements. After defendants filed their answer to the complaint, plaintiff filed a motion for summary judgment. "In an action for mortgage foreclosure, summary judgment is proper if the mortgagors admit that the mortgage is in default, that they have failed to pay interest on the obligation, and that the recorded mortgage is in the specified amount." *Cunningham v. McWilliams*, 714 A.2d 1054, 1057 (Pa. Super. 1998). The Court held that plaintiff produced sufficient evidence to sustain its burden for summary judgment. "A motion for summary judgment must be granted in favor of a moving party if the other party chooses to rest on its pleadings, unless a genuine issue of fact is made out in the moving party's evidence taken by itself." *Cunningham v. McWilliams*, 714 A.2d 1054, 1057 (Pa. Super. 1998). The Court held that since defendants failed to produce any evidence that a genuine issue for trial existed, summary judgment was proper.

COMMONWEALTH OF PENNSYLVANIA v. SCOTT DONALD JACOBY*Omnibus Pretrial Motion*

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. CR 2006-0291.

Order of Court denying defendant's omnibus pretrial motions.

Jay Jenkins, Esquire, for Commonwealth.

Gary Asteak, Esquire, for Defendant.

Order of Court entered on April 28, 2006, by Robert A. Freedberg, President Judge.

DESCRIPTION OF DECISION

Defendant filed omnibus pretrial motions requesting the court to suppress evidence contending that the police officer did not possess the necessary reasonable grounds to stop the defendant's vehicle. Defendant argued in the alternative, that the evidence should be suppressed because the officer lacked probable cause to believe that the defendant committed a crime when the officer placed the defendant under arrest. Police officers have the authority to stop a vehicle when the officer has "articulable and reasonable grounds to suspect a violation" of the Motor Vehicle Code. *Commonwealth v. Battaglia*, 802 A.2d 652, 655 (Pa. Super. 2002), quoting 75 Pa.C.S.A. §6308(b). The officer saw the defendant's vehicle exit a gas station and erratically accelerate onto a main thoroughfare in the business district at 5:30 p.m., creating a skid mark on the road approximately thirty feet long, and crossing over the center line of traffic. Based on the facts, the Court held that the officer had articulable and reasonable grounds to pull the defendant over for a violation of 75 Pa.C.S.A. §3714. The officer originally placed the defendant under arrest for a violation of 18 Pa.C.S.A. §6106(a), which makes it a crime for a person to carry an unlicensed firearm in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business. Prior to commencement of the preliminary hearing, the Commonwealth withdrew the charge under §6106(a); however, withdrawal of a charge is not determinative of whether there was probable cause to arrest for the charge. Defendant contended that his arrest for violation of §6106(a) was unlawful because he was a hunter since section 6106(b) lists exceptions to the license requirement including persons licensed to hunt. Exceptions under §6106(b) are not elements of the offense; rather they are in the nature of a defense. *Commonwealth v. Hughes*, 268 Pa. Super. 536, 408 A.2d 1132, 1138 (1979). The officer observed a shotgun in the vehicle and the defendant had no license for the shotgun. The Court held that those facts were sufficient to establish probable cause to arrest under 18 Pa.C.S.A. §6106(a).