

# Northampton County Reporter

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NO. 127

Northampton County Reporter Digest—2007-6

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### INSERT: Pink: 1. "The ABC's of PFA's"

2. 2007 Calendar of Events
  3. "State Intermediate Punishment and Other Sentencing Alternatives for Drug-Related Offenders"
  4. PBI-CLE SEMINARS—NCBA Office—June-August, 2007
- Cream: 1. Walk for a Healthy Community
2. N.C.B.A. 2007 Summer Outing and Reservation Form
  3. Education Law CLE

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

Kindly be advised that the Honorable Isaac S. Garb will be unavailable for telephone status conferences on Monday, August 6, 2007. Therefore, all conferences scheduled for that date will be moved to Wednesday, August 1<sup>st</sup>. If you have any questions concerning this change please call the Court Administrator's Office at 610-559-6700.

\* \* \* \*

### **Reporter Deadline Change**

July 5, 2007 Edition—ad deadline is Friday, June 29 at 4:00 p.m.

**NORTHAMPTON COUNTY BAR ASSOCIATION  
2007 BAR ASSOCIATION OFFICERS**

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*Northampton County Reporter*  
**Attorney Referral & Information Service**  
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**E-mail: [ncba@norcobar.org](mailto:ncba@norcobar.org)**  
**PBA (800) 932-0311—PBI (800) 932-4637**  
**BAR ASSOCIATION STAFF**

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Stephanie Pasquel ..... Accounting  
Heather Rizzotto-Stefanik ..... Legal Journal  
Gloria A. Robison ..... Attorney Referral  
Deborah J. Flanagan ..... Attorney Referral

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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

**NOTICE TO NCBA MEMBERS – BAR NEWS**

**Lunch Lecture:**

“**The ABC’s of PFA’s**”—June 20, 2007 @ NCBA office. Registration form inside.

“**Education Law CLE**”—June 22, 2007 @ East Mountain Inn/Best Western, Wilkes Barre, PA—register with North Penn Legal Services

“**State Intermediate Punishment and Other Sentencing Alternatives for Drug-Related Offenders**”—July 16, 2007 @ N.C. Courthouse. Registration form inside.

**Summer Outing Registration**—Thursday, July 19, 2007. Registration form inside.

**YLD Community Project—Help us support our community!**

**Walk for a Healthy Community—Saturday, June 16, 2007**

*Friends and family are welcome to join us!*

To register: [www.walkforahealthycommunity.org](http://www.walkforahealthycommunity.org). On-line registration is due by Friday, June 8. You may also register the day of the Walk.

Additional information inside.

**Included in This Issue:**

**NCBA Calendar of Events and PBI/CLE Seminars**

Nothing that is worth knowing can be taught.—Oscar Wilde, 1854-1900

**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****BARTOLACCI, MARY E. a/k/a MARY ELIZABETH LUKANUSKI BARTOLACCI, dec'd.**

Late of the Township of Palmer, Northampton County, PA  
Co-Executors: Jeffrey Bartolacci, N79 W13027 Country Club Drive, Menomonee Falls, WI 53051, Ronald Bartolacci, 2828 Woodmark Court, Richmond, VA 23233 and Gary Bartolacci, 227 Windy Grove Lane, Fishersville, VA 22939  
Attorneys: Paul J. Harak, Esquire, Boyer, Holzinger, Harak & Scomillio, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

**DUDZICK, JOHN J., dec'd.**

Late of the City of Easton, Northampton County, PA  
Executrix: Jacqueline Loree Derk, 2949 Washington Street, Easton, PA 18045  
Attorney: Herbert G. Litvin, Esquire, 151 S. 7th Street, Easton, PA 18042

**ELLCOTT, MILDRED E., dec'd.**

Late of the Township of Palmer, Northampton County, PA

Executor: Fulton Financial Advisors, Attn: Ms. Susan C. Schupp, 2005 City Line Road, Suite 200, Bethlehem, PA 18017

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

**HOLVA, HELEN F., dec'd.**

Late of the City of Bethlehem, Northampton County, PA

Executrix: Dawn Bachman c/o Edward H. Butz, Esquire, Lamm Rubenstone Lesavoy Butz & David LLC, 7535 Windsor Drive, Suite 200, Allentown, PA 18195

Attorneys: Edward H. Butz, Esquire, Lamm Rubenstone Lesavoy Butz & David LLC, 7535 Windsor Drive, Suite 200, Allentown, PA 18195

**KEIPER, DAVID F., dec'd.**

Late of the Borough of Hellertown, Northampton County, PA

Co-Executors: Gwendolyn K. Singer, 715 Northampton Street, Hellertown, PA 18055-1807, Jeffrey D. Keiper, 5027 Derby Lane, Bethlehem, PA 18020-9408 and Gary F. Keiper, 2510 Halleck Drive, Whitehall, PA 18052-3825

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

**KOLLER, RUDOLPH E. a/k/a RUDOLPH E. KOLLAR, dec'd.**

Late of 517 Polk Street, Bethlehem, Northampton County, PA

Executor: Robert Koller c/o Norman E. Blatt, Jr., Esquire,

Scherline & Associates, 512 Walnut Street, Allentown, PA 18101

Attorneys: Norman E. Blatt, Jr., Esquire, Scherline & Associates, 512 Walnut Street, Allentown, PA 18101

**LIPSKY, GERTRUDE M.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA  
 Executrix: Joan E. Belletti c/o Littner, Deschler & Littner, 512 N. New St., P.O. Box 1407, Bethlehem, PA 18016-1407  
 Attorneys: Littner, Deschler & Littner, 512 N. New St., P.O. Box 1407, Bethlehem, PA 18016-1407

**MACK, MARY**, dec'd.

Late of the Township of Palmer, Northampton County, PA  
 Executor: Kevin Dotts c/o Steven N. Goudsouzian, Esquire, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

Attorneys: Steven N. Goudsouzian, Esquire, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

**RINKUNAS, BLANCHE a/k/a BLANCHE M. RANKUNAS**, dec'd.

Late of the Township of Forks, Northampton County, PA  
 Co-Executrices: Mary Grace Csaba and Monica Williams c/o Frank J. Danyi, Jr., Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18016-1279

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

**RUTH, DORIS M.**, dec'd.

Late of the Township of Plainfield, Northampton County, PA  
 Executrix: Gloria June Groner c/o John Molnar, Esquire, The Molnar Law Offices, Wind Gap Professional Center, 6697 Sullivan Trail, Wind Gap, PA 18091

Attorneys: John Molnar, Esquire, The Molnar Law Offices, Wind Gap Professional Center, 6697 Sullivan Trail, Wind Gap, PA 18091

**SALGADO, DAVID T., SR.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA  
 Administratrix: Florence Salgado, 1615 Ravena Street, Bethlehem, PA

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

**VOGRIN, JOSEPH F., SR.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA  
 Executrix: Meryl S. Vogrin c/o George K. Keenan, Esquire, One West Broad Street, P.O. Box 718, Bethlehem, PA 18016-0718

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

**WARNER, SHIRLEY B.**, dec'd.

Late of the Borough of Wilson, Northampton County, PA  
 Executrix: Elinor H. Warner 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

**SECOND PUBLICATION****GORCSAN, ARLENE E.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Gregg F. Gorcsan and Frank S. Gorcsan, 2103 Montgomery Street, Bethlehem, PA 18017

Attorney: Augustine C. Concilio, Esquire, 18 E. Market Street, P.O. Box 1446, Bethlehem, PA 18016-1446

**HURLEY, ANNA M.**, dec'd.

Late of Bethlehem, Northampton County, PA

Co-Executors: Franklin Mills and Ronald Mills c/o Thomas C. Anewalt, Esquire, McCarthy & Anewalt, LLP, 1248 Hamilton Street, Allentown, PA 18102

Attorneys: Thomas C. Anewalt, Esquire, McCarthy & Anewalt, LLP, 1248 Hamilton Street, Allentown, PA 18102

**KIAK, MARGARET a/k/a MARGARET D. KIAK**, dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Co-Executors: Catherine Savitske and John Kiak 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

**KOZUL, MARY C.**, dec'd.

Late of the Township of Hanover, Northampton County, PA  
Co-Executors: Joanne M. Olney and John J. Kozul 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

**MAURER, ANNA B.**, dec'd.

Late of Hellertown, Northampton County, PA

Executor: Michael J. Maurer c/o Thomas J. Fischer, Esquire, 1021 West Broad Street, Bethlehem, PA 18018

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

**MICHENER, KATHRYN V.**, dec'd.

Late of Moore Township, Northampton County, PA

Executrix: Kathya Zinszer, 1822 Pinewind Dr., Alburtis, PA 18011

**O'DONNELL, JOHN T., SR.**, dec'd.

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

Executrix: Debra Kugel, P.O. Box 298, Tatamy, PA 18064  
Attorneys: Peters, Moritz, Peischl, Zulick & Landes, LLP, 1 South Main Street, Nazareth, PA 18064

**THIRD PUBLICATION****BEAN, HERMAN J.**, dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executor: Stephen A. Shelly, Esquire, 525 W. Broad Street, Quakertown, PA 18951

**BORBAS, VIOLA E.**, dec'd.

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

Executrix: Magdaline Bolla, c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

Attorney: David J. Ceraul,  
Esquire, 22 Market Street, P.O.  
Box 19, Bangor, PA 18013-  
0019

**DEEMER, WAYNE E.**, dec'd.

Late of the Borough of Wilson,  
Northampton County, PA  
Co-Executrices: Sherry Anne  
Corriere and Sandra Alysia  
Deemer c/o Carla J. Thomas,  
Esquire, Thomas & Thomas,  
716 Washington Street,  
Easton, PA 18042  
Attorneys: Carla J. Thomas,  
Esquire, Thomas & Thomas,  
716 Washington Street,  
Easton, PA 18042

**DINAN, GERALD T.**, dec'd.

Late of the City of Easton,  
Northampton County, PA  
Executrix: Mary Elizabeth  
Giberson c/o Theresa Hogan,  
Esquire, Attorney-at-Law, 340  
Spring Garden Street, Easton,  
PA 18042  
Attorney: Theresa Hogan, Es-  
quire, Attorney-at-Law, 340  
Spring Garden Street, Easton,  
PA 18042

**HOAGLAND, MICHELE R.**,  
dec'd.

Late of Bethlehem, Northamp-  
ton County, PA  
Co-Executors: Glen A. Emig  
and Perry J. Emig c/o Robert  
E. Donatelli, Esquire, 32 N.  
Sixth Street, Allentown, PA  
18101  
Attorney: Robert E. Donatelli,  
Esquire, 32 N. Sixth Street,  
Allentown, PA 18101

**MAKOVEK, HELEN**, dec'd.

Late of the Township of Beth-  
lehem, Northampton County,  
PA  
Co-Executors: John Makuvek  
and Andrew Makuvek c/o

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

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

**MASIADO, MARYANN J. a/k/a  
MARYANN MASIADO**, dec'd.

Late of the Township of Beth-  
lehem, Northampton County,  
PA  
Executor: Kevin J. Masiado  
c/o John J. Bartos, Esquire,  
3976 Township Line Road,  
Bethlehem, PA 18020  
Attorney: John J. Bartos, Es-  
quire, 3976 Township Line  
Road, Bethlehem, PA 18020

**McGONAGLE, DAVID R.**, dec'd.

Late of Hanover Township,  
Northampton County, PA  
Administratrix: Tara L. Mc-  
Gonagle c/o Bradford D. Wag-  
ner, Esquire, 662 Main Street,  
Hellertown, PA 18055-1726  
Attorney: Bradford D. Wagner,  
Esquire, 662 Main Street,  
Hellertown, PA 18055-1726

**MECKES, ANNETTE M.**, dec'd.

Late of Lehigh Township,  
Northampton County, PA  
Co-Executors: Gary Gilbert,  
Steve Legath, Louise Adding-  
ton and William Miller c/o  
Frank W. Yandrisevits, Es-  
quire, 24 W. 21st Street, Suite  
105, Northampton, PA 18067  
Attorney: Frank W. Yandri-  
sevits, Esquire, 24 W. 21st  
Street, Suite 105, Northamp-  
ton, PA 18067

**MIHALSKI, HELEN**, dec'd.

Late of the City of Bethlehem,  
Northampton, County, PA

Executrix: Barbara Eckert c/o Jacob S. Kolb, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738  
 Attorneys: Jacob S. Kolb, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

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

Late of the City of Bethlehem, Northampton County, PA  
 Co-Executors: Margaret S. Lilly, 801 N. Wahneta Street, Allentown, PA 18109 and Donald W. Sloyer, 2910 Eastern Parkway, Owensboro, KY 42303

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

**SYLVESTER, CARMEL**, dec'd.

Late of the Borough of Bangor, Northampton County, PA  
 Administratrix: Johanna M. Houck c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

Attorney: David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

**TAYLOR, EMMA M. a/k/a EMMA COOMBS**, dec'd.

Late of the Borough of Walnutport, Northampton County, PA

Co-Executors: Mark R. Anthony, 2554 Lehigh Street, Slatington, PA 18080 and Lloyd Bollinger, Sr. a/k/a Loyd Bollinger, 1800 Little Gap Road, Palmerton, PA 18071

Attorneys: Steven R. Serfass, Esquire, Serfass & Cheng Law Offices, P.C., 232 Delaware Avenue, P.O. Box 195, Palmerton, PA 18071

**WALSH, LAURA E.**, dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Doris Walsh c/o Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

Attorneys: Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

**WOODRING, NORMAN E.**, dec'd.

Late of the Township of Forks, Northampton County, PA

Executrix: Betty Jones Woodring c/o Joel M. Scheer, Esquire, Fishbone and Scheer, 940 West Lafayette Street, Easton, PA 18042

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

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**NOTICES OF INCORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation—For Profit have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation 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:

**DSP CONSULTING, INC.**



The Articles of Incorporation were filed on April 20, 2007.

MAJCZAN-SCHAEDLER-  
KELLEHER

901 West Lehigh Street  
Suite 200  
Bethlehem, PA 18018

June 7

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), by the following corporation:

The name of the corporation is:  
**LIMO TODAY, INC.**

The Articles of Incorporation were filed on July 31, 2006.

MICHAEL IRA STUMP, ESQUIRE  
119 East Main Street  
Macungie, PA 18062

June 7

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed by:

**NU COR MANAGEMENT, INC.**

with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, under the provisions of the Business Corporation Law of 1988.

TERENCE L. FAUL, ESQUIRE  
KING, SPRY, HERMAN, FREUND  
& FAUL, LLC  
One West Broad Street  
Suite 700  
Bethlehem, PA 18018

June 7

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State

of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:  
**OPERATION SMART START  
PRIVATE SCHOOL AND CHILD  
CARE CENTER, INC.**

The Articles of Incorporation were filed on May 24, 2007.

JAMES G. MURPHY, ESQUIRE  
MURPHY & MURPHY, P.C.  
106 N. Franklin St.  
Suite 2  
P.O. Box 97  
Pen Argyl, PA 18072

June 7

**SS DISTRIBUTING, INC.**

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

June 7

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:  
**WATERWORKS CENTRAL, INC.**

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

June 7

**FICTITIOUS NAME  
REGISTRATION NOTICES**

NOTICE IS HEREBY GIVEN that an application to register the business name:

**CYCLE FITTERS**

under the Fictitious Name Act has been filed with the Department of State of Pennsylvania. The principal place of business is located at: 182 Bath Pike, Nazareth, PA 18045. John J. Strom of 56 Corriere Road, Easton, PA 18045 is the only individual party to this registration.

June 7

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

**NISHI ASSOCIATES**

with its principal place of business at: 718 Pine Top Drive, Bethlehem, PA 18017.

The name and address of the person owning or interested in said business is: James E. West, 718 Pine Top Drive, Bethlehem, PA 18017.

The certificate was filed on May 15, 2007.

MARTIN J. KARESS, ESQUIRE  
KARESS, REICH & FURST  
215 N. 9th Street  
Allentown, PA 18102  
(610) 435-3530

June 7

**NOTICE OF NONPROFIT  
INCORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State

of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Nonprofit Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988 (P.L. 1444, No. 177), as amended, by the following nonprofit corporation:

The name of the nonprofit corporation:

**NAZARETH AREA  
FOOD BANK, INC.**

The Nonprofit Corporation has been organized for charitable purposes to provide confidential assistance of non-perishable food items to families and individuals in need who live in the communities that make up the Nazareth Area School District.

TODD H. LAHR, ESQUIRE  
LAHR & LAHR LAW OFFICES  
4972 Medical Center Circle  
Suite B  
Allentown, PA 18106-9687  
(610) 398-2440

June 7

**LIMITED LIABILITY COMPANY  
NOTICES**

NOTICE IS HEREBY GIVEN that on May 23, 2007, a Certificate of Organization was filed in the Pennsylvania Department of State for:

**AREA CARINO LLC**

in accordance with the provisions of the Limited Liability Act of 1994.

DANIEL P. SABETTI, ESQUIRE  
224 West Broad Street  
Bethlehem, PA 18018

June 7

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, Penn-

sylvania, for the purpose of obtaining a Certificate of Organization of a proposed domestic limited liability company to be organized under the provisions of the Pennsylvania Limited Liability Company Law of 1994, 15 Pa.C.S. §8901 et seq., and any successor statute, as amended from time to time.

The name of the limited liability company is:

**EAT AROUND TOWN  
SAFELY, LLC**

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

June 7

NOTICE IS HEREBY GIVEN that a Certificate of Organization has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization pursuant to the provisions of the Limited Liability Company Law of the Commonwealth of Pennsylvania, Act of December 7, 1994, P.L. 703, No. 10654, as amended, by the following:

The name of the organization is:

**NISHIAIR, LLC**

The Certificate of Organization was filed on May 15, 2007.

The purpose for which it was organized is: To engage in and do any lawful act concerning any or all lawful business for which limited liability companies may be organized under the Limited Liability Company Law of the Commonwealth of Pennsylvania, Act of December 7, 1994, P.L. 703, No. 10654, as amended.

MARTIN J. KARESS, ESQUIRE  
KARESS, REICH & FURST  
215 N. 9th Street  
Allentown, PA 18102

June 7

**NOTICE**

NOTICE IS HEREBY GIVEN that on May 24, 2007, the Petition of Anthony Saldutti was filed in the Northampton County Court of Common Pleas at No. C-48CV2007-4184, seeking to change his name from Anthony Saldutti to Tony Saldutti.

The Court has fixed Thursday, July 12, 2007 at 9:00 A.M. in Courtroom 1 at the Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania as the date for the hearing of 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.

MARC KRANSON, ESQUIRE  
523 Walnut Street  
Allentown, PA 18101

June 7

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

CIVIL ACTION—LAW

QUIET TITLE

IN RE: BRIAN C. WERKHEISER  
and CLAIRE WERKHEISER  
UNIMPROVED WOLF STREET  
ABUTTING TAX PARCEL NOS. K6  
10 1B-3 0503; K6NW3C 7 4A  
0503; and K6NE2B 1 1 0503.

**No. C-48CV2007-3621**

IMPORTANT NOTICE

All potential interested parties, be advised that you are in default because you failed to take action required of you in this case. Unless you act within ten (10) days from the date of this notice, a judgment may be entered against you without a hearing and you may lose your property or other important rights. A motion or judgment of this matter will be presented at MOTIONS

COURT on June 21, 2007. You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help.

LAWYER REFERRAL SERVICE  
155 South 9th Street  
Easton, PA 18042

Telephone: (610) 258-6333

ALAN D. WILLIAMS, III, ESQUIRE  
Attorney I.D. No. 37739  
Attorney for Plaintiffs  
1007 West Broad Street  
Quakertown, PA 18952  
(215) 536-6512

June 7

#### **NOTICE OF CHANGE OF NAME**

NOTICE IS HEREBY GIVEN that on April 24, 2007, the petition C-48CV20073236 was filed in the Court of Common Pleas of Northampton County, requesting an order to change the name of Rosalie Louise Linden to Rose Linden Dierolf.

The Court has fixed the day of June 22, 2007, at 9:00 a.m., in Courtroom 4 of the Northampton County Courthouse, Easton, Pennsylvania, as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

June 7

#### **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

EMMA E. HILL; Harold H. Hill,  
Executor

IDA R. RISSMILLER; Irwin F. Rissmiller, Jr. & Phillip M. Rissmiller, Executors

DORIS W. WHITEHEAD; Melissa W. Jones, Executrix

#### **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, JUNE 29, 2007 AT 9:00 A.M. IN COURTROOM #1.

Dorothy L. Cole  
Clerk of Orphans' Court

June 7, 14

#### **EXPERIENCED LEGAL SECRETARY**

Litigation oriented with background in Real Estate. Send resume to Hiring Partner @ P.O. Box 1365, Bethlehem, PA 18016-1365.

June 7, 14

#### **FILE CLERK NEEDED**

Post & Schell's Allentown office is seeking an experienced file clerk who is familiar with file management and data entry. Must have good typing skills and computer experience. Excellent compensation and benefits package offered. Candidates should e-mail resume and cover letter to: dhoffman@postschell.com or by mail to 1245 S. Cedar Crest Blvd., Ste. 300, Allentown, PA 18103, or fax to: (610) 433-3972.

June 7, 14

#### **LEGAL SECRETARY**

For Bethlehem law office engaged in estate/elder law practice. Good communication skills and attention to detail required. Mail resume in confidence to Law Office of Mary Ann Snell, 3400 Bath Pike, Suite 311, Bethlehem, PA 18017.

June 7

**OFFICE LOCATION FOR RENT**

Prime location at 203 South Seventh Street right across the street from Northampton County Courthouse. Conference room. Able to be used as two law offices. First and second floor could be rented separately. Building is wired for computer networking. Call (610) 258-4003 to schedule an appointment.

May 24, 31; June 7, 14

**LITIGATION ASSOCIATE POSITION**

Fitzpatrick Lentz & Bubba, P.C., a 20+ attorney, full-service Lehigh Valley law firm, seeks an attorney with 2-4 years of litigation experience. The firm is situated in Stabler Corporate Center, and offers easy access to New York City and Philadelphia. Competitive compensation and benefits, including health insurance and 401(k), and the opportunity for growth and advancement are there for the right candidate in a collegial work environment. Candidate should possess exceptional academic credentials and strong communication skills. Pennsylvania bar admission required.

Send letter of interest with resume, transcript, writing sample and references to Firm Manager at Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034 or email to flb@flblaw.com. All correspondence will be held in the utmost confidence.

June 7

**PFEIFFER & BRUNO, P.C.**

is pleased to announce that

**BLAKE W. RUSH, ESQ.**

formerly of *Winegar, Wilhelm, Glynn & Roemersma,*

has recently joined the firm as an Associate.

Mr. Rush will continue concentrating his practice to the fields of personal injury and civil litigation.

June 7

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**NORTHAMPTON COUNTY REPORTER DIGEST—2007-6**  
RECENT DECISIONS OF THE COURTS OF COMMON PLEAS  
OF NORTHAMPTON COUNTY

**THE STROBER ORGANIZATION T/D/B/A STROBER BUILDING SUPPLY  
AND STROBER AND STROBER HADDONFIELD GROUP, INC. v. MSG  
ASSOCIATES, INC., AND ITS RELATED AND SUCCESSOR ENTITIES, AND  
MICHAEL GOFFREDO**

*Judgment on the Pleadings—Prejudgment Interest*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C48-CV-2005-5172.

Order of Court granting in part and denying in part Plaintiff's Motion.

Larry L. Miller, Esquire for Plaintiff.

Domenic P. Sbrocchi, Esquire for Defendants.

Decision of Court entered on April 10, 2006 by Paula A. Roscioli, Judge.

DESCRIPTION OF DECISION

Under Pennsylvania law, absent an agreement or statute which expressly provides to the contrary, prejudgment interest is calculated as simple interest. Here, there is no provision which indicates that the parties agreed to compound this rate of interest. Therefore, Plaintiff must calculate the total due using simple interest.

The amount of collection and/or attorneys fees should be calculated as a percentage of the principal sum due. Here, the unpaid balance is the total principal sum due. It should not include any interest accrued on the account.

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**ROSEMARIE PHELPS v. WILLIAM PHELPS**

*Petition for Special Relief—Postnuptial Agreement—Child Support*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C48CV2005-6072.

Order of Court granting Plaintiff's Petition for Special Relief in part.

Joseph A. Corpora, III, Esquire for Plaintiff.

John M. Heley, Esquire for Defendant.

Decision of Court entered on April 12, 2006 by Paula A. Roscioli, Judge.

DESCRIPTION OF DECISION

Postnuptial agreements are no less contractual in nature than are prenuptial agreements. The Court will not evaluate the terms of a marital agreement for fairness or reasonableness. The parties agreed the terms were reasonable at the time of the signing of the Agreement. It is not for this Court to second guess their decision, nor assist an unhappy party in negotiating new terms with the benefit of hindsight.

There is a difference between a court's role in enforcing the terms of a spousal support agreement and an agreement which involves the rights of children. A private agreement in which parties seek to provide for their children implicates strong public policy considerations. At the core, it is essential that the terms of such an agreement meet the best interests of the children. There is not sufficient evidence before this Court to make a proper determination as to the reasonableness of these terms.

**IN RE: ESTATE OF EVELYN M. HUMMEL***Objections to Formal Accounting—Duty of Executor*

In the Court of Common Pleas of Northampton County, Pennsylvania, Orphans' Court Division, No. 2003-0785.

Order of Court dismissing Objections to Formal Accounting.

Carl B. Williamson, Esquire for Objector.

James M. Connell, Esquire for Estate.

Decision of Court entered April 24, 2006 by Paula A. Roscioli, Judge.

**DESCRIPTION OF DECISION**

The matter before the Court involves Objections to the First and Final Account of the Estate of Evelyn M. Hummel as administered by Executor.

A person named as executor should accept or renounce his designation in a reasonable time. Objector has presented no evidence which convinces this Court that Executor delayed unreasonably in probating Decedent's Will.

Prior to undertaking his duty of administration as Executor, Executor-designee acted merely as an interested family member. An executor is required to use such common skill, prudence and caution as a prudent man, under similar circumstances, would exercise in connection with the management of his own estate.

The reason for the delay in filing the inheritance tax return was reasonable and the amount of interest charged was not significant. Therefore, no surcharge will be imposed on Executor for the interest penalty incurred by the Estate.

As for those other charges incurred by the Estate, Objector has failed to demonstrate any wrongdoing on the part of the Executor.

**Editor's Note:** A bench trial was held in this matter beginning on March 7, 2006. After reviewing the evidence, the Court dismissed the Objections. An appeal was taken to the Pennsylvania Superior Court. The Superior Court affirmed the trial court's decision on December 21, 2006. *See* 1333 EDA 2006.

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**ROBERT TAYLOR AND MONA TAYLOR v. LOWER  
MOUNT BETHEL TOWNSHIP, RICHARD SCHILLING,  
MICHAEL METZGER AND TIMOTHY EDINGER***Preliminary Objections—Mandamus—UCC Section 403.63(a)*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C48-CV-2006-1714.

Order of Court overruling Defendant's Preliminary Objections.

Christopher M. Shipman, Esquire for Plaintiffs.

Michael R. Lessa, Esquire for Defendants.

Decision of Court entered May 15, 2006 by Paula A. Roscioli, Judge.

**DESCRIPTION OF DECISION**

Before the Court may sustain preliminary objections that will result in the denial of a claim or dismissal of a suit, our determination to do so must be free and clear of doubt. For the purpose of testing the legal sufficiency of a challenged pleading, we must accept as true all well-pleaded, material, relevant facts and every inference fairly deducible from those facts.



Plaintiffs bring a Complaint in Equity for mandamus relief. The Court will grant this only where (1) the plaintiff establishes a clear legal right, (2) the defendant's corresponding duty and (3) the lack of any other appropriate and adequate remedy.

Plaintiffs allege that Defendants failed to communicate a denial of the Plaintiffs' request for a Permit to the Plaintiffs within a period of fifteen (15) days following application, as required by UCC Section 403.63(a). These allegations are sufficient to establish a clear legal right to relief.

Each Defendant plays a role in insuring the safety of residential buildings and those who reside in them. Therefore, Defendants have a duty to enforce laws that protect Plaintiffs.

Plaintiffs have established that they may not secure professional electrical contracting services without an official statement from this Court that they are entitled to such approval. Therefore, Plaintiffs have established that they lack any other appropriate remedy.

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**CASSANDRA TRILLI AND JASON MICHAEL LESAINE, INDIVIDUALLY AND AS THE ADMINISTRATORS OF THE ESTATE OF RAELEEN MICHELE LESAINE AND STELLINA RAE LESAINE, RESPECTIVELY, DECEASED v. EASTON HOSPITAL, KAREN HAMPTON, R.N., DEFENDANT NURSE JANE DOE 1, DEFENDANT NURSE JANE DOE 2, JOHN ROIZIN, M.D., JOSEPH G. BELL, M.D., F.A.C.O.G., CHESTER SHADLE, M.D., WOMEN'S HEALTH CENTER OF BETHLEHEM, BLUE MOUNTAIN AMBULANCE SERVICE AND NAZARETH AMBULANCE CORP.**

*Motion for Summary Judgment—Negligence-Medical Malpractice—Expert Reports*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2003003113.

Order of Court granting Defendants' Motions for Summary Judgment.

Lewis K. Thompson, Jr., Esquire for Plaintiffs.

Michael J. Blum, Esquire for Defendant.

Gregory S. Nesbitt, Esquire for Defendant.

Mark R. Zolfaghari, Esquire for Defendant.

Michelle L. Wilson, Esquire for Defendant.

Decision of Court entered May 26, 2006 by Paula A. Roscioli, Judge.

DESCRIPTION OF DECISION

Motions for Summary Judgment were presented on behalf of Defendants, Women's Health Center of Bethlehem and Chester Shadle, M.D. Plaintiffs represented to the Court that said Motions were uncontested. Said Motions were granted.

A plaintiff must file an appropriate and timely response to a motion for summary judgment or risk judgment in a defendant's favor. Summary judgment was entered by the Court as to remaining Defendants pursuant to Pa. R.C.P. 1035.3 (d).

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**EDWARD W. HILL v. BOROUGH OF HELLERTOWN AND THE HELLERTOWN BOROUGH COUNCIL**

*Mandamus—Peremptory Judgment—Land Use Appeal*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C48-CV-2006-873.

Order of Court denying Plaintiff/Appellant's Motion for Peremptory Judgment and Land Use Appeal.

James F. Preston, Esquire for Plaintiff/Appellant.

Michael F. Corriere, Esquire for Defendant/Appellee.

Decision of Court entered June 1, 2006 by Paula A. Roscioli, Judge.

#### DESCRIPTION OF DECISION

Plaintiff seeks peremptory judgment in a mandamus action. Peremptory judgment in a mandamus action may be entered only where no genuine issue of material fact exists, and the case is free and clear from doubt. (1) The Borough improperly applied SALDO Section 513 (addressing the location of proposed subdivisions) to Plaintiff's Development Plan. (2) The Borough properly applied the requirements set forth in Section 612.5 (addressing emergency vehicle access and fire protection), and Plaintiff failed to meet those requirements. (3) Plaintiff could not establish the absence of an issue of material fact relative to the requirements of Section 612.6 (addressing the need for a traffic impact study). Accordingly, Plaintiff cannot establish a clear legal right to a deemed approval of his Development Plan. Peremptory judgment is denied.

In the alternative, Plaintiff appeals the Borough's denial of his land development application. In a land use appeal, where a full and complete record was made before the township and the trial court takes no additional evidence, our review is limited to determining whether the Borough committed an abuse of discretion or an error of law. We affirm solely on the ground that Plaintiff failed to comply with the requirements set forth in SALDO Section 612.5.

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### **MARC A. VANIC v. ZONING HEARING BOARD OF THE CITY OF BETHLEHEM, PENNSYLVANIA**

#### *Land Use Appeal—Special Exception—Variance*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C48-CV-2005-7274.

Order of Court affirming Appellee's Decision.

Kevin J. Kelleher, Esquire for Appellant.

Mickey K. Thompson, Esquire for Appellee.

Decision of Court entered June 27, 2006 by Paula A. Roscioli, Judge.

#### DESCRIPTION OF DECISION

Appellant filed a timely appeal of the Decision of the Zoning Hearing Board of the City of Bethlehem, denying the application submitted by Appellant for a special exception and a variance.

Interpretation of local ordinance provisions are within the sole discretion of the local governing body, subject to the abuse of discretion and error of law standards.

A special exception use is not a right; it is a privilege. An applicant seeking a special exception bears the burden of producing evidence and persuading the local zoning board that the application meets the specific, objective criteria defined by the ordinance.

Appellant cannot establish compliance with each of the specific requirements for a commercial greenhouse and nursery. The Zoning Ordinance provides that "[a]ll products for sale shall be kept enclosed within a building except those plants which are planted in the earth and are still alive." Ordinance §1325.08(d)(1). Appellant proposed

to heel plants into the ground, rather than plant them in the traditional sense, thus making the sale of these plants less laborious. This certainly makes sound business sense, and there is considerable evidence that this method of storage is now the standard among professional nurseries. Nevertheless, it does not conform to the specific requirement in the Ordinance as interpreted by the Board, and the Court is constrained to defer to the Board's interpretation. Appellant also proposed to store mulch and decorative stone products outside in large bins. This is clearly not in compliance with the Ordinance.

An applicant seeking a variance bears a heavy burden. The reasons for granting a variance must be substantial, serious and compelling. Moreover, an applicant must establish five criteria: (1) harmony with the general purpose of the Ordinance; (2) the proposed use is permitted in the relevant zoning district; (3) proof of unique circumstances; (4) proof of unnecessary hardship that is not self-inflicted and (5) the variance is necessary and is the minimum variance required for the reasonable use of the land. Ordinance §1325.06. Also, the Ordinance provides that "evidence of variance granted under similar circumstances shall not be considered." *Id.*

Appellant does not address each of these factors in his appeal, nor is there sufficient factual support favorable to the Appellant in the record. The Court finds neither abuse of discretion nor error of law in the Board's rejection of Appellant's request for a variance.

**Editor's Note:** Appellant appealed to the Commonwealth Court. The Commonwealth Court subsequently dismissed said appeal as of course due to Appellant's failure to comply with a previous Commonwealth Court order.

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### COMMONWEALTH OF PENNSYLVANIA v. JEFFREY SHABU PEPPERS

*Omnibus Pretrial Motions—Easton City Ordinance Art. 701.02(e)(1)—Suppression of Evidence*

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division 2006-623.

Order of Court granting Defendant's Motions.

Michael J. Thompson, Esquire for Commonwealth.

Gary N. Asteak, Esquire for Defendant.

Decision of Court entered August 4, 2006 by Paula A. Roscioli, Judge.

#### DESCRIPTION OF DECISION

Defendant filed an Omnibus Pretrial Motion with the Court. There are two questions before the Court: (1) whether the City Ordinance with which Defendant is charged is unconstitutionally vague and overbroad, and (2) whether the Court must suppress evidence obtained by the police as a result of an improper seizure and arrest.

Municipal ordinances are presumed to be constitutional and a heavy burden is placed on a person who challenges the constitutionality of an ordinance.

Art. 701.02(e)(1) of the Easton City Ordinance seeks to prohibit loitering when accompanied by the flight of a person upon the appearance of a peace officer. The United States Supreme Court has recognized that the freedom to loiter for innocent purposes is part of the liberty protected by the Due Process Clause of the Fourteenth Amendment. Further, depending on whether a police officer has reasonable suspicion, a person's right to refuse to stop or respond to police inquiry is constitutionally protected activity. The courts in Pennsylvania have long recognized that flight from

the police, without more, is constitutionally protected activity. Article 701.02(e)(1) is unconstitutionally overbroad.

The Pennsylvania Supreme Court has interpreted Article I, Section 8 protection more broadly than the Fourth Amendment.

Officer did not have reasonable suspicion that Defendant was involved in criminal activity prior to giving chase. Therefore, the seizure of Defendant was violative of the Pennsylvania Constitution. Contraband is not admissible against Defendant.

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**COMMONWEALTH OF PENNSYLVANIA v. JOSIAH TESTMAN**

*Constructive Possession—Actual Possession—Search Incident to Arrest—Habeas Corpus*

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 2006-1633.

Order of Court denying Defendant's Motion to Suppress Tangible Evidence, Motion to Suppress Statements and Motion to Dismiss—Writ of Habeas Corpus.

Michael J. Thompson, Esquire for Commonwealth.

Joseph P. Yannuzzi, Esquire for Defendant.

Decision of Court entered August 18, 2006 by Paula A. Roscioli, Judge.

**DESCRIPTION OF DECISION**

Defendant filed an Omnibus Pretrial Motion, including (1) a Motion to Suppress Tangible Evidence, (2) a Motion to Dismiss Statements and (3) a Motion to Dismiss—Writ of Habeas Corpus.

Constructive possession is the ability to exercise a conscious domain over the illegal substance: the power to control the contraband and the intent to exercise control. Constructive possession may be proved through circumstantial evidence, and the totality of circumstances can be examined to determine if constructive possession exists.

Defendant was in close proximity to the contraband, had access to the contraband and returned to the vehicle to retrieve part of the contraband.

A warrantless search incident to a lawful arrest is reasonable, and no justification other than that required for the arrest itself is necessary to conduct such a search.

Physical evidence found in Defendant's actual possession, pursuant to a search incident to his arrest will not be suppressed.

Defendant referenced no specific statement either in his Motion or in his Letter Brief as required by Pennsylvania Rule of Criminal Procedure 581.

A prima facie case consists of evidence, read in the light most favorable to the Commonwealth, that sufficiently establishes both the commission of a crime and that the accused is probably the perpetrator of that crime.

The Commonwealth presented sufficient evidence in support of the charges filed that Defendant was in constructive possession of an amount of marijuana located in the rear passenger side door, actual possession of eleven (11) packets of marijuana wrapped in plastic "corner tie baggies," and actual possession of a box of plastic sandwich bags and a digital scale.